

KEY INFORMATION

Ward West End

Proposal

Conversion of 3 storey townhouse into 2 flats, velux windows and skylight added to roof. Single storey building at rear to be demolished and secure and sheltered parking and entrance gate to be provided

Address

281 Perth Road
Dundee DD2 1JS

Applicant

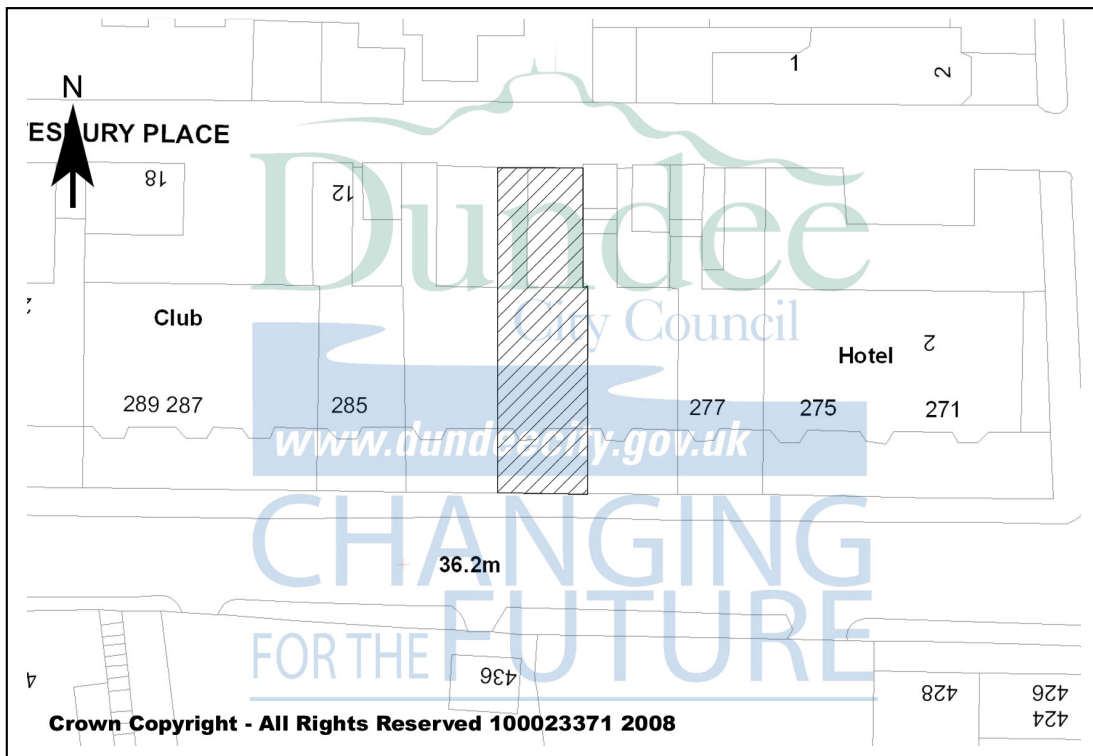
Mr Paul Allen
13 Elcho Drive
Broughty Ferry
Dundee DD5 3TB

Agent

Andrew Black Design
1 Ritchies Lane
Dundee DD2 1ED

Registered 8 Sep 2008

Case Officer Eve Jones



Proposed Conversion of Townhouse into Flats in Perth Road

The conversion of townhouse into 2 flats is **RECOMMENDED FOR APPROVAL** subject to conditions and a **Section 75 Agreement**. Report by Director of Planning and Transportation

RECOMMENDATION

It is concluded that the flexibility available in Policies 12 and 4 of the Dundee Local Plan Review 2005 for the retention and reuse of a Listed Building is applicable in this case. To ensure that the units are not let for multiple occupancy, it is considered appropriate that a **SECTION 75 AGREEMENT** is sought with the applicant and that the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the change of use of an existing terraced house, formerly an unauthorised HMO, to form 2 flats with external alterations. There will be 1 x 2 bedroom ground floor flat and 1 x 4 bedroom flat, on the upper floors, with a garden and 3 car parking spaces accessed from Shaftesbury Lane to the rear. Internally, the cornices and ceiling roses will be retained and repaired.
- Dundee Local Plan 2005: Policy 4 - Design of New Housing; Policy 12 - Sub-Division of Houses; Policy 59 - Alternative use for Listed Buildings; Policy 61 - Development in Conservation Areas are relevant.
- There were no adverse comments from consultees and no objections from the public.
- The proposal complies with the relevant policies and with National Planning Guidance and the retention and reuse of the Listed Building supports a degree of flexibility in the application of the relevant criteria for flats, parking and garden ground.
- In order to ensure that the units are not let for multiple occupancy, it is considered appropriate that a Section 75 agreement is sought with the applicant.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use of an existing terraced house, formerly an unauthorised HMO, to form 2 flats with external alterations comprising new windows and doors, a velux window, a new roof light and 3 car parking spaces with partial roof and garage doors to the rear.

There will be 1 x 2 bedroom flat on the ground floor and a 4 bedroom flat on the first and second floors accessed from a new internal stair. A single storey rear extension is proposed to be removed to provide rear amenity space and 3 car parking spaces accessed from Shaftesbury Lane to the rear. In order to retain the enclosure to the lane, the parking spaces will be secured by individual roller doors with a partial slate roof above to replicate the outbuildings common to the rear of many of these properties.

