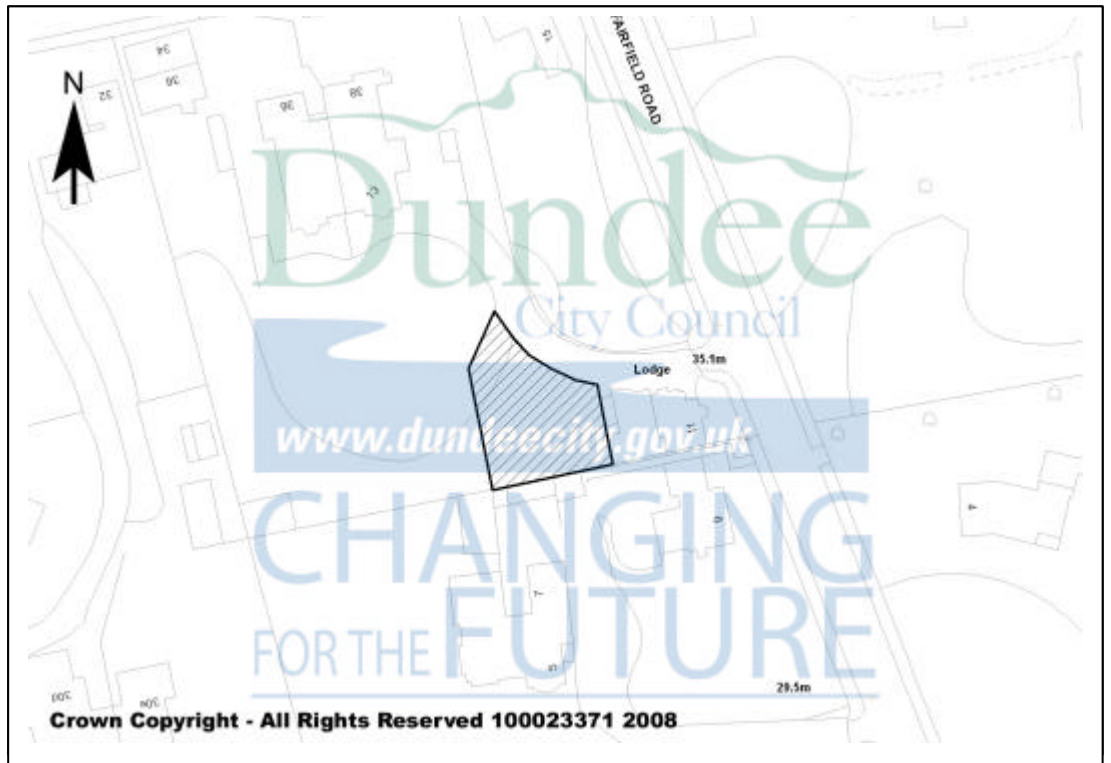


KEY INFORMATION**Ward** The Ferry**Proposal**

Proposed new single storey dwelling house

Address13 Fairfield Road
Broughty Ferry
Dundee**Applicant**Mrs M Martin
13 Fairfield Road
Broughty Ferry
Dundee
DD5 1NX**Agent**KLM Partnership
5 St Vincent Street
Broughty Ferry
Dundee
DD5 2BB**Registered** 20 Oct 2008**Case Officer** P Macari

New House Proposed in Garden Ground in Fairfield Road

A proposed new single storey dwelling house is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation.

RECOMMENDATION

The proposed development is contrary to Policy 4, Policy 15, Policy 55 and Policy 61 of the Dundee Local Plan Review 2005. The concerns of the objectors are supported. There are no other material considerations that would justify laying aside the provisions of the Development Plan to grant planning permission.

SUMMARY OF REPORT

- This application seeks planning permission for the erection of a house in the garden ground of a C(s) listed building at Craigmore, 13 Fairfield Road, Broughty Ferry.
- Policy 4 (Design of New Housing), Policy 15 (Development in Garden Ground), Policy 55 (Urban Design) and Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005 are relevant to the outcome of this planning application.
- The proposals were advertised in the Dundee Evening Telegraph as Development Affecting a Listed Building and Conservation Area as well as Development Contrary to Policy 4 and Policy 15 of the Dundee Local Plan Review 2005. Consequently five letters of objection were received from neighbouring residents.
- The concerns of the objectors are supported and the proposals are considered contrary to the provisions of the Development Plan.

