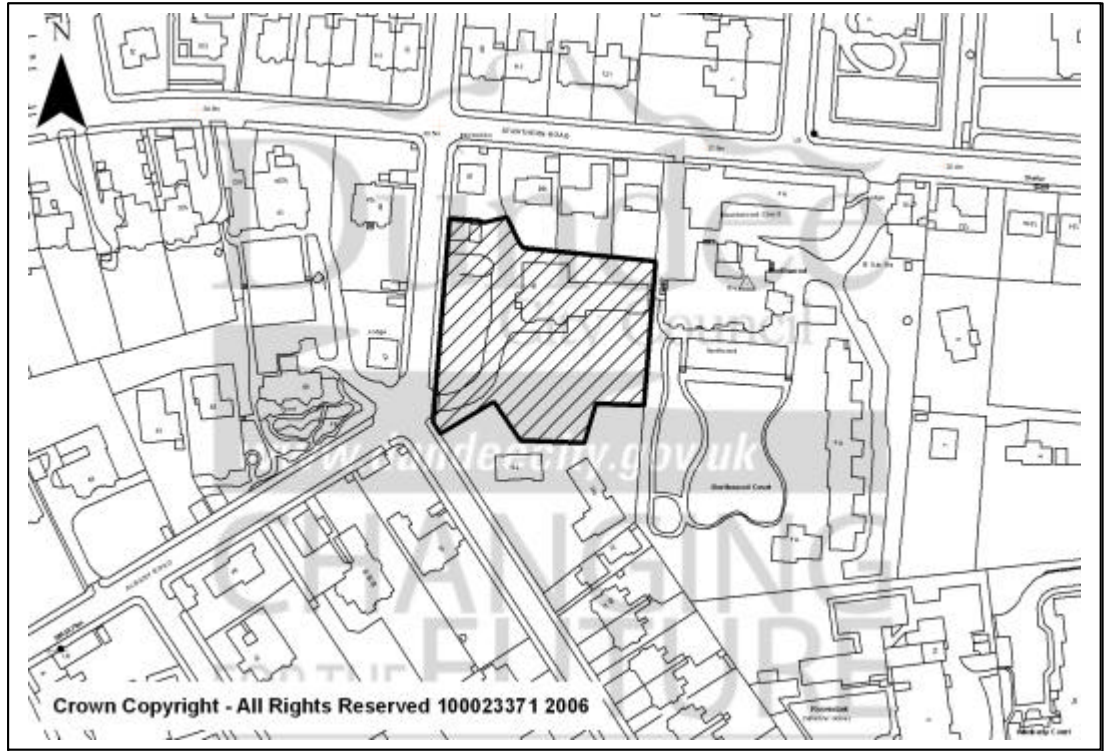


KEY INFORMATION**Ward** The Ferry**Proposal**

Alterations and extension to nursing home

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Broughty Ferry**Applicant**Moyness Nursing Home Ltd
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DD5 1DP**Registered** 10 Oct 2007**Case Officer** C Walker

Proposed Extension of Nursing Home in Grove Road

Alterations and extension to nursing home are **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development contravenes Policies 1, 10, 15 and 61 of the adopted Local Plan in terms of the design of the extensions and their impact on the original villa, the overdevelopment of the plot and the impact on trees. For the same reasons the proposed development would detract from the character and appearance of the West Ferry Conservation Area. The application is therefore recommended for REFUSAL.

SUMMARY OF REPORT

- Planning permission is sought to extend Moyness Nursing Home with a 2 storey extension to provide 17 new bedrooms. It is also proposed to erect 2 smaller extensions and form a new parking area. To accommodate the development it is proposed to fell 5 trees and it is also proposed to remove 7 mature roadside trees to protect a boundary wall.
- Moyness Nursing Home lies within the West Ferry Conservation Area and is surrounded by housing.
- Policies 1, 10, 15 and 61 of the Local Plan are relevant to the determination of this application.
- The Community Council and an objector are concerned about the loss of mature trees, the size of the extension and its impact on the original house, traffic safety and overlooking. The Councils Forestry Officer is also concerned about the impact of the development on trees.
- The proposed development contravenes Policies 1, 10, 15 and 61 of the adopted Local Plan in terms of the design of the extensions and their impact on the original villa, the overdevelopment of the plot and the impact on trees. For the same reasons the proposed development would detract from the character and appearance of the West Ferry Conservation Area. The application is recommended for REFUSAL.

