

KEY INFORMATION

Ward The Ferry

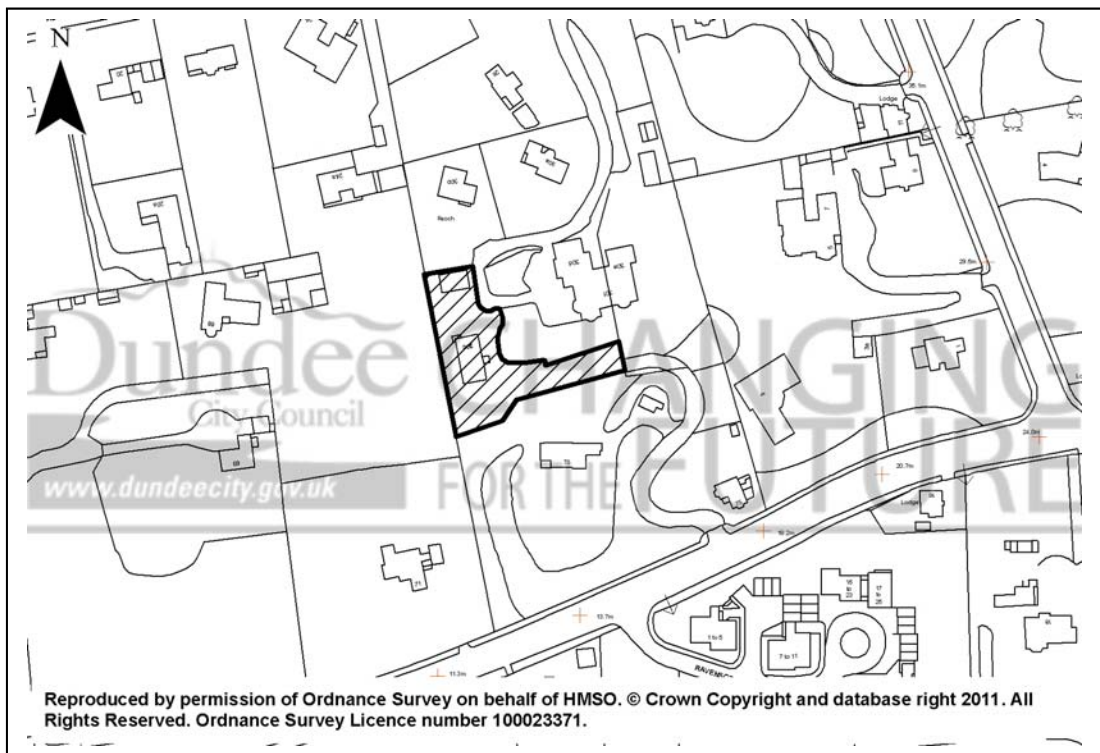
Proposal

Proposed carport and garage roof extension with external timber stair access

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Registered 7 June 2011

Case Officer Paul Macari



Changes Proposed to Approved Garage Extension at Albany Road

The proposed carport and garage roof extension with external timber stair access is **RECOMMENDED FOR REFUSAL**. Report by Director of City Development.

RECOMMENDATION

The proposals fail to satisfy the requirements of Policies 14, 55 and 61 of the Dundee Local Plan Review 2005. The views of the Objectors are supported. There are no other material considerations that would justify laying aside the provisions of the Development Plan to grant planning permission. Accordingly the application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- This application seeks planning permission for the erection of a car port and roof extension with external stair to the garage at Yew House 30C Albany Road, Broughty Ferry.
- This application has been submitted in response to concerns raised by neighbouring residents and the Council that the original garage extension approved by planning application ref: 10/00370/FULL was not built in accordance with the approved plans.
- Policy 14 (Alterations and Extensions to Houses), Policy 55 (Urban Design) and Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005 are relevant to the proposed development.
- 6 letters of objection have been received from neighbouring residents.
- The proposals fail to satisfy the requirements of Policy 14 (Alterations and Extensions to Houses), Policy 55 (Urban Design) and Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005.

DESCRIPTION OF PROPOSAL

This application seeks planning permission to vary planning application ref: 10/00370/FULL for the erection of a car port and retrospective planning permission for the erection of a roof extension with external stair to the garage at Yew House 30C Albany Road, Broughty Ferry.

The original garage extension approved by planning application ref: 10/00370/FULL was not built in accordance with the approved plans. Given the differences between planning application ref: 10/00370/FULL and the extension as built the Council concluded that the changes to planning application ref: 10/00370/FULL were material and therefore could not be considered as a non-material variation under Section 64 of the Town and Country Planning (Scotland) Act 1997 as amended.

