

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 30 MAY 2017

PLANNING APPLICATION – 16 OSPREY AVENUE, PIPERDAM, FOWLIS, DUNDEE, DD2 5GB.

GRID REF: 330128 : 735211

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application No. 17/00218/FULL for proposed alterations and extension to dwellinghouse to form a residential annexe at 16 Osprey Avenue, Piperdam for Mr James Roper. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/ CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

3. INTRODUCTION

3.1 The applicant seeks full planning permission for proposed alterations and extension to a dwellinghouse to form a residential annexe at 16 Osprey Avenue, Piperdam.

3.2 The application property is a two storey detached modern dwelling that sits centrally on a 1520sqm rectangular plot on the south side of the street. This size of the plot is consistent with surrounding plots. The site is located within Piperdam which is an established residential area located to the west of Muirhead. Piperdam leisure facilities and golf course lies to the south of the Piperdam residential area. The north/front elevation of the subject property faces the road, the east/side and south/rear elevations are bound by residential properties and the west/side elevation abuts a wooded area.

3.3 The proposal relates to the formation of a 57sqm pitched roof two storey residential annexe extension on the west/side elevation of the 184sqm two storey detached dwellinghouse. The existing garage doors on the west elevation would be covered by the extension and the garage space which is currently being used for storage relating to a home run business would continue to be used as such. The proposal would utilise an area of the existing 241sqm driveway however compensatory parking would be established to the west of the existing parking area on an area that is currently under shrub and ornamental planting. This would result in a driveway measuring 188sqm. The materials proposed for the extension would match the existing dwelling.

3.4 The application has been amended. A previously proposed entrance porch on the west elevation has been removed and has been replaced by French doors. The existing back door between the house and the annexe would be blocked up. A pass door between the upper level of the

extension and existing bedroom 5 has been included and it has been clarified that an area previously marked as a store on the ground floor of the extension would be used as a home office. The reconfigured driveway shows parking spaces for up to six cars.

- 3.5 This application requires to be determined by the Development Standards Committee as it is recommended for approval and the Muirhead, Birkhill and Liff Community Council has objected.

4. RELEVANT PLANNING HISTORY

There is no relevant planning history.

5. APPLICANT'S CASE

The applicant has provided a letter in support of the application which indicates that one of his children requires additional support and family assistance. It is stated that family members who are retiring would live with the family on a full time basis which would enable them to offer on-hand support. The applicant advises that he has an online business and works from home and would utilise the home office within the extension for this purpose.

6. CONSULTATIONS

Community Council – Has objected to the proposal as it considers the proposed extension to be an additional residential unit which would render it contrary to Development Plan policy in relation to development at Piperdam. It is also stated that the proposed extension is of distasteful design and that it would exacerbate known water supply and drainage issues at Piperdam. The Community Council goes on to state that it has no objection in principle to house extensions at Piperdam.

Angus Council - Roads – Has offered no objections to the proposal.

Scottish Water - Has advised that it has no objection to house extensions taking place at Piperdam providing that surface water is not directed to the foul water drainage system.

7. REPRESENTATIONS

- 7.1 Two letters of representation have been submitted by one household. The representations will be circulated to Members of the Development Standards Committee and a copy will be available on the council's Public Access website. The main issues raised are as follows:

- **Not in keeping with the ALDP which states no further residential development**
- **Not incidental to main house**
- **Reduction of parking area**
- **Impact on residential amenity**
- **Not zoned for holiday use, close to Piperdam where there are already holiday homes**
- **Extension may be used commercially**

These matters are discussed at Section 8 below.

In addition the following matters have been raised: -

- **A similar application 13/00034/FULL was amended by removing the kitchen to make it incidental to the main house in Piperdam** - Application 13/00034/FULL was for a free standing building within a residential curtilage. It was materially different to the current application but it was granted planning permission.
- **The garage that is being used as storage could be turned into another living area and the existing window could be replaced by a glazing unit that can open** - The proposed storage area could be adapted to be utilised as another living area. This would not constitute development as it would take place inside the house. Replacing the window with a doorway

would constitute permitted development. However, that is not what is proposed by this application.

- **Has consent from Scottish Water been obtained before construction for approved application 16/00893/FULL** - The permission mentioned is for new houses and has no relevance to the application under consideration.
- **Do the title deeds prohibit a holiday home development** - title deed restrictions are not a planning issue. The proposal is for an extension to an existing dwellinghouse to provide ancillary accommodation.
- **Ongoing issues with water supply and drainage at Piperdam** - Scottish Water has stated that it has no issue with the extension of existing dwellings at Piperdam providing that surface water is not discharged to the foul sewerage system.
- **The Council tax status/liability for the extension** – this is not a material planning consideration.
- **The absence of ramped access to the dwelling** – this is a matter that will be addressed through any subsequent building warrant application. As it is addressed through other legislation it is not a material planning consideration. However, a level access to the dwelling could likely be formed using available permitted development rights.
- **Revised plans have not been subject to further notification or publicity** – Legislation makes provision for planning applications to be varied after they are submitted provided the variation does not result in a substantial change in the description of the development. In this case the variations that have been made to the application are minor and there is no requirement for further publicity or consultation where minor alterations are made.

