

**KEY INFORMATION**

Ward Tay Bridges

**Proposal**

Erection of 2 No New Dwelling Houses

**Address**

Former Tay Rope Works  
Land at Magdalen Yard  
Road  
Dundee

**Applicant**

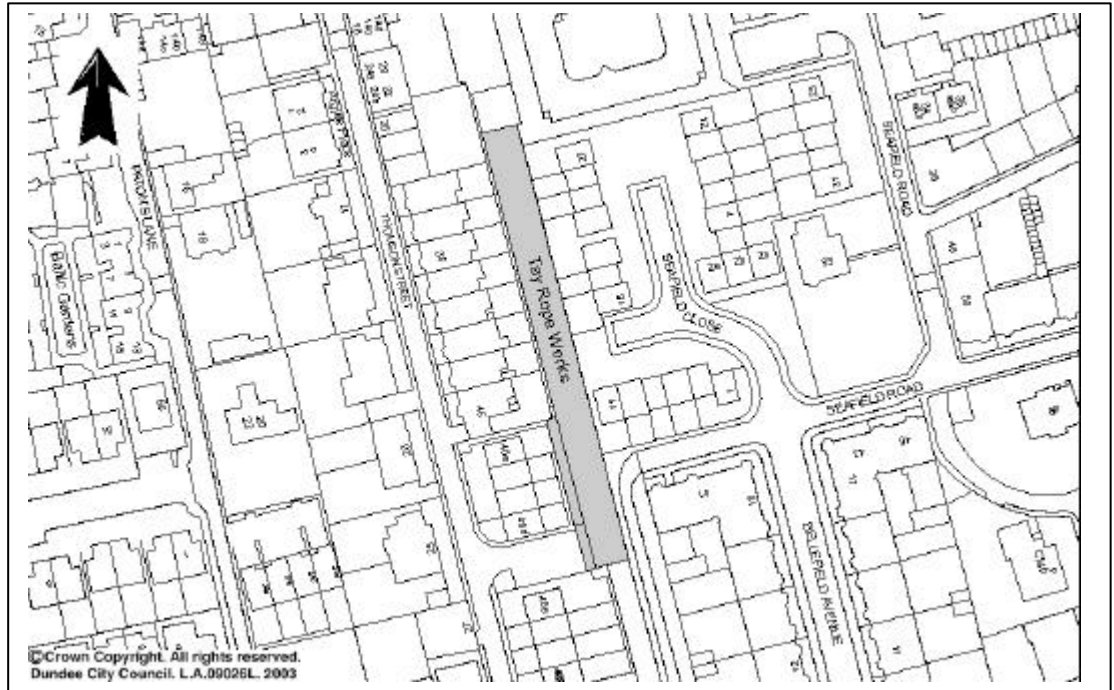
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Registered 25 Oct 2004

Case Officer D Gordon



# Two New Houses Proposed at Former Tay Rope Works

The erection of two new dwelling houses is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal would result in an adverse affect on the setting and character of the conservation area and would have a detrimental impact on the environmental quality of neighbouring residents and surrounding occupiers. There are no material considerations that would justify departing from the policies of the development plan in this instance.

**SUMMARY OF REPORT**

- Planning permission is sought for the erection of two dwellings at the Former Tay Rope Works, 55 Magdalen Yard Road, Dundee.
- The proposal raises issues for consideration in terms of the Vibrant and Sustainable Communities, Design of New Housing and Conservation Area Policies of the Dundee Local Plan Review 2005.
- Eighteen letters of objection and a petition with 25 signatures was received raising issues with regards to overlooking, overshadowing, loss of privacy, parking and traffic problems and affecting the setting of the conservation area.
- A letter of representation was received from West End Community Council with reference to the previous application, which was dismissed at appeal.
- It is considered that the proposed development is contrary to the Policies 1, 4, 55 and 61 of the Dundee Local Plan Review 2005 and there are no material considerations that would justify the setting aside of these policies and offering support for this application.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 2 houses on part the Former Tay Rope Works site at 55 Magdalen Yard Road, Dundee.

