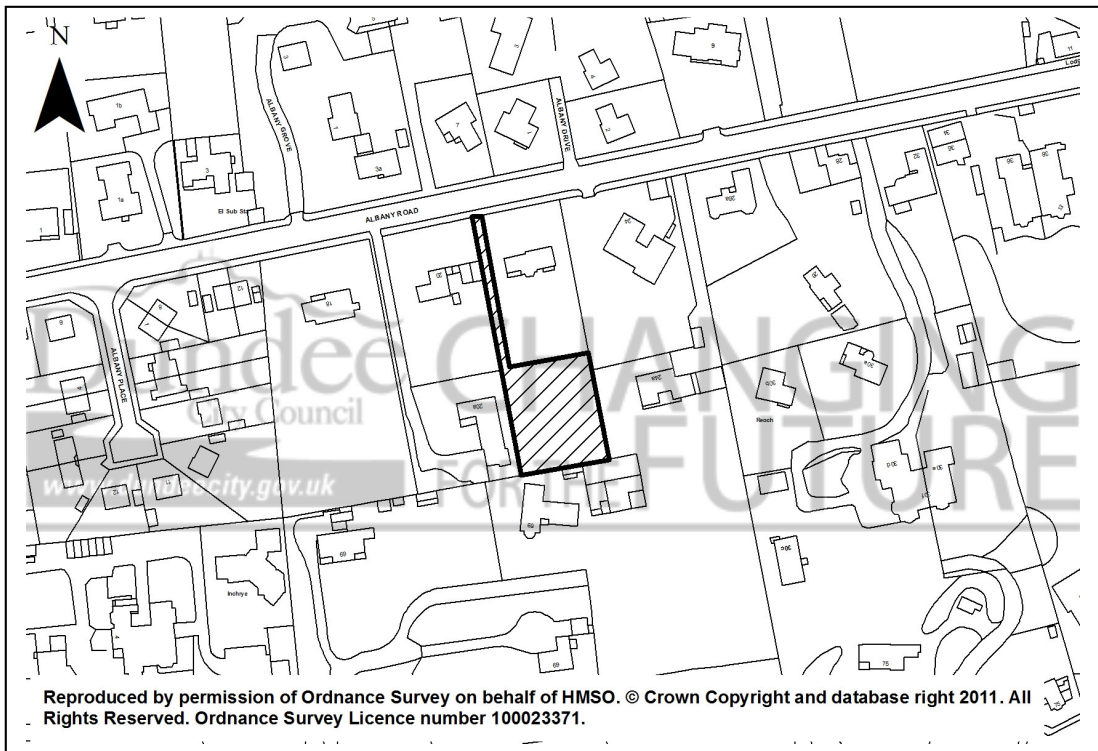


**KEY INFORMATION****Ward** The Ferry**Proposal**

Proposed dwelling house in garden ground

**Address**22 Albany Road  
Broughty Ferry  
Dundee**Applicant**Mr & Mrs D M H Mitchell  
22 Albany Road  
Broughty Ferry  
Dundee  
DD5 1NT**Agent**The Lindsay Gray/Alan  
Beaton Partnership  
7 Ward Road  
Dundee  
DD1 1LP**Registered** 7 July 2011**Case Officer** P Macari

## Permission in Principle Sought for House at Albany Road

The proposed dwelling house in garden ground is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of City Development.

**RECOMMENDATION**

The concerns of the Community Council and neighbouring resident can be addressed by conditions. It has been demonstrated that the proposals can comfortably satisfy the quantitative requirements of the Development Plan. In this instance it is recommended that the application is **APPROVED** subject to conditions.

**SUMMARY OF REPORT**

- This application seeks planning permission in principle for the erection of a dwellinghouse in the garden grounds of 22 Albany Road, Broughty Ferry, Dundee
- Policy 4 (Design of New Housing) and Policy 15 (Garden Ground Development) of the Dundee Local Plan Review 2005 are relevant to the outcome of this planning application.
- One letter of representation has been received from a neighbouring resident. The neighbour is concerned that there is insufficient detail to allow him to assess the impact of the proposal on the amenity of his property. However, the neighbour would be satisfied if the proposed dwelling is restricted to single storey and screened from his property.
- Broughty Ferry Community Council has objected to the proposed development. The concerns raised relate to the lack of detail which they consider makes compliance with Development Plan policy difficult to assess. They are also concerned about the impact that the proposed driveway could have on the amenity of the surrounding area through the loss of mature trees and shrubbery. The Community Council is also concerned that the driveway is in close proximity to the original dwelling at 22 Albany Road and will therefore adversely affect the level of amenity afforded to that property.

