

KEY INFORMATION

Ward Tay Bridges

Proposal

Permission for installation of services

Address

12 & 18 Whitehall Crescent
Dundee
DD1 4AU

Applicant

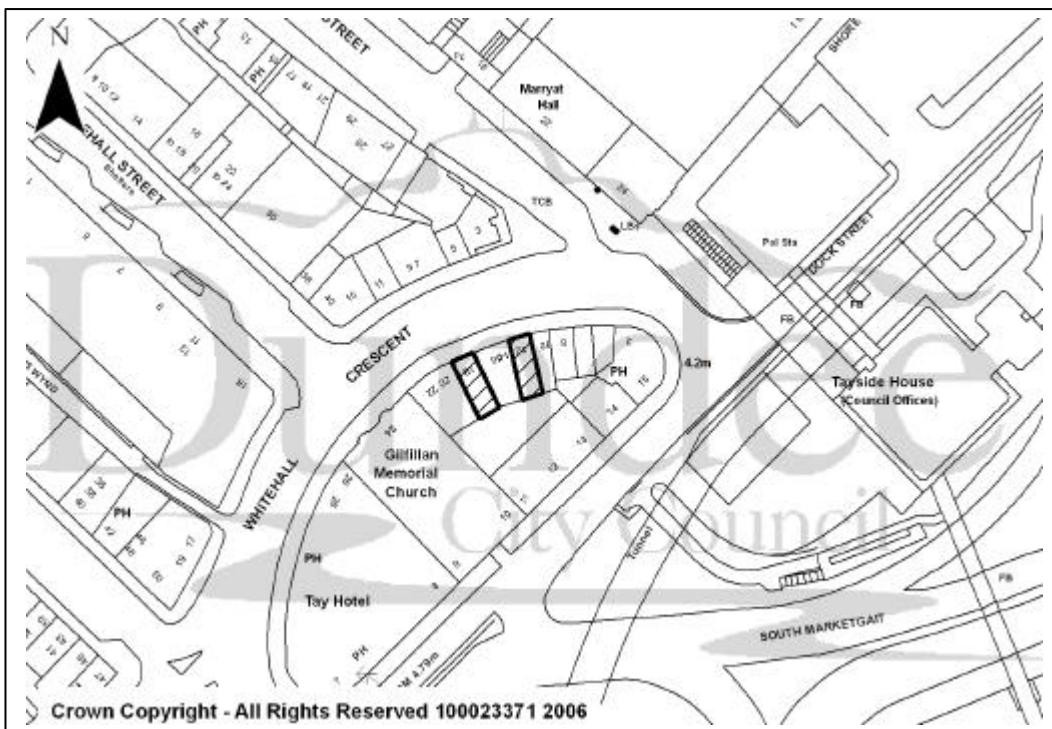
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Registered 15 Nov 2006

Case Officer D Gordon



Consent Sought for Installation of Services at Whitehall Crescent

Permission for the installation of services is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed alterations will have an adverse affect on a listed building contrary to the terms of the statutory duty under Section 14 of the Planning (Listed Buildings and Conservations Areas) (Scotland) Act 1997 and contrary to Policy 60 of the Dundee Local Plan Review. Therefore the application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Listed Building Permission is sought to install services within the ground and first floor communal stair areas of the properties of 12 & 18 Whitehall Crescent, Dundee. Permission is also sought for the introduction of a new doorway at first floor level of 12 Whitehall Crescent. The properties are Category B listed buildings.
- Section 14 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, requires the Council to have special regard to the desirability of preserving listed buildings and this is duly reflected in Policy 60 of the Dundee Local Plan Review 2005.
- The proposals have been the subject of 8 letters of objection, 2 letters of representation and a petition with 67 signatures. Historic Scotland has raised concerns with regard to the works carried out to date and the proposed remedial works
- The proposals significantly impact on the appearance and the character of the listed building and consequently fail to discharge the statutory duty set out in Section 14 of the Act. The proposals also fail to comply with Policy 60 (Alterations to Listed Buildings) of the Dundee Local Plan Review 2005.

