

KEY INFORMATION

Ward The Ferry

Proposal

Erection of new house within garden ground

Address

Garden ground to South of
120 Camphill Road
Broughty Ferry

Applicant

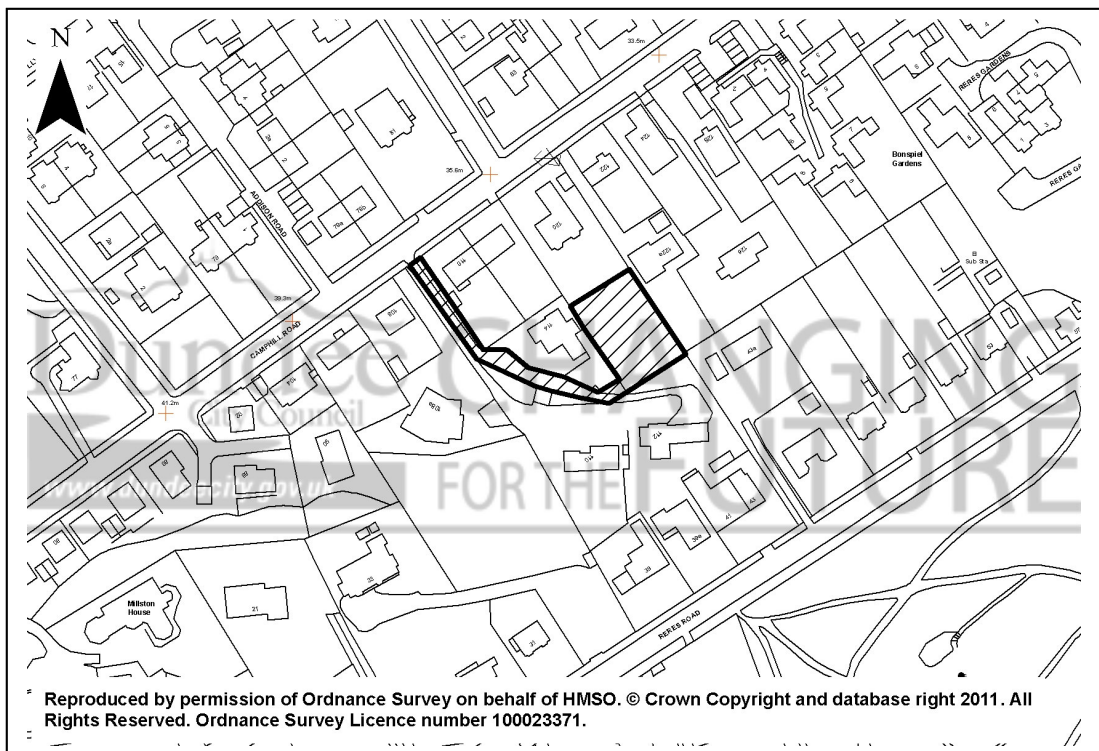
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Agent

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Registered 9 Dec 2010

Case Officer Paul Macari



New House at Camphill Road

The erection of a new house within garden ground is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of City Development.

RECOMMENDATION

The proposals comply with the requirements of the Development Plan. The views of the Objectors are not supported. Accordingly the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