The proposal includes two detached dwellings with 3 bedrooms. One has an integral garage with one off street car parking space and the other has two off street car parking space and no garage. Each property has a garden ground in excess of 120 square metres. Vehicular access is to be taken off existing car parking areas off Thomson Street to the north and south west of the site.

## SITE DESCRIPTION

The application site is located in a background position to the north of Magdalen Yard Road behind the original facade of the Tay Rope Works and is located within the West End Lanes Conservation Area. Thomson Street is located to the west of the site, Seafield Close to the east and Thomson Street/Seafield Lane to the north. The application comprises of a long linear site, which forms an area of back land with the surrounding residential properties. The site is surrounded by 4 metre high brick walls, which are the original walls of the Rope Works. There are existing steel girders between the walls, which act as a support. The site at present is vacant and there is evidence of fly tipping into the site. To the east is a modern estate of 2-storey houses at Seafield Close and 4-storey stone-built tenement flats fronting Bellfield Avenue. To the west are two terraces of modern 2 storey houses, and a row of traditional 2-storey terrace villa's with dormers, which face Thomson Street. To the north there is a car park, which serves the existing residents in the area. To the south is an area of land connected with 55 Magdalen Yard Road.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

## Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities, seeks to minimise any effect on the environmental quality enjoyed by local residents.



Policy 4: Design of New Housing, sets out guidelines for design and layout of new housing.

Policy 55: Urban Design seeks to ensure high quality design in new development.

Policy 61: Development in Conservation Areas will be expected to preserve or enhance the character of the surrounding area.



## Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

SPP 3: Planning for Housing.

The SPP highlights that the aim of planning is to provide well-located, high quality new housing. The new

housing should make a positive contribution to the built environment and should be designed and laid out to provide lasting benefits.

NPPG18: Planning and the Historic Environment

The NPPG indicates that planning authorities should have regard to the acceptability of the proposal in terms of preserving and enhancing the character or appearance of the area and should be assessed in terms of their impact on the area.

The Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 is of relevance to this application.

## Non Statutory Statements of Council Policy

The following policy statements are of relevance:

### Dundee Urban Design Guide

In terms of design the guide indicates that new buildings and developments must present a design solution appropriate to the site and context. In terms of detail the guide seeks to ensure that design elements of elevations, rooflines, doors, windows, materials and floor space draw from the site context to retain and create valued plans.

## LOCAL AGENDA 21

The Key Themes of relevance to the this application are:

Key Theme 13: Places, spaces and objects combine meaning and beauty with utility

Key Theme 14: Settlements are 'human' in scale and form.

Key Theme 15: Diversity and local distinctiveness are valued and protected.

It is considered that in this instance the proposed development does not achieve the aims of Local Agenda 21.

## SITE HISTORY

D19023 - Rebuilding of workshop and erection of two dwelling houses on Former Tay Rope Works Site. Planning permission was refused by the Council on 21/02/94. The

application went to appeal and the reporter dismissed the appeal on 11/04/95. The grounds for dismissal were:

- 1 Affects residential amenity of neighbouring residents by virtue of overlooking, loss of privacy and overshadowing.
- 2 The design not the materials were considered appropriate to this location within a designated conservation area.
- 3 Highway safety given the existing problem of congestion on Thomson Street.
- 4 The site is severely constrained by its narrow, linear shape and back land location and the resultant development is considered unsatisfactory.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out by the applicant and the application was advertised in the local press on 2 November 2004 as affecting the setting of a conservation area and on 22 November 2004 as a departure from the Dundee Local Plan 1998 which is now superseded.

Eighteen letters of objection were received plus a petition was submitted with 25 signatures from neighbouring residents. The issues of concern raised were with regards to affecting the residential by virtue of overlooking, overshadowing and loss of privacy, parking and traffic problems and the effect the development would have on the conservation area.