As well as applying for planning permission for the garage extension as built, the applicant also proposes to erect a car port on the southern elevation of the garage and an external stair and elevated platform on the western elevation of the garage.

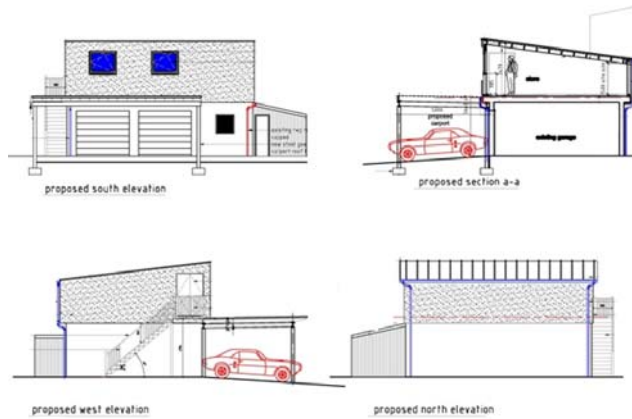
The purpose of the roof extension is to provide first floor storage accommodation and a workshop for the applicant's motorcycles. Access to the 1st floor storage area of the garage shall be taken from the proposed external timber stair and existing door on the western elevation of the building. The platform at the top of the stair shall have a portable hoist attached to allow motorbikes to be stored on the first floor of the garage.

The newly formed door opening at 1st floor level on the western elevation of the garage extension shall be made out of timber. The recently fitted windows in the south elevation of the garage extension match the window style in the existing house.

The car port shall project from the southern elevation of the garage and shall be supported by steel columns. The car port shall have dimensions 5m x 8m.

The garage extension has a sloping roof design with the roofline of the

southern elevation of the building being no less than 2.69m above the roof of the original garage and the roofline of the northern elevation being no less than 1.9m above the roof of the original garage. The garage extension shall be finished in materials matching the existing house with the walls



finished in white render and the roof in a single-ply membrane.

In accordance with the Council's scheme of delegation this application is being reported to the Development Management Committee at the request of the Director of City Development.

SITE DESCRIPTION

The application site is located between Albany Road, Fairfield Road and Dundee Road within the garden grounds of the B listed sub-divided Victorian villa Balnacraig.

Several houses have been built in the garden grounds of Balnacraig each with very generous plots. Each of the houses is concealed from public view by dense woodland.

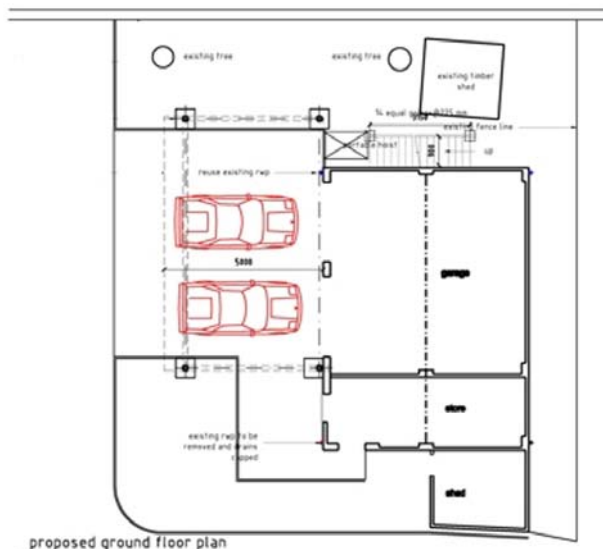
The application site is accessed from Albany Road by a private access road.

The application site comprises a 2 storey flat roofed contemporary dwelling with detached garage of a similar design. The existing house has white smooth rendered walls with large areas of glazing on each of the elevations. The site benefits from extensive south facing side and rear garden grounds. The principal elevation of the house is east facing.

There is a large driveway and area of hard standing between the existing house and garage where the access road terminates.

The application site is bound by timber fencing to the east and north as well as mature shrubbery and trees. To the west the site is delineated by a 2m high stone built wall and mature trees. To the south the site slopes considerably and is terraced with banks of trees and shrubs separating the curtilage of the existing house at 30C Albany Road from the neighbouring house at 75 Dundee Road.

The extensions to the existing house and garage approved by planning application ref: 10/00370/FULL are partially complete.



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 14: Alterations and Extensions to Houses - proposals to alter or extend existing dwellinghouses will be only be permitted where:

- a there is no adverse impact on the appearance of

prominent elevations of the house; and

- b there is no significant loss of sunlight, daylight or privacy to the occupants of neighbouring properties; and
- c more than 50% of the original useable garden area will be retained; and
- d the design and materials respect the character of the existing building.

