

**KEY INFORMATION**

Ward Riverside

**Proposal**

Proposed rebuilding of existing masonry boundary wall to Strawberrybank incorporating new vehicle access

**Address**

15 Strawberrybank  
Dundee DD2 1BJ

**Applicant**

Mrs Mary Barrie  
15 Strawberrybank  
Dundee DD2 1BJ

**Agent**

Crichton Lang Developments  
Ltd  
Station Road  
Ardler  
Blairgowrie  
Perthshire PH12 8SX

**Registered**

29 October 2001

**Case Officer**

Rory Anderson



## Proposed New Vehicle Access at Strawberrybank

The proposed rebuilding of existing masonry boundary wall to Strawberrybank incorporating new vehicle access is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation.

**RECOMMENDATION**

The proposal will result in the removal of a section of wall, which forms part of the conservation area, to the detriment of its character and appearance.

The application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Full planning permission is sought for the demolition and rebuilding of an existing boundary wall including new vehicular access at 15 Strawberrybank. The site is located within the Perth Road Lanes Conservation Area.
- The proposal raises issues in terms of Environment policy 13 of the 1993 Structure Plan, policies BE1 and BE4 of the local plan and the "Breaches in Boundary Walls" policy.
- One letter of objection was received raising issues of erosion of the conservation area's character, increase in vehicular traffic and consistency of decision making.
- It is considered that the proposal is not acceptable as it detrimentally affects the character and appearance of the Conservation Area.

## DESCRIPTION OF PROPOSAL

Full planning permission is sought for the demolition and rebuilding of a 2m high stone boundary wall, including new vehicular access, on the eastern boundary of property fronting onto Strawberrybank. At present the wall is constructed in horizontal layers of varying sized stone blocks with flat coping stones atop incorporating a pedestrian entrance at its northern end. The proposal involves the removal and replacement of 16.5m of wall from the pedestrian entrance to the southern boundary of the curtilage. The replacement wall will be formed from the existing stone with a lime based mortar. It will incorporate a 4.5m wide vehicular access at its southern end which will be recessed (0.9m) from the line of the wall and will incorporate two vertically lined timber gates. Within the curtilage an existing gravel area will be extended to form parking space. The area immediately in front of the gates is to be laid in stone paving to match that existing in Strawberrybank.

## SITE DESCRIPTION

The site in question, measures some 480m<sup>2</sup> in area and forms the curtilage of a substantial stone and slate semi-detached property on the west side of Strawberrybank, 95m south of its junction with Perth Road. The site is surrounded on all sides by residential curtilages and is bounded on three sides by 2m high stone walls. Strawberrybank is located within the Perth Road Lanes Outstanding Conservation Area. The lane is characterised by high stone walls on either side of a distinctive, enclosed linear space with vistas to Magdalen Green and the Tay beyond. The lane is finished in a combination of stone paving slabs and cobblestones.

## POLICY BACKGROUND

National Planning Policy Guideline 18 - Planning and the Historic Environment (Para 46) indicates that planning authorities should afford a high priority in decision making to preserving and enhancing the character or appearance of conservation areas when considering proposals which affect such areas. If proposals conflict with this objective there should be a presumption against them.

The Memorandum Of Guidance on Listed Buildings and Conservation Areas produced by Historic Scotland reflects this general advice but is more specific in relation to boundary walls and their impact on a streetscene. Paragraph 1.8.1 indicates that demolition of garden walls to accommodate large numbers of cars should always be avoided. Where a certain number of openings are acceptable they should be restricted in number and size. Recessed gates should be discouraged. Paragraph 1.8.2 continues that boundary walls etc can make a significant contribution to the streetscape character of a conservation area. Individual breaches may have little impact by themselves. However they may set or continue an undesirable precedent which cumulatively will affect that conservation area.



The Tayside Structure Plan 1993 Environment Policy 13 indicates that development affecting the setting of conservation areas should have full regard to retaining important architectural features and where possible secure improvements to the built environment. Similar considerations are put forward in Environmental Resources policy 6 of the Finalised Dundee & Angus Joint Structure Plan 2001 - 2016.

Policy BE11 of the Dundee Local plan 1998 states that development within conservation areas should compliment and enhance the character of the surrounding area. Policy BE4 (following the general terms of policy H2) covers development in garden ground. Criteria H of this policy indicates that breaches in walls will only be allowed where necessary to permit safe vehicular or pedestrian

access. Policy BE1 promotes the highest standards of design for all new development in terms of (among other criteria) scale, form and finished materials.

The adopted Dundee City Council Policy and Guidance note on Breaches in Boundary Walls para 2.2.1. states:

"Applications will not be recommended for approval where the wall is considered to contribute to the character of the listed building or the conservation area and where the proposed alteration would detract from this character. Where there have already been alterations to boundary walls in the vicinity, to the detriment of the character of the conservation area, the remaining sections of boundary wall provide evidence of the original character and form of the townscape, and take on a higher value. Therefore rather than accepting further deterioration, there will still be a presumption against additional breaches in such areas and, indeed, a desire for the restoration of already altered walls to their original form."

## LOCAL AGENDA 21

Key Theme 1 of Dundee 21: Planning for sustainability indicates that resources should be used efficiently and waste should be minimised. The re-use of the existing stone should reduce the need to use alternative sources.

Key Theme 15 indicates that diversity and local distinctiveness are valued and should be protected. The 2m high wall in this case forms an integral part of the local distinctiveness.

## SITE HISTORY

There is no site history of relevance to this application.

## PUBLIC PARTICIPATION

Statutory neighbour notification has been carried out and the application has been advertised as affecting the setting of a conservation area and contrary to the development plan. One letter of objection has been received, with the main issues raised concerning the erosion of the character of this historic lane and the conservation area in general; the increase in traffic in

Strawberrybank and a lack of consistency in decision making if the application is granted. These issues will be addressed in the observations section.