DESCRIPTION OF PROPOSAL

This application seeks planning permission for the erection of a single storey house in the garden grounds of a C(s) listed building at 13 Fairfield Road, Broughty Ferry.

The proposed house is to be located in the south eastern corner of the front garden grounds. The proposed house will be of a modern low profile design with grey interlocking concrete roof tiles, white roughcast walls with fair faced block base course and brown stained timber doors and window frames. The proposed house will have an integral garage with access taken from the private access road serving the existing gatehouse to the east of the application site and the host building to the north of the application site.

The proposed house will provide living accommodation in the form of a kitchen/dining room, lounge, bathroom, two bedrooms and an integral garage.

SITE DESCRIPTION

The application site is located on the western side of Fairfield Road in the garden grounds of the C(s) listed "Craigmore", 13 Fairfield Road, Broughty Ferry. The application site is located in the south eastern corner of the front garden grounds and is bound to the north by the private road that serves Craigmore and the C(s) listed gate house which bounds the site to the east. To the south the site is bound by the 1.5m high stone retaining wall that forms the southern boundary of 13 Fairfield Road. The site is surrounded by mature fir trees and shrubbery.

The application site is bound to the north and east by C(s) listed buildings and to the south by a B listed building. To the west the site is bound by the remaining garden ground afforded to Craigmore. The site slopes from north to south.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

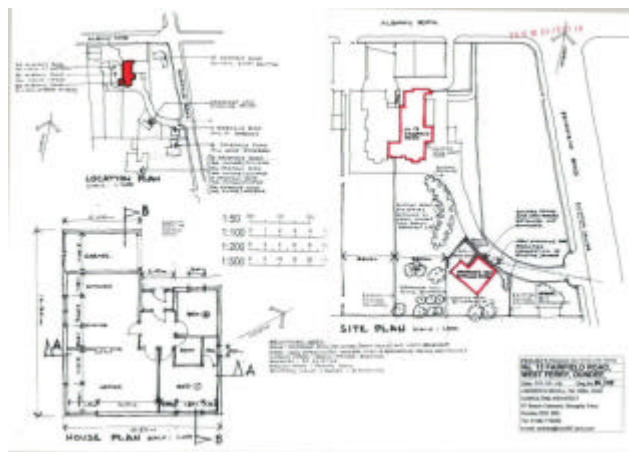
There are no policies relevant to the determination of this application.



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 require to conform to the Design Standards contained within Appendix 1 of the Local Plan. For the purposes of the Design Standards this site is located within a suburban area.



Policy 15: Development in Garden Ground - seeks to protect the architectural appearance and landscape features of low density parts of the city. A range of nine criteria including density of development, design, layout and impact on the existing site have been established that development

proposals in garden ground should satisfy.

Policy 55: Urban Design - for all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites.

All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to

all.

Policy 61: Development in Conservation Areas - all development in conservation areas will be expected to preserve or enhance the character of the surrounding area.

Scottish Planning Policies, Planning Advice Notes and Circulars

SPP 23 Planning and the Historic Environment sets out the framework for dealing with planning applications affecting listed buildings and conservation areas.

Historic Scotland's Memorandum of Guidance on Listed Buildings and 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

There is no planning history of direct relevance to the outcome of this planning application. However, it

should be noted that the dwellinghouse at 15 Fairfield Road is development in the garden ground of 13 Fairfield Road. Planning application 06/00906/FUL sought planning permission to erect a house in the garden grounds of 15 Fairfield Road. This application was refused by the Development Quality Committee in November 2006. This application was considered contrary to the provisions of Policy 15, Policy 55 and Policy 61 of the Dundee Local Plan Review 2005. The house proposed by virtue of poor design would have had a significant impact on the character and setting of neighbouring listed buildings and the surrounding conservation area.

PUBLIC PARTICIPATION

The applicant has followed the statutory neighbour notification procedure as dictated by the Town and Country Planning (General Development Procedure) (Scotland) Order 1992. This application was also advertised in the Dundee Evening Telegraph as development contravening Policy 4 and Policy 15 of the Dundee Local Plan Review 2005 and Development affecting the setting of a Conservation Area and Listed Building. Consequently five letters of objection have been received from neighbouring residents concerned about:

- the impact on neighbouring listed buildings and surrounding conservation area.
- impact upon mature fir trees.
- overlooking.
- overshadowing.
- contrary to the Development Plan.
- restrict future development.
- over-development.