DESCRIPTION OF PROPOSAL

The proposal under consideration seeks permission to install services within the communal closes of the properties at 12 & 18 Whitehall Crescent for new flat accommodation. A significant amount of these works have been completed and are evident on both the ground and first floor levels of the properties. These unauthorised works include, amongst other things, significant pipe work associated with a new sprinkler system, gas pipes and a new electricity box and associated cables. The applicants intend to box in these services with timber and plasterboard painted to match existing boxed services.

Permission is also sought for the installation of a new doorway at first floor level of 12 Whitehall Crescent. This doorway opening has been formed.

The proposal also seeks the approval of specifications for a new door to be installed in an approved opening at 18 Whitehall Crescent (first floor level).

SITE DESCRIPTION

The properties are located on the south side Whitehall Crescent within a 5-storey (with attic) stone built tenement building. The communal closes accommodate predominantly green and orange decorative tiles with plain light coloured walls above. The ground and first floor level closes of the properties show evidence of recent works relating to the provision of new services for conversion works to former offices at first floor level. These works include new gas and water pipes, cables and an electricity box and are visually intrusive.

In addition to the obvious surface damage resulting from the unauthorised works, there is also evidence of some historical damage to the fabric of the stairwells including damaged tiles and broken iron railings. The origin of this damage is unclear.

The properties are Category B Listed Buildings and the site is contained within the Central Conservation Area.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:



Environmental Resources Policy 5A: Historic Environment. This policy seeks the protection, enhancement and conservation of the historic environment of Dundee.



Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 60: Alterations to Listed Buildings

The alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character. Alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest.

The City Council will provide specific supplementary guidance on the

following: window and door alterations, advertisements, shopfronts, roller shutters, treatments to masonry and painting and use of materials.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

National Planning Policy Guideline 18 (Planning and the Historic Environment) sets out the framework for dealing with planning applications affecting listed buildings.

The Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 (Historic Scotland) is of relevance in 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

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

04/00080/COU - Change of Use from Offices to 4 Flats - Application Withdrawn 15 March 2004.

04/00079/LBC - Alterations to Form 4 Flats - Application Withdrawn 15 March 2004.

04/00388/COU - Change of Use of Offices to 4 Flats - Approved 23rd June 2004.

04/00389/LBC - Alterations to Form 4 Flats - Application Withdrawn 8 July 2004.

The above planning and listed building applications were all submitted for consideration under a previous postal address of 20 Whitehall Crescent (entry to the former offices). However, as public access to the proposed new flats is now available from 12 & 18 Whitehall Crescent, the address of the property has changed to reflect this. The details currently under consideration relate directly to

the plans that were approved for the above flatted development approved in June 2004 (04/00388/COU refers).

The Council were alerted to the installation of the services in August 2006. The impact of these works on the communal stairwell was of such a concern that the applicants were immediately instructed to cease all unauthorised works until such times as the damage done had been fully assessed both by this Council and Historic Scotland. Subsequent follow up visits to the site revealed that this advice was not heeded and additional works within the stairwells had been carried out. The applicants submitted remediation details that included the 'boxing in' of the services to reduce their visual impact within the stairwells. This was then followed by the submission of the listed building application that is now under consideration. It is the current practice of this Council not to pursue Enforcement proceedings against any breach of control during the processing of an application for such works.

PUBLIC PARTICIPATION

There is no requirement to undertake the statutory neighbour notification procedure with listed building applications. However, the proposed alterations were advertised in the local press and the Edinburgh Gazette. In addition, the various owners of the communal closes were notified of the application as required by the relevant legislation.

The application has been the subject of 8 letters of objection from owners and occupiers within the buildings, 2 letters of representation and a petition with 67 signatures. The main issues raised that are relevant to the proposals under consideration relate to:

- 1 the current impact of the unauthorised works on the character and appearance of the listed building
- 2 the alterations are considered to be contrary to Government policy and guidelines and development plan policies.
- 3 the inappropriate appearance and adverse impact of the proposed 'boxing in' details for the new services
- 4 the introduction of a new door at 12 Whitehall Crescent is

inappropriate and would detract from the character and appearance of the listed building.

- 5 the submitted plans are unclear and are missing in several details.

Copies of the letters and petition are available for inspection in the Members Lounges and the points raised are considered in the 'Observations' section of this report.

