

**KEY INFORMATION**

**Ward** West Ferry

**Proposal**

Demolition of existing dwelling and erection of new dwelling

**Address**

35 Albert Road  
Broughty Ferry  
DUNDEE

**Applicant**

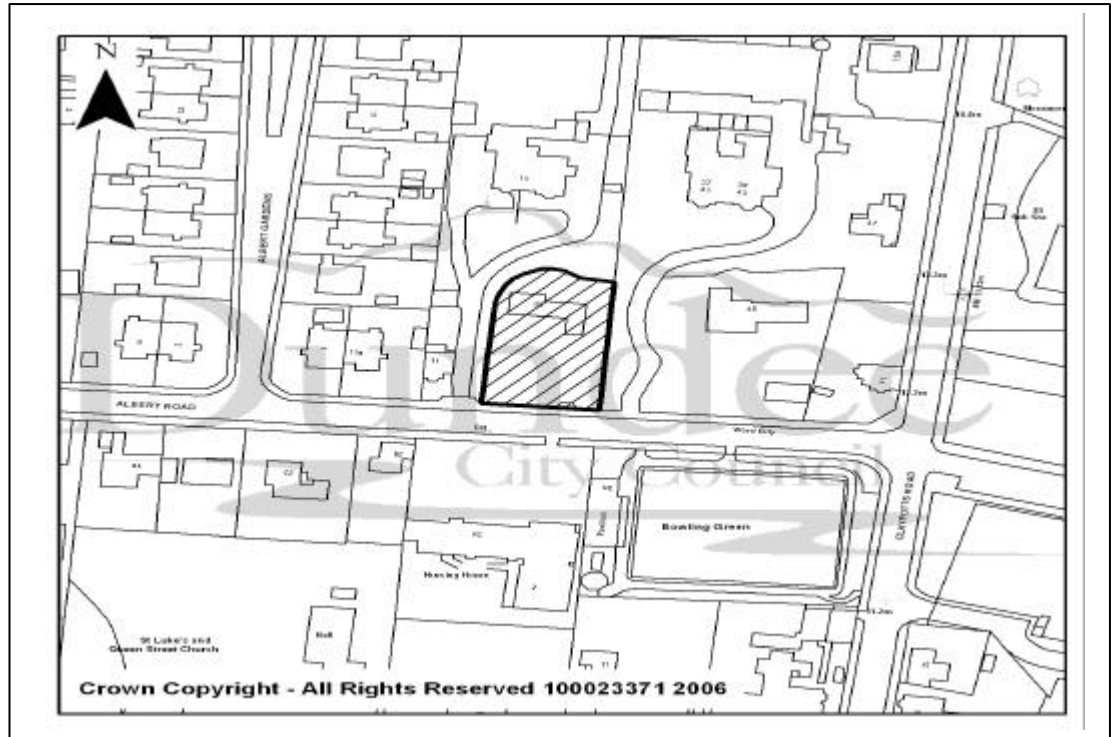
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**Agent**

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**Registered** 20 Sept 2006

**Case Officer** C Walker



## New House Proposed in Albert Road

The demolition of an existing dwelling and the erection of new dwelling is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development is of satisfactory design and appearance and will not detract from the setting of "Vinebank" to the north of the site. The application is recommended for **APPROVAL** with conditions.

**SUMMARY OF REPORT**

- Planning permission is sought to erect a 2 storey house on the site occupying roughly the same footprint as an existing flat roofed house on the site which it is proposed to demolish.
- The site is surrounded by mature trees and shrubs and sits well below the level of the subdivided villa at 11 Albert Road, known as "Vinebank".
- Policy 15 of the adopted Local Plan relating to Development in Garden Ground applies.
- A letter was received from a neighbour who does not oppose the development provided that the trees on the site are not felled or mutilated.
- Although Policy 15 (e) states that no new building should be proposed in front of the main elevation of the original house in this case the proposed new house will not have an adverse impact on "Vinebank". The footprint of the proposed house is almost identical to the existing house, so it will be possible to construct the new house without felling any trees.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to erect a 2 storey house on the site occupying roughly the same footprint as an existing house on the site which it is proposed to demolish. The proposed house has a footprint of some 160sq metres comprising a family room, kitchen, dining room/study, drawing room and guest bedroom at ground floor level and 4 bedrooms on the upper level.

The proposed house is "L" shaped with the 2 storey section running from west to east (the upper storey being accommodated mainly in the roof space with dormers to front and rear) and a single storey leg runs to the south of the main part of the house.

The design of the proposed house is traditional in character with chimneys, vertically proportioned windows and exposed rafters on the roof. Proposed finishing materials are walls of reconstituted stone and dry dash render and a roof of dark grey tiles.

It is proposed to construct a detached double garage immediately to the south of the proposed new house, using the same finishing materials.

Access arrangements to the site are unchanged and as the footprints of the existing and proposed houses are broadly comparable, the applicants indicate that no trees will be felled to accommodate the development.

## SITE DESCRIPTION

The site comprises a single storey house set in a plot of some 0.11 ha on the north side of Albert Road. The house has white rendered walls and a flat roof and is of late 1950's - early 1960's design.

The site is surrounded by mature trees and shrubs so that the existing house is not visually prominent although it is sited well above road level. The site is surrounded to the north, west and west by houses and to the south, on the opposite side of Albert Road, is the former Westbay Nursing Home which was destroyed by fire.