Members will already have seen the letters of objection and the issues raised are discussed in the Observations below.

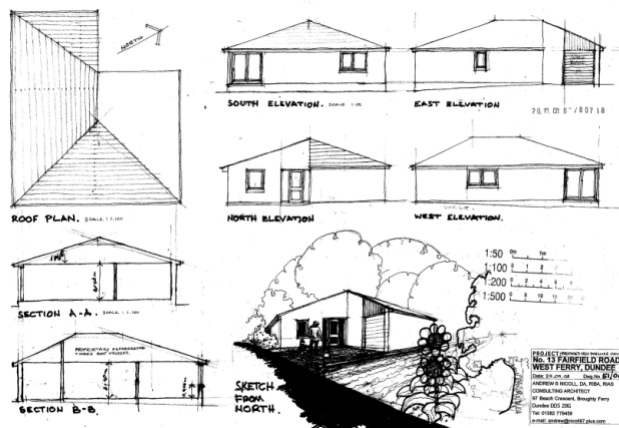
CONSULTATIONS

Broughty Ferry Community Council have objected to the proposed development on grounds that the proposed development is out of character with the prevailing density of development in the Conservation Area and will have a significant impact upon

surrounding listed buildings. The proposal will result in damage to trees. The design of the proposed house is poor and not suited to the Conservation Area.

The Council's Environmental Health and Trading Standards Department have raised concern that the application site is in close proximity to an existing petrol storage facility. However, this matter can be satisfactorily addressed by way of an informative should the Committee be mindful to grant planning permission.

The Council's Forestry Officer has stated that the level of information submitted in support of this planning application is contrary to the provisions of BS: 5837: 2005. The proposed house would have an adverse impact upon the root systems of the mature trees surrounding the application site. On this basis the Council's Forestry Officer is not supportive of the proposed development.



No other adverse comments were received from Consultees.

OBSERVATIONS

Statutory Requirements

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

In accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act

1997 the Council is required to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

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 or 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.

In accordance with Policy 4 and Appendix 1 of the Dundee Local Plan Review 2005, the design of new houses should be of a high quality. To achieve high quality design proposals should comply with the quantitative standards of Appendix 1 and the qualitative standards of the Dundee Urban Design Guide.

Appendix 1 requires that new dwellings within suburban areas should have three or more bedrooms or a minimum gross internal floor area of 100m². The proposed house has only two bedrooms but has 100m² of gross internal floor space.

In terms of parking, Appendix 1 requires new houses in suburban locations with three or more bedrooms to have two or more car parking spaces. The proposed house has two in-curtilage car parking spaces in the form of an integral garage and a parking area in front of the garage door.

Appendix 1 stipulates that new houses in suburban areas should have no less than 120m² of private garden ground. The proposed development will be afforded 490m² of private garden ground.

The proposed house will be positioned to the north of the application site to maximise the amount of private garden ground while also ensuring that there is in excess of 18m between facing windows of the B listed building to the south of the application site.

While the proposed development complies with the criteria of Appendix 1 of Policy 4 part A, part B stipulates that proposals within an established low density area should respect the prevailing development density. While the proposal is afforded generous space standards, the impact upon the character and setting of neighbouring listed buildings through further sub-division of the original garden grounds afforded to such properties is considered in more detail under Policy 15 and Policy 61 below.

Policy 15 requires that developments in garden ground satisfy a range of criteria. Firstly, the proposal must be of high quality design and use appropriate materials. The proposed house has an "off the peg" design which does not reflect the character of the area. The quality of design and finishes is more suburban in character and does not make a positive contribution to the West Ferry Conservation Area. It is considered that there has been little attempt to achieve an architectural treatment which would enhance the conservation area and fit the dwelling into the established site without compromising the character or setting of the surrounding listed buildings.

It is considered that the proposed house, by virtue of its positioning, design and finishing materials does not reflect the character and appearance of the original house or any of the immediate adjoining properties. Accordingly, it is considered that the proposal is contrary to criteria (a) of Policy 15.

