

KEY INFORMATION

Ward Law

Proposal

2-storey extension to nursing home

Address10 Dudhope Terrace
Dundee
DD3 6HG**Applicant**Carmichael House Nursing Home
10 Dudhope Terrace
Dundee DD3 6HG**Agent**G D Architectural Services
101 Brook Street
Monifieth

Registered 27 Nov 2002

Case Officer R Anderson



Proposed Nursing Home Extension in Dudhope Terrace

A 2-storey extension to a Nursing Home is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the proposal represents development that will have an adverse impact on the Laws Terrace Conservation Area and a Category B listed building. The proposal is contrary to local plan policy and accordingly refusal is recommended.

SUMMARY OF REPORT

- Planning Permission is sought for the extension of an existing nursing home at the above premises. The extension, covering a footprint of some 400m² (800m² floorspace) is located within the Laws Terraces Conservation Area and would extend a category B Listed building.
- The applicants have submitted supporting information with the proposal which indicates that in their view the siting design and external appearance of the extension was acceptable and is in keeping with other more recent developments in the area. It further indicates that conservation areas should not be "static" in terms of development but should allow for more modern designs and materials.
- Five letters of objection were received. The main issues raised were the adverse impact on the character and appearance of the conservation area; overlooking of neighbouring properties; adverse impact on the appearance of the listed building; increased traffic in the area; impact on surrounding residential amenity; insufficient parking in the area and poor design quality.
- It is considered that the siting, design and external appearance of the extension is unacceptable and does not represent quality development of a listed building, in a conservation area. In addition sufficient parking provision for the facility has not been provided. The proposal is contrary to the terms of the Dundee Local Plan 1998 and accordingly refusal is recommended.

DESCRIPTION OF PROPOSAL

It is proposed that a two storey substantial extension be added to the above property. The extension will be finished in roughcast walls with a series of hipped roofs, clad in concrete roof tiles and timber windows. Basically "L" shaped in plan, the extension covers an area of some 400m² footprint (overall floorspace some 800m²) and reaches an overall height of some 10.5m. It will provide an additional 21 bedrooms each with separate en suite facilities and a lounge/dining room. It will be linked to the existing nursing home via a small glazed link, finished in a UPVC frame.

The development will necessitate the removal of a large two-storey garage/store to the north of the site, conterminous with the boundary wall. The building is finished in a combination of stone, render and slate. The property has a pitched roof with two gabled hips and decorative ridge tiles and finials.

The applicant's agents have submitted information in support of the application, which states that: -

- 1 The proposal must be weighed against the built environment policies of the Dundee Local Plan 1996. It is contended that these policies apply more to unspoilt areas where little development has taken place than in areas with apparently inappropriate development. Such development has to be taken into account when considering the proposal. In such respects the proposal conforms to these policies.
- 2 Where the proposal may not conform to policy there are material factors which should be taken into account such as the requirement for the extension caused by changes to the legislation regarding nursing homes.
- 3 The proposed extension will be built into the slope of the site behind the main building providing satisfactory residential amenity within a landscaped setting. It is also the most

sheltered area in terms of public views from Dudhope Terrace. The slope will allow for the height of the extension and reduce the mass, especially when viewed from Douglas Terrace to the north, which is higher than the development site. The proposed materials of imitation slate, bricks and roughcast are in keeping with more modern developments in the area.

- 4 The development will be inconspicuous from public view because of the high boundary walls of the site, the sloping nature of the site, the heavy landscaping of the conservation area and the linear relationship of the development to properties in Dudhope Terrace.
- 5 The Council's own literature on the Laws Terraces Conservation Area indicates that such areas are not static environments and changes are desirable. The majority of properties in Dudhope Terrace, which were originally for residential use, have now changed. Such changes have introduced modern materials into the conservation area and on some of the listed



- buildings.
- 6 The current development at Dundee Royal Infirmary, adjacent to this site, demonstrates how a listed building can be redeveloped introducing modern appropriate alternative designs.
- 7 The demolition of the garage building currently on the site is of no great significance. The building is in poor condition, is structurally unsound and plays no positive function for the nursing home.

These issues will be considered in the Observations section of this report.