8. PLANNING CONSIDERATIONS

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 In this case the development plan comprises:-
- TAYplan (Approved 2012)
 - Angus Local Development Plan (Adopted 2016)
- 8.3 As the application is not of strategic importance the policies of TAYplan are not referred to in this report and the policies of the Angus Local Development Plan (ALDP) form the basis for the consideration of the proposal. The relevant ALDP policies are reproduced at Appendix 2.
- 8.4 The site lies within the Piperdam residential area that is located 3 km to the west of Muirhead. Piperdam is defined as a settlement in the Angus Local Development Plan. The Development Strategy for the settlement is to support the maintenance or enhancement of the tourism potential of the existing golf course and facilities but to resist additional residential development. The proposal is for an extension to an existing dwelling to form a residential annexe. It has been stated in the submitted objection from the Community Council and in the submitted third party representation that it is considered that the proposed extension constitutes a dwelling in its own right and on that basis the proposal is contrary to the ALDP policy in relation to new development in the Piperdam development boundary. The proposed extension would be physically attached to the existing dwellinghouse. Although a separate kitchenette would be provided within the annexe, the main access to the extension would be via the main house. The accommodation is required for members of the same family and there would be strong links between the extension in the form of shared utility facilities and interconnecting doorways as well as the location of a home office which is discussed further below. There is no suggestion that a separate residential curtilage would be formed and parking for the dwelling would remain to the west of the site as is currently the case. The existing dwelling is large however it is occupied by a large family who

have indicated that they now wish to accommodate more members of their family within the dwelling and to provide for the accommodation of visiting friends and relatives who live remote from the locality. The result would be the formation of a substantial family home set within an area defined by substantial family homes and it is considered that the proposal does not therefore present any conflict with the Development Strategy for Piperdam. The proposal is considered to constitute a house extension or householder development and is accordingly assessed as such. The concerns raised in the submitted objection letters relating to the creation of a separate dwelling and the formation of a holiday home are not relevant to the determination of this application.

- 8.5 Policy TC4 relates to proposals for house and flat alterations/extensions and development within the curtilage of houses and flats. It indicates that development will be supported where the siting, design, scale or massing of the proposal does not:
1. adversely affect the residential amenity enjoyed by the house or surrounding domestic properties including, in the case of microgeneration, through noise or shadow flicker;
 2. detrimentally affect the character and/or appearance of the building, site or surrounding area; and
 3. result in the overdevelopment of the plot or a loss of garden ground, parking or bin storage.
- 8.6 Policy DS4 deals with amenity and requires all proposed development to have regard to opportunities for maintaining and improving environmental quality. It indicates that development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties. The policy identifies matters that will be taken into account and recognises that in some circumstances it will be appropriate to approve proposals that give rise to amenity impacts where they can be mitigated.
- 8.7 The property that is subject of the application is a large detached two storey property that is fairly typical of the area and is similar in external appearance to other dwellings within Piperdam. The proposed extension would be a residential annexe that would interconnect to the side of the west/side elevation of the existing dwelling. It is indicated in the supporting information accompanying the application that the annexe would be occupied by the applicant's parents and would provide a spare room for use by visiting family members and friends. The applicants have 4 children and the existing dwelling is a 5 bedroom property.
- 8.8 The first test of Policy TC4 relates to existing residential amenity. Policy DS4 is also relevant in this respect. Impact on residential amenity has been raised in a letter of objection by the occupant of a property that lies approximately 300m to the west of the application site. The existing dwelling sits on a site measuring in excess of 1500sqm and the current plot ratio is extremely low with the existing building occupying around 12% of the plot. The proposed extension would be added to the west elevation and would increase the footprint of the dwelling by less than 1/3. The extension would be offset from the adjacent dwelling to the north which currently has a direct interface with the existing two storey dwelling and would be located around 30 metres from the closest dwelling to the south. It would not give rise to any significant issues in terms of privacy. The proposed design follows the design principles of the existing dwelling and would be finished in the same material palette. In terms of daylight and sunlight impacts the extension would have no impact on the dwelling to the south. In terms of the neighbouring property to the north, there would be no impacts on daylight or sunlight due to the distance between the extension and the neighbouring property and the offset nature of the extension. The extension is separated from the dwelling to the east by the existing house and woodland lies to the west. The proposed extension is fully compliant with the Councils published guidance on householder development and the proposed development is not considered to give rise to any significant or unacceptable amenity concerns.
- 8.9 Policy TC4 also requires that proposals should not have a detrimental effect on the character and appearance of the dwelling or its surroundings. As stated above, the proposed extension would follow design principles already established in the existing house. The dwelling is a large property on a large plot located in a residential area that consists entirely of properties of a similar stature; many of which have been substantially extended in the past. It is considered that the extension of the dwelling in the manner proposed would have no detrimental effect on the character and

appearance of the area or the subject property notwithstanding the concerns raised by the Community Council and the objector.