## DESCRIPTION OF PROPOSAL

This application seeks planning permission in principle for the erection of a dwellinghouse in the garden grounds of 22 Albany Road, Broughty Ferry, Dundee.

The applicant has provided minimal detail showing the extent of the application site and the proposed access from Albany Road.

This application is being reported to the Development Management Committee as Broughty Ferry Community Council has objected to the proposals.

## SITE DESCRIPTION

The application site is located on the southern side of Albany Road and comprises of a large area of rear and side garden ground serving the existing two storey dwelling at 22 Albany Road. The existing property at 22 Albany Road is enclosed by a 1m high stone built wall to the front and 2m high stone built walls to the east and south. To the west the property at 22 Albany Road is enclosed by a combination of walls and wire mesh fencing. There is a dense landscaped buffer delineating the western boundary of the property at 22 Albany Road. The property slopes from north to south with the site of the proposed house being situated at a much lower level than neighbouring houses on Albany Road.

The boundaries of the property at 22 Albany Road are reinforced by mature trees and shrubbery.

Vehicle access to the property at 22 Albany Road is taken from a driveway located in the north eastern corner of the property. The front garden grounds of the property are surfaced in tarmac to form a parking area. The house at 22 Albany Road has an integral garage and a car port adjoining the eastern elevation of the house.

The existing house at 22 Albany Road has a pitched roof finished in rosemary roof tiles and white painted roughcast walls. The windows and doors are white UPVC framed with mint coloured banding. The timber fascia on the roof of the car port is painted green.

Neighbouring properties are finished in a variety of materials but most notably the houses at 20 and 24 Albany Road have pitched roofs finished in rosemary roof tiles and white painted roughcast walls. Both of these properties are two storey dwelling houses. The houses on the northern side of Albany Road comprise of single storey and one and a half storey units with hipped roofs finished in brown concrete roof tiles and buff roughcast walls.

The application site is bound to the east and west by houses that have been built in the garden grounds of 20 and 24 Albany Road.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.



### Dundee Local Plan 2005

The following policies are of relevance:

Policy 4: Design of New Housing - the design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new development will be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

- a the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or

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

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

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

Where conversion of a listed building or other building worthy of retention is proposed, there may be limited flexibility in applying parking and garden ground requirements where compliance is impractical. The development of flats through conversions of buildings of merit may also be acceptable where conversion to flats is the only appropriate action.

Policy 15: Development in Garden Ground - developments in garden ground will be required to satisfy the following criteria. Planning applications must contain sufficient detail to enable their consideration under each point:

- a the proposal is of high quality design and uses materials appropriate to its surroundings; and
- b the total footprint of new buildings does not exceed one and a half times the footprint of the original main house unless there has already been development within the garden ground exceeding this limit and where further development would not detrimentally affect the appearance and character as now exists; and
- c notwithstanding the above, the final proportion of ground covered by buildings, hard-standings, garages etc must not amount to more than 40% of the original house and garden with at least 60% cultivatable garden ground; and

- d prevailing densities in the area are respected; and
- e no new building is proposed in front of the main elevation of the original house; extensions exceeding 20% of the volume of the original building will only be acceptable if designed in such a way as to appear independent and linked discreetly to the original house; and
- f prominent frontages and elevations of architectural character on the original house will remain largely intact; and
- g the proposal conforms to the Council's non-statutory guidance on Breaches in Boundary Walls; and
- h a full tree survey is submitted along with the planning application to enable a comprehensive landscape assessment to be undertaken. Ultimately, the need to retain existing trees and landscape features may override the above criteria; and
- i where development is permitted, new tree planting and landscaping will be required which should reflect, and where appropriate enhance, the character and stature of that already existing.

## Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application

## Non Statutory Statements of Council Policy

The following non-statutory statements of Council Policy are relevant:

Non-statutory Guidance on Breaches in Boundary Walls.

## SUSTAINABILITY ISSUES

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

## SITE HISTORY

There is no relevant planning history.

## PUBLIC PARTICIPATION

The Council has undertaken the statutory neighbour notification process outlined by the Town and Country Planning (Development Management Procedure) (Scotland) Order 2008. This application was also advertised in the Dundee Evening Telegraph.

One letter of representation has been received from a neighbouring resident. The neighbour is concerned that there is insufficient detail to allow him to assess the impact of the proposal on the amenity of his property. However, the neighbour would be satisfied if the proposed dwelling is restricted to



single storey and screened from his property.