SITE DESCRIPTION

The site is located on the north side of Dudhope Terrace, some 60m west of its junction with Law Street. It has a south - facing slope with the main building on a lower level than the garden to the north where the extension is due to be built. The garden ground is fairly extensive and contains a two - storey stone and slate garage/store room. The existing nursing home is a substantial natural stone and slate roofed detached building with timber sash and case windows and other notable features such as a cupola and brattishing. It is a category B listed building and is located in the Law Terraces Conservation Area.

Development in this area is characterised by substantial detached buildings set in fairly large plots. There has been some development in the adjacent garden grounds but the overall character of development still prevails.

To the north of the site are detached dwellinghouses whilst to the east and west are former dwellinghouses of similar scale which now function as offices. Dudhope Park is located to the south.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Environmental Resources Policy 6: Conserving and Enhancing the Built Environment

Dundee Local Plan 1998

The following policies are of relevance:

Policy H12 - Residential Homes and Nursing Homes

Policy BE1 - Design Quality

Policy BE2 - Townscape Quality

Policy BE3 - Use of Materials

Policy BE4 - Development in Garden Ground

Policy BE11 - Development in Conservation Areas

Policy BE17 - Alterations to Listed Buildings

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan 2003

The following policies are of relevance:

Policy 60: Alterations to Listed Buildings

Policy 61: Development in Conservation Areas

Policy 55: Urban Design

Policy 10: Non Mainstream Residential Uses

Policy 15: Development in Garden Ground

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

NPPG 18 Planning and the Historic Environment

The 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

LOCAL AGENDA 21

Key Theme 7 indicates that access to facilities and services should not be achieved at the expense of the environment.

Key Theme 13 indicates that places, spaces and objects combine meaning and beauty with utility.

SITE HISTORY

90/15917/D - Change of Use from Office to Nursing Home for the Elderly - approved - 15.02.1991

91/16986/D - Change Of Use To Residential Home For The Elderly Including Part Single/Part Two Storey Extension - approved - 11.03.1992

93/00840/DLB - Formation of Raised Terrace at Patio Door - approved - 27.10.1993

93/18572/D - Variation of Condition 4(D16986) to increase bed spaces to 26 no & form raised terrace at patio door - approved - 28.10.1993

PUBLIC PARTICIPATION

Five letters of objection have been received regarding the application. The main issues arising are: -

- 1 The development will have an adverse impact on the character and appearance of the conservation area
- 2 The development will result in overlooking of neighbouring properties
- 3 The development will have an adverse impact on the appearance of the listed building
- 4 The development will result in increased traffic in the area
- 5 The development will have an adverse impact on the amenity of surrounding residential properties
- 6 There is insufficient parking in the area
- 7 The proposal is of poor design quality

These points will be addressed in full in the Observations section of this report.

CONSULTATIONS

The Director of Environmental and Consumer Protection has requested that a condition be included in any consent granted, covering noise levels from any mechanical/ electrical services. No other adverse comments have been received regarding the application.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above

Dundee Local Plan 1998

With regard to policy H12 this sets out the criteria for which a residential home (or extension) would be acceptable. These cover parking and open space provision, outlook and proximity to public transport and other residential homes. The nursing home is conveniently located for public transport and is outwith 0.5km from the another residential home. In terms of the number of parking spaces that require to be provided the agents have not supplied the information that was requested by the Council in order to assess this requirement. The information submitted indicates that a total of 41 bedspaces are to be provided and 11 parking spaces exist on site. There is an emphasis placed on the amount of on street parking in the vicinity. It does not indicate however, the number of resident and non-resident staff working at the facility, which was specifically requested.

The requirements regarding open space are based on the number of residents and maintaining an open sunny outlook. The required garden ground/ landscaped area is 410m2. As the extension is taking up the majority of garden ground associated with 10 Dudhope Terrace, the area of ground which is/was associated with number 11 is being utilised. Although this area is sloping it does amount to some 600m2 and is south facing, albeit with the existing buildings being to the south. It is considered that although the proposal meets the majority of criteria associated with policy H12 a crucial element i.e. parking provision has not been satisfied. Sufficient off street parking associated with any use in this area of the city is very important. There have been complaints from residents in the area related to parking problems and it is a point, which has

been raised by an objector. The onus is on the applicants to demonstrate adequate off street parking. As they have not done this, they have not satisfied the criteria of H12 and therefore the proposal is contrary to it.