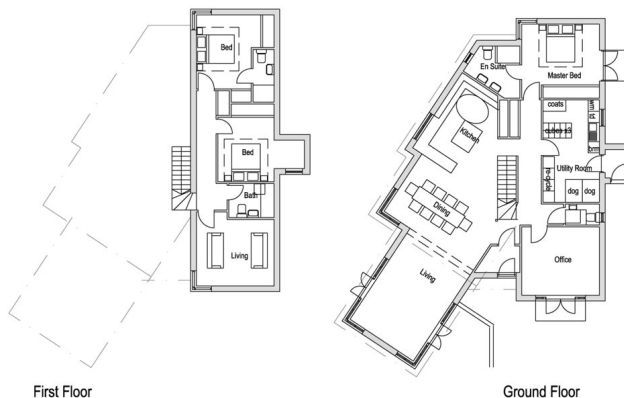
- This application seeks planning permission for the erection of a new house within the rear garden grounds of 120 Camphill Road, Broughty Ferry, Dundee.
- Policy 4 (Design of New Housing), Policy 15 (Development in Garden Ground) and Policy 72 (Trees and Urban Woodland) of the Dundee Local Plan Review 2005 are relevant to the outcome of this planning application.
- Six letters of objection have been received from neighbouring residents concerned about loss of trees, road safety from increased traffic and the creation of a new vehicle access, contrary to the Dundee Local Plan Review 2005 and loss of amenity due to the proposed house blocking daylight to neighbouring properties.
- The concerns of the Objectors are not supported.
- The proposals meet the requirements of the Development Plan.

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.

Policy 72 (Trees and Urban Woodland) promotes development proposals that have regard for existing healthy mature trees where their retention should be encouraged through sensitive design. Where appropriate development proposals should be accompanied by a tree planting and landscaping scheme that justifies the removal of existing trees on site and specifies replacement planting.



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

The following policies are relevant:

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

SUSTAINABILITY ISSUES

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

SITE HISTORY

Planning application 10/00464/FULL sought planning permission for the erection of a two storey house in the garden ground of 120 Camphill Road, Broughty Ferry. This application was withdrawn by the applicant prior to it being reported to the Development Management Committee due to concerns regarding the design of the proposed house and its potential impact upon the outlook of the original house at 120 Camphill Road.

PUBLIC PARTICIPATION

The Statutory Neighbour Notification procedure was carried out by the Council in accordance with the Town and Country Planning (Development Management Procedures) (Scotland) Order 2009. Six letters of objection have been received from neighbouring residents and other residents of Broughty Ferry. The concerns raised include:

- road safety.
- increase in traffic shall impact on residential amenity due to overspill car parking.
- contrary to local plan, structure plan or national planning policies.
- loss of trees.
- loss of amenity through the proposed house blocking daylight from neighbouring properties.

Members will already have had access to the objection letters and it is intended to comment on them in the Observations Section of the report below.

CONSULTATIONS

Scottish Water has no objections to the proposed development at 120 Camphill Road.

The Council's Forestry Officer is satisfied by the proposed landscaping proposals but has recommended that the number, species and maturity of the proposed replacement trees to be planted on site is controlled by condition to ensure that a sufficient level of tree cover remains on site.

OBSERVATIONS

STATUTORY REQUIREMENTS

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless other material considerations indicate otherwise.

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.

Appendix 1 also stipulates that houses in suburban areas should benefit from at least two in curtilage car parking spaces with 50% of houses benefiting from a garage or space for one. The proposed house to be erected in the garden ground of 120 Camphill Road shall benefit from four in curtilage parking spaces with space also available to accommodate a garage. The existing parking facilities serving the original house at 120 Camphill Road shall be retained.

In addition to floor space and car parking facilities, Appendix 1 stipulates that new houses in suburban

areas should benefit from no less than 120m² of private usable garden ground. The proposed house shall benefit from 409m² of private usable garden ground while the original house at 120 Camphill Road shall benefit from no less than 570m² of private usable garden ground.

Appendix 1 also requires there to be a distance of no less than 18m between the facing windows of habitable rooms serving the proposed house and neighbouring properties. The proposed house shall have no windows overlooking habitable rooms serving habitable rooms of neighbouring properties that are no less than 18m apart.



The proposals comply with the requirements of Appendix 1 of Policy 4.

Criteria (b) of Policy 4 requires proposals for the erection of houses in established low density areas to reflect the surrounding density of development with individual houses benefiting from more generous external space standards. The proposed house to be erected in the gardens of 120 Camphill Road shall be afforded generous areas of private usable garden ground and in-curtilage parking facilities well in excess of the minimum requirements of Appendix 1 of Policy 4.

