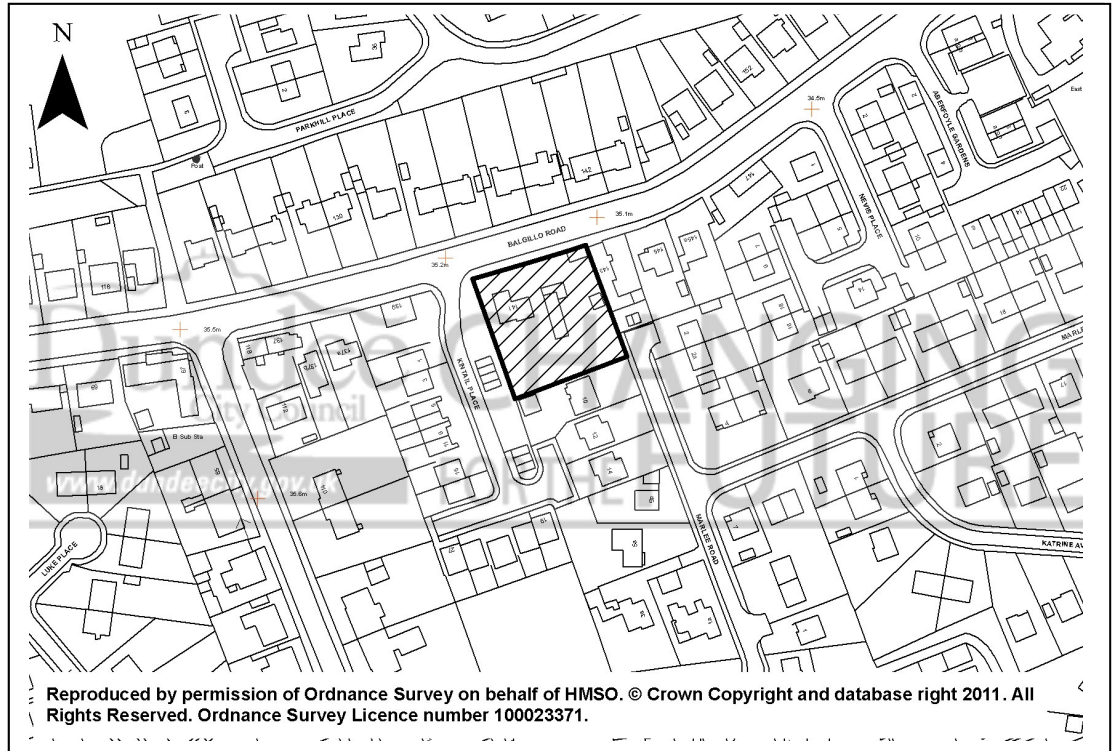


KEY INFORMATION**Ward** The Ferry**Proposal**

Erection of two dwelling houses in garden ground

AddressGarden Ground to East of
141 Balgillo Road
Broughty Ferry
Dundee**Applicant**Dr G Hassanein and
Mrs S Boutaleb
20 Castlewood Avenue
Dundee
DD4 9FZ**Agent**Peter Inglis Architects Unit 3
Prospect 111
Gemini Crescent
Dundee
DD2 1SW**Registered** 28 Oct 2011**Case Officer** P Macari

Two Houses Proposed in Garden Ground at Balgillo Road

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

RECOMMENDATION

The proposed development satisfies the requirements of the Development Plan. The concerns of the objectors are not supported. There are no material considerations that would justify laying aside the provisions of the Development Plan to withhold planning permission. Therefore it is recommended that planning permission is granted with conditions.

SUMMARY OF REPORT

- This application seeks planning permission for the erection of 2 houses to the east and south of the existing house at 141 Balgillo Road.
- Policy 4 (Design of New Housing) and Policy 15 (Development in Garden Ground) of the Dundee Local Plan Review 2005 are relevant to the outcome of this planning application.
- Two valid letters of objection were received raising concerns relating to the position of the proposed house on Plot 2, increased traffic, road safety and loss of privacy.
- Two invalid letters of objection were received from neighbouring residents concerned about land ownership and loss of view.
- The proposals satisfy the requirements of the Development Plan.
- The concerns of the objectors are not supported.

