

KEY INFORMATION

Ward Maryfield

Proposal

Construction of External Smoking Canopy

Address

77 High Street
Dundee
DD1 1SD

Applicant

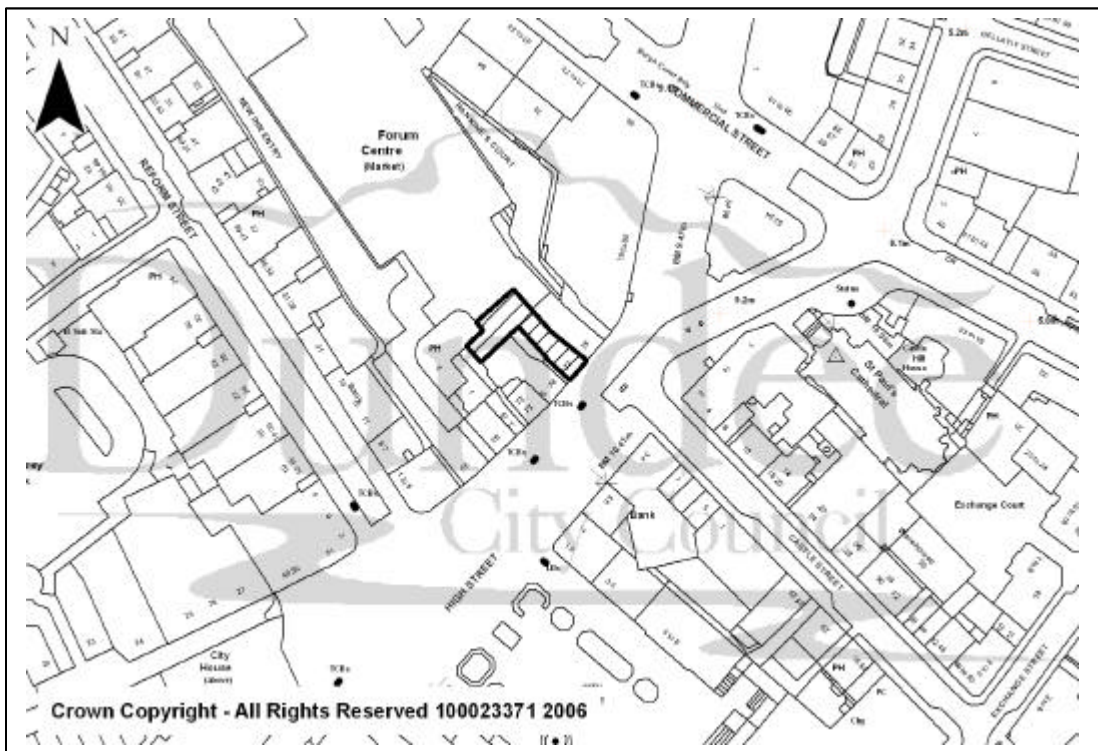
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Registered 21 Feb 2007

Case Officer C Walker



Smoking Canopy Proposed Adjacent to High Street Listed Buildings

The construction of an external smoking canopy is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development detracts from the setting of the adjoining Category A listed buildings by reason of its design and finishing materials contrary to the statutory duty set out in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to have special regard to the desirability of preserving the setting of listed buildings. The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Listed building consent is sought to retain an external smoking canopy linked to the adjoining amusement centre at 77 High Street. The canopy is a lean to structure in Campbell's Close between 2 Category A listed buildings.
- Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, requires the Council to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- A letter of objection was received stating concerns about the impact on the listed buildings.
- Historic Scotland state that the structure which has been erected does not, in terms of materials or design, relate sympathetically to the character of the listed building which it will extend.
- The proposed development detracts from the setting of the adjoining Category A listed buildings by reason of its design and finishing materials contrary to the statutory duty set out in Section 14 of the Act to have special regard to the desirability of preserving the setting of listed buildings.

DESCRIPTION OF PROPOSAL

Listed building consent is sought to retain an external smoking canopy. The canopy is a lean to structure measuring some 3.8 by 1.9 metres and is set into the corner formed by a single storey stone building to the north east and a 2 storey brick building to the north west. The roof is a lean to felted structure supported by timber posts and is attached to the listed building at 77-80 High Street. The south east and south west sides of the structure are enclosed by timber balustrading of a height of approximately 1 metre.

There are 2 heaters on the roof of the ceiling of the structure. There are also 3 amusement with prizes machines set against the stone wall to the north east of the structure but the retention of these machines does not form part of the current application (there are separate applications for planning permission and listed building consent to retain the shelter and the machines). The shelter is accessed from a door on the south eastern elevation of the 2 storey brick building. The structure has an occupancy of 5 persons.

SITE DESCRIPTION

The site comprises the northern part of Campbell's Close, a narrow close between 76 and 77 High Street. It varies in width from some 1.2 metres at the entrance to some 3.4 metres at its widest point. The ground floor of 77 High Street as well as a single storey link building and a 2 storey brick building to the rear are occupied by the applicants as an amusement centre. This amusement centre has a fire door and access to Campbell's Close at its north western side.