With regard to design, the proposed house is considered to be of an original design that although contemporary does not appear out of place within the context of the application site. This is because the application site is surrounded by modern houses finished in modern materials that have been built in the grounds of existing houses on Camphill Road and within the

gardens of Reres House. The proposed house maintains this pattern of avoiding placelessness through the erection of a house that is clearly not an off the peg creation finished in modern materials that shall blend well with the appearance of surrounding properties.

The proposals by virtue of design, access and layout shall not adversely affect the appearance or level of residential amenity afforded to neighbouring properties or the original house at 120 Camphill Road. In this instance the proposals are considered to comply with the requirements of Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005.

Policy 15 (Development in Garden Ground) requires proposals for garden ground development to respect the level of environmental quality afforded to the original house and neighbouring properties. This is achieved through compliance with all 9 of Policy 15's Criteria.

Criteria (a) of Policy 15 requires proposals for development in the garden ground of houses to be of a high quality design and use materials appropriate to its surroundings. The proposed house is of a modern design that uses contemporary finishing materials. The form of the

proposed house is similar to the recently completed house at 114 Camphill Road to the west of the application site. However, the scale, massing and design of the proposed house has been dictated by the southern aspect of the principal elevation of the original house at 120 Camphill Road and the applicant's desire to take advantage of the privacy offered by the existing stone boundary walls. The location and form of the proposed house seeks to create a variety of private outdoor spaces where the garden can be enjoyed to its full with open plan living spaces located to take full advantage of sunlight throughout the day.

Criteria (b) of Policy 15 requires new buildings in the garden ground of existing houses to have a footprint that is no greater than one and a half times the footprint of the original main house. The proposed house has a footprint of 160m² which is less than the 199m² footprint of the original house at 120 Camphill Road.

Therefore the proposals comply with the requirements of Criteria (b) of Policy 15.

Criteria (c) of Policy 15 requires the final proportion of ground covered by buildings, hard standings and garages etc to amount to no more than 40% of the original house and garden with at least 60% cultivatable garden ground. The original house and garden is defined by the Dundee Local Plan Review 2005 as the house, its service area and garden as existed in 1947.

The level of development proposed in combination with the existing level of development at 120 Camphill Road amounts to 676m² which on a site with an area of 1,949m² equates to 35% leaving 65% of the property at 120 Camphill Road as existed in 1947 as cultivatable garden ground. In this instance the proposed development in combination with the existing level of development at 120 Camphill Road shall not exceed 40% of the original house and garden as existed in 1947. Therefore the proposals comply with the requirements of Criteria (c) of Policy 15.

Criteria (d) of Policy 15 requires proposals for garden ground development to respect prevailing densities in the surrounding area. As detailed in the assessment of the proposals against the requirements of Criteria (b) of Policy 4, the proposed house has been afforded a generous size of plot with external space standards far in excess of the quantitative requirements of Appendix 1 of Policy 4. In addition the property at 120 Camphill Road with an area of 1,949m² is the last property in this area to be developed for housing in the garden ground. In this respect, the existing and proposed house shall be afforded generous external space standards ensuring that the level of environmental quality afforded to both properties is maintained. Therefore the proposals are considered to respect the density of development in the area.

Criteria (e) of Policy 15 requires no new buildings to be erected in front of or detract from principal or prominent elevations of the original main house. The proposed house shall be located to the south of the principal elevation of the original house at 120 Camphill Road. The proposals are therefore contrary to the requirements of Criteria (e) of Policy 15.

Criteria (f) of Policy 15 requires prominent frontages and elevations of architectural character to remain largely intact. The proposals will not involve the erection of an extension or an alteration to the existing building at 120 Camphill Road. Therefore prominent frontages and elevations of the original house will remain intact.