DESCRIPTION OF PROPOSAL

Planning permission is sought to extend Moyness Nursing Home with a 2 storey extension added to its western elevation to provide 17 new bedrooms each with en suite bathroom facilities as well as residents lounges on both levels. In addition it is proposed to construct an upper floor extension to the existing nursing home to provide 2 additional bedrooms and a small 2 storey extension to the rear to enlarge 4 existing bedrooms. The net impact would be to increase the number of bedrooms from 30 to 48. The proposed extensions have a footprint of some 400m² and the overall development provides an additional floor area of some 825m².

The design of the proposed extensions is of traditional appearance with finishing materials of render and slate. To accommodate the proposed western extension and provide rearranged parking facilities, it is proposed to demolish a detached laundry building in the north west corner of the site, convert the current in out one way vehicular access to 2 separate accesses (1 service and 1 public) and form new parking in an area currently occupied by lawn, trees and shrubs.

A Tree report has been submitted with the application. This indicates that it is proposed to fell a total of 12 trees, 5 to accommodate the proposed development (buildings and parking areas) and 7 because it is stated that they are damaging the roadside boundary wall which is threatening to collapse into Grove Road. The report suggests that the 5 trees within the site are of low amenity value, that special care will need to be taken to ensure that retained trees will not be damaged by the proposed development and finally that replanting in the form of 2 new trees along with shrubbery should take place.

The net result of the proposed felling would be to remove most of the mature landscaping along Grove Road (7 out of 10 trees).

The applicants have submitted a supporting statement with their application. They state that the extensions are required to upgrade the

nursing home to bring it up to current standards set by the Care Commission and to make it economically viable. They point out that the front lawn area will not be affected by the proposed extensions and that the extensions are designed to match the existing buildings. They point out that the proposed extensions will not have an adverse impact on any significant trees on the site as any works to the roadside trees are not related to the proposed development.



Following correspondence with the Planning and Transportation Department the applicants have written



to point out that most of the proposed tree felling is necessary even if the development was not to proceed, that although planning policies are contravened the development is necessary to provide improved living conditions for residents, that the design of the proposed extensions is good and that the west elevation of the existing villa is of little architectural merit and that the main lawn will be unaffected. They suggest that the development will be screened by trees and will have no impact on the Conservation Area. Finally they suggest that the development will not have an adverse impact on the amenities of neighbours and will not lead to any traffic safety problems.

SITE DESCRIPTION

The site comprises Moyness Nursing Home, a 30 bedroom nursing home in a converted villa which has been significantly extended on its eastern site by a 2 storey brick extension. Moyness is an attractive villa dating from 1876 with coloured rendered walls and a slate roof. Its principal rooms face south and on the west elevation there is a balustraded entrance porch.

The site is enclosed by a cement faced wall immediately behind which is a row of mature trees (mainly lime). There are 2 vehicular accesses off Grove Road forming an in-out one way system. A small parking area of approximately 9 spaces is provided within the site. There is a lawn in front of the house and mature trees to the south of the lawn area.

The site lies within the West Ferry Conservation Area and is surrounded by houses. The area is generally characterised by large stone villas set in landscaped grounds enclosed by stone boundary walls. To the north west is a former lodge house now with its own curtilage and to the north are 3 large modern houses built within the former grounds of Moyness. To the south are 2 large modern houses also built within the former garden ground. To the east is Northwood, a substantial Category B listed villa, now used as offices for Servite Housing Association. New houses and flats have been constructed within the grounds of Northwood. To the west, on the opposite side of Grove Road, is a substantial villa at the junction with Strathern Road and the Category B listed Claremont Lodge.

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 10 sets out standards for uses such as residential homes.

Policy 15 on garden ground development is applicable.

The site is within the West Ferry Conservation Area and Policy 61 requires all development proposals to preserve or enhance the character of the surrounding area.

Scottish Planning Policies, Planning Advice Notes and Circulars

The Memorandum of Guidance on Listed Buildings and Conservation Areas sets out Government advice on, amongst other matters, how to assess new development in conservation areas.

Non Statutory Statements of Council Policy

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

SUSTAINABILITY ISSUES

The proposed development is sustainable insofar as it is close to services and facilities.