Policy 55: Urban Design - for all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites. All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

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

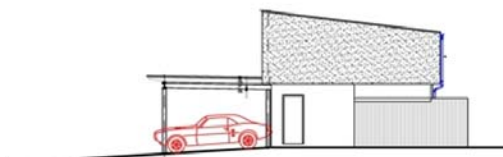
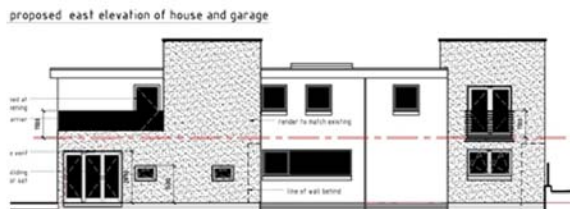
There are no non statutory Council policies relevant to the determination of this application

SUSTAINABILITY ISSUES

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

SITE HISTORY

Planning application ref: 10/00370/FULL was granted planning permission for the erection of two, 2 storey extensions to the eastern and northern elevations of the original house and the erection of a roof extension to the garage at Yew House, 30C Albany Road, Broughty Ferry.



It was brought to the Council's attention during construction that the scale and massing of the garage extension was not in accordance with the approved plans. Upon further investigation it became apparent that an administrative error had occurred when planning application ref: 10/00370/FULL was being registered and no neighbouring properties were notified of the proposed development although the application was advertised in the local press as development affecting a conservation area.

Site visits carried out by the Council's planning officers and enforcement officers confirmed that the garage extension had not been built in accordance with plans approved by planning application ref: 10/00370/FULL. The main

differences were that the roof line of northern elevation of the garage extension rose to a height 1.9m above the roof line of the original garage instead of only 1.2m. In addition a large doorway had been created on the western elevation of the garage and the fenestration of the southern elevation of the garage had been altered to form 2 window openings instead of floor to ceiling French doors and a large horizontal window.

The applicant was advised that the changes to the development approved by planning application ref: 10/00370/FULL were material and could not be incorporated into planning application ref: 10/00370/FULL. The current proposals that are the subject of this report are representative of what has been built on site with the addition of an external stair on the western elevation of the garage to provide access to the 1st floor storage area and a car port.

Should members be minded to refuse this planning application, the applicant shall still have planning permission to build the roof extension to the garage as approved by planning application ref: 10/00370/FULL.

PUBLIC PARTICIPATION

The Council has followed the statutory neighbour notification procedure outlined by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. This application has also been advertised in the local press as development affecting a conservation area. 6 letters of objection have been received from neighbouring residents concerned about:

- impact on the adjacent B listed building;
- impact on the West Ferry Conservation Area;
- insensitive design;
- impact upon privacy;
- noise disturbance from repair of motorcycles in garage;
- overshadowing of neighbouring properties;
- overdevelopment;

- impact on property values; and
- failure of the Council to notify neighbours of planning application ref: 10/00370/FULL.

It is intended to comment on the concerns of the objectors in the Observations section of the report.

CONSULTATIONS

No adverse comments were received from consultees.

OBSERVATIONS

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance 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.

There is a history in Dundee of domestic properties being altered and extended to meet the changing demands and aspirations of householders. Whilst extensions are a sign of a stable community in which people wish to remain, it is the aim of Policy 14 (Alterations and Extensions to Houses) to assess the impact of extensions and alterations to the host property, neighbouring properties and the surrounding area.

Criteria (a) of Policy 14, requires alterations and extensions to properties not to adversely affect the appearance of prominent elevations of the existing house.

The extension to the garage is in keeping with the contemporary design of the existing house and is to be finished in a white render matching the existing building. In this instance the extension as built will not detract from the appearance of prominent elevations of the existing house. However, the proposed car port and external stair in combination with the increased height of the garage roof shall significantly increase the scale and massing of the garage to the detriment of visual amenity. The resulting garage shall have the appearance of a modern industrial building and shall dominate views of the site when viewed from neighbouring properties and is

therefore considered to be overdevelopment.

The proposals therefore fail to satisfy the requirements of Criteria (a) of Policy 14.

Criteria (b) of Policy 14 requires extensions to respect the level of amenity afforded to neighbouring properties by virtue of overlooking and overshadowing.

Given the height of the garage extension as built in comparison to the height of surrounding trees at 30C Albany Road, the extended garage shall not generate significant instances of overshadowing to the detriment of residential amenity.

