

KEY INFORMATION

Ward Riverside

Proposal

Change of use from 9 bedroom flat to be converted into two 3 bedroom flats with elevational alterations

Address

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Applicant

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Registered 13 Sep 2004

Case Officer J Robertson



A change of use from a 9 bedroom flat into two 3 bedroom flats is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed document is considered to be contrary to Policy H10 of the Dundee Local Plan 1998 but is in accordance with the other provisions of the development plan. The material considerations provide sufficient weight to warrant approval of the application.

The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for a change of use from a 9-bedroom flat to two 3-bedroom flats at 30 Shaftesbury Place, Dundee.
- The proposed development raises issues for consideration in terms of Housing Policies H1 and H10 and Built Environment Policies BE11 and BE17 of the Dundee Local Plan and Policies 1,4, 60 and 61 of the Finalised Dundee Local Plan Review.
- The applicant submitted a supporting statement indicating the justification for the proposed development.
- The proposed development is considered to be contrary to Policy H10 of the Dundee Local Plan 1998 but is in accordance with the other provisions of the development plan. It is considered that the material considerations provide sufficient weight to warrant approval of the application contrary to the provisions of the development plan.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a change of use from a 9 bedroom flat to two 3-bedroom flats with elevational alterations. The alterations include the new dormer windows on the north and south elevations as well as replacement velux windows. The alterations also include the removal of an existing single storey building on the north elevation, which is presently used as a bed-sit. Two parking spaces will be provided on the north elevation and a small enclosed garden area. There is also a designated roof terrace on the north elevation.

The applicant submitted a supporting statement indicating the reason for the development due to a negative response to attain an HMO license for the property, as it exists. The applicant has indicated that by splitting the property into two flats the building would be substantially upgraded and would therefore become more commercially viable.

SITE DESCRIPTION

The application site is located on the south side of Shaftsbury Place with Perth Road to the south, Rockfield Street to the west and Shaftsbury Road to the north. The site is located in the West End Suburb Conservation Area. The application property is the upper floors of a 2 and a half storey Victorian terrace that is listed as category B. The property is finished in stone with a slate roof. The property is accessed by a walkway leading to the first floor on the north elevation. The ground floor of the property is currently in use as a flat. There is an existing bed-sit to the north of the property, which is to be demolished as part of the proposed development. There is no existing garden ground or off street parking.

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:

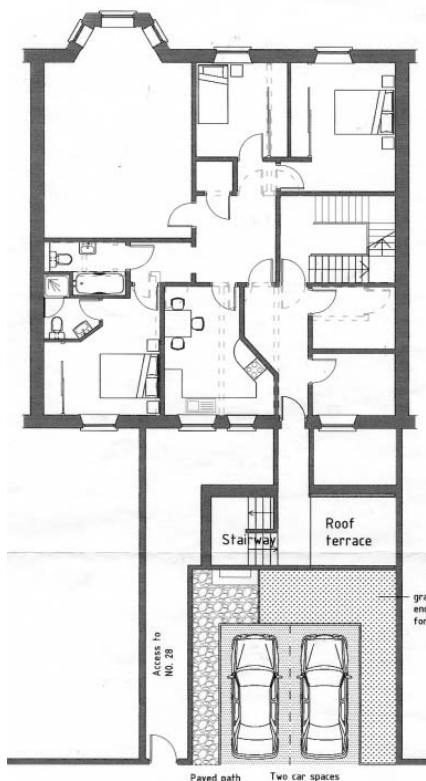
Housing Policy H1: Existing Residential Areas, seeks to ensure

development does not adversely affect the environmental quality enjoyed by local residents.

Housing Policy H10: Design of New Housing, sets out guidelines for design and layout of any new housing.

Built Environment Policy BE11: Development in Conservation Areas, all development proposals expected to complement and enhance the character of the surrounding area.

Built Environment Policy BE17: Alterations to Listed Buildings, only acceptable where proposals have regard to the restoration or enhancement of its architectural and historic character.



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 1: Vibrant and Sustainable Communities

Policy 4: Design of New Housing

Policy 60: Alterations to Listed Buildings

Policy 61: Development in Conservation Areas.

Scottish Planning Policies, Planning Advice Notes and Circulars

The Memorandum of Guidance on Listed Buildings and Conservation Areas is of relevance to 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

The Key Theme relevant to this application are:

Key Theme 13 seeks to ensure that places, spaces and objects combine meaning and beauty with utility.