SITE HISTORY

In 1988 planning permission was granted for a 19 bedroom 2 storey extension on the east side of "Moyness" in 1988 and that extension has been constructed - application D12967 refers.

Subsequently a planning application for a 2 storey extension on the west elevation of the building, quite similar to the current proposals, was refused planning permission in 1991 - application D16065 refers. The reasons for refusal related to the fact that the extension would obscure one of the main elevations of the building and would be detrimental to its character and appearance, would involve over intensive development of the site with the loss of garden ground and trees, would detract from residential amenity due to loss of privacy and overlooking and would detrimentally affect the character and amenity of the existing area. That decision was appealed and the appeal was dismissed in March 1992.

A total of 5 new houses have been built to the north and south of "Moyness" in what was once part of its garden ground, the consents for which date back to the mid to late 1980's.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposed development was advertised as contravening Policy 15 of the adopted Local Plan and as affecting the setting of the West Ferry Conservation Area.

2 letters were received from neighbouring properties. One is an objection, with concerns about the impact of traffic in terms of the alterations to the one way system within the site and increased residential accommodation, which they feel will lead to traffic safety and congestion difficulties. Concerns about the potential for overlooking, particularly if screening is removed, are voiced as well as concerns about the felling of trees on the site.

The other letter is one of representation from a neighbour seeking to draw the applicant's attention to the fact that the gas supply and sewage outlet from their house is routed through the application site and may be affected by the proposed development.

The applicant has submitted 3 letters in support of the proposed development from the adult children of 2 residents of the nursing home. These letters state that Moyness is an important local facility (particularly since the closure of Duneaves and Westbay), that its future is jeopardised if the extension is not permitted, that there has been more extensive development in the adjoining site occupied by Northwood and finally that the development, including the removal of the laundry building, will benefit the area and will not adversely affect neighbours.

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

A letter of objection was received from the Community Council. The concerns of the Community Council relate to the loss of mature trees, the size of the extension compared with the original

villa, the impact on the entrance elevation of the original house and the views from the driveway.

The Councils Forestry Officer agrees that 5 less significant trees could be removed as being of low arboricultural value but is concerned about the proposed felling of the mature trees on Grove Road which he considers are worthy of protection by a Tree Preservation Order. He states that any solution to deal with problems with the roadside boundary wall should include the retention of the trees. He is also concerned about the proximity of these mature trees to the proposed extension and concludes that unless the size of the extension is reduced or its position moved away from the trees, he could not support this proposal.

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.

Furthermore in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) Act 1997 special attention should be paid to the desirability of preserving or enhancing the character or appearance of the West Ferry Conservation 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.

It terms of Policy 1, it is a requirement that the proposed development should be in accordance with other policies of the Plan and should 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 10 entitled Non Mainstream Residential Uses includes similar criteria in terms of the impact on neighbours as well as requirements on the quality of environment provided for residents of the facility, accessibility, avoidance of

concentration of facilities, parking and design.

In assessing the development against Policies 1 and 10 it should be noted that this is an existing nursing home which has been established in this area for some time. It is considered that it is located in an accessible location with frequent bus routes on nearby Strathern Road. It is not considered that the proposed extension would lead to an excessive concentration of nursing homes in the surrounding area. It is considered that a good quality environment will be provided for residents. Finally although the scale of the proposed extensions is substantial, it is considered that the nature of the proposed use is not one that gives rise to substantial problems in terms of noise, smell or traffic generation. However there are issues in terms of the design, scale and massing of the development which are considered in more detail in the assessment of the development against Policies 15 and 61 below.

Policy 15 relates to garden ground development and Policy 61 requires all development proposals to preserve or enhance the character of the surrounding conservation area.

The preamble to Policy 15 states that its aim is to protect the architectural appearance and landscape features of low density parts of the city. Sub-section (a) requires proposals to be of high quality design and use appropriate materials.

In this case the proposed extensions have been designed to reflect a traditional appearance and finishing materials have been chosen to match the original villa. However the large western extension obscures the western elevation of the original villa including the important entrance porch. Its size would dominate the original villa when viewed from the west and south west (along the driveway) to a much greater extent than the eastern extensions. Although the eastern extension does not complement the original villa, it is set back from the front elevation of the villa and linked to it in a reasonably satisfactory manner with a single storey link. The current proposal is to construct an upper floor extension at this location and alter the open glazed aspect of the existing link to a more solid form. It is considered that this produces a less satisfactory link with the original villa.

