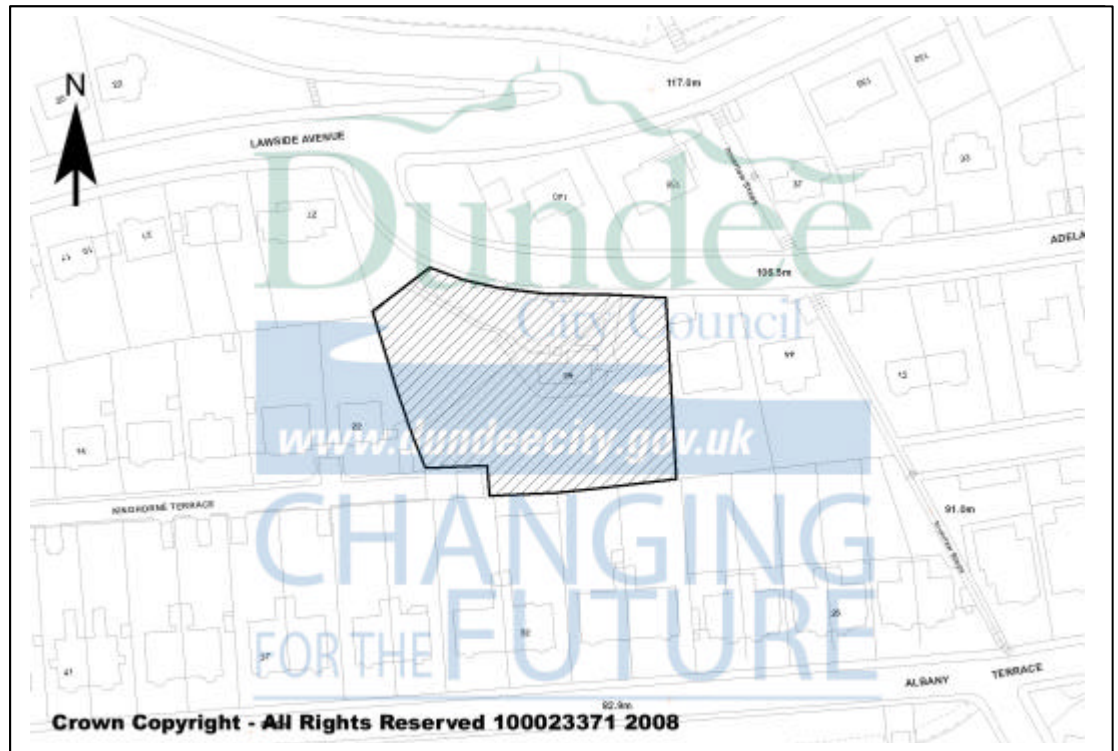


**KEY INFORMATION**

Ward Coldside

**Proposal**

Erection of Four New Dwelling Houses

**Address**48 Adelaide Place  
Dundee  
DD3 6LE**Applicant**Strathearn Homes Ltd  
Unit 3C  
44 Mains Loan  
Dundee  
DD4 7BT**Agent**KDM Architects  
15 Camperdown Street  
Broughty Ferry  
Dundee  
DD5 3AA**Registered** 20 Mar 2008**Case Officer** D Gordon

## Housing Development Proposed in Adelaide Place

The erection of Four New Dwelling Houses is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation.

**RECOMMENDATION**

The development is viewed as having a potential negative impact on the environmental quality of the area by the applicants' failure to adequately demonstrate that the proposals are in full accordance with the requirements of the relevant local plan policies for the area. The application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- The proposal seeks permission to demolish an existing dwelling and develop the site for four large detached three storey houses. The site slopes steeply in a north to south direction and is heavily wooded.
- The statutory neighbour notification procedure has been undertaken by the applicants and the development has been advertised in the local press as being contrary to Policy 4 (Design of New Housing) of the Local Plan Review 2005. Four letters of objection have been received that raise a number of relevant issues of concern.
- It is considered that while the principle of the development of the site for residential purposes is acceptable, it is concluded that the applicants have failed to submit supporting information considered to be essential to allow a full and comprehensive assessment of the development details by the Council.
- It is considered that the proposals have the potential to adversely impact on the environmental quality of the area contrary to the terms of Policy 4, Policy 61 and Policy 72 of the Dundee Local Plan Review 2005. There are no material considerations that would justify approval of this application contrary to the terms of these relevant development plan policies.

