

KEY INFORMATION

Ward The Ferry

Proposal

Alterations and refurbishment to change use of a Grade B Listed Building from an HMO to 3 Residential Units

Address

Craig Gowan
42 Camphill Road
Broughty Ferry

Applicant

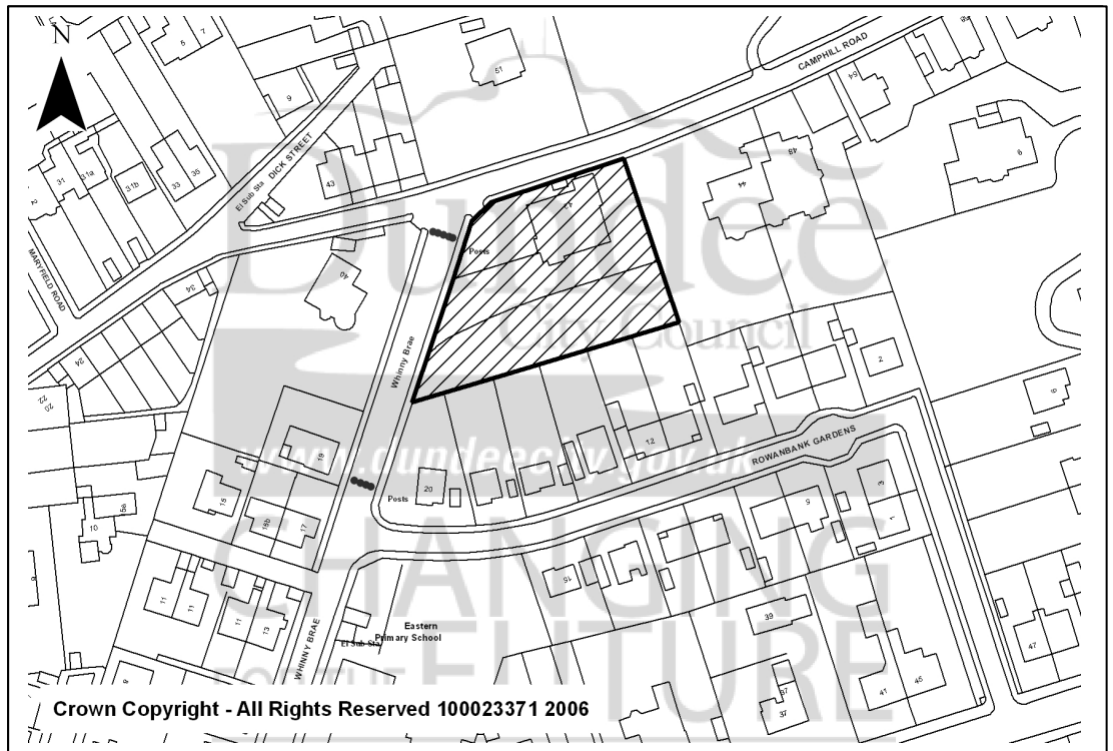
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Registered 18 July 2007

Case Officer C Walker



Proposed Residential Conversion in Camphill Road

The refurbishment and change of use of a Listed Building to form three residential units is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development can be conditioned to comply with the policies of the Development Plan, and will not adversely impact on residential amenity and will preserve the appearance of the listed building and the Reres Hill Conservation Area. The application is recommended for **APPROVAL** with conditions.

SUMMARY OF REPORT

- Planning permission is sought to convert this vacant Category B listed building, last used as a HMO, into 3 substantial flats. The proposed conversion is very sensitive, respecting the architectural and historic character of the building. Externally it is proposed to form a new access and to fell trees.
- Relevant Local Plan policies relate to new residential development, subdivision of houses, garden ground development, treatment of listed buildings and conservation areas.
- The occupiers of 5 nearby houses are concerned about the extent of tree felling. The Councils Forestry Officer concurs with the Tree Report submitted and has identified 13 trees on site which should be retained and protected.
- It is concluded that subject to conditions restricting the additional access and protecting the healthy trees on the site, the proposed development will comply with the Development Plan, and will not adversely impact on residential amenity and will preserve the appearance of the listed building and the Reres Hill Conservation Area.