Criteria (g) of Policy 15 requires proposals for garden ground development to comply with the Council's Non-statutory Guidance on Breaches in Boundary Walls. The property at 120 Camphill Road is characterised by the high stone built walls that bound its curtilage with the northern boundary wall contributing significantly to the character and appearance of the Camphill Road streetscape. Although it is proposed to create a vehicle access in the south western corner of the application site through the existing stone built boundary wall, the chosen location shall not impact upon the integrity of the boundary wall, the enclosed nature of the application site or the character of the surrounding area. The proposals therefore satisfy the requirements of the Council's Non-statutory Guidance on Breaches in Boundary Walls. The form of the proposed vehicle access through the existing wall delineating the western boundary of the application site can be controlled by condition should the Committee be mindful to support this application.

Criteria (h) and (i) of Policy 15 requires development proposals to be accompanied by a full tree survey and where development is permitted, new tree planting and landscaping will be required that reflects and enhances the character and stature of the existing landscaping. A tree survey and landscaping plan has been submitted as part of this planning application. The Council's Forestry Officer is supportive of the proposals as the existing trees at the southern end of the application site are mainly self-seeded and have been mismanaged and are therefore susceptible to being wind blown.

The proposals comply with 8 of the 9 criteria of Policy 15.

Policy 72 (Trees and Urban Woodland) is supportive of development proposals that have regard for existing healthy mature trees where their retention should be encouraged through sensitive design.

Where appropriate development proposals should be accompanied by a tree planting and landscaping scheme that justifies the removal of existing trees on site and specifies replacement planting.

The existing trees on site demonstrate signs of decay and poor health due to poor maintenance. In particular the dense patch of trees located along the southern boundary of the site are located too close together mainly because they are self seeded and are therefore susceptible to being wind blown.

The proposals to remove the existing trees on site and plant new groups of specimen trees around the application site are considered to be acceptable. This is because the proposed trees shall enhance the environmental quality of the application site while also contributing significantly to the wooded character of the small enclave of development in which the application site is located. While the proposals meet the requirements of Policy 72, the Council's Forestry Officer has requested that the exact number, species and maturity of the proposed replacement trees to be planted on site is controlled by condition to ensure that a sufficient level of tree cover remains on site.

When the proposals are considered against the Development Plan as a whole it is concluded that they comply with the Plan. Although one of the criteria of Policy 15 is not satisfied, given the proposals overwhelming compliance with the other relevant policies in the Plan it is concluded that in the light of the whole plan the proposals accord with it.

Other Material Considerations

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

- a Criteria (e) of Policy 15 (Development in Garden Ground) of the Dundee Local Plan Review 2005.

Criteria (e) of Policy 15 requires no new buildings to be erected in front of or detract from principal or prominent elevations of the original main house. The proposed house shall be located in front of the principal elevation of the original house at 120 Camphill Road. However, the proposed house shall be positioned no less than 30m from the original house at 120 Camphill Road

with a 2m high stone built boundary wall and a variety of semi-mature trees and shrubs separating the original property from the application site. Therefore the proposed house shall not adversely affect the appearance or outlook of the front elevation of the original house at 120 Camphill Road. In this instance there are material considerations that justify support of the proposals contrary to the requirements of Criteria (e) of Policy 15 of the Adopted Local Plan.

b Road Safety

The proposed house shall be accessed from the private road serving 110, 112 and 114 Camphill Road. The use of this access shall maintain the appearance of the original property at 120 Camphill Road avoiding the need to create any additional openings in the prominent stone built boundary wall fronting on to Camphill Road. The proposed means of access to the application site does not give rise to any significant issues of road safety. This is because the proposed house shall not generate an excessive amount of additional traffic. In addition, the proposed house shall share the existing access to the house at 114 Camphill Road with the four in-curtilage car parking spaces proposed to negate the need for visitors to the property to park on Camphill Road. The existing in-curtilage parking provision afforded to the property at 120 Camphill Road and 114 Camphill Road shall not be affected by the proposed development.

c Supporting Statement/Design Statement

A comprehensive design statement has been submitted in support of the proposed development. The design statement highlights how the proposed house to be erected in the garden grounds of 120 Camphill Road meets the requirements of Policy 4 (Design of New Housing) and Policy 15 (Development in Garden Ground) of the Dundee Local Plan Review 2005 as well as the needs of the Applicant.

