

## Proposed Alterations Including the Removal of a Partition Wall and Replacement of a Window at Flat 5, Tayview Flats, 12 Dock Street

### KEY INFORMATION

**Ward** Maryfield

**Address**

Flat 5  
Tayview Flats  
12 Dock Street  
Dundee

**Applicant**

Grant Property Solutions

**Agent**

LJR&H Architects

**Registered** 24 Aug 2020

**Report by Head of Planning & Economic Development**

**Contact:** Craig Swankie



### SUMMARY OF REPORT

- Listed building consent is sought for the removal of a partition wall, replacement of a window and addition of an extraction outlet within a Category C listed building. The alterations are proposed as part of a change of use of the property from a 3 bedroom flat to a 4 bedroom HMO.
- The application site is located within Tayview Flats, within the city centre area.
- The application is in accordance with the Development Plan.
- The application was the subject of statutory advertisements advising that this application would affect a Category C listed building within the Central Conservation Area. No representations have been received in relation to the application.
- The application is referred to the Planning Committee as an associated planning application 20/00470/FULL is to be determined by Planning Committee.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=summary&keyVal=QE89BPGCMEW00>

### RECOMMENDATION

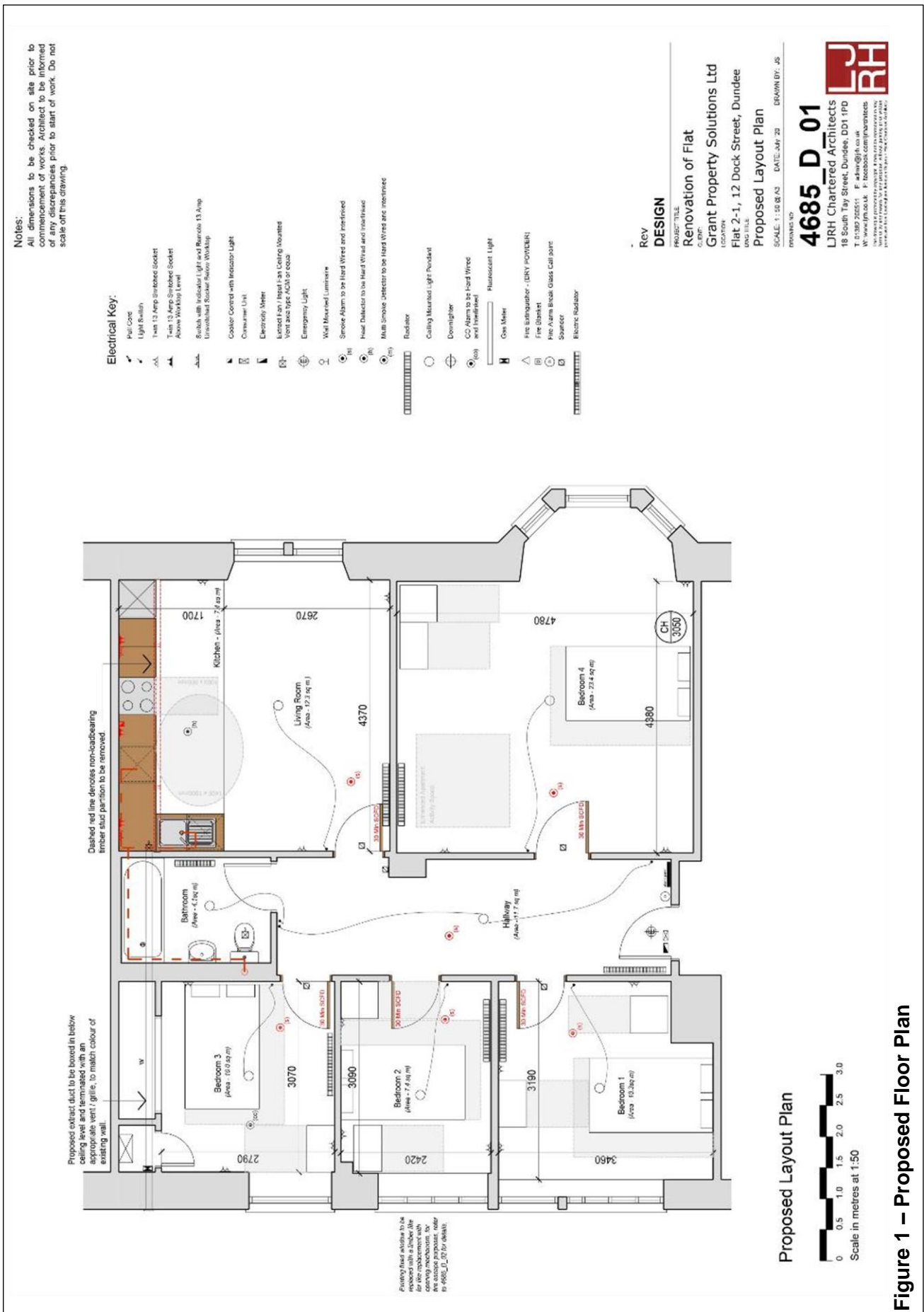
The proposed development satisfies the requirements of the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and by approving the application the Council would be discharging its statutory duties in an appropriate manner. The application complies with Policy 49 of the Dundee Local Development Plan 2019. The application is therefore recommended for APPROVAL subject to conditions.