In terms of Policy BE1 - "Design Quality" the main criteria outlined are scale, form, siting, alignment, materials and landscaping, with the Council expecting the highest standards of design and integration with its surroundings. The scale of the existing building is fairly substantial with an imposing mass. However it does not stand out because many of the other buildings in the immediate area are similar. The proposed extension has a footprint similar to the existing building but is greater in height. Many of the surrounding buildings have been extended or have development in their curtilage which significantly smaller than the proposal. Extensions to important buildings should always play a subordinate role to the main building especially on major elevations. The proposal is to be on higher ground, which again will emphasise its mass in relation to the main building. In terms of its alignment, the general pattern of development in this area is large linear plots aligned north/south, with the buildings within them taking a similar orientation. In this case, the proposal is aligned east/west and requires curtilage from the neighbouring property. This establishes a more horizontal layout, which goes against the general pattern of development and does not respect the established building spacing, alignment, and orientation. The form of the extension is clearly different from the listed building. The listed building has different massing, architectural details such as bay windows, deep reveals on vertically emphasised sash and case windows, chimneys, brattishing, a cupola and conspicuous rainwater goods. The proportions of the building have a strong solid to void and wall to roof ratio. The proposed extension pays little attention to these factors. The proportions of the building, particular the wall to roof ratio, are significantly different whilst the elevations contain little visual interest in terms of features such as rainwater goods, chimneys, or deep reveals on vertically emphasised windows to create shadowlines. A lack of architectural interest diminishes the appearance of the building in its own

right but also ensures that it does not integrate with its surroundings. For these reasons it is considered the proposal is contrary to policy BE1.

The main criteria of Policy BE2 - "Townscape Quality" are whether new spaces and points of architectural are created and whether development reflects historic street patterns. It also indicates that significant views and vistas should be protected. In terms of the first three criteria these have already been outlined under the previous policy. With regard to the latter, one of the features of the Law Terraces Conservation area is the linear street pattern, which lends itself to views, particularly along Douglas Terrace. A significant aspect of the area is the relatively low density of development. Even though the original buildings are fairly substantial they are set back from the high boundary walls that are evident along the south side of Douglas Terrace (the north of the development site). Although also there have been some examples of incongruous development (particularly two dwellinghouses in gardens to the rear of Dudhope Terrace) these buildings do not dominate the vista created along Douglas Terrace. The proposed extension, particularly the oversized roof, will be extremely visually prominent and will have a detrimental effect of the character and appearance of the conservation area. Even though the roofs are hipped they start immediately adjacent to the boundary wall and will encroach onto the space between the wall and the original building (another aspect of the area) in a negative manner, which the existing surrounding buildings, do not. In this respect it is considered the proposal will damage significant views and vistas in the conservation area and would be contrary to Policy BE2.

Policy BE3 - "Use of Materials." It is considered that the use of buff roughcast and interlocking concrete roof tiles are inappropriate for a conservation area and would be detrimental to the character of the surrounding area. The majority of buildings in the area are older natural stone and slated roofed buildings. The proposed materials would not be in harmony with the finishes on these buildings and would be incongruous, especially given its position and scale. The proposal is contrary to this policy.

Policy BE4 - "Development in Garden Ground." Many of the criteria have already been assessed in consideration of previous policies. However it is considered that the proposal fails to meet the following criteria. A) - use of materials; C) - development covering 40% of garden ground and G) - prominent elevations should remain largely intact. No sufficient justification has been submitted which would justify a departure from the terms of this policy. In this respect the proposal is contrary to Policy BE4.

Policy BE11 - "Development in Conservation Areas." The character of the conservation area is one of linear streets flanked by sloping sites, containing substantial stone and slate villas, set in generous plots, providing fairly low density development. The character is therefore derived largely from the mass of the buildings, their materials, the spaces between them and their boundary walls and the views that this presents both east and west along the streets and north and south when addressing the slope. As demonstrated in previous policy considerations the proposal would have a detrimental effect on all of these features. It is therefore contrary to this policy.

With regard to Policy BE17 - "Alterations to Listed Buildings" it is accepted that the current proposal does not alter the existing listed building fabric in a significant way. However the northern elevation of the existing building is visually interesting and is well set into its surroundings. Impressive features such as the massing of different elements, the cupola and battishing, the proportions and style of the windows and roof all contribute to the visual interest when viewed from the north. The current proposal will interrupt all of these features to the detriment of the building's setting and its historic and architectural character. The proposal is therefore contrary to Policy BE17.

