

**KEY INFORMATION**

**Ward** West End

**Proposal**

Formation of Driveway and  
creation of hardstanding

**Address**

91A Magdalen Yard Road  
Dundee  
DD2 1BA

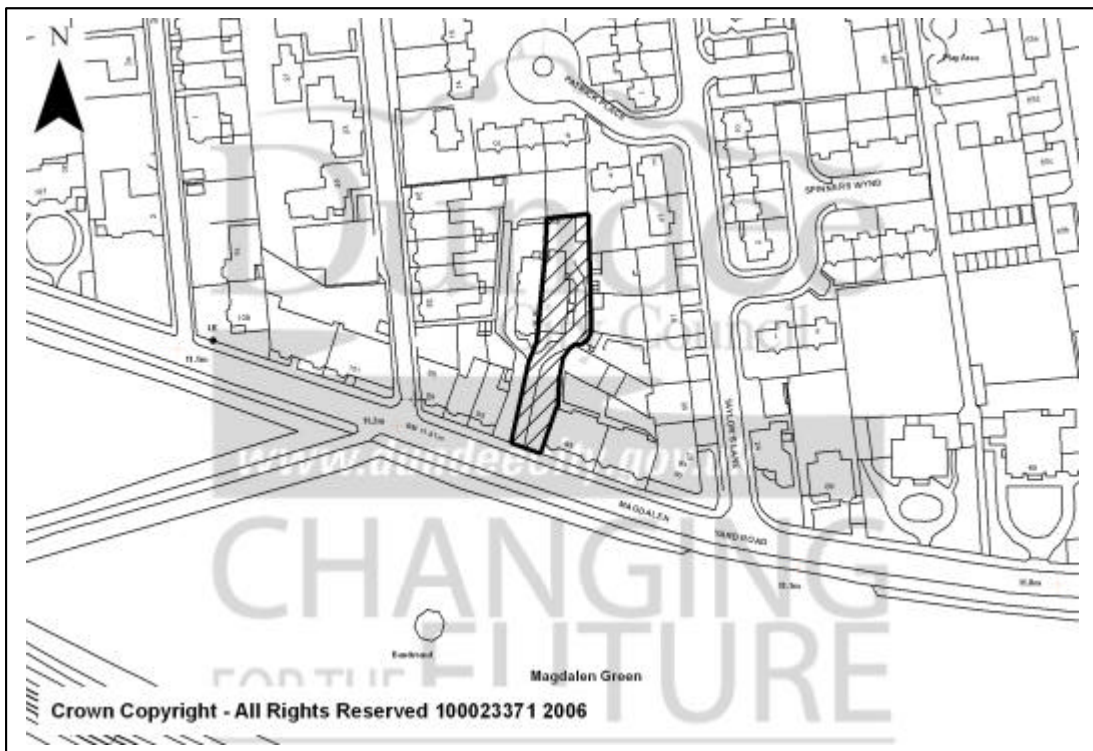
**Applicant**

Anthony Henry Harrold  
6 Asquith Close  
Christchurch  
Dorset  
BH23 3DX

**Agent**

**Registered** 19 Dec 2007

**Case Officer** B Knox



## Proposed Off Street Bay in Magdalen Yard Road

The formation of a driveway and creation of hardstanding is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The application is contrary to Policy 61 of the Dundee Local Plan Review 2005 and there are no material considerations that would justify a departure to this. The application is therefore recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the formation of a driveway and creation of the associated hard standing area within the grounds of a category B Listed Building.
- Two letters of objection have been received in relation to the proposal raising concerns regarding; there will be a detrimental effect on traffic and pedestrian safety; the proposals will materially affect the historic aspect and ambience of the building, which is a listed building and the proposal could be viewed as setting a precedent for further construction and building.
- The proposal is considered to be contrary to Policy 61: Development in Conservation Areas of the Dundee Local Plan Review 2005 and the Council's Breaches in Boundary Walls Policy and Guidance for Dundee's Listed Buildings and Conservation Areas. There are no material considerations to justify a decision contrary to this. The application is therefore recommended for **REFUSAL**.

## DESCRIPTION OF PROPOSAL

The application proposes the formation of a driveway to the front of a property. This would involve the demolition of a section of wall to the front of the property and the laying a hardcore area to be topped with loose chippings to match the existing formal driveway.

The driveway would occupy a space of approximately 67m<sup>2</sup>.

## SITE DESCRIPTION

The application site is located on Magdalen Yard Road in the west of the city. The associated property is a large mansion house which has been subdivided into four flatted residential properties. There is a formal driveway and lawn laid to the front of the property, giving the building a distinct and formal setting. The property is a category B Listed building and is located within the West End Lanes Conservation Area. There is an existing gate in the boundary wall providing both vehicular and pedestrian access to the building.

## 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:

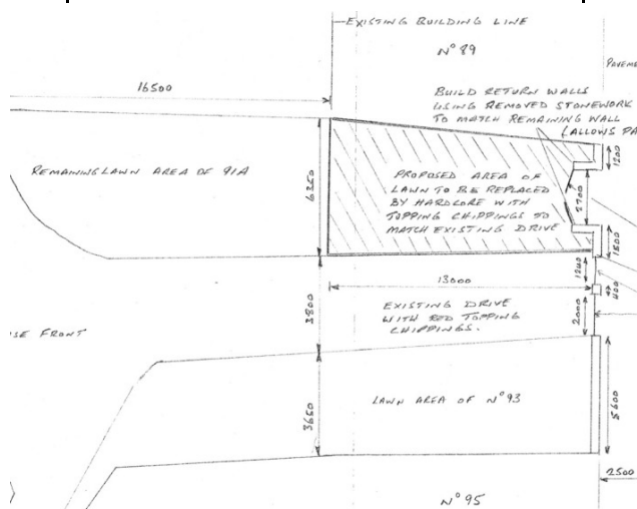
## Policy 60: Alterations to Listed Buildings

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.