In terms of overlooking, the elevated platform at the top of the access stair to the 1st floor of the garage shall generate intermittent instances of overlooking of the property to the immediate west of the application site. The elevated platform at the top of the access stair shall be positioned above the 2m high stone wall bounding the application site to the west. Although there are no windows within 18m of the elevated platform, the garden grounds to the south of the house at 24A Albany Road are secluded and completely private. The level of overlooking generated by the proposed development shall adversely affect the usability of the existing area of private garden ground afforded to the property at 24A Albany Road.

The proposals are therefore contrary to the requirements of Criteria (b) of Policy 14.

Criteria (c) of Policy 14 is supportive of alterations and extensions to properties where more than 50% of the original useable garden area will be retained. The garage extension shall not take up any of the original usable garden ground afforded to the property at 30C Albany Road. Therefore the requirements of Criteria (c) are not relevant to the proposed development.

Criteria (d) of Policy 14, requires the design and finishing materials to respect the character of the existing building and neighbouring properties.

The extension to the garage approved by planning application ref: 10/00370/FULL by virtue of design is considered to be complimentary to the appearance of the existing house at 30C Albany Road. However, the extension as built in combination with

the proposed car port and external access stair is considered to significantly increase the scale and massing of the building to the detriment of visual amenity. The resulting development shall dominate the application site and shall have an industrial appearance rather than that of a domestic garage. The proposals are therefore considered to be an overdevelopment of the application site.

The purpose of the proposed car port is to provide protection for the applicant's vehicles from the mature trees delineating the western boundary of the application site. Although the car port is of a contemporary design it does not compliment the appearance of the extended garage or house. This is because the excessive projection and area of the car port contributes to the industrial appearance of the garage building.

The proposed timber access stair, elevated platform and 1st floor door on the western elevation of the garage extension shall generate intermittent issues of overlooking of the only private garden grounds afforded to the property at 24A Albany Road.

Together, the garage extension detailed on the proposed plans, the car port and the timber access stair, elevated platform and door in the western elevation of the garage extension adversely affect the appearance of the garage in relation to the existing house, the adjacent B listed building and surrounding properties.

The proposals fail to satisfy the requirements of Criteria (d) of Policy 14.

Therefore, the proposals are contrary to Policy 14 (Alterations and Extensions to Houses) of the Dundee Local Plan Review 2005.

Policy 55 (Urban Design) is supportive of proposals of a high quality design that respect the setting of listed buildings.

It is considered that for the reasons set out in the assessment of the proposals against Policy 14 above, the garage extension, car port, external stair and elevated platform are an overdevelopment of the application site. The increased prominence of the garage through the excessive scale and massing of the roof extension and car port, shall adversely impact on the

setting of the B listed building at Balnacraig 30D and 30E Albany Road.

The proposals are therefore contrary to the requirements of Policy 55 (Urban Design).

Policy 61 (Development in Conservation Areas) is supportive of proposals that aim to enhance or preserve the character of the surrounding area.

In the assessment of planning application ref: 10/00370/FULL it was considered that the design of the garage extension and two, 2 storey extensions to the house were in keeping with the design of the original building at 30C Albany Road and would not detract from the character of the surrounding area. However, even though the application site is not publicly visible from Dundee Road, Fairfield Road or Albany Road, the increased height of the garage roof in combination with the proposed car port, timber stair and elevated platform are considered to significantly increase the massing of the garage and its prominence in relation to surrounding properties. The proposals in their current form are considered to be an overdevelopment of the application site. In this instance the proposals are not considered to enhance or preserve the low density wooded environment of the West Ferry Conservation Area.

The proposals are therefore contrary to the requirements of Policy 61 (Development in Conservation Areas).

Statutory Duty

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 advises that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It has been concluded in the assessment of the proposals against the requirements of the adopted Local Plan above that the garage extension, car port, external stair, elevated platform and changes to the fenestration do not enhance or preserve the setting of the

B listed building at Balnacraig, 30D and 30E Albany Road.

In accordance with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

It has been concluded in the assessment of the proposals against the requirements of the adopted Local Plan above that the garage extension, car port, external stair and elevated platform do not enhance or preserve the character of the West Ferry Conservation Area. Therefore the proposals fail to satisfy the requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

Other Material Considerations

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

Views of Objectors

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

Impact on The Adjacent B Listed Building - this matter has been addressed in the assessment of the proposals against the requirements of the adopted Local Plan. It has been concluded that the proposals shall adversely impact upon the setting of the B listed building at Balnacraig, 30D and 30E Albany Road.

Impact on the West Ferry Conservation Area - this matter has been addressed in the assessment of the proposals against the requirements of the adopted Local Plan. It has been concluded that the proposals shall adversely impact on the character of the West Ferry Conservation Area.

