

KEY INFORMATION

Ward Baxter Park

Proposal

Renewal of consent for change of use from workshop to dwelling

Address

The Canopy Workshop
Gibson Terrace
Dundee DD4 7AG

Applicant

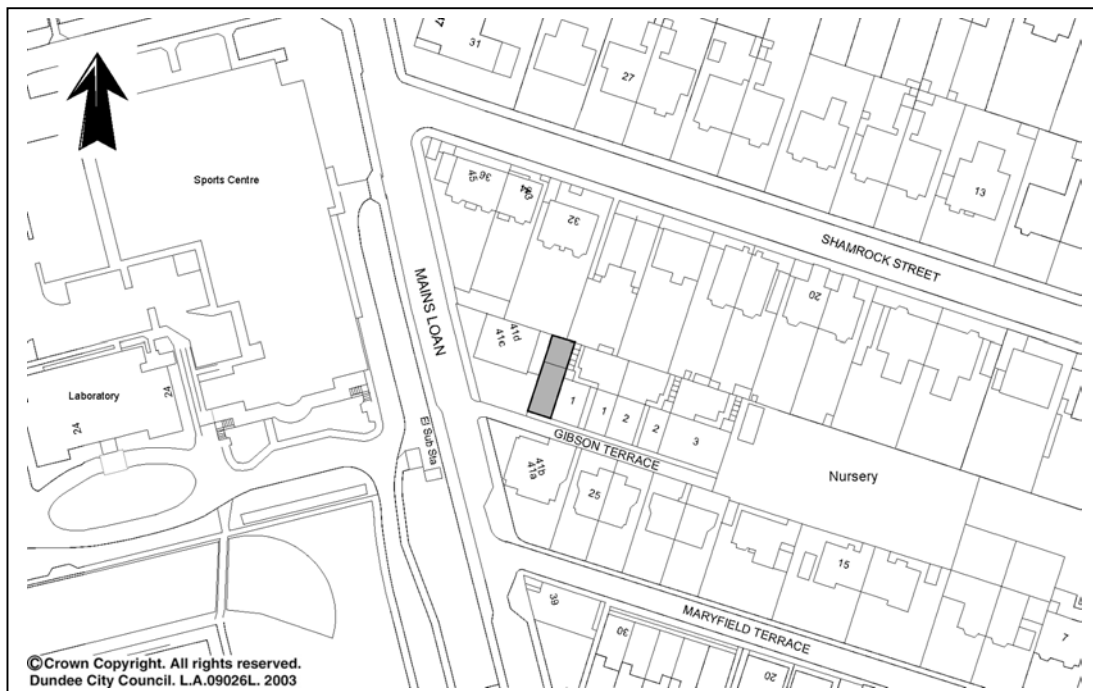
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Registered 25 May 2004

Case Officer Julie Finlay



Conversion of a Workshop to a House Proposed in Gibson Terrace

The Renewal of consent for change of use from workshop to dwelling is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed change of use is contrary to Policy H10 of the Dundee Local Plan 1998 and Policy 4 of the Finalised Dundee Local Plan Review. There are material considerations such as the previous permissions for the site and its location within a conservation area that justify granting planning permission in these circumstances. Accordingly the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the renewal of consent for change of use from workshop to dwelling at Gibson Terrace, Dundee
- Policy H10 of the Dundee Local Plan 1998 and Policy 4 of the Finalised Dundee Local Plan Review are relevant and specify the criteria to be met for housing development at this location which is just outwith the inner city boundary. The criteria to be met includes 120sqm of garden ground, a car parking space and 18m between facing windows of habitable rooms.
- The proposal is contrary to policy H10 of the Dundee Local Plan 1998 and Policy 4 of the Finalised Dundee Local Plan Review as the house will only have one bedroom and the garden ground is about 40sqm.
- It is considered that there are material considerations to justify approval of the application contrary to the provisions of the development plan such as previous change of use for the property being granted contrary to policy, change of use of an existing building, its location within a conservation area, an established residential area and provides off street parking on this narrow street.

DESCRIPTION OF PROPOSAL

Planning permission is sought to renew an unexpired, existing planning permission for change of use from a workshop to dwelling at Gibson Terrace. The proposed dwelling will have a lounge, kitchen and small store on the ground floor and a bedroom and bathroom on the upper level. The floor area of the building is approximately 40sqm and the garden area will be 40sqm. Two parking spaces are proposed at the front (south) end of the site.