DESCRIPTION OF PROPOSAL

This application seeks planning permission for the erection of 2 houses in the garden grounds to the east and south of the existing house at 141 Balgillo Road.

The proposed houses will be one and a half storeys in height. The houses will have pitched roofs with 2 pitched roof dormers projecting from the front and rear roof planes. There will be 2 roof lights positioned between the dormers on the rear roof planes and a single roof light positioned between the dormers on the front roof plane of the proposed houses.

The proposed houses will be finished in buff roughcast with a gold coloured facing brick base course and grey concrete roof tiles. The windows of the proposed houses will be double glazed units with cedar coloured PVC frames to match the timber doors. The houses will have black UPVC rainwater goods.

The proposed houses will comprise of an integral garage, lounge, kitchen, dining room, utility room and shower room on the ground floor and 4 bedrooms and a master bedroom on the 1st floor. The master bedroom of each house will benefit from an en-suite bathroom.

Access to the house to be located on Plot 1 will be taken from the existing access serving the application site on Balgillo Road. It is proposed to create an additional vehicle access on Balgillo Road to serve the existing house at 141 Balgillo Road. The proposals also include the formation of a vehicle access from Marlee Place to serve the proposed house on Plot 2.

In accordance with the Council's Scheme of Delegation this application is being reported to the Council's Development Management Committee at the request of an Elected Member.

SITE DESCRIPTION

The application site is located on the south side of Balgillo Road. It comprises the garden ground of 141 Balgillo Road. There are existing greenhouses, sheds and overgrown vegetable plots in the garden. A single storey L-plan house is located in the

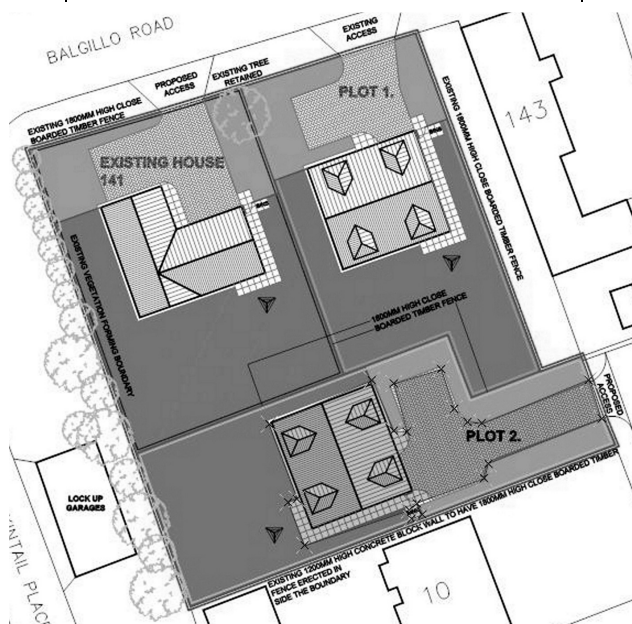
north western corner of the application site. The existing house has dry dash render walls and a tiled roof.

There is an existing access onto Balgillo Road located in the north eastern corner of the application site.

The application site is enclosed by 2m high fencing to the north and east. To the south the site is enclosed by a block built wall ranging from 1m to 1.5m in height. To the west the site is enclosed by trees, shrubbery and a 2m high post and mesh fence.

There are single storey traditional cottages immediately to the east and one and a half storey modern dwellings to the south. The houses on the opposite side of Balgillo Road are single storey and semi-detached.

There is a turning head for Marlee Road to the south east.



POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

There are no Structure Plan 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:

- the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or
- the proposal is within an established low density residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.