## DESCRIPTION OF PROPOSAL

The application seeks permission to demolish an existing vacant single storey dwelling and erect four new houses on a steeply sloping site located on the south side of Adelaide Place.

The houses are to be positioned on the north side of the site where the land is reasonably flat. The buildings will 'step down' the south facing slope of the site and will accommodate four bedrooms and a bathroom at lower ground level, an open kitchen/ dining/ living room at mid level and a living room, study/ bedroom, utility room, hall, double garage and store at upper (entry) level. External decking is to be provided at lower and mid levels of the buildings.

The buildings are to be modern/ contemporary in design with the proposed finishing materials being render, glass and coursed stone feature panels. The flat roofs are to be finished with roofing membrane.

Vehicular and pedestrian access to the site is to be taken from Adelaide Place to the north.

The building to be removed from the site is a single storey, white roughcast, slate roof detached dwelling that has been vacant for a number of years.

The proposal also involves the removal of a number of trees from the heavily wooded site.

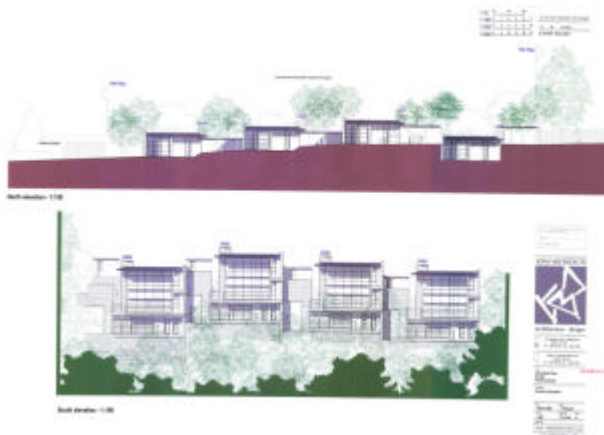
## SITE DESCRIPTION

The site is located on the south side of Adelaide Place approximately 30 metres to the south west of its junction with Lawside Avenue. The site generally slopes very steeply in a north to south direction and is heavily wooded.

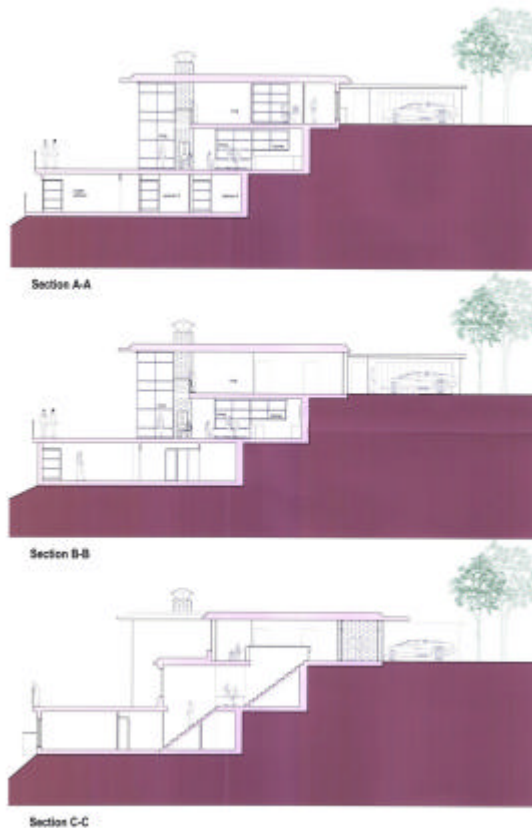
The northern section of the site remains the most level and it is this area that accommodates a vacant, single storey, pitched roof dwelling that is finished in roughcast walls and a slate roof.

The surrounding area is predominantly residential in character with detached houses located to the north, east and

west. Semi-detached dwellings are located to the south.



The southern boundary of the site is located within the Law Terraces Conservation Area.



## 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 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.

Policy 72: Trees and Urban Woodland - new developments must have regard to existing healthy mature trees, the survival and retention of which will be strongly encouraged through sensitive site layouts and both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscaping scheme which includes a supporting justification and sufficient map based material to document existing planting within the application site, as well as new planting and maintenance arrangements. The Council will promote Tree Preservation Orders to protect individual trees or entire planting schemes where expedient to do so.

The Council and its partners will pilot local urban woodland projects within suburban communities to provide sustainable land use treatment for vacant or underused land. Temporary urban woodland projects will be based on a 'minimum cost, rapid impact, site recovery' approach with interpretative signage, so not to preclude future development. Public access will be discouraged within these areas. In addition, peripheral vacant sites with little or no development value will be targeted by the Council and its partners for permanent urban woodland schemes.