## 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

# Memorandum of Guidance on Listed Buildings and Conservation Areas (Historic Scotland)

## Non Statutory Statements of Council Policy

The following policy statements are of relevance:

# Breaches in Boundary Walls Policy and Guidance for Dundee's Listed Buildings and Conservation Areas.

## SUSTAINABILITY ISSUES

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

## SITE HISTORY

There is no planning site history for this site.

## PUBLIC PARTICIPATION

The statutory neighbour notification procedure was carried out and two letters of objection were received. The issues raised relate to:

- There will be a detrimental effect on traffic and pedestrian safety
- The proposals will materially affect the historic aspect and ambience of the building, which is a listed building.
- The proposal could be viewed as setting a precedent for further construction and building.

## CONSULTATIONS

No adverse comments have been received from any of the 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

## The Development Plan

The provisions of the Development Plan relevant to the determination of this application are specified in the Policy background section above

Policy 60: Alterations to Listed Buildings - the alteration of a listed building whether external or internal should be carefully considered in order to minimise the impact of any alterations. It is considered that the provision of parking within the formal gardens of the listed building would have a detrimental effect upon its setting. The formal garden at the front of the property is an attractive feature and helps to define the grand stature that this building had at the time of building. The creation of parking spaces in this area would detract from this attractive feature and is consequently considered to be contrary

to Policy 60 of the Dundee Local Plan Review 2005.

Policy 61 of the Dundee Local Plan Review 2005 states that proposals within Conservation Areas will be expected to preserve or enhance the character of the surrounding area.

It is proposed to demolish a section of boundary wall to the front of the property in order to enable the provision of a parking area within the curtilage of the property. It is considered that the removal of this section of wall (approximately 2.7 metres wide) would be detrimental to the character of the Conservation Area. The boundary walls provide cohesion to an area by defining and linking the grounds and gardens of properties. For this reason, it is considered that the proposal fails to comply with Policy 61 of the Dundee Local Plan Review 2005.

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:

Breaches in Boundary Walls Policy and Guidance for Dundee's Listed Buildings and Conservation Areas

The above document provides guidance in relation to the breaching of boundary walls in Conservation Areas and in relation to Listed Buildings. The application property is a Category B Listed Building and is located in the West End Lanes Conservation Area. The document states 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. Where there have already been alterations to boundary walls in the vicinity, the remaining sections of boundary wall provide evidence of the original character and form of the townscape, and take on a higher value. In this respect, there is a presumption against additional breaches in such areas.

The proposal to remove part of the existing front boundary wall to allow for the provision of parking within the curtilage of the property is therefore considered to be contrary to this guidance.

In addition to this, the document also provides advice in relation to the adaptation of front gardens of listed buildings to form parking areas. It states that it is not generally appropriate to remove lengths of boundary wall or railings to create a parking space out of part of garden ground, effectively extending the street or footpath into the garden. It is considered that the provision of an additional driveway in the area proposed would erode the character and dominate the existing garden.

The views of the objectors:

The valid issues raised relate to:

- there will be a detrimental effect on traffic and pedestrian safety.

It is not considered that the formation of a driveway in this location would present an unacceptable hazard to road users and pedestrians. The views of the objector are dismissed in this respect.

- The proposals will materially affect the historic aspect and ambience of the building, which is a listed building.

It is considered that the proposals would have a detrimental effect upon the character and setting of the Listed building and surrounding conservation area. This has been discussed in detail in the Observations Section above.

- The proposal could be viewed as setting a precedent for further construction and building.

Planning authorities are not obliged to follow their previous decisions on similar applications and precedent is therefore not a material planning consideration.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Council 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 and appearance of the area. These issues have been discussed and discharged in the Observations Section above in relation to Policy 61: Development in Conservation Areas of the Dundee Local Plan Review 2005

It is concluded from the foregoing that there are no material considerations which would justify the grant of planning permission contrary to the provisions of the Development Plan. It is therefore recommended that planning permission be refused with conditions.

## Design

It is considered that the proposed driveway would have a detrimental effect upon the character and appearance of the listed building and surrounding conservation area. The removal of the section of wall is considered to be an unacceptable additional breach in the existing boundary wall.

## CONCLUSION

It is concluded from the foregoing that the proposal fails to comply with Policy 61 of the Dundee Local Plan Review 2005 and the material considerations support this. It is therefore recommended that the proposal be recommended for REFUSAL.

## RECOMMENDATION

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

## Reasons

- 1 It is considered that the provision of parking within the formal gardens of the listed building would have a detrimental effect upon its setting and that the creation of parking spaces in this area would detract from this attractive feature and is consequently considered to be contrary to Policy 60 (Alterations to Listed Buildings) of the Dundee Local Plan Review 2005.
- 2 It is considered that the removal of a section of boundary wall would be detrimental to the character of the Conservation Area and in this respect would fail to preserve or enhance the Conservation Area. For this reason, it is considered that the proposal fails to comply with Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005.