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

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

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

- the proposal is of high quality design and uses materials appropriate to its surroundings; and
- the total footprint of new buildings does not exceed one and a half times the footprint of the original main house unless there has already been development within the garden ground exceeding this limit and where further development would not detrimentally affect the appearance and character as now exists; and
- 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

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

SUSTAINABILITY ISSUES

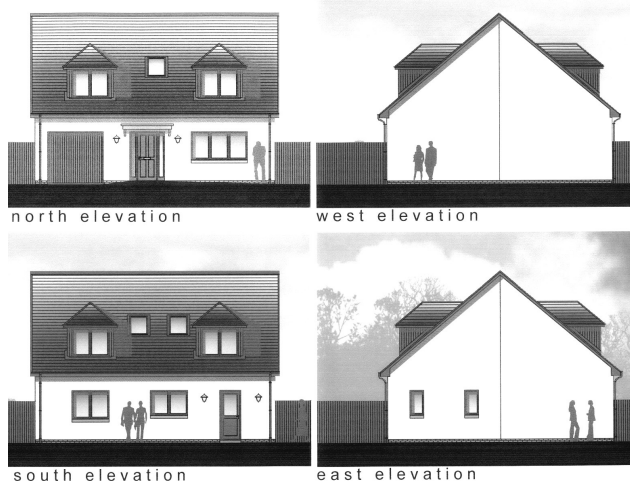
There are no specific sustainability policy implications arising from this application.

SITE HISTORY

Planning application 09/00342/OUT sought planning permission for the erection of a house on the area of garden ground to the east of the existing house at 141 Balgillo Road. This application was considered to satisfy the requirements of the Development Plan and therefore outline planning permission was granted.

PUBLIC PARTICIPATION

The Council has carried out the statutory neighbour notification procedure.



This application was also advertised in the Dundee Evening Telegraph.

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

- the position of the house on Plot 2.
- loss of privacy.
- increased traffic.
- road safety.

Two invalid letters of objection have also been received from neighbouring residents. The concerns raised relate to land ownership and loss of view.

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

CONSULTATIONS

No adverse comments have been 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 with the development plan unless 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 (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 3 bedrooms or an internal floor area of 100m². Externally, Appendix 1 requires houses in suburban locations to benefit from no less than 120m² of private garden ground, 2 off street parking spaces and a minimum of 18m between facing windows serving habitable rooms of neighbouring properties.

The proposed house to be erected on Plot 1 will have an internal floor area of 138m² excluding the integral garage. Externally the proposed house on Plot 1 will benefit from a private useable garden with an area of 225m², an integral garage and 2 in-curtilage

parking spaces. The proposed house on Plot 1 will have no windows serving habitable rooms located within 18m of facing windows of neighbouring houses.

The proposed house to be erected on Plot 2 will have an internal floor area of 138m² excluding the integral garage. Externally the proposed house on Plot 2 will benefit from a private useable garden with an area of 180m², 2 in-curtilage parking spaces and an integral garage. The proposed house will have no windows serving habitable rooms that are located within 18m of facing windows of neighbouring houses.

The proposals satisfy the requirements of Appendix 1 of Policy 4.

In terms of design, finishing materials and plot layout the proposed houses will be of a similar scale, design and finish as the existing houses on Kintail Place. To ensure that the existing level of amenity afforded to neighbouring properties and the proposed houses is maintained, the boundaries of the application site and Plots 1 and 2 will be delineated by 1.8m high close boarded timber fencing.

The proposed houses are of a sympathetic design and finish so as to blend with the appearance of neighbouring properties. The proposed houses including the existing house at 141 Balgillo Road will be afforded generous external space standards. Therefore in terms of scale, massing, design, finish and plot layout the proposed development will blend with the surrounding suburban context of the Balgillo Road area. This is reflected in the contents of the design statement submitted in support of the proposed development.

The proposals satisfy the requirements of Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005.

