

KEY INFORMATION

Ward Douglas

Proposal
Erection of dwelling house

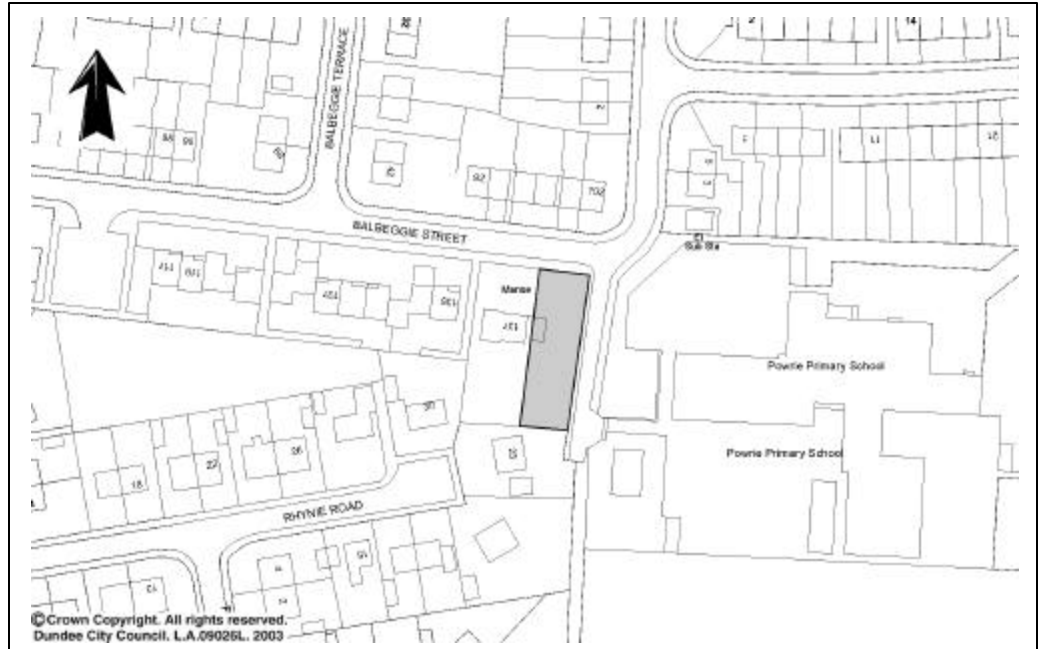
Address
Garden Ground to East of
137 Balbeggie Street
Dundee
DD4 8RJ

Applicant
Mr James Slaven
137 Balbeggie Street
Dundee
DD4 8RJ

Agent

Registered 14 April 2004

Case Officer J Robertson



Proposed New House in Balbeggie Street

The erection of a dwelling house is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.**
Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered to be in accordance with the policies of the development plan.

The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Outline planning permission is sought for the erection of a house in the garden ground of 137 Balbeggie Street, Dundee City Council.
- The proposal raises issues for consideration in terms of Housing Policies H1 and H4 and Built Environment Policy BE4 of Dundee Local Plan 1998 and Policy 1, Policy 4 and Policy 15 of the Finalised Dundee Local Plan Review.
- A single letter of objection was received from a neighbour to the north east of the application site raising concerns with regards to overlooking and overshadowing.
- It is considered that the proposed development is in accordance with the Housing Policies of the Dundee Local Plan 1998 and Policy 1 and Policy 4 of the Finalised Dundee Local Plan Review. It is considered that the objections raised are not of sufficient weight to warrant refusal of the application.

DESCRIPTION OF PROPOSAL

Outline planning permission is sought for the erection of a house in the garden ground of 137 Balbeggie Street. It has been indicated that the dwelling will be 2-storey finished in roughcast with a slate roof. No other details of the proposed house have been submitted.

SITE DESCRIPTION

The application site is located on the south side of Balbeggie Street. The site is 480 square metres of garden ground and curtilage parking to the east of the existing house. There is an existing garage located to the east of the existing house, which will be demolished. A high hedge on the east boundary, a low brick wall and wooden panel fencing on the south boundary and fencing on the west boundary defines the garden ground. The proposed house will be built along the same north building line as the existing house.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 1998

The following policies are of relevance:

Housing Policy H1: Existing Residential Areas seeks to ensure that new development protects the residential amenities enjoyed by adjoining occupiers.

Housing Policy H10: Design of New Housing, sets out guidelines for the design and layout of new housing.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities protects the environmental quality enjoyed by local residents.

Policy 4: Design of New Housing, sets out the guidelines for the design and layout of new housing.