Key Theme 15 seeks to ensure that diversity and local distinctiveness are valued and protected.

The proposal satisfies the Council's Agenda 21 policies by providing an acceptable change of use of the existing house and retains the character of the existing building.

SITE HISTORY

87/12315/D - Change of Use of one house to 2 flats - Approved with conditions - 09/06/1987.

04/00771/LBC - Internal and external alterations to form 2, 3-bedroom flats - Pending Decision.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the application was advertised in the "Dundee Courier and Advertiser" on the 27 September 2004 as a departure from the development plan. No objections were received.

CONSULTATIONS

The Head of Environmental Health and Trading Standards advised that subject to a condition covering internal noise levels he had no objection to the proposed development.

No adverse comments were received from any of the other statutory consultees.

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

Also in accordance with the provision of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, under Section 59 the Council is required to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possess. And in accordance with Section 64 the Council is required to have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The Development Plan

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

Housing Policy H1 seeks to ensure that new development does not adversely affect the environmental quality of the neighbouring residents in the existing residential area. The proposed development seeks to provide a better residential environment for residents at the property by providing two 3-bedroom flats that have separate kitchen and living facilities. The reduction in the number of residents living in one property will improve the residential quality of the area. The property at present has 9 bedrooms with shared bathrooms and kitchen facilities and no separate living accommodation. The proposed flats will reflect the existing use on the ground floor of the property. The proposed development will provide a small area of garden ground and two off street parking spaces, one space per flat, whereas at present neither exists. The provision of parking will relieve

pressure of street parking on surrounding streets. The reduction in residents will therefore also reduce parking pressures in the area. The proposed changes to the rear of the property will have a positive visual impact on the streetscape of Shaftsbury Place. The external alterations associated with the change in use include dormer windows on the front and rear elevations. The proposed dormers will reflect the existing scale and design of dormers on the existing property and surrounding properties within the terrace. It is considered that the development will not have a detrimental affect on the environmental quality enjoyed by the neighbouring residents and therefore complies with Housing Policy H1.

Housing Policy H10 sets out the local plan guidelines for new housing development. The policy seeks to ensure that in this inner city location the development respects the surroundings and meets the relevant guidelines as set out by the local plan. The proposed development is for two three bedroom flats. There are approximately 15 square metres of private garden ground to the rear of the property. This area is located to the south of the parking area and will be fenced off for privacy. The development also provides a roof terrace of approximately 6 square metres. The terrace will be located to the west of the walkway and given that it is at first floor level will provide a private space. The terrace has boundaries to the west and north to reduce overlooking of adjacent properties. As indicated in the supporting statement submitted by the applicant there is no existing amenity space for the property. It is therefore considered that the proposed space whilst not substantial provides two private areas, which can be used by the proposed flats and will therefore improve the residential amenity of the property. In terms of parking provision the local plan guidelines indicates that 100% parking should be provided and that 30% visitor parking should be provided where roads are narrow. The proposed development provides one car parking space per flat but does not provide any visitor parking which is required given the narrow nature of Shaftsbury Place. The applicant has indicated within the supporting statement that currently due to the number of residents at the property parking is problematic and while there

are only two spaces provided for the development the number of residents and subsequent pressure on parking would be substantially reduced. While Shaftsbury Place is narrow there are no parking restrictions that would prevent additional parking on the road. Rockfield Street to the west and Hyndford Street to the east are wide roads, which may be able to provide space for short-term visitor parking.

It is considered that the proposal is contrary to Policy H10 in terms of parking provision.

Built Environment Policy BE11, development in conservation areas is required to complement and enhance the character of the area. The proposed change of use will improve the residential quality of the existing property and the surrounding area. The elevational alterations include a dormer extension on the front and rear of the property. The two dormers will be designed to complement the existing dormers on the property in terms of scale and form. The elevational alterations will reflect the existing character of the area. It is considered that the proposed development will not have a detrimental impact on the existing property or the surrounding area. The development is therefore considered to be in accordance with Built Environment Policy BE11.

Built Environment Policy BE17, alterations to listed buildings will only be acceptable where the proposal has regard to the restoration or enhancement of its architectural and historic character. The proposed development is considered to upgrade the existing property to provide two high quality flats. The external alterations have been designed to complement the existing scale and form of the existing dormers on the property and adjacent property. The design of the new dormers reflects the historic character of the building and will therefore not have a detrimental affect upon the listed building. The proposed velux windows will reflect the size and scale of the existing velux windows to the east of the roof. It would therefore be considered that the replacement of the existing roof lights with the proposed velux windows would not be detrimental to the visual character of the property. Therefore it is considered that the proposal is in accordance with Built Environment Policy BE17.