Copies of the objection letters are available for viewing in the Members Lounges. The issues raised will be addressed in the "Observations" section of this report.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards had no objections to the proposed development. However it was advised that should Members wish to approve the application an appropriate condition to deal with potential contamination issues should be attached.

A letter of representation was received from the West End Community Council drawing attention to the reasons for dismissal for the previous

application and considering whether in this instance these issues have been resolved. The issues will be addressed in the "Observations" section of this report.

No adverse comments were received from any of the 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 provisions of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, under 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 and enhancing the character or appearance of that area.

The proposal is for the erection of two dwellings on the Former Tay Rope Works site at 55 Magdalen Yard Road. Eighteen letters of objection and a petition were received as well as a letter of representation from the West End Community Council.

## The Development Plan

Dundee Local Plan Review 2005:

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

Policy 1: Vibrant and Sustainable Communities: This policy seeks to ensure that development does not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise and smell.

By virtue of design the north most house is one and half storey high. The entrance to the property is from a higher level as the ground rises to the north. The style of the house shows contemporary design and given its single storey living accommodation will have little detrimental impact on the surrounding residents

The south most house is two and half storeys high. The scale and mass of the house is imposing on the surrounding properties. The proposed roofline of the south most house will be approximately 2 metres higher than the existing wall. The narrow confined nature of the site with high boundary walls does not lend itself to residential development and restricts possible layouts within the site. Parking provision within the site is provided however access has to be taken through existing car parking areas, which may lead to conflict.

It is considered that the proposal is contrary to Policy 1.

Policy 4: Design of new housing sets out guidelines for new housing in an inner city area. The policy seeks to ensure that the architecture and scale of buildings respect the surroundings and that new development should address surrounding streets and most buildings should front onto streets. In accordance with the guidelines provided both of the properties have 3 bedrooms. Each of the gardens are approximately 120 square metres, which is in excess of the 50 square metres required by the local plan. Given that the north most house is single storey the privacy of the surrounding properties is maintained. However the south most house is over 2-storeys high with a conservatory and balcony on the first floor on the south elevation. Given that the conservatory as well as the living room is on the first floor the privacy of the residents to the west is likely to be affected by overlooking. Parking provision in the inner city is expected to achieve 100% with properties of 3 or more bedrooms to either have an extra car parking space or garage. The north most house has two car parking spaces and the south most house has a garage and one car parking space. However the policy also requires that 30% visitor car parking should be provided were on street parking is a problem. There is no visitor parking provided within this development. There is an existing parking problem within the Thomson Street area and therefore further on street car parking is likely to cause issues in terms of traffic movement and parking.

It is considered therefore that the proposal is contrary to Policy 4.

Policy 55: Design Quality. This policy seeks to ensure the highest standards of

composition and design in all new development and its careful integration with its surroundings as regards scale, form, siting, alignment, materials and landscaping. The north most house in terms of scale is appropriate for the site given its single storey (apart from the two storey section which provides access from the higher level to the north of the site). In terms of scale ad mass the south most house is considered to be detrimental to the character of the surrounding area. The siting of both the dwellings is restricted due to the narrow linear shape of the site, which does not lend itself easily to residential development. The back land nature of the site makes the alignment of the houses conflict with surrounding properties leading to a detrimental impact on the residential amenity of neighbouring houses. In particular the south most dwelling shows no relationship with the surrounding area.

In addition SPP 3 specifies that new development should make a positive contribution to the built environment and in this instance it is considered that the proposed development will not.

It is considered that the proposal is contrary to Policy 55.

The proposed development is located with the West End Lanes Conservation Area and as such Policy 61 applies. This policy seeks to ensure that all developments complement and enhance the character of the surrounding area. Within the West End Lanes Conservation Area the Former Tay Rope Works are an important feature of the area even if they are not listed. In particular the south most house, which is in excess of 2 storeys and rises 2 metres above the existing boundary walls is considered to be detrimental to the character of the area and would not be considered to complement or enhance the area. The north most house with its single storey, which uses small sections of roof lines to hint at its presence, goes some way to provide a suitable development within the site. However the overall development is considered to be detrimental in this instance to the character of the area. It is therefore considered that the proposal is contrary to the provisions of Policy 61.