Dundee and Angus Structure Plan 2001 -2016

Environmental Resources Policy 6 of the Dundee and Angus joint Structure Plan 2001 seeks to ensure that new development makes a positive contribution to the identity, character and strategic quality of the built environment. It is considered that for reasons outlined above this proposal

does not make a positive contribution to these areas and therefore is contrary to the policy.

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

Other Material Considerations

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

Finalised Dundee Local Plan Review

Policy 10: Non Mainstream Residential Uses

Policy 15: Development in Garden Ground

Policy 55: Urban Design

Policy 60: Alterations to Listed Buildings

Policy 61: Development in Conservation Areas

Policy 62: Demolition of Listed Buildings and Buildings in Conservation areas.

NPPG 18 Planning and the Historic Environment

The Memorandum of Guidance on Listed Buildings and Conservation Areas

The supporting statement submitted by the applicants.

The issues raised by Objectors.

The criteria associated with policy 10 are similar to, but more detailed than H12 of the 1998 plan. It is considered that the proposal would fail to meet criteria A); D) and F). The reasons for this are the amenity of neighbours would be adversely affected by virtue of its design, in particular it's scale and appearance; insufficient information has been submitted to determine whether parking provision is adequate and the design does not reflect the scale, mass and materials of adjacent buildings.

Finalised Dundee Local Plan Review

The criteria associated with policy 15 have been assessed under policy BE4 above. One additional criterion to policy 15 is that prevailing densities in the area are respected. It is considered for reasons stated previously (in the assessment of BE1, BE2, BE4 and BE11) that the proposal does not fulfil this criteria.

Policy 55 covers the areas stated in policy BE2 of the 1998 plan. The same consideration is given as stated under that policy previously.

Policy 60 reflects policy BE17 of the 1998 plan, however it is worded slightly differently. It states that alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest. It is considered that as the extension will cut across the northern elevation of the listed building, it's architectural integrity and historic interest will be adversely affected.

Policy 61 incorporates many of the criteria of policy BE11 of the 1998 plan however it goes further in indicating that features such as unlisted buildings and landscaping should be retained. The proposal necessitates the removal of a fairly substantial and ornate garage/store to the north of the site. It appears that this building is not listed (from an assessment of cartographic records) but architecturally and due to it's siting it does contribute to the character of the conservation area. Its removal therefore would be detrimental.

Policy 62 elaborates on 61 and indicates that where unlisted buildings are proposed for demolition, comprehensive information regarding its condition, marketing history and feasibility/viability studies to assess its retention should be submitted. The applicant's agents included a paragraph in their supporting evidence indicating that the building was in poor condition, structurally unsound, filled no positive function for the nursing home and it's removal would not impinge on the integrity of the nursing home. It is considered that such information does not fulfil the terms of the policy and is not sufficient to justify demolition of the building.

With regard to the terms of NPPG 18, para. 12 indicates (reflecting the requirements of section 59 of the Planning(Listed Buildings And Conservation Areas)(Scotland)Act 1997) that when assessing applications for planning permission for development affecting a listed building or its setting, special regard should be paid to the desirability of preserving the building, it's setting or special architectural/historic features it possesses. With regard to Conservation

areas, para.13 indicates (reflect the requirements of section 64 of the act) that when assessing applications which affect a conservation area attention should be paid to preserving or enhancing its character and appearance. It has been demonstrated under previous policy considerations that the development will have an adverse affect on both the character and appearance of the conservation area as well as the setting of the listed building. The proposal is contrary to the statutory requirements and the terms of NPPG 18.

The memorandum Of Guidance on Listed Buildings and Conservation Areas sets out the Scottish Ministers' views on development affecting listed buildings and conservation areas. In terms of additions and extensions to listed buildings para. 6.0.0 indicates that additions should always play a subordinate role to the main building in terms of scale, detail, location and materials and should never overlay principal elevations. Para.8.4.0 covers new curtilage development. It indicates that no building of similar or greater bulk should be erected close to the main listed building and principal elevations should remain visible from all viewpoints. It also states that development in front gardens of large suburban houses which destroys the relationship between the house and the adjacent streets should not be permitted. (Although in this case development is proposed in the rear garden the principle is still the same). In terms of assessing new development in conservation areas the memorandum re - iterates the statutory requirements and the guidance of NPPG 18.

