

KEY INFORMATION

Ward Baxter Park

Proposal

Change of use of room in dwelling to office

Address

67 Dalkeith Road
Dundee
DD4 7JH

Applicant

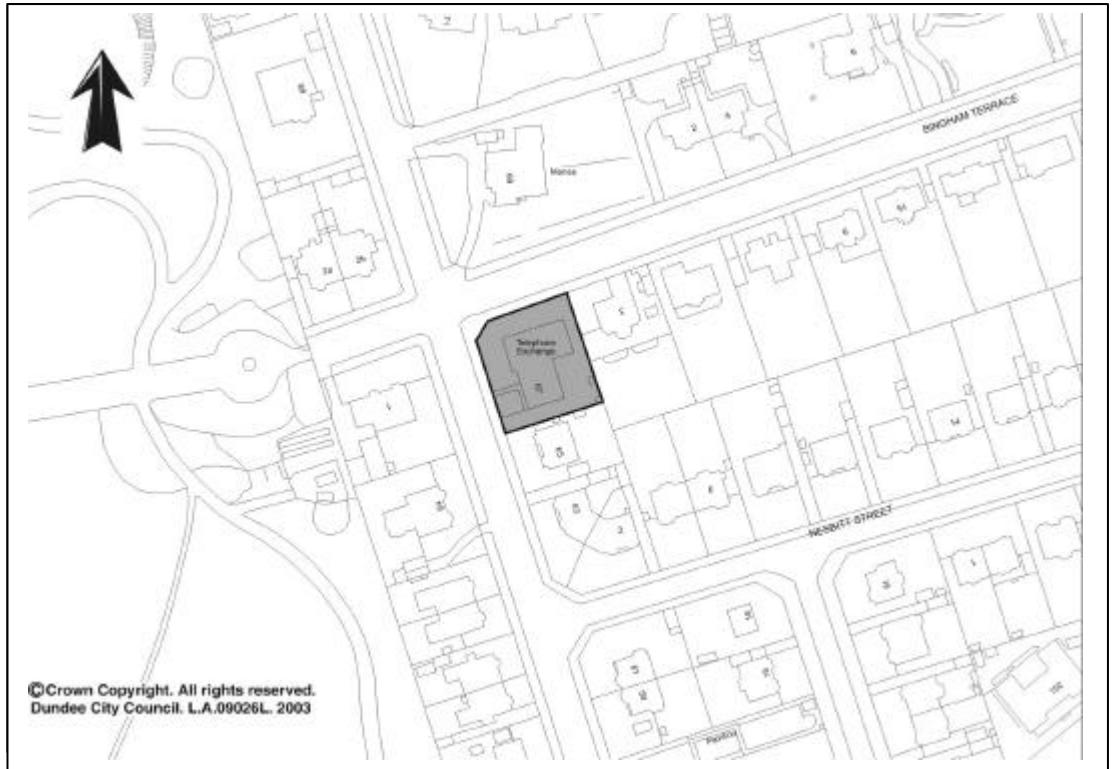
Buddon Ltd
67 Dalkeith Road
Dundee
DD4 7JH

Agent

Hiddleston and Fiest
1 Laurel Bank
Dundee
DD3 6JA

Registered 1 June 2006

Case Officer C Walker



Proposed Office in House in Dalkeith Road

The change of use of room in dwelling to office is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal is for a minor office use in a building that was formerly in non residential use. The proposal complies with Development Plan policy and will not adversely impact on residential amenity. It is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought to change the use of a front room in this detached dwelling to an office. The office use has already commenced and a single member of staff is employed there.
- The site is a large detached house of attractive design which was formerly a telephone exchange. The balance of the house is in multiple occupancy, but of a scale that does not require planning permission.
- 3 letters of objection were received stating concerns about traffic levels, future use of the site as a builder's yard and adverse impact on the character of the conservation area.
- In this case the scale of the proposal is very minor, it complies with the policies in the Local Plan and will not adversely impact on residential amenity or the conservation area.

DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of a front room in this detached dwelling to an office. The room is just over 20 sq. metres in area and even if all the corridor space leading to that room and the adjacent toilet were included, the total floor area would amount to some 44m² (less than 15% of the floor area of the house). The office use has already commenced, and is operated by Buddon Homes. A single member of staff is employed at the office and the applicant has confirmed that the office is for business use only and not for visiting members of the public. No elevational alterations have been carried out or are proposed as part of this application.

The owner of the building and the company served by the office use does not live on the premises.

SITE DESCRIPTION

The site is a large detached house of attractive design which was formerly a telephone exchange. It was converted to a house in 1996 and appears to have been operated as a House in Multiple Occupancy since then (but planning permission is only required if the number of occupants exceeds 5). There is a vehicular access off Dalkeith Road leading to an area of hardstanding to the south and east of the house used for parking. There is also a small parking area off Bingham Terrace to the north of the site.

The site is surrounded on all sides by dwellings and lies within the Baxter Park Conservation Area. Although the office operation has been in existence at the site for a number of months, there is no external manifestation of the office use.