d Views of Objectors

Six letters of objection have been received from neighbouring residents concerned about:

- Road Safety

The letters of objection received all oppose the proposed development on grounds of road safety. The objectors concerns relate to the varying width of

the access road, poor visibility and the potential for vehicle to vehicle and vehicle to pedestrian collisions. There is also concern over the condition of the existing access road. A report on the suitability of the access road to serve the proposed house at 120 Camphill Road has been submitted as part of an objection. The report like many of the objectors views states that the existing access road is not suitable to serve an additional house and that access to the application site should be taken from the existing driveway serving the original house at 120 Camphill Road.

It should be noted that the existing access road serving 110, 112 and 114 Camphill Road is private and is not adopted by the Council. Therefore, the Council is able to make suggestions on how to improve road safety but is not able to enforce such measures.

The engineer's report and letters of objection highlight that there is a blind spot on the access road in line with the southern boundary of the rear garden of 116 Camphill Road and that the access road narrows beyond this point reducing visibility. While this is the case, at this location the access road also begins to widen to form a passing place where vehicles accessing or exiting either 110, 112, 114 Camphill Road or the application site can stop to allow other vehicles travelling in the opposite direction to pass.

The engineer's report and letters of objection also highlight damage to the access road from heavy goods vehicles during the construction of the house at 114 Camphill Road as impacting on road safety. It is believed that heavy goods vehicles serving the application site during construction could potentially cause additional damage to the access road. However, damage to a private access road is not a material planning consideration but rather a legal issue between the owners of the road as are the costs involved in repairing the road.

The objectors and engineer's report highlight poor visibility at the junction between the access road and Camphill Road in combination with additional traffic generated by the proposed house as being a significant road safety concern. The existing access road is sufficient to serve up to five houses with the level of visibility at the junction between the access road and Camphill Road providing a splay of

2.5m x 40m. The level of visibility available at the junction between the access road and Camphill Road does not contravene the requirements of the Council's adopted transport development guidelines document "Streets Ahead".

The increase in traffic generated by the proposed house is negligible as at any time the existing houses at 110, 112 and 114 Camphill Road could have furniture delivered or have family and friends round for a meal etc which would also increase the number of vehicles using the access road.

It is not considered that an additional house would significantly alter any existing problems at this location. Therefore, the concerns of the objectors relating to road safety are not supported.

- Increase in traffic shall impact on residential amenity due to overspill car parking.

There is concern that the additional level of traffic generated by the proposed house shall increase the likelihood of overspill traffic parking on Camphill Road. The proposed house shall benefit from four in-curtilage parking spaces as well as space for the erection of a garage. In this instance it is considered that there is adequate in-curtilage parking facilities, to prevent significant instances of overspill parking on to Camphill Road from occurring to the detriment of residential amenity.

- Contrary to local plan, structure plan or national planning policies.

The objector's have raised concern that the proposals are contrary to Policy 1 and Policy 72 of the Dundee Local Plan Review 2005.

Policy 1 (Vibrant and Sustainable Communities) of the Adopted Local Plan supports vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and should seek to minimise the affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and vehicle movement issues, noise or smell.

It is not the purpose of Policy 1 to oppose residential development but rather to protect the level of environmental quality afforded to

residential properties from new services or facilities by virtue of design, layout, parking and vehicle movement issues, noise or smell. The requirements of Policy 1 are not strictly relevant to the current proposals as they relate to the provision of services and facilities within residential areas. However, the assessment of the proposed development against the criteria of Policy 4 and Policy 15 of the adopted Local Plan and the other material considerations above has demonstrated that by virtue of design, layout and parking and vehicle movement issues the erection of a house in the garden grounds of 120 Camphill Road shall not adversely affect the level of environmental quality afforded to neighbouring properties.