Members will already have access to this letter and it is intended to comment on the concerns of the neighbouring resident in the Observations section of the report.

## CONSULTATIONS

Broughty Ferry Community Council has objected to the proposed development because the new access drive is considered problematic for the following reasons.

- 1 It could result in an excessive amount of hard standing (Policy 15C).
- 2 Mature trees will be destroyed and there will be an adverse effect on the attractively landscaped garden (Policy 15h).
- 3 The nuisance of having cars passing close to the existing house would have an adverse effect on the amenity of the existing house.

The Community Council also consider that given the level of detail submitted it would be inappropriate to grant planning permission in principle for the proposed development. They feel the inadequate level of detail makes it impossible to see if the development could comply with garden ground policy.

## 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

Policy 4 (Design of New Housing) - it is the aim of Policy 4 to ensure that new houses benefit from a high level of amenity while the level of environmental quality afforded to surrounding properties is maintained or enhanced by residential development.

Policy 4 requires proposals for the erection of new houses to comply with the requirements of Appendix 1 of the adopted Local Plan unless the application site is located within an established low density area or a site planning brief varies the quantitative standards that new housing developments must comply with. Given the density of development in the surrounding area, the proposed development is expected to satisfy the requirements of Appendix 1.

Appendix 1 stipulates that houses in suburban locations will be required to benefit from no less than three bedrooms or an internal floor area of 100m<sup>2</sup>. Externally, Appendix 1 requires houses in suburban locations to benefit from no less than 120m<sup>2</sup> of private garden ground, two off street parking spaces and a minimum of 18m between facing windows serving habitable rooms of neighbouring properties.

The proposal is for planning permission in principle only and there is not sufficient detail to assess it against all the criteria in Policy 4. However, given area of the main body

of the application site, it is considered that it possible to locate a single storey dwelling with a floor area of 100m<sup>2</sup> on the application site. There is sufficient ground to adequately provide the required amount of garden ground, which is 160m<sup>2</sup>, two car parking spaces and space for a garage. Should the Committee be minded to grant planning permission in principle it is recommended that these matters are controlled by condition.

In terms of the distance between facing windows of habitable rooms, the nearest houses are those immediately to the west of the application site. Although these properties will be positioned less than 18m from the proposed house, it will be possible to alleviate any privacy concerns through the erection of a 1.8m high timber fence along the western boundary of the application site. Should the Committee be minded to grant planning permission it is recommended that boundary enclosures are controlled by condition to ensure that there are no direct overlooking issues.

It is considered that it is possible to erect a house on the application site that satisfies the quantitative requirements of Appendix 1 of Policy 4.

Policy 15 (Development in Garden Ground) - Policy 15 of the Dundee Local Plan Review 2005 relates to garden ground development. It states that planning applications must contain sufficient detail to enable consideration under each criteria. As the level of detail submitted shows only the outline of the application site, sufficient detail has not been submitted to enable consideration under each criteria of Policy 15. The proposals therefore fail to satisfy the requirements of Policy 15.

It is concluded from the foregoing that the proposals do not comply with the provisions of the development plan.

### Other Material Considerations

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

#### a Garden Ground Development

The proposals are contrary to the requirements of Policy 15 of the Dundee Local Plan Review 2005 as they do not contain sufficient detail to enable consideration under each

criteria. Although the Council would not normally accept a "red edge" outline for the erection of a house in garden ground, the circumstances in which this application has been submitted are unique and therefore justifies a departure to the Council's procedural methodology for assessing applications for planning permission in principle for the erection of a house in garden ground. Principally this is because the application site is not visually prominent and cannot be viewed from Albany Road or surrounding streets. In addition the area of the application site is similar to the very generous area of garden ground that will be afforded to the original house at 22 Albany Road should the Committee be minded to



grant planning permission in principle. The proposals will replicate the existing pattern of garden ground development on neighbouring properties and will not adversely affect the level of amenity afforded to the surrounding area which is not designated as a conservation area or area of special amenity.

#### b Non-Statutory Statements of Council Policy

##### Non-Statutory Guidance on Breaches in Boundary Walls

This policy states that if a breach is to be approved for pedestrian or vehicular access or for some other form of development, this breach must be acceptable in terms of scale, finishing of gap left and, where there are few or no breaches of boundary enclosures in the vicinity, the avoidance of an undesirable precedent being set.