DESCRIPTION OF PROPOSAL

Planning permission is sought to convert a vacant house last used as a House in Multiple Occupation to 3 flats. The proposed flats are large, 2 having three bedrooms and 1 having 4 bedrooms. The proposed conversion is very sensitive with no significant external works and all internal works very much respecting the architectural and historic character of the building.

Externally it had been proposed to terrace and subdivide the garden area to the south of the house but the applicants have indicated that they no longer wish to do this. It is proposed to use the existing vehicular access at the junction of Camphill Road and Whinny Brae to serve 2 of the proposed flats and to open up a new vehicular access in the north east corner of the site to serve the third flat.

There is an indication on the proposed site layout that the applicants intend to make a future application for a new house in the garden ground to the south west of "Craig Gowan" (and applications for this development have recently been submitted).

A tree survey has been submitted indicating that although the trees in the woodland area to the south of the house do not make a significant individual contribution, collectively as a woodland they provide significant screening and make a positive contribution to the local visual amenity. The report notes that due to the high number of dangerous and defective trees and the need to contain the spread of Dutch Elm disease, a significant number of trees will need to be felled. The report suggests 18 of the 34 trees should be felled, 9 of which are either dead or in poor condition.

SITE DESCRIPTION

The site comprises a substantial two storey and basement stone built villa known as "Craig Gowan" and its garden ground on the south side of Camphill Road just east of its junction with Whinny Brae. "Craig Gowan" is a Category B listed building dating from 1878. Its design is in French chateau style and its interior is largely intact with attractive tiled flooring, wall panelling, impressive stairs and chimney pieces. The vehicular access at the junction of Camphill road and

Whinny Brae is marked by 3 gate piers and the site is enclosed by high walls.

The grounds to the south of the house include a level lawn extending some 11 metres to the south of the site and then a steeply sloping wooded bank adjoining the rear gardens of modern houses at Rowanbank Gardens. The grounds of "Craig Gowan" once extended as far south as the Eastern Primary School and the rear gardens of houses on Monifieth Road.

The site is surrounded on all sides by housing and the application site along with more traditional housing to the east lies within the Reres Hill Conservation Area. Immediately to the west of the site is the Forthill Conservation Area.

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 site is in an existing housing area and Policy 1 seeks to protect residential amenity. Policy 4 sets out standards for new housing development, and contains a presumption against flats at this location.

Policy 12 is concerned with the sub division of houses.

The site is within an area where Policy 15 on garden ground development is applicable.

Policy 59 encourages suitable alternative uses for listed buildings where this is necessary to secure their future.

Policy 60 (Alterations to Listed Buildings) requires such alterations to have regard to the preservation or enhancement of the listed building.

Policy 61 (Development in Conservation Areas) requires new development to preserve or enhance the character of the surrounding area.

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

The Council approved non statutory policies entitled "Breaches in Boundary Walls" in December 2000.

SUSTAINABILITY ISSUES

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

SITE HISTORY

Planning permission to build a new house in the garden ground to the south west of "Craig Gowan" was refused in 1996 and an appeal was dismissed in 1997 - application D21968 refers.

There is a current application for listed building consent for this development, the report on which appears elsewhere in this Agenda - application 07/00666/LBC refers.

Applications for planning permission and listed building consent to build a house in the garden ground to the south west of Craig Gowan were recently submitted on 29 November 2007.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 6 letters were received from nearby residents. The occupiers of 5 houses to the south of the site at Rowanbank Gardens are concerned about the extent of tree felling which they feel is excessive and will result in an invasion of their privacy, an adverse impact on wildlife and may possibly

destabilise the retaining wall and bank of earth behind their houses.

The sixth letter is from a resident who lives to the north west of the site who has no issues about tree felling other than a concern that it is done in a professional manner to avoid any damage to adjoining properties.

Copies of these letters are available for inspection in the Members' Lounges and the issues are discussed in the "Observations" section below.

CONSULTATIONS

The Councils Forestry Officer notes that all the elms on site have contracted Dutch Elm disease and need to be felled as soon as possible. He concurs with the Tree Report submitted and has identified 13 trees which he considers should be retained and protected by a Tree Preservation Order. He has also requested that the woodland bank be supplemented with new planting.

Historic Scotland was consulted on the accompanying application for listed building consent for this development and raised no objections.

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.

The Development Plan

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

The building was formerly in residential use as an HMO and the proposed new flatted use is similar in nature. No significant alterations to the building are proposed and the development raises no implications in terms of Policy 1 of the Plan.