SITE DESCRIPTION

The application site is located on the north side of Gibson Terrace and it is a one and a half storey detached building which is set back at the north end of the site and about 13m from Gibson Terrace. The building is finished in dry dash walls, slate roof and double dormer on the front elevation. The entrance door and two windows are located on the south (front) elevation. There is a timber shed and external stores at the front end of the site. There are no windows on the other three elevations.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 1998

The following policies are of relevance:

H10: Design of New Housing - The design and layout of any new housing will generally conform to the guidelines. This includes the requirement for 120sqm of garden ground, 18m between facing windows of habitable rooms and a car parking space.

BE11: Development in Conservation Areas - Within conservation areas all development proposals will be expected to complement and enhance the character of the surrounding area

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:



Policy 4: Design of New Housing - The design and layout of all new housing in Dundee should be of a high quality. New development should conform to the Design Standards. A minimum garden size of 120sqm should be provided, 2 car parking spaces, 75% of houses should have 3 or more bedrooms and 18m between facing habitable rooms.

Policy 61: Development in Conservation Areas - Within conservation areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features which contribute to the character and appearance including unlisted buildings of townscape interest, trees and landscape features and the historic pattern of streets and spaces.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application.

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

LOCAL AGENDA 21

Local Agenda Key Theme 15 is relevant to the consideration of the application and seeks to ensure that diversity and local distinctiveness are valued and protected.

SITE HISTORY

Planning permission was granted for change of use to a dwelling on 18.11.99 and a condition was attached to ensure that there are no window openings on the north elevation.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and two letters were received from neighbouring residents stating concerns about potential overlooking if any windows or openings are inserted into the north elevation. It was confirmed that there will be no windows or openings on this elevation and that a condition will be attached accordingly. Therefore they do not wish to formally object.

CONSULTATIONS

No adverse comments were received from statutory consultees

OBSERVATIONS

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

- whether the proposals are consistent with the provisions of the development plan; and if not
- 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.

Policy H10 requires 120sqm of garden ground, a car parking space and 18m between facing habitable windows.

The proposal involves conversion of an existing building and no additional extensions are proposed. The building is set back at the north end of the site and this leaves the front area only for parking and garden ground. Although only 40sqm of garden ground is provided, only one car parking space is required for a one bedroom house. Therefore this will leave approximately an additional 13sqm garden ground.

The property is located on the boundary of the inner city area, where only 50sqm per dwelling is required for garden ground. As the proposal is only for conversion of an existing building and only one bedroom is being provided, it is considered that the garden ground requirement can be set aside in these circumstances. In addition, an off street parking space is being provided on this narrow street, where the majority of parking is on street.

Policy BE11 advises that all development proposals should complement and enhance the character of the surrounding area. As previously discussed, the proposal is only for conversion of an existing building and no external alterations are proposed to the building and therefore the character and appearance will be maintained. The building is currently used as a workshop and this use could be detrimental to surrounding residents if the use changes to a more noisy business and subsequently adversely change the character of the area. Therefore it is considered that residential use is more suitable for the location.

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

Policies 4 specifies the criteria to be met for new housing development and it is considered that the proposal fails to comply with the garden ground requirements, as previously discussed.

Policy 61 refers to development in conservation areas and as discussed above it is considered that the proposal complies with this policy.

Other Material Considerations

Planning permission was granted in November 1999 for change of use to a dwelling and this is a material consideration in the determination of the current application. There have been no material changes in circumstances, apart from the emergence of the Finalised Dundee Local Plan, which raises no new issues for consideration.

It is concluded from the foregoing that sufficient weight can be accorded to 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 granted with conditions.

Design

No external alterations are proposed at this stage for the building and so there are no design issues to be considered.

CONCLUSION

The proposal is contrary to Policy H10 of the Dundee Local Plan 1998 and Policy 4 of the Finalised Dundee Local Plan Review as there is insufficient garden ground provided with the development. However there are material considerations that justify approval of the application such as the previous planning permission, its location within a conservation area, change of use of an existing building with no additional extensions proposed, an established residential area and the provision of off street parking spaces. Therefore the application is recommended for APPROVAL subject to conditions.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:-

- 1 The development hereby permitted shall be commenced within five years from the date of this permission
- 2 There shall be no windows, openings, vents or extraction pipes located on the north elevation

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To protect the amenities of the occupants/owners of nearby properties