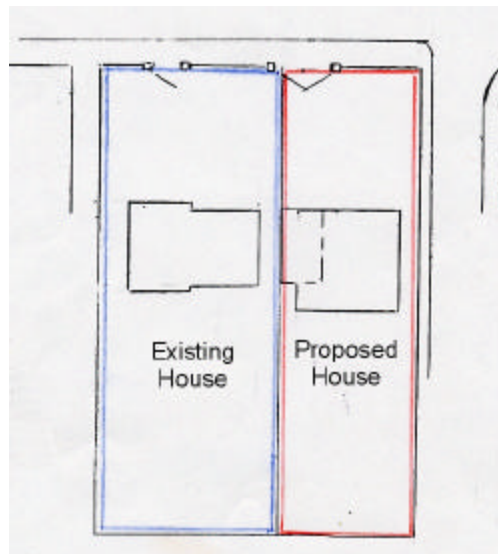
Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

PAN67: Housing quality is of relevance in terms of promoting good design.

Non Statutory Statements of Council Policy

The following policy statements are of relevance:



The Council's Urban Design Guide is of relevance.

LOCAL AGENDA 21

The key aims of Local Agenda 21 relevant to this application seek to value and protect diversity and local distinctiveness.

SITE HISTORY

The site history of relevance to this application is:

98/23781/D Planning application for the change of use from a dwelling to a dental surgery was approved.

99/24409/D Outline planning permission was approved for the erection of a dwelling house in the

garden ground to the rear of 137 Balbeggie Street. The dwelling was to be occupied exclusively by an employee of the dental surgery. This application has now expired.

03/00486/COU Planning application for the change of use from a dental surgery to a dwelling was approved.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and one letter of objection was received from a neighbouring property to the north east of the site raising concerns regarding overlooking and overshadowing.

Copies of the objection are available for viewing in the Members' Lounges.

CONSULTATIONS

No adverse comments were received from any of the statutory consultees.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- whether the proposals are consistent with the provisions of the development plan; and if not
- whether an exception to the provisions of the development plan is justified by other material considerations

The Development Plan

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

Housing Policy H1: Existing Residential Areas, this policy seeks to ensure that the new development does not adversely affect the environmental quality enjoyed by local residents. The proposed use, as a dwelling house is to be located in an existing predominantly residential area within the garden ground of an existing house. The use proposed for the site is not considered to adversely affect the surrounding area.

Housing Policy H10: Design of New Housing sets out the guidelines for design and layout of new housing. At this outline stage there are no detailed drawings showing the proposed house however it has been indicated that the proposed house will be a detached 2

storey dwelling finished in materials to match the existing house. This description would suggest that the design and materials of the new house would not be alien to this area and would therefore not have a detrimental visual impact on the area. The proposed site area is 480 square metres, which would provide a sufficient area to incorporate private garden ground in excess of 120 square metres and curtilage parking in accordance with the local plan. The existing house would retain approximately 330 square metres of private amenity garden ground. The existing boundary to the south of the site is a brick wall and panel fencing of 2 metres. To the east there is a high hedge with trees in the southeast corner providing adequate screening from the site. In terms of overlooking and overshadowing it is considered that there shall not be a detrimental affect on the amenity of surrounding residents.

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:

Finalised Dundee Local Plan Review

Policy 1: Vibrant and Sustainable Communities. For the reasons set out for Housing Policy H1 it is considered that the proposal complies with Policy 1.

Policy 4: Design of New Housing. For the reasons set out for Housing Policy H4 it is considered that the proposal complies with Policy 4.

Objection.

One letter of objection was received from a neighbour to the northeast of the site raising concerns regarding overlooking and overshadowing.

In terms of the overlooking there is approximately 16 metres from the objectors house to the north most boundary of the proposed site. In addition the new house is proposed on the same building line as the existing house, which would increase the distance from the objectors to some 28 metres. It is considered that there will be sufficient distance between the properties to ensure overlooking does adversely affect the objector's amenity and privacy is maintained.

In terms of overshadowing the proposed site is to the south west of the objector's house and is a sufficient distance of 28 metres to ensure that there will be no overshadowing of the objector's house.

It is concluded from the foregoing that insufficient weight can be accorded to the concerns of the objector such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

Design

The application has indicated that the proposed house will be a 2-storey detached house finished in materials to match the existing house. There are no further design details to consider regarding this application.

CONCLUSION

The proposal involves the erection of a house in the garden ground of 137 Balbeggie Street. It is considered that the proposal is in accordance with Housing Policies of the Dundee Local Plan and Policy 1 and 4 of the Finalised Dundee Local Plan Review. The concerns raised by the objector are not considered to be of sufficient weight to warrant refusal of the application. Therefore the application is recommended for approval subject to conditions.

RECOMMENDATION

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

- 1 The approval of the City Council shall be obtained to the following reserved matters before any development is commenced:
 - the siting of the dwelling
 - the design of the dwelling
 - the external appearance of the dwelling
 - the means of access to the house
 - the landscaping associated with the house
- 2 Application for approval of the matters referred to in Condition (1) above must be made within 3 years of the date of this permission.

- 3 The development, to which this permission relates shall begin within 5 years of the date of permission or 2 years of the final approval of the reserved matters, whichever is the later.

Reasons

- 1 To reserve matters for future consideration by the Council.
- 2 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 3 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997