

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 25 Nov 2002

Case Officer R Anderson



Proposed Nursing Home Extension in Dudhope Terrace

A listed building application for a two 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

- Listed Building Consent is sought for the extension of an existing nursing home at the above premises. The extension, covering some 400m² (800m² floorspace) is located within the Laws Terraces Conservation Area and extends a category B Listed building.
- The applicants submitted supporting information with the proposal, which indicated that the siting design and external appearance of the extension was acceptable, and in keeping with other more recent developments in the area. It further indicated 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, adverse impact on the appearance of the listed building 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. The proposal is contrary to the terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (and associated guidance) and the Dundee Local Plan 1998. 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 dry dash rendered walls with a series of hipped roofs, clad in concrete roof tiles and timber or UPVC windows. Basically "L" shaped in plan, the extension covers an area of some 400m² (overall floorspace some 800m²) and reaches an overall height of some 9.5m. 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. The main issues arising are: -

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.

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.

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.

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.

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.



The current development at Dundee Royal Infirmary, adjacent to this site, demonstrates how a listed building can be redeveloped introducing modern appropriate alternative designs.

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

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

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

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 26no & 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: -

The development will have an adverse impact on the character and appearance of the conservation area

The development will have an adverse impact on the appearance of the listed building

The proposal is of poor design quality

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

CONSULTATIONS

No adverse comments have been received regarding the application.

OBSERVATIONS

In accordance with the provisions of Sections 59 and 64 of the Act the Committee is required to consider

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

NPPG 18 Planning and the Historic Environment

With regard to the terms of NPPG 18 para. 12 indicates (reflecting the requirements of section 59 of the Planning(Listed Building And Conservation Area)(Scotland)Act 1997) that when assessing applications 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.

The form of the extension is clearly different from the existing building. The existing listed building has different massing, finished materials, 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 design of 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 do not contain any visual interest in terms of features such as rainwater goods, chimneys, or deep reveals on vertically emphasised windows to create shadowlines. The finished materials are seriously at odds with the main building. A lack of architectural interest of any real kind does not improve the appearance of the building in it's own right and does not integrate it with the main building (and many of the surrounding 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 important and visually interesting whilst being well integrated with its surroundings. Impressive features such as the massing of different elements, the cupola and brattishing, the proportions and style of the windows and the roof all make valuable contributions. The current proposal will obscure these features to the detriment of the appearance and setting of the building and it's historic and architectural character.

With regard to Conservation areas para.13 indicates (reflecting 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. Para. 51 outlines the national policy on demolition of unlisted buildings 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 a 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.

The existing building is a fairly substantial Victorian building of imposing mass and scale. However it does not stand out because many of the

other buildings in the immediate area are of a similar scale and character. The proposed extension will have a similar footprint and will be higher. Development in neighbouring curtilages, whether it be extensions or detached buildings, are generally smaller scale than the proposal. Extensions to important buildings and curtilage development should always play a subordinate role to the main building especially when viewing major elevations. The proposed extension will be developed on higher ground, which will again emphasise its mass in relation to the existing building. In this respect it be at odds with the general pattern of development to the detriment of the area.

In terms of plot orientation the area generally contains linear plots aligned north/south, with the main buildings orientated similarly. In the case of the proposed extension the main emphasis is east/ west. It is also the case that garden ground is required from what would appear to be the original neighbouring curtilage. This further emphasises a more horizontal layout both in the plot created and the alignment of the building. This goes against the general pattern of development and does not respect the established building spacing, alignment, and orientation.

With regard to the impact on views into the conservation area and significant vistas, one of the main features is the fairly linear street pattern, which lends itself to longer-term views, particularly along Douglas Terrace. Another significant feature is the relatively low density of development and the spaces created. 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 has been some examples of incongruous development (particularly two dwellinghouses in gardens to the rear of Dudhope Terrace) these buildings do not tend to dominate the vista created along Douglas Terrace when viewed from the east and the west. It is considered that the proposed extension, particularly the oversized roof, will be extremely visually prominent when viewed from Douglas Terrace, that it 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 in a manner that the existing buildings in these gardens do not. In this respect the proposal will damage significant views and vistas, to the detriment of the character and appearance of the conservation area.