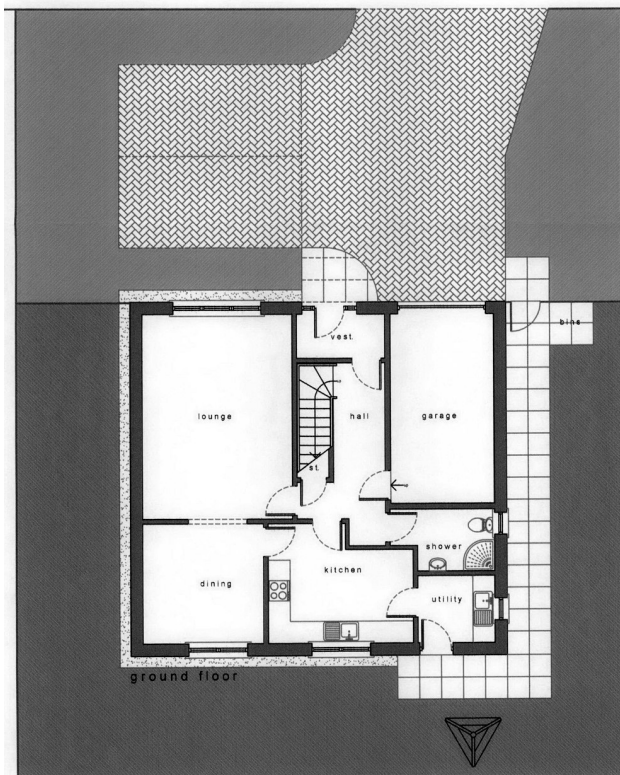
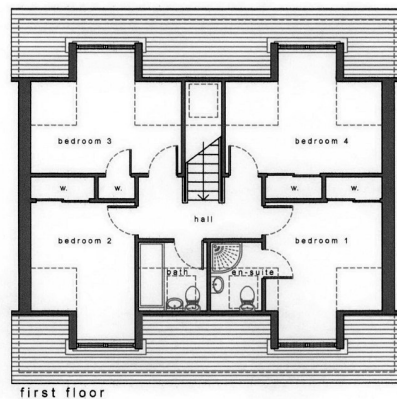
Policy 15 Development in Garden Ground - Policy 15 (Development in Garden Ground) requires proposals for

garden ground development to respect the level of environmental quality afforded to the host building. This is achieved through compliance with all 9 of Policy 15's Criteria.

- a The proposal is of high quality design and uses materials appropriate to its surroundings.

The proposed houses are of a design very similar to the existing houses on Kintail Place and Marlee Road which bound the site to the south. The proposed houses will be finished in materials that blend well with the finish of neighbouring houses and will not appear out of place or out of character in this suburban location.

In this instance the proposals satisfy the requirements of Criteria (a).



- 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.

The existing greenhouses and sheds on site have a cumulative footprint which exceeds one and a half times the footprint of the existing house at 141 Balgillo Road. The proposed houses will replace the existing buildings on site. The proposed houses will have a combined footprint that also exceeds one and a half times the footprint of the existing house at 141 Balgillo Road. However, due to the existing condition and area of the application site the proposed houses by virtue of scale, massing, design and plot layout will enhance the appearance and character of the application site. The proposals therefore satisfy the requirements of Criteria (b).

- c 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 as existing in 1947 with at least 60% cultivatable garden ground.

The application site was not developed until the late 1960's when the house at 141 Balgillo Road was built. In this instance Criteria (c) of Policy 15 is not relevant. However, should planning permission be granted the total level of development, including the removal of the existing sheds and greenhouses will take up 38% of the application site.

- d Prevailing densities in the area are respected.

The proposed houses and the existing house at 141 Balgillo Road will be afforded generous external space standards in excess of the minimum requirements stipulated by appendix 1 of Policy 4 (Design of New Houses) of the adopted Local Plan. The proposed development by virtue of plot layout, house design and finishing materials will maintain the low density suburban character of the Balgillo Road corridor. The proposals

therefore satisfy the requirements of Criteria (d).

- e No new building is proposed in front of the main elevation of the original house; extensions exceeding 20% of the volume of the original building will only be acceptable if designed in such a way as to appear independent and linked discreetly to the original house.

The proposed houses will be located to the south and east of the existing house at 141 Balgillo Road and therefore will not be located in front of the main elevation of the original house. The proposals satisfy the requirements of Criteria (e).

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

The proposed development by virtue of house design and plot layout will not adversely impact on prominent frontages and elevations of architectural character on the original house at 141 Balgillo Road. The proposals satisfy the requirements of Criteria (f).

- g The proposal conforms to the Council's non-statutory guidance on Breaches in Boundary Walls.

Criteria (g) of Policy 15 is not relevant to the proposed development. This is because the proposals will not involve any breaches in existing walls bounding the application site.

- h A full tree survey is submitted along with the planning application to enable a comprehensive landscape assessment to be undertaken.