The Council will also support advance planting on key development sites, enhanced tree planting within Greater Camperdown Country Park and the City Parks, as well as the creation of new community forests on the urban fringe in conjunction with neighbouring authorities.

### Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Scottish Planning Policy 23: Planning and the Historic Environment (this document supersedes NPPG 18). This policy sets out, amongst other things, the national planning policy for the historic environment with a view to its protection, conservation and enhancement.

Scottish Historic Environment Policy October 2008 and the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998. These documents by Historic Scotland offers Local Authorities and developers best practice advice in dealing with developments which may have an impact on or affect listed buildings or conservation areas.



### 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

06/00315/OUT - Outline Permission to Erect Three Houses - Application Withdrawn 19.12.2008.

### PUBLIC PARTICIPATION

The applicants have completed the statutory neighbour notification procedure. In addition, the application was advertised in the local press as 'Development Contrary to Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005'

The proposed development has attracted four objections from local residents. The main concerns expressed by the objectors relate to:-

- 1 Impact of the development on the residential amenities of the area, ie overlooking.
- 2 The inappropriate density of the development.

- 3 The adverse impact of the proposals on the surrounding conservation area.
- 4 Impact of the proposals on the natural environment.
- 5 Inappropriate appearance of the development.
- 6 Potential for flooding of adjacent occupiers through increased run off of water from the site.
- 7 Damage to adjacent properties through potential land slippage.
- 8 Errors in neighbour notification process.

Members will already have had access to these letters and the points raised are considered in the 'Observations' and 'Material Considerations' Sections of this report below.

### CONSULTATIONS

No adverse comments on the development have been received from any of the statutory consultees.

### OBSERVATIONS

#### Statutory Requirements

In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 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.

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 and enhancing the character or appearance of the conservation area.

#### 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 proposal under consideration involves the demolition of an existing detached single storey house on the northern section of a wooded site and



its replacement with four detached, three storey houses. Due to the steep sloping nature of the site, the buildings will appear to be single storey in height when viewed from Adelaide Place to the north and three storey in height when viewed from the south. The houses are innovative in design and take full advantage of their steep south facing aspect. The removal of trees from the site also forms part of these proposals.

The site is not allocated for a specific purpose within the Local Plan Review 2005 although, due to the nature of the proposals, there are a number of policies which are applicable in the assessment of the application.

Policy 4 (Design of New Housing) of the Local Plan requires the design and layout of new housing in the city should be of a high quality. Appendix 1 of the Plan identifies various standards that will be required to be met in the consideration of any planning application for new residential development. The proposal should be assessed against the inner city guidelines.

Appendix 1 requires that new dwellings within the inner city areas should have a minimum of two bedrooms or a minimum gross internal floor area of 100m<sup>2</sup>. This proposal satisfies this requirement as four bedrooms will be provided in each unit with an additional study/fifth bedroom on the upper level.

In terms of parking provision it would appear that one of the units will have a double garage while the others have a double car port. Appendix 1 requires that each unit should have one space with 40% having a garage or a space for one. The proposal satisfies this requirement.

It is unclear from the submitted drawings how much provision has been made for garden ground areas on each plot. Appendix 1 requires a minimum of 50m<sup>2</sup> should be provided with 30% having more than 75%. It is noted that timber decking has been provided for each unit. However, due to the steep sloping nature of the site and the fact that it is very heavily wooded, it is unclear how much of the proposed garden ground area will be useable. The applicants' agents have been consulted on this matter and have been requested to clarify the situation

with regard to garden ground provision. To date, no response has been received and consequently, this position remains unclear.

Appendix 1 also requires that living room windows should not



unacceptably overlook private gardens of houses. The steep sloping nature of the application site dictates that new houses on the site will have the potential to overlook adjacent properties, in particular the houses



located to the east and west which are only located approximately 6 metres and 9 metres distant from the site boundary. The applicants have been aware of these concerns and have been requested to submit cross sections through the site that would allow a full assessment of the potential impact the proposals may have on the properties surrounding the site. To date this information has not been submitted and this matter remains unresolved.

It is concluded from the above that the applicants have failed to fully demonstrate that the proposals are in accordance with the requirements of Policy 4 of the Local Plan.

Policy 61 (Development in Conservation Areas) of the Local Plan requires that all development proposals will be expected to preserve or

enhance the character of the surrounding area. The southern boundary of the site is located within the Law Terraces Conservation Area.