The proposed development has been assessed against the requirements of Policy 72 (Trees and Urban Woodland) of the adopted Local Plan which mirrors the requirements of Criteria (h) and (i) of Policy 15 (Development in Garden Ground) of the adopted Local Plan also. The proposals have been found to comply with the provisions of Criteria (h) and (i) of policy 15 and Policy 72. The Council's Forestry Officer is satisfied that the proposed tree felling and replacement landscaping shall enhance the environmental quality of the application site as the existing trees on site are now displaying significant signs of mismanagement are becoming increasing susceptible to being wind blown due to their proximity to each other. The Council's Forestry Officer has requested that the landscaping proposals are controlled by condition to ensure that a satisfactory level of tree cover is replanted on site. In this instance it has been demonstrated that the proposals comply with the provisions of Policy 72 and therefore the concerns of the objector are no supported.

The Objectors also consider Policy 61 (Development in Conservation Areas) of the Adopted Local Plan to be relevant to the outcome of this planning application. However, the application site is located outwith the Reres Hill Conservation Area. In this instance Policy 61 is not considered relevant to the proposed development.

- Loss of trees

The Objectors have raised concern that the proposals shall result in the loss of

many trees. This issue has been addressed in the assessment of the proposals against the requirements of Criteria (h) and (i) of Policy 15. It has been concluded that the existing trees on site are beginning to show signs of mismanagement where the quality of the trees and their life cycle is starting to decay. In this instance the proposed landscaping plan showing the removal of the existing trees along the southern boundary of the site and their replacement with specimen trees grouped all over the application site is considered to enhance the appearance and environmental quality of the site.

- Loss of amenity through the proposed house blocking daylight from neighbouring properties.

A diagram showing the impact of the proposed house in terms of overshadowing of neighbouring properties has been submitted in support of the proposals. The diagram clearly shows that the proposed house shall not significantly overshadow the property at 122A Camphill Road and this is consistent with the results of independent sunlighting and daylighting tests applied to the proposals. In addition, the proposed house shall not impact upon the level of amenity afforded to the original house or the property at 114 Camphill Road by virtue of overshadowing.

The concerns of the Objectors are not supported.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The proposed house to be erected in the garden grounds of 120 Camphill Road is of a contemporary scale, massing and design finished in modern materials so as to blend with the existing enclave of modern housing surrounding the application site.

CONCLUSION

The proposals comply with the requirements of the Development Plan. The views of the Objectors are not supported. Accordingly it is recommended that planning

permission is granted subject to conditions.

RECOMMENDATION

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

- 1 Prior to the commencement of work on site, details of the proposed vehicular access to be formed in the western boundary wall of the application site shall be submitted to the Council for written approval. Thereafter, the proposed vehicle access shall be formed in strict accordance with the details approved by this condition. For the avoidance of doubt, the information submitted to the Council should also include details of any retaining features.
- 2 Prior to the commencement of work on site, details of the proposed surfacing material to be used on the driveway and parking area shall be submitted to the Council for written approval. Thereafter, the driveway and parking area shall be surfaced in the materials approved by this condition prior to the dwellinghouse hereby approved being occupied.
- 3 Details of the means of protection of trees and hedges to be retained in accordance with BS 5837:2005 shall be submitted to the Council for approval before any development commences, and approved measures shall be strictly adhered to, with all details of protective fencing agreed on site with the Council (and a written record taken) before any development commences.
- 4 Prior to the commencement of work on site, details of the species, maturity, numbers, locations of all trees to be planted on site and the time periods in which the works shall be completed shall be submitted to the Council for written approval. Thereafter, the landscaping works shall be carried out in full accordance with the details approved by this condition.

Reasons

- 1 In the interests of safeguarding the integrity of the existing stone boundary wall.

- 2 In the interests of visual amenity.
- 3 In the interests of protecting existing trees on site that enhance the environmental quality and residential setting of the application site.
- 4 In the interests of safeguarding the wooded character of the application site.