Insensitive Design - the concerns of the objectors relating to the design of the garage extensions have been addressed in the assessment of the proposals against the requirements of the adopted Local Plan. It has been concluded that together the roof extension, car port, external stair and elevated platform shall adversely affect

the appearance of the garage in relation to the existing house at 30C Albany Road and neighbouring properties.

Impact upon privacy - the concerns of the objectors relating to the impact on privacy that the proposed development shall have on neighbouring properties has been addressed in the assessment of the proposals against the adopted Local Plan. It has been concluded that the elevated platform shall generate intermittent instances of overlooking of the private garden grounds of the property at 24A Albany Road. The proposed elevated platform shall therefore have an adverse impact on the level of residential amenity afforded to the property at 24A Albany Road by virtue of overlooking.

Noise Disturbance from Repair of Motorcycles in Garage - the storage and repair of motorcycles at a domestic scale does not require planning permission. Should excessive levels of noise disturbance arise from the repair of motorcycles in the garage such instances should be reported to Tayside Police or the Council's Environmental Health and Trading Standards Department.

Overshadowing of neighbouring properties - the concerns of the objectors relating to overshadowing of neighbouring properties have been discussed in the assessment of the proposals against the requirements of the adopted Local Plan. It has been concluded that the proposals shall not significantly overshadow neighbouring properties due to the extent of existing tree cover surrounding the application site.

Overdevelopment - the concerns of the objectors relating to the overdevelopment of the application site have been discussed in the assessment of the proposals against the adopted Local Plan. The proposals by virtue of scale and massing shall reduce the distance between the extended garage and existing house at 30C Albany Road as well as increase the prominence of the garage in relation to neighbouring properties. In this instance the proposals are considered to be an overdevelopment of the application site.

Some of the letters of objection received by the Council made reference to the extensions to the original house at 30C Albany Road approved by planning application ref: 10/00370/FULL and also raised

concerns that are not valid objections such as loss of property value and the failure of the Council to notify neighbours of planning application ref: 10/00370/FULL. These concerns have not been taken into account in the assessment of the current planning application but have been addressed in individual responses to the objectors by the Director of City Development.

The valid planning concerns of the objectors are supported.

It is concluded from the foregoing that the material considerations weigh against the proposed development and justify the refusal of planning permission in accordance with the provisions of the development plan.

It is therefore recommended that planning permission is refused.

Design

The roof extension to the garage, erection of a car port, external stair, elevated platform and changes to the fenestration of the south elevation of the garage give the application site an overdeveloped appearance that detracts from the setting of the adjacent B listed building and low density suburban environment of the West Ferry Conservation Area. The proposals are therefore considered to be of an unsatisfactory design.

CONCLUSION

The proposals fail to satisfy the requirements of Policies 14, 55 and 61 of the Dundee Local Plan Review 2005. The views of the Objectors are supported. There are no other material considerations that would justify laying aside the provisions of the Development Plan to grant planning permission. Accordingly it is recommended that planning permission is refused.

RECOMMENDATION

Recommendation

It is recommended that the application be REFUSED for the following reasons.

Reasons

1 By virtue of scale and massing, the proposed car port and retrospective garage roof extension shall adversely affect the appearance of the garage

relative to the house at 30C Albany Road. The resulting development shall give the application site an overdeveloped appearance that shall adversely impact on the setting of the adjacent B listed building at Balnacraig, 30D and 30E Albany Road and the low density wooded environment of the West Ferry Conservation Area. The proposals are therefore contrary to the requirements of Policies 14, 55 and 61 of the Dundee Local Plan Review 2005. There are no material considerations that would justify laying aside the provisions of the Local Plan to grant planning permission.

- 2 The proposed elevated platform providing access from the external stair to the 1st floor storage space of the garage shall generate instances of intermittent overlooking of the private amenity space afforded to the property at 24A Albany Road to the detriment of residential amenity. Therefore the proposals are contrary to the requirements of Policy 14 of the Dundee Local Plan Review 2005. There are no material considerations that would justify laying aside the provisions of the Local Plan to grant planning permission.
- 3 By virtue of scale and massing, the proposed car port, external stair and retrospective garage roof extension shall adversely affect the appearance of the garage relative to the house at 30C Albany Road. The resulting development shall give the application site an overdeveloped appearance that shall adversely impact on the setting of the adjacent B listed building at Balnacraig, 30D and 30E Albany Road and the low density wooded environment of the West Ferry Conservation Area. The proposals therefore fail to satisfy the requirements of Sections 59 and 60 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.