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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 Listed Building Consent is sought for the removal of a partition wall within a front room, and the replacement of a timber window and installation of an extraction flue to the rear elevation of the flat.
- 1.2 The partition wall was erected to create a storage area within a bedroom. The proposal is to remove the partition wall to facilitate a kitchen and living area within the room. The non-original stud partition wall which is 4.3 metres long with central sliding door would be fully removed and the room returned to its original proportions.
- 1.3 The existing window is a non-original timber window associated with the existing kitchen. The applicant proposes to replace the window with a new timber window, which retains the form and appearance of the existing window. The existing window is in poor condition and the proposed replacement window would be more energy efficient and meets current building regulations.
- 1.4 The proposals include a new kitchen within the property, with extraction outlet to the rear elevation. The extraction outlet would be located to the east of the proposed replacement window.

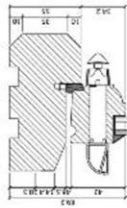


**Notes:**  
All dimensions to be checked on site prior to commencement of works. Architect to be informed of any discrepancies prior to start of work. Do not scale off this drawing.

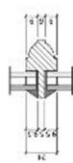
**WINDOWS:**

Existing fixed kitchen window to be replaced with Slim Line D/C timber like for like replacement, with operer as shown, for escape purposes.  
To provide ventilated opening of more than 1:30th of floor area and is glazed area of more than 1:15th of floor area of room.

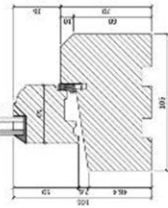
**NEW TRICKLE VENTILATION : 12000mm<sup>2</sup>**  
permanvent to be installed in head of window to bedrooms and living room.