The application site is not listed and is not located within a conservation area. Given the length of street occupied by the property at 22 Albany Road and

the location of vehicle access points, the proposed access and driveway will not set an undesirable precedent or adversely affect the appearance of the streetscape. This is mainly because the existing stone wall delineating the northern boundary of the property at 22 Albany Road is only 1m high unlike the significant 2.5m high stone wall which bounds the property at 24 Albany Road and neighbouring properties to the east of the application site.

In this instance it is considered possible to form an access to the application site in compliance with the guidance contained within the Council's Non-Statutory Guidance on Breaches in Boundary Walls.

Should the Committee be minded to grant planning permission in principle the scale and form of the proposed vehicle access and breach in the existing boundary wall will be controlled by condition.

#### c Letter of Representation

One letter of representation has been received from a neighbouring resident. The neighbour is concerned that there is insufficient detail to allow him to assess the impact of the proposal on the amenity of his property.

The neighbouring resident has requested that the proposed house is restricted to single storey only and that a timber fence is erected along the western boundary of the application site. The requests of the neighbouring resident are considered to be reasonable and can be controlled by condition to ensure that the proposed house does not adversely affect the level of amenity and environmental quality afforded to neighbouring properties.

#### d Views of Broughty Ferry Community Council

The Community Council has objected to the proposed development because the new access drive is considered problematic for the following reasons:

- 1 It could result in an excessive amount of hard standing (Policy 15c).
- 2 Mature trees will be destroyed and there will be an adverse

effect on the attractively landscaped garden (Policy 15h).

- 3 The nuisance of having cars passing close to the existing house would have an adverse effect on the amenity of the existing house.

The Community Council also consider that given the level of detail submitted it would be inappropriate to grant planning permission in principle for the proposed development.

The concerns of the Community Council pertaining to loss of mature trees and excessive hard standing (Criteria (c) and (h) of Policy 15) will be considered in the assessment of any future application for the approval of matters specified in conditions should the Committee be minded to grant planning permission in principle.

With regard to the Community Council's concerns relating to the level of amenity afforded to the original house it is considered that the level of traffic generated by the proposed house will not be so significant as to adversely affect the level of amenity afforded to the existing house at 22 Albany Road.

It has been concluded elsewhere in this report that although the Council would not normally accept a "red edge" outline for the erection of a house in garden ground, the circumstances in which this application has been submitted are unique and therefore justifies a departure to the Council's procedural methodology for assessing applications for planning permission in principle for the erection of a house in garden ground.

The concerns of the Community Council are not supported.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations outlined above to justify support of the proposals contrary to the requirements of the Development Plan. It is therefore recommended that planning permission in principle is granted with conditions.

## Design

No details regarding the house design have been submitted at this stage. Should Members be minded to grant planning permission in principle, there will be an opportunity to assess the design, scale and materials of the

proposed house when an application for the approval of matters specified in conditions is submitted to the Council for consideration.

## CONCLUSION

The concerns of the Community Council and neighbouring resident can be addressed by conditions. It has been demonstrated that the proposals can comfortably satisfy the quantitative requirements of the Development Plan. In this instance it is recommended that planning permission in principle is granted.

## RECOMMENDATION

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

- 1 Prior to the commencement of any development on site, the approval of the Council shall be obtained in writing for the following details: the siting of the building(s), the design of the building(s), the external appearance of the building(s), the means of access to the building(s) the landscaping of the site and the proposed boundary enclosures.
- 2 The siting and design of the dwellinghouse as required by Condition 1 shall comply with the following standards:
  - a the dwelling shall have a minimum of three bedrooms or a gross internal floor area of 100m<sup>2</sup>.
  - b the dwelling will have a maximum gross internal floor area of 193m<sup>2</sup>.
  - c the dwelling shall have at least one garage space and two parking spaces, within the curtilage.
  - d the dwelling shall have a minimum of 160m<sup>2</sup> of private usable garden ground.
  - e the dwelling shall be no higher than single storey.
  - f the driveway and parking area will have an area that does not exceed 500m<sup>2</sup>.
- 3 No works to any of the existing trees or hedges within the site shall take place prior to the

submission of a detailed tree report to the Council for written approval. Thereafter, the approved tree works shall take place in strict accordance with the details contained within the tree impact assessment.

- 4 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.

## Reasons

- 1 In order to ensure the design and layout will provide high standards of residential development which will complement the high quality of the location of this site.
- 2 In order to ensure the design and layout will provide high standards of residential development which will complement the high quality of the location.
- 3 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development
- 4 To protect those trees which are of significant amenity value to the area and which would ensure an enhanced and satisfactory standard of appearance of the development.