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:

The Memorandum of Guidance indicates that special regard should be given to those special architectural and visual qualities, which give, rise to the area's designation and that new development is well designed, respects the character of the area and contributes to its enhancement. It is considered that in this instance the proposed development is contrary to the Guidance.

It is concluded from the foregoing that the statutory duty set out in Section 64 of the Planning (Listed Buildings and Conservation) (Scotland) Act 1997 is discharged in this instance.

## Objections/Representations

Eighteen letters of objection were received plus a petition was submitted with 25 signatures from neighbouring residents. The issues of concern raised were with regards to affecting the residential by virtue of overlooking, overshadowing and loss of privacy, parking and traffic problems and the effect the development would have on the conservation area.

In terms of overlooking the north most dwelling is single storey and the 2 storey section of the property is for access purposes only therefore none of the habitable rooms will overlook residents to the east and west. However the south most house which is over 2storeys high as referred to earlier has a conservatory on the first floor which within 10 metres of adjacent properties to the west. It is considered that given that a conservatory and living room are located on the first floor that a significant degree of overlooking will be experienced to the detriment of neighbouring residents. This will subsequently lead to a loss of privacy. In terms of overshadowing the south most dwelling exceeds the height of the existing wall by 2metres. Overshadowing will occur for the properties to the west in the morning and for properties to the east in the afternoon. It is therefore to the detriment of surrounding properties that the development exceeds the height of the existing wall.

In terms of parking the development provides 100% off street parking but does not provide the 30% visitor

parking as required under the provisions of Policy 4 of the Dundee Local Plan Review 2005. Given the existing parking and traffic problems experienced within the area it is considered that the development is likely to cause further problems within the area.

In terms of affecting the Conservation Area it is stated above in Policy 61 that the development would not complement or enhance the character of the area.

A letter of representation was received from the West End Community Council drawing attention to the reasons for dismissal for the previous application and considering whether in this instance these issues have been resolved. As identified within the Site History Section of this report the reasons for dismissal were with regards to the affect on residential amenity of neighbouring residents; the design was not considered appropriate to this location; Highway safety given the existing problem of congestion on Thomson Street; and the constraints of the site by its narrow, linear shape and back land location. The resultant development is considered unsatisfactory. Each of these issues has been identified through the Policy Observations within this report. It is considered that the issues identified for dismissal of the previous application still apply in this instance.

The applicants have submitted a Design Statement for the proposed development. This covers a number of issues and advises of the local housing characteristics, design concept and proposals, materials etc. While this Statement offers an insight into the reasons behind the development and a justification for the proposals, it is considered that this document fails to fully satisfy the requirements as directed by the development plan.

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

In terms of design quality the north most house goes some way to providing an acceptable design which would not have a negative visual

impact on the surrounding area. However it is considered that the design of the south most house is detrimental to the established character of the West End Lanes Conservation Area.

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## CONCLUSION

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The proposed development is considered to be contrary to Policies 1, 4, 55 and 61 of the Dundee Local Plan Review 2005. There are no material considerations that would justify approval of the application contrary to the provisions of the development plan in this instance.

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## RECOMMENDATION

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

### Reasons

- 1 That the proposed erection of houses on this restrictive linear site would detract from the character of the West End Lanes Conservation Area by introducing a discordant form of backland development contrary to Policies 1, 4, 55 and 61 of the Dundee Local Plan Review and the statutory duty under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 2 The proposed development would detract from the residential amenities enjoyed by surrounding occupiers by reason of the visual impact, potential overshadowing and a reduction of privacy as a result of the proposed south most dwelling house and the potential adverse impact of the development on the road traffic safety of Thomson Street and would therefore contravene Policy 4 and Policy 55 of the Dundee Local Plan Review 2005.