The house immediately to the north of the site is a subdivided villa at 11 Albert Road, known as "Vinebank". The application site once formed part

of the garden ground of "Vinebank". There is a significant level difference between the existing house and "Vinebank" and a substantial evergreen screen of trees and shrubs



between the 2 properties.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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



### Dundee Local Plan Review 2005

The site is in an existing housing area and Policy 1 seeks to protect residential amenity. Policy 4 sets out standards for new housing development. Policy 15 Development in Garden Ground also applies.

### 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

There is no relevant history of planning applications.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposed development was advertised as contravening Policy 15 of the Local Plan. A letter of representation was received from an adjoining neighbour who does not oppose the development provided that the trees on the site are not felled or mutilated.

Copies of this letter are available for inspection in the Members' Lounges and the issues are discussed in the "Observations" section below.

## CONSULTATIONS

No adverse comments were received from statutory consultees or other bodies.

## OBSERVATIONS

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

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b 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.

The proposed residential use is satisfactory and no issues arise in terms Policy 1 of the Plan.

Policy 4 sets out standards for new housing development. In this case the proposed development meets all the required standards.

In terms of Policy 15 relating to Development in Garden Ground the following subsections are relevant:

15(a) requires all proposals to be of high quality design and use materials appropriate to its surroundings. In this case the design of the house is of traditional appearance and finish and it is considered that it is of appropriate quality and finishing.

15(b), (c) and (d) are not contravened and there is no change to the overall footprint of development or the prevailing density of development in the area.

15 (e) states that no new building should be proposed in front of the main elevation of the original house. In this case the proposed new house is in front of the main elevation of "Vinebank" and it is for this reason that the development was advertised as contravening Policy 15 of the Plan.

15 (f) and (g) are not relevant as there is no extension proposed to the original house and no change to the access arrangements.

15 (h) and (i) require a tree survey to be provided as well as proposals for new planting. This information was not provided with the application and therefore Policy 15 is contravened in this regard.

It is concluded from the foregoing that the proposal does not comply with Policy 15 of the adopted Local Plan.

## Other Material Considerations

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

- a The Relationship between the Existing Villa "Vinebank" at 11 Albert Road and the Proposed House.

Policy 15 (e) states that no new building should be proposed in front of the main elevation of the original house. In this case the proposed new house is in front of the main elevation of "Vinebank". However account should be taken of the fact that

there is already a house in front of the main elevation of "Vinebank" in exactly the same location as the house currently proposed. There is no doubt that the house now proposed will be more dominant because it involves an upper level of accommodation and in addition the proposed house will have a pitched roof. The eaves level of the proposed house will be at approximately the same level as the top of the flat roof of the existing house so that the ridge of the pitched roof will be over 3 metres higher than this level.

However there is a significant level difference between "Vinebank" and the proposed new house, so that the finished floor level of "Vinebank" sits well above the roof of the proposed new house. In addition there is a significant evergreen screen of trees and shrubs on the steep embankment between the houses which will mean that only glimpses of the roof of the new house will be visible from "Vinebank".

It is considered that in these circumstances the proposed new house will not have an adverse impact on "Vinebank" and that this material consideration provides a justification for approving the development despite the terms of Policy 15 (e) of the Local Plan.

- b The Impact of the Proposed Development on Trees and the Concerns of the Neighbour

Policy 15 (h) and (i) require a tree survey to be provided as well as proposals for new planting. In addition a neighbour has written stating concerns that trees might be felled or severely lopped.

Normally the absence of information on the trees on the site would be a significant issue which could result in the refusal of an application. However in this case as the footprint of the proposed house is almost identical to the existing house, it will be possible to construct the new house without felling any trees. This is particularly the case since the minor changes to the footprint actually take the new house further away from

existing trees. It is considered that appropriate planning conditions can be imposed to protect the trees should Members be minded to approve the application. Since the site is adequately covered by existing trees and as no trees are to be felled to accommodate the development, there is no requirement to plant new trees on the site.

It is concluded from the foregoing that sufficient weight can be accorded to material considerations such as to justify the grant of planning permission contrary to the provisions of Policy 15 of the Local Plan. It is therefore recommended that planning permission be granted with conditions.

## Design

The design of the proposed house is traditional in character with chimneys, vertically proportioned windows and exposed rafters on the roof. Proposed finishing materials are walls of reconstituted stone and dry dash render and a roof of dark grey tiles. It is considered that the design is of appropriate quality for this location.

## CONCLUSION

The proposed development is of satisfactory design and appearance and will not detract from the setting of "Vinebank" to the north of the site.

## RECOMMENDATION

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

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 3 No trees within the site shall be felled or lopped without the prior written consent of the Council. Any permitted felling or pruning of existing trees shall be in accordance with BS 3998.

- 4 Details of the means of protection of the trees and hedges on the site in accordance with BS 5837:2005 shall be submitted to the Council for approval before any development commences, and the 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.
- 5 Details of the finished floor level of the proposed house relative to the floor level of the existing house at 35 Albert Road and existing ground levels shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details. The approved finished floor level shall be such that the ridge line of the proposed new roof shall be no higher than 3.2 metres higher than the roof of the existing house.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 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.
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- 5 To ensure that the proposed house does not have an over dominant visual impact from Albert Road to the south and the entrance driveway to "Vinebank" to the west and north of the site.