- 8.10 The final consideration of Policy TC4 relates to matters of overdevelopment of the plot or a loss of garden ground, parking or bin storage. The extension would utilise a 57sqm area of an already substantial area of driveway to the side of the house. By clearing a landscaped area along the west boundary and extending the driveway any perceived deficit in parking provision would be addressed. The Roads Service has considered the proposal and has confirmed that in-curtilage parking at the level proposed would meet with the Council's standards. As the extension would be erected on an area of driveway the existing garden area would remain unaltered and would remain appropriate and more than adequate for the resulting dwelling. Access to the rear garden would be acceptable and bin storage would be unaltered. A concern regarding impact on an area of woodland to the west was raised in the submitted objection to the proposal. The distance from the woodland to the extension would be 16.5 metres and is not untypical of other development in the general area. The woodland does not encroach on the curtilage of the dwelling and the proposal would not result in the dwelling coming close enough to the woodland to warrant any concern.
- 8.11 Potential for running a commercial business from home has been raised in a letter of objection as an amenity concern. The applicant has confirmed that he runs an online business from home and that he has done for several years without concern being raised. He has also confirmed that the proposed home office within the extension would be used for the purposes of that business. The nature of the business and level of incoming and outgoing deliveries have been assessed and it is considered that this is ancillary to the existing use of the house and does not amount to a material change in use. The business is not subject of this planning application and does not require planning permission as it is currently configured. No further reference is made to the business in relation to this application other than to confirm that in assessing whether the business constituted a material change of use; it was considered that its nature and characteristics would not result in an unacceptable amenity impact or alter the primary focus of the property as a private dwellinghouse.
- 8.12 The concerns regarding the possible formation of a new residential unit are noted but any such subdivision of the property to form a separate dwelling would require planning permission in its own right. Circular 4/1998 which deals with the use of planning conditions recognises that there may be some extensions to dwellings that are intended for use as 'granny annexes'. It also recognises that such an annex could provide independent living accommodation and that where there are sound planning reasons why the creation of an additional dwelling would be unacceptable, it may be appropriate to impose a condition to the effect that the extension permitted shall be used solely as accommodation ancillary to the main dwellinghouse. In this case the formation of a new, independent, residential unit would give rise to some tension with the ALDP Development Strategy for the Piperdam. Accordingly, a condition of the nature advocated by the Circular is appropriate.
- 8.13 In conclusion the proposal provides for the extension of an existing house to provide ancillary residential accommodation. The proposed extension is compatible with relevant development plan policy and is consistent with the Council's Householder Development Planning Advice Note. The annexe extension would not adversely affect the appearance and character of the dwelling and surrounding area or have a significant and unacceptable detrimental effect on the residential amenity enjoyed by neighbouring households. There are no material considerations that justify refusal of the application. No planning obligation is required.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The decision to grant permission/consent, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest

and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

EQUALITIES IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

10. CONCLUSION

It is recommended that the application be approved for the following reason, and subject to the following condition(s):

Reason(s) for Approval:

That the proposed development provides for a residential annexe extension in a manner that complies with the relevant policies of the Angus Local Development Plan 2016 and the Angus Council Householder Development Planning Advice Note subject to the stated planning conditions. There are no material considerations that justify refusal of the application.

Conditions:

1. That the dwelling unit hereby approved shall remain within the shared curtilage of 16 Osprey Avenue Piperdam and, no separate residential curtilage shall be formed. The extension permitted shall be used solely as accommodation ancillary to the main dwellinghouse.

Reason: In order to clarify the terms of the planning permission and to prevent the formation of an additional dwelling.

2. That prior to the commencement of development precise details of the means of surface water disposal shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt surface water from the extension and associated areas of hardstanding will not be directed to the public drainage system.

Reason: In order that the planning authority may verify the acceptability of the proposed surface water drainage arrangements in the interests of the amenity of the area and in the interests of minimising impact on the public drainage system.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

REPORT AUTHOR: VIVIEN SMITH
EMAIL DETAILS: PLANNING@angus.gov.uk
DATE: 19 MAY 2017

APPENDIX 1: LOCATION PLAN
APPENDIX 2: DEVELOPMENT PLAN POLICIES

Appendix 1 – Location Plan

Appendix 2 - Development Plan Policies

Angus Local Development Plan

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC4 : Householder / Domestic Development

Proposals for householder development (including alterations/extensions to houses and flats, development within the curtilage of houses and flats, means of enclosure, satellite antenna and domestic scale microgeneration) will be supported where the siting, design, scale or massing of the proposal, does not:

- adversely affect the residential amenity enjoyed by the house or surrounding domestic properties including, in the case of microgeneration, through noise or shadow flicker;
- detrimentally affect the character and/or appearance of the building, site or surrounding area; and
- result in the overdevelopment of the plot or a loss of garden ground, parking or bin storage.

Further guidance on householder development will be set out in a Householder Development Planning Advice Note.

Pd1: Recreation Development

Proposals which extend the recreational and tourism potential of Piperdam, will be supported where they are compatible with the existing land uses/activities and are not detrimental to the area's setting and environment.