CONSULTATIONS

Historic Scotland has been advised of the investigations relating to the unauthorised works to the building and has visited the site. The initial comments received have not been supportive of these alterations or the remedial works proposed.

OBSERVATIONS

In accordance with the provisions of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Council is required to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.

The proposal under consideration seeks permission to provide new services within the ground and first floor communal closes of 12 & 18 Whitehall Crescent. These works are associated with an approved flatted development that is currently on-going at first floor level of these properties. The installation works are largely completed and include new pipes for a water sprinkler system, gas pipes, electricity box and cables. The applicants advise that these services are to be boxed in with plasterboard and painted to match the existing service boxing. Permission is also sought for a new door opening at 12 Whitehall Crescent. This opening has been formed. Approval is also sought for a door specification at 18 Whitehall Crescent.

A number of visits to the site in question have revealed that the new services that have been installed within the communal closes are, in visual terms, significantly intrusive and visually damaging to the character, appearance and indeed the integrity of the listed building. The services would appear to have been provided in locations dictated by their ease of

installation rather than through careful integration with existing features within the closes. It is clear that the works have been responsible for damage to the fabric of certain parts of the stairwell areas.

The applicants have advised that it is intended to box in the services in a manner that will match the existing services that are currently housed in these communal closes. It is considered that these proposals are inappropriate by virtue of the excessive size of the new boxes and the resultant impact that these would have on the appearance and character of the building.

With regard to the proposed new doorway located at first floor level of 12 Whitehall Crescent, it is considered that the details submitted for determination are acceptable as they will not adversely impact on the appearance or character of the building. Historic Scotland have not, to date, offered resistance to this aspect of the proposal.

The unauthorised service works have had a significantly detrimental effect on the character of this traditional, well detailed, and otherwise relatively unaltered common stair. The works have caused damage to parts of the fabric and decorative detailing of the stairwell. Further, it is considered that the proposed remedial works that are also the subject of this application will not result in the preservation of the internal character of the building. Consequently, it is concluded that the details submitted for consideration fail to discharge the requirements of Section 14 of the Act.

Other Material Considerations

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

1 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 Policy 60 (Alterations to Listed Buildings), this matter has already been considered in the assessment of the proposed alterations under Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and it was concluded that the proposals would not preserve the character or the appearance of the listed building.

Consequently, the proposal is considered to be contrary to Policy 60 of the Dundee Local Plan Review 2005.

2 The Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 (Historic Scotland) and NPPG 18: Planning and the Historic Environment.

These documents provide guidance on such matters as the preservation of the historic environment and alterations and extensions to listed buildings. For the reasons set out in the consideration of the application under Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is also concluded that the alterations run contrary to the advice set out in NPPG 18 and Memorandum of Guidance.

3 Concerns of the Objectors and the Consultees

The main concerns of the objectors relate to matters that have already been addressed in this report, namely the proposals are contrary to the development plan and the adverse impact the alterations will have on the character and appearance of the listed building. It is concluded that the works are prejudicial to the integrity of the building and consequently the views of the objectors and the consultee are supported.

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 permission contrary to the provisions of the development plan. It is therefore recommended that listed building permission be refused.

Design

The applicants have attempted to integrate the new services with the existing features located within the stairwells of the buildings. The proposed details submitted for determination are considered to be inappropriate as they would significantly increase the size of the existing service boxes in the close and introduce new box details in unacceptable locations both of which would be to the detriment of the character and appearance of the listed building.

CONCLUSION

The proposed alterations adversely affect the character and appearance of a listed building contrary to the terms of the statutory duty under Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Policy 60 of the Dundee Local Plan Review 2005.

RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:-

Reasons

- 1 The proposed development significantly detracts from the appearance and character of a Category B Listed Building by virtue of the location of the services and the manner in which they are to be completed. The proposal is therefore considered to be contrary to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which requires the Council to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.
- 2 The proposed development will have an adverse impact on the appearance and character of a listed building by virtue of the location of the services and the manner in which they are to be completed. This is contrary to Policy 60 (Alterations to Listed Buildings) of the Dundee Local Plan Review 2005. There are no material considerations that would justify the approval of this application contrary to the terms of this Policy.