It is concluded from the foregoing that the proposal contrary to Policy H10 but does not contravene the other 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 1: Vibrant and Sustainable Communities reiterates Housing Policy H1 of the Dundee Local Plan 1998. Therefore with reference to the reasons set out for Housing Policy H1 of the Dundee Local Plan 1998 the proposal is considered to comply with Policy 1.

Policy 4: Design of New Housing advises that all new development should be of a high quality and will be required to conform to the Design Standards set out in Appendix 1 of the Local Plan. In terms of the standards set out for a development in an inner city area it is considered that the proposal is contrary to Policy 4.

Policy 60: Alterations to Listed Buildings are only acceptable where the proposals have regard to the preservation or enhancement of its architectural and historic character. With regards to the reasons given for Policy BE17 of the Dundee Local Plan 1998 it is considered that the proposal is in accordance with Policy 60.

Policy 61: Development in Conservation Areas is expected to preserve or enhance the character of the surrounding area. With regards to the reasons given for Policy BE11 of the Dundee Local Plan 1998 it is considered that the proposal is in accordance with Policy 61.

The Memorandum of Guidance on Listed Buildings and Conservation Areas seeks to ensure that any alterations to listed buildings preserve the architectural integrity of the building and any new internal and external features should harmonise with the surroundings. With regards to the proposed new dormers the guidance indicates that additional dormers that match the originals may be acceptable. With respect to the development in Conservation Areas the guidance seeks to ensure that new development respects the character of the area and contributes to its enhancement. It is considered that the

proposed development is in accordance with the Guidance.

Supporting Statement

The applicant submitted a supporting statement to justify the proposed change of use from a 9 bedroom flat to two 3-bedroom flats. The property is presently used as separate bed-sit properties however due to the introduction of the HMO licensing system the long term viability of the property is limited and early discussion with regards to attaining a license for the property as it exists had been negative. To return the building to a single dwelling was not considered as appropriate in terms of access to the property, limited garden space and the subsequent marketability of the property.

The applicant considered that with substantial upgrading the property could provide two high quality 3-bedroom flats. As identified in the reasons for Housing H4 of the Dundee Local Plan 1998, the present parking related to the site is problematic as there is no off street parking. The development will provide 2 car parking spaces, which alleviate current parking pressures, associated with the property. There is no visitor parking associated with the development however given the provision of 100% parking and the justification given by the applicant it is considered that appropriate parking provision will be attained. In terms of garden ground the applicant indicates that the current large property has no private open space however with the development of the two flats two small area of amenity space will be provided which are considered to be appropriate.

With reference to the listed building the applicant sees this development as a viable way to upgrade and preserve the building. The external alterations have been designed to reflect the existing historical character as observed in terms of Policy BE17 of the Dundee Local Plan 1998.

It is considered that the supporting statement submitted by the applicant provides a reasonable justification for the development proposed.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the granting of planning permission contrary to the provisions of the development plan. It is

therefore recommended that planning permission be granted with conditions

Design

The proposed development is a change of use from a 9-bedroom flat to two 3-bedroom flats with external alterations including two dormer extension. The proposed dormer extensions are designed to complement the character of the existing building and reflect the scale and form of existing dormers within the area. It is therefore considered that in design terms the development will not have detrimental visual impact on the existing property or surrounding area.

CONCLUSION

The proposed development is considered to be contrary to Policy H10 of the Dundee Local Plan 1998 but is in accordance with the other provision of the development plan. It is considered that the material considerations of the Finalised Dundee Local Plan and the supporting statement submitted by the applicant provide sufficient weight in support of the application contrary to the development plan. The application is therefore 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 Samples of the finishing materials of the proposed dormer extensions and the fencing associated with the amenity space shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 3 To the satisfaction of the Council internal noise levels within each individual living apartment shall not exceed 45dB(A) during the day and 35dB(A) during the night time. For the avoidance of doubt, daytime shall be 0700-2300hours and night time shall be 2300-0700 hours.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the proposed development has a satisfactory external appearance in the interest of the visual amenity of the area.
- 3 To ensure the protection of residential amenity of the proposed development.