Policy 4 sets out standards for new housing developments and contains a presumption against flats at this location. Policy 12 is concerned with the sub division of houses. However

these policies need to be assessed alongside Policy 59 which encourages suitable alternative uses for listed buildings where this is necessary to secure their future.

There is no doubt that a very high standard of residential accommodation is proposed. Each flat has a minimum of 3 bedrooms and its own separate access. Adequate parking facilities are provided. There is adequate garden ground within the application site for the proposed 3 dwellings in accordance with Policy 12. However the submitted layout provides inadequate garden area for dwelling 2 but a planning condition can be imposed extending the garden area for that unit further to the west. In these circumstances the proposal will fully comply with Policy 12 of the Plan.

Although the proposal is for a flatted development, it is considered that it will secure the future of this significant Category B listed building, and that the terms of Policy 59 override those of Policy 4 in this instance. To subdivide this building vertically into 3 dwellings would destroy its important interior features and its continued vacancy would simply lead to rapid decline of the fabric of the building.

Policy 15 relates to garden ground development and Policies 60 and 61 seek to protect listed buildings and conservation areas. In this case no new building or extensions to the existing building are proposed so the only matters of relevance are the treatment of the boundary walls under Policies 15(g), 60 and 61, the internal and external alterations to the building under Policies 60 and 61 and the treatment of the existing trees on the site under Policies 15(h) and 61.

The existing vehicular access at the junction of Camphill Road and Whinny Brae leads into a parking area with ample space for 6 cars which is sufficient for the entire development. However the applicants propose to open a new 3.5 metres wide vehicular access in the north east corner of the site to serve one of the flats.

The non statutory policies incorporated into Policy 15(g) state that applications will not be recommended for approval where the wall is considered to contribute to the character of the listed building or conservation area and where the proposed alteration would detract from this character.

In this case it is considered that the high stone boundary along Camphill Road makes a significant contribution not only to the listed building but also to the character and appearance of the Reres Hill Conservation Area. In addition the proposed new opening is unnecessary as the existing vehicular access is more than adequate to cater for the subdivision of this property into 3 flats. Although there is already a small pedestrian access at the location of the proposed new access, the new access is substantially greater in scale and road safety requirements in terms of sight lines would result in an even greater extent of opening. It is considered that such an opening would adversely impact on the character and appearance of the listed building and the conservation area, and therefore contravene Policy 15(g), 60 and 61 of the Local Plan.

However as the proposed new access is not an essential component of the new development it is considered that should Members be minded to approve the application, a planning condition could be imposed preventing the formation of this additional access and thus avoiding conflict with Development Plan Policies.

The treatment of the listed building itself is of exceptional quality and all the interior features of merit are retained and all external alterations simply restore the original character of the building. In these respects the development is fully compliant with Policies 60 and 61 of the Plan.

It is proposed to fell just over half the trees on the site. None of the trees are proposed for felling to accommodate the development currently proposed although the position with regard to the potential erection of a new house in the south west corner of the site is addressed under "Other Material Considerations" below. Initially it had been proposed to substantially alter and terrace the garden area to the south of the site which would inevitably lead to the felling of almost all the trees. The applicants do not intend to proceed with these alterations and it is considered that in accordance with Policy 15(h) and the need to protect the character and appearance of the Reres Hill Conservation Area, tree felling should be kept to a minimum.

The Councils Forestry Officer concurs with the Tree Report submitted and has identified 13 trees which he considers

should be retained and protected by a Tree Preservation Order. He has also requested additional planting in this woodland area. These matters can be governed by planning conditions should Members be minded to approve the application.

It is considered that on this basis the development will not have an adverse impact on either the listed building or the Reres Hill Conservation Area and 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 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This matter has already been considered in the assessment of the proposed development under Policy 60 of the adopted Local Plan and it was considered that subject to a condition restricting the formation of an additional opening onto Camphill Road, the proposal would preserve the character and appearance of the listed building.

(B) 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 subject to conditions restricting the formation of an additional opening onto Camphill Road and protecting existing healthy trees and carrying out new planting, the proposal would preserve the character and appearance of the conservation area.

(C) The Concerns of Objectors - objectors are concerned about the extent of tree felling which they feel is excessive and will result in an invasion of their privacy, an adverse impact on

wildlife and may possibly destabilise the retaining wall and bank of earth behind their houses.