In terms of the materials used 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 and appearance of the area. The majority of buildings are older natural stone and slated roofed buildings. The proposed materials would not be in harmony with these finishes and would be incongruous, especially given its elevated position and scale. Conservation Areas should be areas where new quality development that respects it's surroundings whilst ensuring the area's evolution can be achieved. This may involve the use of modern innovative materials. It is not the case that finished materials must be the same as all the surrounding buildings. However it is considered that the proposed materials are neither quality, innovative or pay any respect to surrounding properties that give the area it's unique character.

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. Where unlisted buildings are proposed for demolition, comprehensive information regarding their condition, marketing history and feasibility/viability studies to assess their potential for 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 statutory requirements

and is not sufficient to justify demolition of the building.

It has been demonstrated 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

The memorandum sets out the Scottish Ministers' views on development affecting listed buildings and conservation areas. In terms of additions and extensions to listed buildings par. 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, whilst paras 4.26 - 4.32 covers the demolition of unlisted buildings in Conservation Areas, indicating that there is a general presumption against demolition of buildings which contribute to the area, with a requirement for comprehensive justification for any demolition proposals.

These issues have been assessed above and it is considered that the proposal is contrary to the guidance set out in the memorandum.

The Development Plan

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

In terms of assessing the proposal against the general 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.

These issues have been assessed above and it is considered that the proposal is contrary to this policy.

In considering the proposal in terms of Policy BE2 - Townscape Quality the main criteria are whether new spaces and points of architectural interest are being created and whether development reflects historic street patterns. It also indicates that significant views and vistas should be protected. These issues have been assessed above and it is considered that the proposal is contrary to this policy.

With regard to Policy BE3 - Use of Materials the main emphasis is the promotion of appropriate imaginative materials in harmony with the character of their surroundings. These issues have been assessed above and it is considered that the proposal is contrary to this policy.

In relation to Policy BE4 - "Development in Garden Ground" many of the criteria have already been assessed in previous sections. 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 and the proposal is therefore contrary.

Policy BE11 - "Development in Conservation Areas." A detailed analysis has been undertaken previously on the impact of the proposal on the conservation area. The policy expects that new development in these areas should complement and enhance its surroundings. In this case it is considered the proposal does not and therefore it is contrary to this policy.

Policy BE17 - "Alterations to Listed Buildings" indicates that development affecting listed buildings should have regard for its architectural and historic character. As has been demonstrated the current proposal does not and is therefore contrary to this policy.

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 statutory requirement as outlined in NPPG 18 and the Memorandum of Guidance or 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 2003

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.

The supporting statement submitted by the applicants.

The issues raised by Objectors.

The criteria associated with policy 15 are similar to that of BE4 above. One additional criterion to policy 15 is that prevailing densities in the area are respected. It is considered for reasons stated previously that the proposal does not fulfil these 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, its 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. This point has been assessed in previous sections and it is considered that the proposal is contrary to it.

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. Again this point has been assessed earlier and it is considered that the proposal is contrary to this policy.

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. A bad precedent is not one 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 may have some sympathy with the applicants need to provide additional accommodation such requirements cannot be 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 the conservation area where it promotes quality and pays attention to the character and appearance of the area. It is contended that the 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 the acceptability of new build houses in the DRI site will have been assessed in relation to that project and found to be acceptable. 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.

All of the points raised by objectors have already been assessed in this report. The council is in agreement with all of them.

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 listed building consent contrary to the statutory requirement. It is therefore recommended that consent 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 adjacent to. The

siting, design and external appearance are viewed as unacceptable and contrary to the terms of NPPG 18, the Memorandum of Guidance and the development plan, which all promote quality, innovative design to enhance the built environment. There are no material considerations, which justify a departure from the terms of these documents, and accordingly refusal of the application is recommended.

RECOMMENDATION

Reasons

- 1 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.
- 2 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; it adversely affects the relationship of that building and the adjacent roadway and insufficient justification has been submitted for the demolition of the unlisted building in the curtilage.
- 3 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.
- 4 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.
- 5 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.