**Head Detail**



**Astragal Detail**



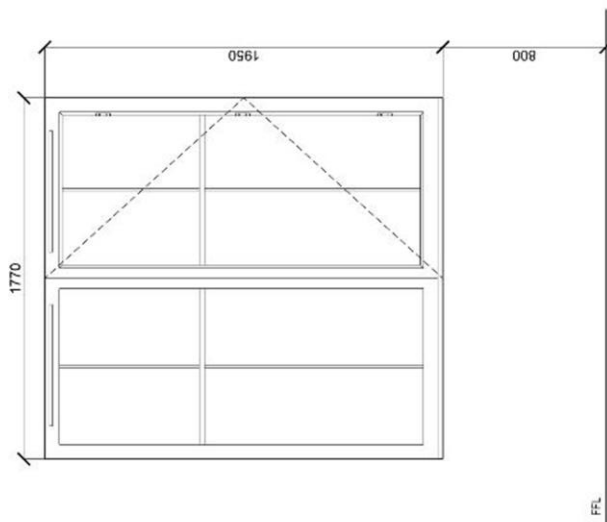
**Cill Detail**

Rev  
**DESIGN**

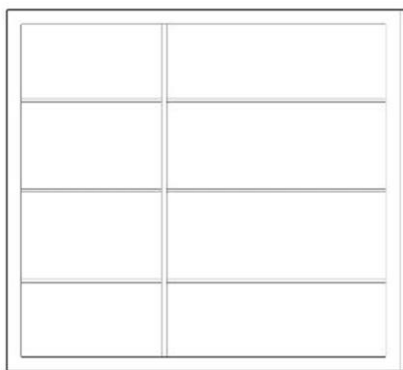
PROJECT TITLE  
**Renovation of Flat**  
CLIENT  
**Grant Property Solutions Ltd**  
ADDRESS  
**Flat 2-1, 12 Dock Street, Dundee**  
JOB NO.  
**Window Details**

SCALE: 1:20 @ A3 DATE: July 20 DRAWN BY: JB  
DRAWING NO:

**4685 D\_02**



**Proposed Window Elevation**



**Existing Window Elevation**



**Proposed Window Plan**

Window Details  
Scale in metres at 1:20

**Figure 2 – Existing and Proposed Window**

## 2 SITE DESCRIPTION

- 2.1 The site forms part of a category C listed building which is four storeys in height with additional accommodation in the attic. Both the site and the wider listed building (known as Tayview Flats) are in residential use. The building is finished with sandstone ashlar walls and a slate roof. Externally, the ground floor has been altered with the removal of the windows and the openings built up in cement. The windows at first floor level have also been replaced with fixed pane units. The upper floors retain two pane, sash and case windows.
- 2.2 The site forms part of the Whitehall Crescent/Dock Street block within the Central Conservation Area. All buildings within the block are category B listed buildings with the exception of the subject building, which is category C. It is bounded by the inner rear courtyard of Whitehall Crescent to the north, Dock Street itself to the south, Gilfillan Memorial Church to the west and the remainder of Tayview Apartments to the east. The Malmaison Hotel lies further to the west and a restaurant is located on the corner of Dock Street/Whitehall Crescent.