Although planning permission is not required to fell trees (a separate written consent to carry out works to trees in conservation areas is required in this instance), Section 159 of the Planning Act imposes a duty on the Council in granting planning permission for any development to make adequate provision, by the imposition of conditions, for the preservation or planting of trees.

The applicants have indicated their intention to fell trees as part of this planning application. The matter of the extent of tree felling has already been considered in the assessment of the development under Policies 15(h) and 61 of the adopted Local Plan and it was considered that subject to conditions protecting existing healthy trees and carrying out new planting, the proposal would preserve the character and appearance of the conservation area. For the same reason it is considered that the imposition of such conditions would discharge the Councils duty under Section 159 of the Act.

Similarly subject to appropriate replanting it is considered that adequate provision can be made for screening of houses at Rowanbank Gardens and for any wildlife in the area. Any potential damage to adjoining properties as a result of works on this site is not a material planning consideration but rather a legal matter to be resolved between the interested parties should such damage occur.

It is concluded that subject to conditions minimising trees to be felled, protecting trees to be retained and requiring appropriate replanting, all the valid concerns of the objectors can be addressed.

(D) Proposed New House - although the application site for the subdivision of "Craig Gowan" into 3 dwellings includes all the current garden area, there is an annotation on the proposed site layout relating to an area of ground to the south west of the existing house as follows: "Site of Proposed New Build House, to be lodged under separate application". Applications have recently been lodged for this development and the recommendation of the current application for approval in no way indicates any acceptance of

a proposed new house at that location. Indeed, should Members be minded to approve the current application, it is intended to impose planning conditions on the current application that would impact on that area of ground including the requirement to provide adequate useable areas of garden ground for all 3 dwellings along with the planning condition seeking to retain and protect a number of trees to the south west of Craig Gowan.

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 with conditions in accordance with the provisions of the development plan.

Design

The conversion of the listed building is very sympathetic to its character and appearance and the design of the development will preserve the character and appearance of both the listed building and the wider conservation area.

CONCLUSION

The proposed development can be conditioned to comply with the policies of the Development Plan, and will not adversely impact on residential amenity and will preserve the appearance of the listed building and the Reres Hill Conservation Area.

RECOMMENDATION

It is recommended that consent 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 Details of the replacement of the door on the east elevation at lower ground floor level with a sash and case window and the building up of the area below the window in stone shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

3 No new vehicular access onto Camphill Road shall be formed and the existing wall and pedestrian access at that location shall not be altered.

4 Details of a revised site layout indicating the allocation of not less than 120m² of useable level garden ground for each of the 3 dwellings and well related to each dwelling shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

5 The exact extent of tree felling shall be agreed in writing with the Council prior to the commencement of development and in particular trees nos 227, 228, 233, 238, 243, 244, 250, 251, 252, 253, 254, 255 and 258 shall be retained and protected. The tree protection measures shall be agreed on site with the Council and subsequently approved in writing prior to the commencement of any development (including site preparation works) or the felling of any trees. The development shall only be carried out in accordance with such approved details.

The trees and shrubs agreed to be retained, shall not be cut down, grubbed out topped, lopped, uprooted or root pruned without the written consent of the City Council. Any trees or shrubs removed without such consent or dying, or being severely damaged or diseased, shall be replaced with trees and shrubs of such size and species as may be directed by the City Council and to the standard as approved by the City Council.

6 Details of new planting to compensate for trees felled, including a timescale for planting and provision for future maintenance, shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

Any trees or shrubs removed, dying, being severely damaged or

becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 in order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
- 3 In order to preserve the appearance of the statutorily listed building and the Reres Hill Conservation Area and to comply with Policies 15(g), 60 and 61 of the adopted Dundee Local Plan Review 2005.
- 4 The layout currently proposed makes inadequate provision of garden ground for Unit 2 and the layout needs to be amended to comply with Policy 12 of the Dundee Local Plan Review 2005.
- 5 To minimise the extent of tree felling in order to protect the visual amenity of the conservation area, the setting of the listed building and the privacy of neighbours to the south of the site.
- 6 To prevent detriment to the visual amenity of the conservation area, the setting of the listed building and the privacy of neighbours as a result of permitted tree felling.