The supporting statement submitted by the applicants has been summarised in the first section of this report. It is considered that the statement relies heavily on the examples of development in adjacent garden ground, which it is accepted are of poor design quality and do little to preserve or enhance the special character of the area. However just because this development has taken place in the past (and the reasons for this are not readily available) does not justify adding more inappropriate development. Bad precedents are not ones to follow. The proposal has been assessed on its individual merits in line with development plan policy and other material considerations.

The statement further makes a case for the need for the extension due to legislative changes. Even if the council have sympathy with this situation such requirements cannot be fulfilled at the expense of the built environment, to the longer term detriment of the area.

The statement sets out justification for the siting and design of the building. It indicates that the building will be less conspicuous because the majority will be below the northern boundary wall and will therefore not impact on views along Douglas Terrace. It also states that the materials employed are similar to those used on other developments in the area. These claims are discussed elsewhere in this report and are not supported by the council.

Describing the council's leaflet on the character of the Law Terraces Conservation area, the applicant's claim that it is desirable to seek development changes in the conservation area. New development is welcomed in conservation area where appropriate. However it must promote quality and pay attention to the character and appearance of the area. It is contended that the current proposal does neither.

There is a claim made that because modern designs are being employed on the adjacent DRI site that similar considerations should be given to this proposal. The circumstances regarding new build houses in the DRI site will have been assessed in relation to that project. The current proposal is to be assessed on its own merits in line with its context, which maybe entirely different to considerations at other sites. It is not the case that certain assumptions regarding other developments can be made and applied in any situation.

Many of the points raised by objectors have already been considered in the report. Two points that have not so far been covered are the issue of overlooking into neighbour's windows and increased traffic. The extension will be some 15m away from the nearest property (to the west which is a business) with all other residences some 20-25m away. The properties to the north are on higher ground and are separated by a high boundary wall of which all the windows will be behind. It is considered that the distance, land level changes and boundary enclosures will ensure that no overlooking will

occur. With regards to increased traffic in the area it is considered that the lack of clarity on parking provision could lead to a rise in on street parking, which the council seeks to try and avoid. This may have a bearing on traffic flow in the area but it is not necessarily true that the extension to the nursing home will lead to a significant increase in traffic. Obviously some new traffic will result from the development, but it is unlikely to amount to an unacceptable increase.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

Design

It is considered that the design of the building does not contribute to the preservation or enhancement of the conservation area or respect the architectural or historic character of the listed building. The siting, scale, mass and materials employed are unacceptable and at odds with the character and appearance of the conservation area and obscure an important elevation of a category B listed building. The design of the proposed extension does not promote quality and innovation.

CONCLUSION

It is considered that the proposed extension does not contribute to the character and appearance of the conservation area and does not respect the listed building it is positioned adjacent to. The siting, design and external appearance are viewed as unacceptable and contrary to the terms of the development plan which promotes quality innovative design to enhance the built environment. There are no material considerations, which justify a departure from the terms of the development plan, and accordingly refusal of the application is recommended.

RECOMMENDATION

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

Reason

- 1 That the proposal is contrary to policy H12 of the Dundee Local Plan 1998 by virtue of the fact that the applicants have not demonstrated that adequate parking arrangements can be provided.
- 2 That the proposed extension is contrary to policies BE1, BE2, BE3, BE4, BE11 and BE17 of the Dundee Local Plan 1998 by virtue of it's siting design, external appearance and impact on the conservation area and listed building.
- 3 The proposal is contrary to Environmental Resources Policy 6 of the Dundee Angus Structure Plan 2001-2016 in as much as it does not make a positive contribution to the built environment because of its siting, design and external appearance.
- 4 The proposal is contrary to paragraphs 12 and 13 of NPPG 18 by virtue of the fact the proposal does not pay special regard to the historic and architectural interest of the listed building and does not preserve or enhance the character and appearance of the conservation area, respectively.
- 5 The proposal is contrary to the advice contained in the Memorandum of Guidance on Listed Buildings and Conservation Areas as it does not play a subordinate role in terms of scale, detail, location and materials; it overlays an important elevation of a listed building and it adversely affects the relationship of that building and the adjacent roadway.
- 6 The proposal is contrary to policies 10, 15, 55, 60, 61 and 62 of the finalised Dundee Local Plan 2003 by virtue of inadequate parking provision, siting, design and external appearance of the extension, impact on the conservation area and listed building and insufficient justification for the demolition of the building within the curtilage.