With regard to Criteria (b) and (c) the proposed building will not have a footprint one and a half times greater than the footprint of the original house. Further, the proposals will not develop more than 150m² of the original garden ground of 13 Fairfield Road.

The application site is set within West Ferry Conservation Area. This is a residential area where the majority of properties are large stone built dwellings set within large gardens with separate garages and parking within the curtilage of each property. It is considered that this proposal does not respect the prevailing densities within the immediate area and increases the level of development disrupting the leafy outlook of the adjoining listed buildings and surrounding conservation area. The house at 15

Fairfield Road has been erected in what was originally part of the garden ground of 13 Fairfield Road. However, the property at 15 Fairfield Road is obscured from view by mature vegetation and has no impact upon the historic character and setting of the neighbouring listed buildings or surrounding conservation area. The proposal aims to further divide the original garden ground of 13 Fairfield Road, setting a precedent for high density development in the grounds of listed buildings. Therefore the proposal does not comply with criteria (d) of Policy 15.

The proposals are contrary to Criteria (e) of Policy 15 as the proposed house is to be located in front of the main elevation of the original house at 13 Fairfield Road. While the main elevation will not be harmed by the proposed development, due to the position of the access road into 13 Fairfield Road, the proposed house will be visible in front of the main elevation of the original house. The poor design and finish of the proposed house will detract from the architectural splendour of the ornate stone carved front elevation of the original house at 13 Fairfield Road. The proposals are therefore considered contrary to Criteria (f) of Policy 15 also.

As no new openings are proposed along the boundary wall the development would comply with the Council's non-statutory guidance on Breaches in Boundary Walls. The proposal therefore satisfies criteria (g) of Policy 15. However, the visual impact of the eastern elevation when viewed from the vehicle entrance to 13 Fairfield Road will have a detrimental impact on the conservation area and neighbouring C(s) listed gate house. The proposed house by virtue of design and finish would not blend with the historic buildings surrounding and would look out of place given the scale and massing of the surrounding built form.

While the applicant has certified that the proposals do not involve the felling of trees occupying the application site, given the maturity of the trees bounding the site to the west and south the root structure of the respective trees will span the length and breadth of the site. Therefore in accordance with comments received from the Council's Tree Officer, it would not be possible to develop the application site

without disrupting the roots of the trees occupying the application site. Inevitably this would cause damage to the trees which contribute to the character and setting of the C(s) listed host building and surrounding conservation area. The supporting information does not comply with BS: 5837: 2005 whereby no details of the measures to protect the existing trees on and surrounding the application site have been submitted. The proposals are therefore contrary to Criteria (h) of Policy 15.

Should the Committee be mindful to grant planning permission, the contents of Criteria (i) of Policy 15 can be addressed by a condition requiring the submission of tree planting and landscaping details prior to work starting on site.

With regard to Policy 61, the proposed house is of a modern design and finish that does not reflect the character and setting of the West Ferry Conservation Area or adjoining listed buildings. This is reflected in the use of grey roughcast and concrete roof tiles which are alien to the surrounding listed buildings and conservation area which is characterised by large stone built villas with slate pitched roofs. The proposed development is considered to be visually intrusive when compared to the elegant stained glass windows, ornate stonework and slate roofs of the surrounding listed buildings. When viewed from Fairfield Road, the proposed house will appear out of place in comparison to the stone built gate house and gate piers of the main entrance into "Craigmere", 13 Fairfield Road that is set within a mature wooded garden. The proposed development will cause damage to the existing trees populating the application site. The potential loss of trees would have a significant impact upon the character and setting of the West Ferry Conservation Area. Consequently through poor design and potential loss of mature trees the proposals are contrary to the provisions of Policy 61.

Policy 55 stipulates that new development should be of a high quality design whereby new development should compliment the character and setting of listed buildings. The proposed development lacks design quality and comprises a standardised house type with modern finishing materials commonly found in suburban housing estates. The

proposed grey roughcast and concrete roof tiles will detract from the soft pastel coloured sandstone elevations of the listed buildings surrounding the application site.