Within this strip of land it is intended to remove a number of trees. The applicants have been requested to submit a tree survey that includes, amongst other things, a report on the condition of the all trees within the site. To date this information has not been submitted for consideration and consequently, the issue relating to the removal/retention of the trees within the site remains unresolved. It is considered that the removal of a number of trees from the southern boundary of the site, without sufficient justification, has the potential to adversely impact on the appearance and character of the conservation area.

Policy 72 (Trees and Urban Woodland) requires that all new development must have regard to existing healthy mature trees, the survival and retention of which will be strongly encouraged through sensitive site layouts. The proposals involve the removal of a significant number of mature trees from the site. The applicants have been requested to submit a tree survey that, amongst other things, identifies the location, species and condition of the trees currently on the site. To date this requested information has not been submitted for consideration

and consequently it is concluded that a full assessment of the development proposals cannot be undertaken at this time. It is concluded that the proposed development fails to satisfy the requirements of Policy 72.

It is concluded from the foregoing that the applicants have failed to adequately demonstrate that the proposal complies with the provisions of the development plan.

The Statutory duty set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. As explained above in the context of the assessment of the proposals under Policy 61 of the Plan, the development

has the potential to adversely impact on the character and setting of the conservation area. It is concluded that the applicants have failed to adequately discharge this statutory duty.

## Other Material Considerations

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

## Objections

Four objections to the proposals have been submitted and the main issues raised have been outlined in the 'Public Participation' section of this report above.

With regard to the impact of the proposals on the residential amenities of the area, the density of the development, the impact on the conservation area and appearance of the new houses, these matters have been discussed and discharged elsewhere in this report.

With regard to the impact of the proposals on the natural environment, a significant area of the site will remain undeveloped. It is unclear what impact, if any, the proposals will have on the area however, the steeply sloping land towards the south would dictate that the site has the potential to remain relatively 'green'.

With regard to the drainage arrangements for the site, additional information on this matter has been sought from the applicants. To date no response has been received. The control of the slippage of land as a result of the development proposals is dealt with through separate legislation.

The issue that has been raised regarding the neighbour notification procedure has been investigated and it is considered that a number of the concerns raised (mainly spelling mistakes) are so minor in nature that the competency of the planning application is not prejudiced. The applicants have also confirmed that they have notified all the relevant parties of the application proposals.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

## Design

The design of the proposed new houses is considered to be innovative and of a quality that should be welcomed within the city. The use of a very limited palette of appropriate materials combined with an extensive use of glass on the main elevation would result in dwellings that would successfully capitalise on the natural assets of the site, ie its mature woodland setting, and its steep south facing aspect.

## CONCLUSION

The applicants have indicated that the site has the potential to be developed for high quality housing. However, despite the innovative designs of the new buildings, the applicants have failed to adequately demonstrate that the proposal under consideration will not adversely impact on the environmental qualities currently enjoyed by local residents by virtue of a reduction in privacy of the adjacent residential properties. The applicants have further failed to submit requested tree survey details for the site, requested drainage arrangements and requested information on the private garden space provision for each of the new dwellings.

## RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:

1 The proposed development is considered to be contrary to Policy 4 (Design of New Housing) of the Dundee Local Plan Review 2005 by virtue of the failure of the applicants to adequately demonstrate that each of the new houses will accommodate sufficient useable private garden ground. The applicants have also failed to adequately demonstrate that the development will not adversely impact on the environmental quality currently enjoyed by local residents by increased overlooking of the adjacent properties resulting in a reduction in their privacy. There are no material considerations that would justify setting aside the terms of this policy and approving this application.

2 The proposal is considered to be contrary to Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005 by virtue of the failure of the applicants to adequately demonstrate that the removal of trees from the site would not negatively impact on the character and setting of the Law Terraces Conservation Area. There are no material considerations that would justify the setting aside the terms of this policy and approving the application.

3 The proposed development is considered to be contrary to Policy 72 (Trees and Urban Woodland) of the Dundee Local Plan Review 2005 by virtue of the failure of the applicants to adequately demonstrate the survival and retention of trees through the sensitive development of the site. There are no material considerations that would justify setting side the terms of this policy and approving the application.

4 The applicants have failed to adequately demonstrate that the removal of trees from the south side of the site, which make a significant visual contribution to the area, would not have an adverse impact on the character and appearance of the Law Terraces Conservation Area. The approval of this development would fail to meet the statutory duty set out in Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.