Figure 3 – Existing Partition Wall

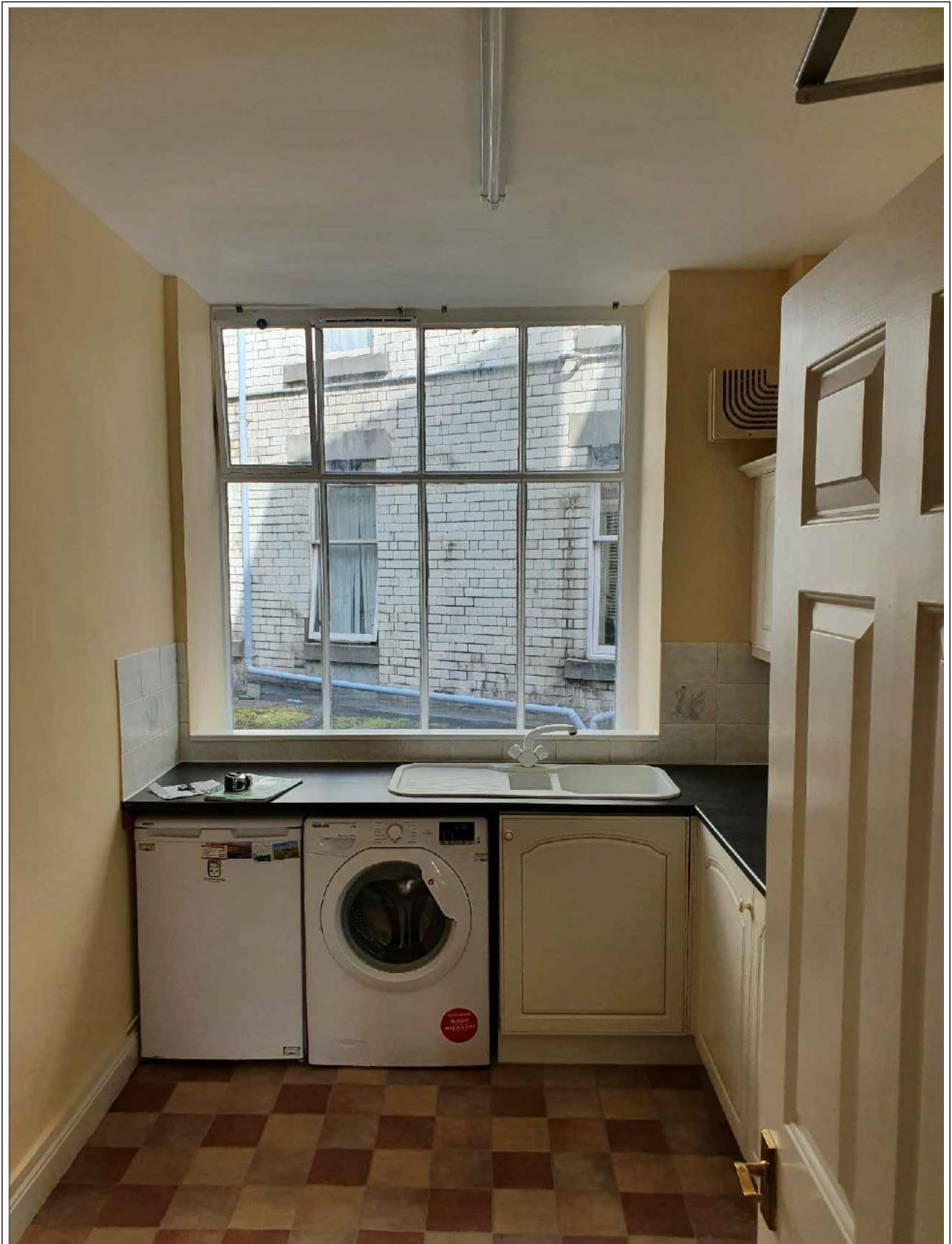


Figure 4 – Existing Window

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## 3 POLICY BACKGROUND

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- 3.1 The following plans and policies are considered to be of direct relevance:

**TAYPlan 2016-2036**

The application raises no issues of relevance.

**DUNDEE LOCAL DEVELOPMENT PLAN 2019**

Policy 49: Listed Buildings

**NON-STATUTORY STATEMENTS OF COUNCIL POLICY**

The following Scottish Planning Policies, PANs and Circulars are relevant to this application:

Scottish Planning Policy 2014

Historic Environment Policy for Scotland 2019

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

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## 4 SITE HISTORY

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- 4.1 Associated application 20/00470/FULL for a change of use from a three bedroom flat to a four bedroom HMO and associated alterations including the replacement of a window is to be determined by Planning Committee.

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## 5 PUBLIC PARTICIPATION

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- 5.1 The application was the subject of statutory advertisements advising that this application would affect a listed building and the Central Conservation Area.
- 5.2 No objections or representations have been received.

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## 6 CONSULTATIONS

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- 6.1 No consultation responses were received.