The design statement submitted in support of the proposal gives no indication of how the proposed design solution will impact upon the surrounding listed buildings but rather emphasises the use of vegetation to "hide" the proposed house. As stipulated in the preamble to Policy 55, a Design Statement must indicate that the development proposals are based on consistent design principles that will successfully contribute to the character and development of an area. From the information submitted, the proposed development will detract from the character and setting of the listed buildings surrounding the site. The proposals therefore fail to meet the requirements of Policy 55.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

The Statutory Requirements of Section 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are discussed in detail in the assessment of the proposed development against Policy 4, Policy 15 and Policy 61 of the Dundee Local Plan Review 2005 above. It has been concluded that the development of a house in the garden ground of "Craigmore", 13 Fairfield Road would adversely impact on the character and setting of the conservation area and surrounding listed buildings. Consequently, it is considered that the statutory duty set out in these Sections of the Act is discharged.

Other Material Considerations

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

a Dundee Urban Design Guide

The aim of high quality design is achieved through proposals that are informed by the context of a locality through a cohesive and inclusive approach to reinforce and develop the character of the application site and to ensure that the unique identity of a place is not harmed. In the case of the proposed development, the design and finishing materials of the house do not respect the context of the

application site and therefore does not identify with the existing built form of the host building or the surrounding listed buildings. On this basis the proposal is considered to comprise a standardised house type that does not add to the distinctive character of the West Ferry Conservation Area. The proposed development does not contribute to the distinctive environmental qualities of the West Ferry Conservation Area and therefore is of a poor quality design.

b Views of the Objectors

Five letters of objection have been received from neighbouring residents raising the following concerns:

- The impact on neighbouring listed buildings and surrounding conservation area.

These issues have been discussed in relation to Policy 4, Policy 15 and policy 61 of the Dundee Local Plan Review 2005 as well as Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 elsewhere in this report. It has been concluded that the proposed development in the garden ground of 13 Fairfield Road would have significant impact upon the character and setting of the West Ferry Conservation Area and surrounding listed buildings by virtue of the design and modern finishing materials. These concerns are supported.

- Impact upon mature fir trees

The Council's Tree Officer has confirmed that due to the maturity of the trees populating the application site and the extent of the respective root structures, it would not be possible to develop the site without disrupting the roots and consequently damaging the trees. These concerns are supported.

- Overlooking

The layout of the proposed development is such that there will be in excess of 18m between facing windows. Consequently the proposed

development will not give rise to significant issues of overlooking.

- Overshadowing

The scale, massing and design of the proposed house as well as plot layout are such that there will be no significant issues overshadowing.

- Contrary to the Development Plan

The proposals are considered contrary to the provisions of Policy 4 (Design of New Housing), Policy 15 (Development in Garden Ground) and Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005. These concerns are supported.

- Restrict future development

This concern is not material to the outcome of this planning application and therefore is not supported.

- Over-development

The proposed development is considered to represent a departure from the low density layout of the West Ferry Conservation Area. While the proposals will increase the development density of the application site and surrounding conservation area, due to the extent of both the host property and application site, the proposals do not represent overdevelopment.

It is concluded from the foregoing that sufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission. It is therefore recommended that planning permission be refused.

Design

By virtue of design the proposed house does not blend with the historic listed buildings or conservation area surrounding the application site.

CONCLUSION

The proposed development is contrary to Policy 4, Policy 15 and Policy 61 of the Dundee Local Plan Review 2005. The concerns of the objectors are

supported. There are no other material considerations that would justify laying aside the provisions of the Development Plan to grant planning permission.

RECOMMENDATION

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

- 1 The proposed house by virtue of design and finishing materials will detract from the character and setting of the West Ferry Conservation Area and surrounding B and C(s) listed buildings bounding the application site. The proposals are therefore contrary to the provisions of Policy 4, Policy 15, Policy 55 and Policy 61 of the Dundee Local Plan Review 2005 as well as the statutory duties set out in Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no other material considerations that would justify laying aside the provisions of the Development Plan or Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to grant planning permission.
- 2 The proposed development would disrupt the existing root structure of trees populating the application site. This would inadvertently cause significant damage to the trees which contribute to the character and setting of the West Ferry Conservation Area as well as the wooded garden of the C(s) listed host building "Craigmore", 13 Fairfield Road. The potential loss of trees would significantly alter the appearance, character and setting of both the West Ferry Conservation Area and listed buildings surrounding the application site. The proposed development is therefore contrary to the provisions of Criteria h of Policy 15 (Development in Garden Ground) and Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005 as well as the statutory duties set out in Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that would justify

laying aside the provisions of the Development Plan or Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 to grant planning permission.