In terms of Policy 15(b) the total footprint of new buildings has already exceeded one and half times the footprint of the original house when account is taken of the eastern extension and the 5 new dwellings within the former garden of Moyness. The proposed extensions will add some 400m² to the existing footprint and will detrimentally affect the character and appearance as now exists for the reasons set out under 15(a) above (obscuring the west elevation of the villa and the poor link to the east extension) and the extent of development proposed would tend to swamp the original villa between 2 substantial extensions.

In terms of sub-section (d), prevailing densities in the area would not be respected because the erection of the western extension would result in a building with a combined frontage of some 65 metres, which would be completely alien to the existing pattern of development in the area which comprises detached villas in extensive landscaped grounds.

In terms of sub-sections (e) and (f), the proposed new extension will exceed 20% of the volume of the original building and is not designed as a separate and discreet structure. The west elevation is very significant and contains the entrance feature. It is considered that the impact of the proposed western extension in obscuring the west elevation and entrance feature contravenes sub-section (f). The dominance of the proposed western extension would be greatly increased if the proposed extensive tree felling was carried out.

Sub-sections (h) and (i) relate to tree protection and new planting. The proposals that have been submitted indicate the felling of 5 trees within the site to accommodate the western extension and additional parking area. It is accepted that these trees are not of significant visual merit and their removal is acceptable.

However the Tree Report goes on to suggest that almost all of the mature roadside trees should be felled because they are damaging the boundary wall. The loss of these trees is a matter of serious concern as they make a significant contribution to the visual amenity of the West Ferry Conservation Area. The Council's Forestry Officer is concerned by both the felling of these mature trees and

the proximity of the proposed extension and car park to them and states that he cannot support the application on this basis. No structural survey of the wall has been submitted to confirm the extent of damage being caused by the trees or the likelihood of collapse. Furthermore no investigation has been carried out to see if some of the trees could be retained with the wall partially rebuilt or whether an alternative form of boundary enclosure with the retention of all the trees could be considered. Whilst it is accepted that the proposed felling of the roadside trees is not directly related to the proposed western extension, it is the case that if these trees were to be retained then a significant part of the proposed western extension as well as the proposed parking area would fall within the canopy and root structures of these mature trees. The tree report assumed that only 2 of these large mature trees would be retained and still noted concern about the protection of these trees given the proximity of the proposed development. The Council's Forestry Officer considers that the development cannot be supported due to the proximity of the extension to these mature trees.

Not only will site preparation works and the provision of infrastructure have a significant impact on these trees, but in addition there are a number of west facing windows on the proposed extension (serving 8 bedrooms) within the canopies of these mature trees. Finally, the proposals for new planting comprise 2 trees along with new rhododendron planting between existing trees. Policy 15(i) suggests that new planting should reflect and enhance the character and stature of the existing landscaping. These proposals would in no way compensate for the extensive tree felling proposed along the Grove Road boundary but due to the extensive amount of development proposed on the site, the scope for new planting is very limited.

Policy 61 requires all development proposals to complement and enhance the character of conservation areas. For the reasons set out in the assessment of the development against Policy 15 of the Local Plan (overdevelopment of the site and overextension of the original villa, obscuring of the important western elevation and the loss of trees) it is considered that the development would

detract from the character of the West Ferry Conservation Area contrary to Policy 61 of the Plan.

It is concluded from the foregoing that the proposal does not comply with Policies 1,10,15 and 61 of the adopted Local Plan.

Other Material Considerations

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

(A) The Statutory duty set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

This requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. As explained above in the context of the assessment of the proposal under Policies 15 and 61 of the adopted Local Plan, the proposed development would not preserve the character or appearance of the West Ferry Conservation Area.

(B) The Applicants and Other Letters in Support of the Development - the applicants and the letters from the children of residents of the nursing home state that the extensions are required to upgrade the nursing home to bring it up to current standards set by the Care Commission and to make it economically viable. However the existing facilities can easily be upgraded without such a large new extension which has the effect of increasing the size of the facility by 60%. Matters of financial viability are not a material planning consideration. For reasons set out in the assessment of the development against the Policies of the Local Plan it has been concluded that the design and scale of the development and the loss of trees is unacceptable. It is not accepted that the west elevation of the original villa is of little architectural merit. The fact that extensive development has taken place in Northwood does not provide a precedent for departing from the Development Plan in this instance particularly since that development took place many years ago and was not assessed in the context of the current Development Plan framework. However it is agreed that the development will not have an adverse impact on the amenities of neighbours and will not lead to any traffic safety problems.