Ultimately, the need to retain existing trees and landscape features may override the above criteria.

The proposals do not involve any form of tree removal. Therefore Criteria (h) is not relevant to the proposed development.

- 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.

No landscaping details were submitted as part of the current proposals. However, this matter can be addressed by condition should the Committee be minded to grant planning permission.

The proposals satisfy the relevant criteria of Policy 15 (Development in Garden Ground)



It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

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



a Views of the Objectors

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

- the position of the house on Plot 2.

The objectors have raised concern that the proposed house to be erected on Plot 2 of the application site will break the uniform building line of houses on Kintail Place and Marlee Road.

While the proposed house on Plot 2 will be off set from the position of neighbouring houses on the eastern side of Kintail Place and western side of Marlee Road, the position and form of the proposed house will not generate any instances of overlooking or overshadowing of neighbouring properties to the detriment of residential amenity. This is mainly due to the position of the proposed house on Plot 2 relative to neighbouring properties.

In addition, the proposed house on Plot 2 does not form part of Kintail Place or the Marlee Road streetscape and its off set position re-affirms this interpretation of the proposal as high quality development while also maintaining the high quality residential environment of the surrounding area. In this instance the concerns of the objectors are not supported.

- loss of privacy

The objectors are concerned that the proposed development will overlook neighbouring properties to the detriment of residential amenity. It has been concluded from the assessment of the proposals against the requirements of Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005 in the Observations section of this report that the proposals will not overlook neighbouring properties due to the design of the proposed houses and the delineation of the boundaries of the application site and Plots 1 and 2 with 1.8m high close boarded timber fencing. In this instance the proposals are not considered to impact on privacy and therefore the concerns of the objectors are not supported.

- increased traffic and road safety.

The objectors are concerned that the proposed development will generate additional traffic to the detriment of road and pedestrian safety.

The existing house at 141 Balgillo Road and proposed house on Plot 1 of the application site will be accessed from Balgillo Road and therefore will not generate any additional traffic on Marlee Road. The proposed house on Plot 2 of the application site will be

accessed from Marlee Road. The proposed house will have 4 bedrooms and a total of 3 in-curtilage parking spaces. It is considered that the potential of an additional 3 cars accessing Plot 2 from Marlee Road is not of sufficient significance to adversely affect the level of pedestrian and road safety afforded to neighbouring properties and road users.

It is acknowledged that during the period of construction additional vehicles may require access to the application site. In this instance to maintain the level of road and pedestrian safety on Marlee Road and Kintail Place access to the application site for construction traffic will be controlled by condition.

In this instance the concerns of the objectors are not supported.

It is concluded from the foregoing that there are no material considerations that justify refusal of planning permission. It is therefore recommended that planning permission is granted with conditions.

Design

The proposed houses are of a high quality design. The layout and form of the proposed development will maintain the level of amenity afforded to neighbouring properties. The scale, massing, design, finish and plot layout of the proposed houses will ensure that the proposed development does not appear out of place in the surrounding suburban environment.

CONCLUSION

The proposed development satisfies the requirements of the Development Plan. The concerns of the objectors are not supported. There are no material considerations that would justify laying aside the provisions of the Development Plan to withhold planning permission. Therefore it is recommended that planning permission is granted with conditions.

RECOMMENDATION

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

- 1 At no time shall construction traffic access the application site

from Kintail Place or Marlee Road.

- 2 Any existing site accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications. Details of these alterations must be agreed prior to any works on site
- 3 Prior to the commencement of work on site, details of the proposed vehicle accesses shall be submitted to the Council for written approval. Thereafter, the



vehicle accesses shall be formed in strict accordance with the details approved by this condition.

- 4 Prior to the commencement of work on site, details of a landscaping scheme for the proposed development hereby approved shall be submitted to the Council for written approval. Thereafter the landscaping scheme approved by this condition shall be fully implemented before the houses hereby approved are occupied.

Reasons

- 1 In the interest of safeguarding pedestrian and road safety.
- 2 In the interest of road and pedestrian safety.
- 3 In the interest of safeguarding road and pedestrian safety.
- 4 In the interest of maintaining residential amenity and the suburban character of the surrounding area.