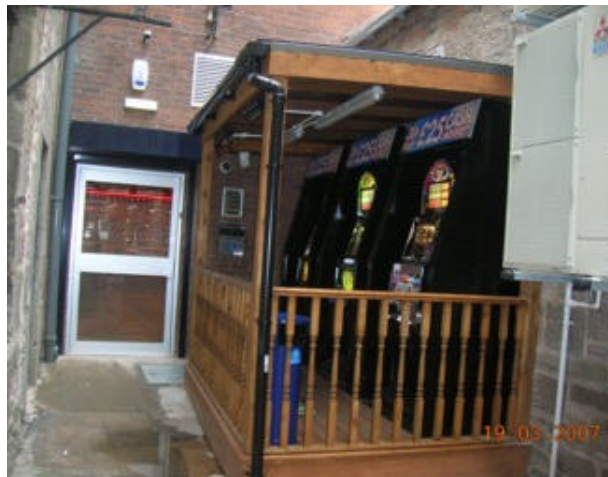
The upper levels of 77 High Street are accessed from Campbell's Close, just inside the entrance pend. Although this part of the property is currently vacant, it was last used as a hairdressers and flats. Planning permission and listed building consent have recently been granted to convert the first floor former hairdressers to a flat and to refurbish the flats on the 3 levels above.

On the south western side of the close the building at 75-76 High Street is a three storey and attic building

occupied by a shoe shop at ground floor level and soon to be completed hostel accommodation above. The shoe shop has a fire escape onto Campbell's Close.

There is a decorative iron gateway at the entrance to Campbell's Close which, when shut, forms an effective screen.

The buildings on either side of the close are Category A listed buildings. The building to which the structure is attached at 77-80 High Street dates from approximately 1871. Much of this city block was recently altered when the former Arnotts store was redeveloped but the part of the building above 77 and 78 High Street was largely unaffected. The building to the west at 75-76 High Street dates from the early 19th century but it is considered likely to include 17th and 18th century parts to the rear. This building interconnects with 70-73 High Street, also known as Gardyne's Land.



The site lies within the Central Area Conservation Area which has been designated as "Outstanding" by Historic Scotland.

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 60 requires alterations to a listed building to have regard to the preservation or enhancement of its architectural or historic character.

Scottish Planning Policies, Planning Advice Notes and Circulars

NPPG 18 Planning and the Historic Environment sets out the framework for dealing with planning applications affecting 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

Planning permission was granted on appeal for the change of use of a shop unit at 77 High Street to an amusement centre in April 2003 - application 02/00453/COU refers. This permission was recently implemented. The unauthorised structure which is the subject of the current application was erected at that time. There is an accompanying application for planning permission for this development, the Report on which is contained elsewhere on this Agenda - application 07/00170/FUL refers. There is also a current set of applications (planning and listed building) to retain the structure including the amusement with prizes machines, the Reports on which are contained elsewhere on this Agenda - applications 07/00240/FUL and 07/00239/LBC refer.

PUBLIC PARTICIPATION

The application was advertised as a listed building application and a letter of objection was received from a resident of the city. The relevant concerns relate to the structure being unsightly and adversely affecting the Category A listed buildings.

Copies of this letter are available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

Historic Scotland were consulted informally on the development and responded stating that although some form of shelter may be appropriate at this location, the structure which has been erected does not, in terms of materials or design, relate sympathetically to the character of the listed building which it will extend. They add that a simple lean-to shelter, constructed using traditional materials and finishes, would be more appropriate.

OBSERVATIONS

In accordance with the provisions of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Council is required to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Campbell's Close is an attractive close between 2 Category A listed buildings. The listed buildings to the west are linked to the Gardyne's Land complex, comprising some of the most important listed buildings in the city, and the renovation of these buildings to form a youth hostel is almost complete.

Despite the fact that the visual amenity of Campbell's Close is partly compromised by unauthorised air conditioning units erected by the applicants, it is still well maintained and secured by a decorative iron gateway at its entrance. It is considered that the setting of the close and both the category A listed buildings on either side of it is compromised by the erection of a smoking shelter whose design and materials do not relate in any manner to its surroundings. The proposed structure is not untypical of the type of structure that might be found in the back garden of a suburban house with a lean to felt roof and timber decking style floor and balustrading. The design and finishing materials used contrast starkly with the stone buildings on either side of Campbell's Close. It is concluded that the proposed development detracts from the setting of the Category A listed buildings at 77-78 High Street to the east and 75-76 High Street to the west by reason of its design and finishing materials contrary to the statutory duty

set out in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to have special regard to the desirability of preserving the setting of listed buildings.

Other Material Considerations

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

A - The Development Plan

Policy 60 of the adopted Local Plan requires alterations to a listed building to have regard to the preservation or enhancement of its architectural or historic character.

This matter has already been considered in the assessment of the proposed development under Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and it was considered that the development would have an adverse impact on the setting of the 2 Category A listed buildings which enclose Campbell's Close.

B - The Views of Consultees

The views of the Historic Scotland on the impact of the development on the setting of the Category A listed buildings on either side of Campbell's Close have been taken into account in the assessment of the development against Policy 55 of the Plan and it has been concluded that there would be an adverse impact on the setting of the listed buildings.

C - The Views of Objectors

The objector states concerns about the structure being unsightly and adversely affecting the Category A listed buildings. These concerns about the impact on the Category A listed buildings are shared.

It is concluded from the foregoing that there are no material considerations such as to justify the grant of listed building consent.

Design

The proposed structure is not untypical of the type of structure that might be found in the back garden of a suburban house with a lean to felt roof and timber decking style floor and balustrading. The design and finishing materials used contrast starkly with and detract from the Category A listed

stone buildings on either side of Campbell's Close.

CONCLUSION

The proposed development detracts from the setting of the Category A listed buildings at 77-78 High Street to the east and 75-76 High Street to the west by reason of its design and finishing materials contrary to the statutory duty set out in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to have special regard to the desirability of preserving the setting of listed buildings. Members should note that as the structure is already in place, a decision to refuse listed building consent will lead to enforcement action being taken to remove the structure.

RECOMMENDATION

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

Reasons

- 1 The proposed development detracts from the setting of the adjoining Category A listed buildings by reason of its design and finishing materials contrary to the statutory duty set out in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to have special regard to the desirability of preserving the setting of listed buildings.