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## 7 DETERMINING ISSUES

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- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997**

- 7.2 Section 14 of the above Act requires planning authorities, in considering applications that affect listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 7.3 The proposed alterations to the existing flat including the removal of a partition wall, replacement of a timber window and addition of an extraction outlet.
- 7.4 The removal of a partition wall within the existing living room is proposed to create a living room/kitchen area. The removal of the modern partition wall would return the room to its original proportions, and would have no detrimental impact on the historic fabric of the listed building. The removal of the partition wall would contribute positively to the form of the room and have no detrimental impact on the appearance of the main living room/kitchen space within the flat.
- 7.5 The proposed replacement window is of the same size as the existing window, retaining the general form, finish and proportions of the window, and other windows within the building's rear elevation. The proposed finish of timbers would be acceptable, and ensure the character and appearance of the listed building is maintained.
- 7.6 The proposed addition of a small extraction outlet to the rear elevation associated with the kitchen extraction system would have no adverse impact on the character of the building, subject to the outlet being of a form and colour which is appropriate to the listed building. There are existing outlets on the same elevation of the property and the proposal would not look out of place nor create visual clutter. A planning condition is recommended to seek details of the finishing materials for the proposed outlet to ensure that these would be appropriate for listed building.
- 7.7 The proposed external alterations are sensitively designed to ensure the changes have no adverse impact on the appearance of the property. As the external alterations are to the rear elevation, views of the window and extraction outlet from surrounding streets are restricted. The proposed works would have no impact on the building's principal elevation which fronts onto Dock Street, and the traditional character and appearance of the building would be maintained.
- 7.8 **The proposal therefore satisfies the requirements of the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.**
- 7.9 **It is considered that the approval of the proposals would discharge the above statutory duties.**

## **MATERIAL CONSIDERATIONS**

- 7.10 The material considerations to be taken into account are as follows:
- A – DUNDEE LOCAL DEVELOPMENT PLAN 2019**
- 7.11 The provisions of the Development Plan relevant to the determination of this application are specified in the Policy Background section above.
- 7.12 The requirements of Policy 49 (Listed Buildings) of the Local Development Plan is satisfied by the discharge of the statutory duties outlined by Sections 14 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and as discussed above.
- 7.13 The replacement window would maintain the design and finish of the existing window, ensuring the character of the category C listed building is protected. The installation of an extraction outlet would cause no harm to the appearance or character of the listed building and a planning condition is proposed to seek further detail in relation to the proposed finish for prior approval. The removal of a non-original partition wall would return the room to its original proportions without impacting on any original fabric within the building.



- 7.14 It is considered, for the reasons set out above, that the proposed alterations would have no detrimental impact on the fabric or appearance of the property, and would maintain the character of the listed building.
- 7.15 **The proposal complies with the provisions of the Development Plan.**
- 7.16 **B – NATIONAL POLICY AND GUIDANCE**
- 7.17 Scottish Planning Policy (2014) and Historic Environment Policy for Scotland (2019) should be taken into account when determining applications for development which may affect the historic environment. Scottish Planning Policy (Valuing the Historic Environment) advises that the planning system should promote the care and protection of the historic environment and its contribution to sense of place, including settings and the wider cultural landscape; development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and its setting. The Historic Environment Policy for Scotland sets out principles and policies for the recognition, care and sustainable management of the historic environment. It seeks to influence decision making that will be sufficiently flexible and adaptable to deal with wide-ranging and ongoing changes to society and the environment, and to achieve the best possible outcome for the historic environment, maximising its benefits. It is concluded for the reasons set out above that the proposed works would comply with national planning guidance concerned with the historic environment, including the policies of the Historic Environment Policy Scotland.
- 7.18 **There are no material considerations of sufficient weight to justify refusal of the application.**

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## 8 CONCLUSION

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- 8.1 The proposed alterations satisfy the requirements of the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and by approving the application the Council would be discharging its statutory duties in an appropriate manner. The application complies with Policy 49 of the Dundee Local Development Plan 2019. There are no material considerations which justify refusal of listed building consent.

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## 9 RECOMMENDATION

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- 9.1 It is recommended that planning permission be GRANTED subject to the following conditions:
- 1 **Condition** - prior to the commencement of any works on site, details of the proposed finish and colour of the extraction outlet shall be submitted for the prior approval of Dundee City Council as planning authority.
- Reason** – in the interests of visual amenity and to protect the character of the Category C listed building.