---

## CONSULTATIONS

---

No adverse comments have been received.

---

## OBSERVATIONS

---

The determining issues for the committee to consider are:

Does the proposal accord with national and local plan policy, and if not are there material considerations which outweigh policy?

The property in question is located within the Perth Road Lanes Conservation area which has, as an integral part of its character, substantial stone walls enclosing narrow streets running between Perth Road and Magdalen Yard Road. Strawberrybank is a particularly good example with much of the remaining walling still intact. The removal of the wall and its replacement on a "like for like basis" is, in principle, acceptable. The applicants have produced a structural engineer's report indicating the wall's poor condition, which has been verified by the council's engineers. The formation of the parking area within the curtilage is also acceptable. The main area of concern relates to the proposed breach in the rebuilt wall to accommodate vehicular access. The 4.5m breach involves the erosion of an essential element of the conservation area and will be conspicuous. It could be argued that the timber gates provide a "hard edge" and help to maintain the sense of enclosure. However they are to be recessed by 90cm from the line of the wall which further emphasises the breach. Even if they were sited in line with the wall they still form a substantial mass made up of materials which, at the scale proposed, will contrast with the wall. The gates will be visually intrusive and over dominant in this narrow lane to the detriment of the character and appearance of the conservation area - a point also raised by the objector. The proposal is therefore contrary to the terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, para 4.13

of the Memorandum of Guidance, Environment Policy 13 of the Tayside Structure Plan 1993 and Policy BE1 and BE11 of the Local Plan.

With regard to material considerations which may outweigh policy, the applicant's agent has indicated that the existing parking arrangements ie Magdalen Yard Road are both inconvenient and at times dangerous for the applicant. He points out that changing social circumstances should be considered in decision making and a more holistic point of view taken towards preserving the character of the conservation area. He also points out that the applicant has maintained her property in a traditional form which has benefited the area. The essential character of this area is derived from the substantial walls and their enclosing function. Although the applicant's house contributes to the conservation area it is of lesser importance in this case (in addition to this, planning controls exist to maintain the character and appearance of the house). These reasons do not outweigh policy considerations.

Nine other breaches in the walls of Strawberrybank have taken place, which in most cases have been to the detriment of the character and appearance of the lane. It is difficult to judge at what point such breaches and their cumulation detrimentally affects an area. The council approved policy "Breaches in Boundary Walls" provides clarity on such matters. It states that even where breaches have already occurred elsewhere in lanes to their detriment, the remaining walls are of higher value and should be preserved to maintain the essential character. This is exactly the case with this proposal. The current proposal will continue the deterioration of the walls in Strawberrybank. If the application were to be approved it may set an undesirable precedent for other similar breaches elsewhere - again a point made by the objector. The existing breaches do not represent a factor sufficient to outweigh Council Policy.

The objector has also indicated that to grant consent in this case would lead to inconsistency in dealing with such applications. The Council may recall that a similar proposal to breach the boundary wall of the neighbouring property at 13 Strawberrybank was refused for similar reasons as outlined

above in January 1999 (application no D23678 refers).

The increase in vehicular use has also been put forward by the objector as a significant issue. Strawberrybank is a public road and therefore open to vehicular use. Whereas it may be desirable to attempt to reduce the number of vehicles using the lane because of convenience and the impact on its fabric, their use does not detrimentally affect residential amenity or present a major pedestrian hazard. The majority of properties are located behind high stone walls affording them a large degree of privacy and because of the linear, narrow nature of the lane site lines are good allowing vehicles to be easily identified and they are likely to be travelling at slower speeds. If the property in question was not located in a conservation area it is unlikely that vehicular use would be a significant reason to sustain a refusal and should not be used in this case.

## Design

The materials used to rebuild the wall (existing stone with a lime based mortar) and the formation of the parking areas (gravel) are acceptable and accord with national and local policy. The scale of the proposed gates and the materials used present a significant mass which will contrast with the stonework and stand out to the detriment of the appearance of the area. The fact that the gates are recessed back from the proposed wall will diminish the role they play in enclosing the lane to the detriment of the conservation area's character. This aspect of the proposal is contrary to National Guidance and Policies BE1 and BE11 of the Local Plan.

---

## CONCLUSION

---

Whilst there is a degree of sympathy with the applicant's personal circumstances and aspects of the proposal which are acceptable, the proposed breach in the wall and the gates to be erected are unacceptable and contravene national and local policy. Accordingly, it is recommended that the application be refused.

---

## RECOMMENDATION

---

It is recommended that planning permission be REFUSED for the following reasons:

- 1 The proposal is contrary to Environment Policy 13 of the Tayside Structure Plan 1993 because it constitutes development which does not take account of the requirement to retain important architectural features in a conservation area and there are no material considerations which would justify this policy being set aside in this case.
- 2 The proposal is contrary to policy BE11 of the Dundee Local Plan 1998 as the breach in the wall would have an adverse affect on the appearance and character of the Perth Lanes Road Conservation Area, and, if approved, would set an undesirable precedent for applications of a similar nature. There are no material considerations which would justify this policy being set aside in this case.
- 3 That the proposal would be contrary to policy BE1 of the Dundee Local Plan 1998 because the scale and mass of the materials proposed for the gates do not relate closely to the established character of the surrounding area and represent visual intrusion in the appearance of the Perth Road Lanes Conservation Area. There are no material considerations which would justify this policy being set aside in this case.
- 4 The proposal would be contrary to the Council approved policy "Breaches In Boundary Walls" as the removal of the wall represents further deterioration of the local townscape in an area where the remaining walls take on a higher value as a result of previous breaches.