(C) The Concerns of the Community Council and the Objector - the concerns of the Community Council and the Objector insofar as they relate to the loss of mature trees, the size of the extension compared with the original villa, the impact on the entrance elevation of the original house and the views from the driveway have already been considered in the assessment of the proposed development against the policies of the Local Plan and it was concluded that policies would be contravened in all these respects.

The objector also raises concerns about the impact of traffic in terms of the alterations to the one way system within the site and increased residential accommodation, which they feel will lead to traffic safety and congestion difficulties. The increase in the number of bedrooms from 30 to 48 will clearly lead to an increase in traffic generation and the demand for parking within the site. However taking into account the fact that the level of parking proposed meets the Councils standards and that Grove Road is quiet at this location and demand for on street parking is low, it is not accepted that the development would lead to traffic safety or congestion issues.

Finally the objector raises concerns about the potential for overlooking, particularly if screening is removed. However the proposed extensions do not infringe on the 18 metres amenity distance stipulated in the Local Plan and it is not accepted that there would be unacceptable overlooking of neighbours if this development were to proceed.

A letter of representation was received from a neighbour seeking to draw the applicant's attention to the fact that the gas supply and sewage outlet from their house is routed through the application site and may be affected by the proposed development. This is a private civil matter between the parties but in any event the contents of this letter have been brought to the applicant's attention.

It is concluded from the foregoing that the material considerations weigh against the proposed development and that there is nothing in the applicants or other letters in support that would justify setting aside the terms of the Development Plan. It is therefore

recommended that planning permission be refused.

Design

The proposed extensions have been designed to reflect a traditional appearance and finishing materials have been chosen to match the original villa. However the large western extension obscures the western elevation of the original villa including the important entrance porch. Its size would dominate the original villa when viewed from the west and south west (along the driveway) to a much greater extent than the eastern extension. Although the eastern extension does not complement the original villa, it is set back from the front elevation of the villa and linked to it in a reasonably satisfactory manner with a single storey link. The current proposal is to construct an upper floor extension at this location and alter the open glazed aspect of the existing link to a more solid form. It is considered that this produces a less satisfactory link with the original villa.

CONCLUSION

The proposed development contravenes Policies 1, 10, 15 and 61 of the adopted Local Plan in terms of the design of the extensions and their impact on the original villa, the overdevelopment of the plot and the impact on trees. For the same reasons the proposed development would detract from the character and appearance of the West Ferry Conservation Area. The application is recommended for REFUSAL

RECOMMENDATION

It is recommended that consent be REFUSED for the following reason(s):

Reasons

- 1 The proposed development contravenes Policies 1, 10 (a) and 15(a)and (f) of the adopted Dundee Local Plan Review 2005 because its design would detract from the appearance of the original villa and of the wider area because it would obscure the attractive western elevation and would dominate the original villa and would remove the subtle link between the original villa and the eastern extension. There are no material considerations that

would justify the approval of this application contrary to the provisions of the Development Plan.

- 2 The proposed development contravenes Policies 10(f) and 15 (b), (d) and (e) of the adopted Dundee Local Plan Review 2005 because of its excessive scale and overdevelopment of the plot, excessive footprint and failure to respect the prevailing densities in the area. There are no material considerations that would justify the approval of this application contrary to the provisions of the Development Plan.
- 3 The proposed development contravenes Policy 15 (h) of the adopted Dundee Local Plan Review 2005 because of the extensive felling of trees and the adverse impact of the western extension and car park on mature trees to be retained. There are no material considerations that would justify the approval of this application contrary to the provisions of the Development Plan.
- 4 The proposed development would have a detrimental impact on the character and appearance of the West Ferry Conservation Area by reason of its adverse impact on the original villa known as Moyness, the overdevelopment of the site and the adverse impact on the mature trees contrary to Policy 61 of the adopted Dundee Local Plan Review 2005 and the Statutory duty set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that would justify the approval of the application contrary to the provisions of the Development Plan.