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

Policy 1: Vibrant And Sustainable Communities.

The City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

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, as identified in the Conservation Area management plans to be advanced in the near future.



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

The use of an existing building on a site well served by public transport is

considered to be sustainable and in accordance with the Councils Agenda 21 Policies.

SITE HISTORY

Planning permission was granted in March 1996 to change the use of the former telephone exchange to a house - application 95/21557/D refers. Planning permission was subsequently granted to build a double garage to the rear of the house in November 2004 but this consent has not been implemented - application ref no 04/00758/FUL refers.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and 3 letters of objection were received from the occupiers of neighbouring dwellings. The objectors are concerned that the use of the dwelling as an HMO for up to 5 persons as well as the office use will result in a level of vehicular traffic that will be detrimental to residential amenity, give rise to traffic safety problems at a busy junction and result in pollution. There are further concerns that the use may develop so that the ground around the house is used as a builder's yard and that the office use will adversely impact on the character of the conservation area.

Copies of these letters are available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report

CONSULTATIONS

There were no adverse comments from 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

Policy 1 encourages a variety of non residential uses within residential areas provided that they do not harm the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

In this case the building was built and used as a telephone exchange until 10 years ago, so the precedent for non residential use on the site is long established.

However as it has since been converted to residential use, it is important to ensure that any new non residential use is in conformity with Policy 1 of the Plan.

In this case the scale of the proposal is very minor, occupying a room of just over 20 sq. metres and even if all the corridor space leading to that room and the adjacent toilet were included the total floor area would amount to no more than 44m² (less than 15% of the floor area of the house). In normal circumstances this scale of office use would be considered ancillary to the use of a private dwelling house. However in this case, as the office is unrelated to any of the occupiers of the house and cannot be considered as an ancillary use to the principal use of the house, planning permission is required.

There is no external manifestation of the use in terms of signage, goods stored on the site or any elevational alterations to the building. Although residents have concerns about what might happen in the future, these are all matters that could be covered by planning conditions should Members be minded to approve the application.

In terms of Policy 1 there are no design, layout, noise or smell issues associated with the use. This is a small office use which does not provide a service to visiting members of the public and is of a type that is appropriate to provide in a residential area. The only potential issue relates to parking and traffic movement. However as only 1 member of staff is employed at the office and as it is not an office open to visiting members of the public, then it is not considered that this minor use will lead to any parking or traffic issues or indeed any pollution of the surrounding area.

In terms of Policy 61, as there is no external manifestation of the office

use, there is no impact on the Baxter Park Conservation area.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

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

(A) Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications in conservation areas to have special regard to the desirability of preserving or enhancing the character or appearance of that area.

This matter has already been considered in the assessment of the proposed development under Policy 61 of the adopted Local Plan and it was considered that the proposal would have no impact on the conservation area.

(B) Views of Objectors

The objectors are concerned that the use of the dwelling as an HMO for up to 5 persons as well as the office use will result in a level of vehicular traffic that will be detrimental to residential amenity, give rise to traffic safety problems at a busy junction and result in pollution. There are further concerns that the use may develop so that the ground around the house is used as a builder's yard and that the office use will adversely impact on the character of the conservation area.

All these matters have been considered in the context of Policies 1 and 61 of the Local Plan and it has been concluded that there will not be a detrimental impact on residential amenity or on the character or appearance of the conservation area. However it is recognised that the objectors have genuine concerns which may relate more to how the use might develop on the site and it is therefore recommended that should Members be minded to approve the application then planning conditions should be imposed limiting the nature and extent of the consent.

It is concluded from the foregoing that insufficient weight can be accorded to the concerns of the objectors such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted in accordance

with the provisions of the Development Plan.

Design

As no elevational alterations are proposed, there are no design issues associated with this development.

CONCLUSION

The proposal is for a minor office use in a building that was formerly in non residential use. The proposal complies with Development Plan policy and will not adversely impact on residential amenity.

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 The proposed office shall not be used for any purpose other than a purpose within Class 4 of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended or re-enacted. For the avoidance of doubt a use within Class 2 (services provided principally to visiting members of the public) is not permitted by this consent.
- 3 If signage is to be erected on the building or within the curtilage of 67 Dalkeith Road then this shall be confined to a single small sign at the entrance doorway, the details of which shall be submitted to the Council for approval before any sign is erected. Signage shall only be erected in full accordance with such approved details.
- 4 The office use shall be confined to the specified room within the building and any ancillary corridor space and toilet facility and in particular no use shall be made of the curtilage of the building for commercial activities.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997

- 2 A Class 2 use would involve levels of traffic and activity that would be detrimental to the residential amenities enjoyed by nearby occupiers.
- 3 In order to safeguard the visual amenity of the Conservation Area.
- 4 In order to restrict the extent of the use and to ensure that the garden ground and hardstanding areas are not used for commercial use in the interests of visual and residential amenity.