Internally, cornices and ceiling roses will be retained and repaired where necessary and unsympathetic UPVC windows installed without consent on the rear elevation will be replaced by traditional timber sash and case windows.

SITE DESCRIPTION

The property is a large, 3 storey terraced townhouse forming part of a traditional stone terrace on the north side of Perth Road between Hyndford Street and Rockfield Street. There is rear vehicular access along the unadopted Shaftesbury Place but only pedestrian access from Perth Road due to the elevated position of the building. There are fine interiors with well detailed plaster cornices and ceiling roses.

The building, which is currently vacant, has 7 bedrooms, 2 lounges and a bathroom and kitchen and has previously been rented out as an unauthorised HMO.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 4 - Design of New Housing.

Policy 12 - Sub-Division of Houses.

Policy 59 - Alternative use for Listed Buildings.

Policy 60 - Alterations to Listed Buildings.

Policy 61 - Development in Conservation Areas.

Scottish Planning Policies, Planning Advice Notes and Circulars

The Memorandum of Guidance on Listed Buildings and Conservation Areas is of relevance.

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

- Breaches in Boundary Walls.
- Houses in Multiple Occupation.

SUSTAINABILITY ISSUES

The following sustainability policy implication arises from this application:

Policy 5 Built Environment - the issue is discussed in greater detail below.

SITE HISTORY

06/00209/CLEU and 06/00755/CLEU. These applications sought to obtain a Certificate of Lawfulness for Existing Use of the premises as a House in Multiple Occupation. No certificate was granted.

08/00163/FUL and 08/00166/LBC sought planning and listed building consent for conversion of the building to form 3 flats. Following discussion with the Planning Officer, the applications were withdrawn on 25/04/2008.

08/00668/LBC - The partner Listed Building application in respect of the proposed partial demolition and alterations to the Listed building is considered elsewhere on this agenda

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification. There were no objections.

CONSULTATIONS

There were no adverse comments from consultees.

OBSERVATIONS

Statutory Requirements

In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 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 Statutory Requirements under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

In accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

In accordance with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving or enhancing the character or appearance of the 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.

Policy 12: Sub-Division Of Houses - "The sub-division of houses will only be permitted if all of the following criteria are met:

- each unit has a minimum of 5 habitable rooms, 2 parking spaces within the curtilage and useable

garden ground of 120m² or 50m² if within the inner city; and

- b the proposal does not involve an extension, through either conversion of non-residential accommodation or new build, of more than 30% of the existing floorspace; and
- c all units should have a pleasant aspect and surrounding residential environment with main living areas being located to the front of the house

The above criteria may be applied flexibly where this is necessary to preserve the architectural integrity of a listed building."

It is considered that the flexibility allowed in the policy to protect a listed building should be applied in the following way for the following reasons.

The ground floor flat has four habitable rooms but it could have been further divided into five smaller rooms to meet this policy. However this would have had a very detrimental impact on the proportion of the large lounge and would not have allowed the retention of the cornices. The upper floor flat meets the criteria for rooms.

The 2 lounges face south with fine views across the Tay.

Three secure parking spaces are provided where none exist at present in an area where parking is at a premium. However this is at the expense of some of the rear garden ground. The existing rear amenity area is 66m². The demolition of the rear extension will allow the provision of the 3 car parking spaces, bin stores and cycle stores and the remaining rear garden area is 33m². The site lies within the Inner City where the policy seeks a minimum of 50m² per unit. This development cannot meet this requirement.

It is concluded that whilst the proposed sub-division does not meet the criteria of Policy 12, the preservation of the architectural integrity of the Listed building does support a flexible application of these criteria. It is therefore considered that the development does comply with Policy 12 under this flexible approach.

Policy 4: Design Of New Housing - "The design and layout of all new housing in Dundee should be of a high

quality. As a basis for achieving this, new development will be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

- a the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or
- b the proposal is within an established low density residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.

New housing development should also have regard to the principles of the City Council's Urban Design Guide.

Where conversion of a listed building or other building worthy of retention is proposed, there may be limited flexibility in applying parking and garden ground requirements where compliance is impractical. The development of flats through conversions of buildings of merit may also be acceptable where conversion to flats is the only appropriate action."

This is a large terraced house on three floors with 7 bedrooms and 2 lounges with a limited area of garden ground and no off street parking. It has limited demand as a family house and has been in unauthorised use as a house in multiple occupation. Change of use to flats is acceptable in principle to retain the Listed Building in beneficial use.

Appendix 1 to Policy 4 sets criteria for flatted developments. The proposal meets the required size of unit and innovative, secure parking at 130% is provided in accordance with the criteria. The garden ground provision does not meet the criteria. The garden ground to the front of the property is not considered to be acceptable private garden ground.

However the policy provides flexibility in these matters where conversion of a listed building is proposed. The provision of secure off street parking in a way which will retain the enclosure of the rear lane is welcomed. The proposal provides two high quality flats retaining traditional architectural

features with space standards in excess of many new developments.

It is concluded that the development merits the flexibility detailed in Policy 4 and is in compliance with it.

Policy 59: Alternative Uses For Listed Buildings - "Suitable alternative uses will be considered for listed buildings where this is necessary to secure their future. Any adaptation of the fabric must be undertaken carefully and sensitively and have minimum impact on the architectural and historic interest, character and setting of the building. Reference should be made to other policies in the Plan."

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."

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."

It is considered that the proposal complies with these three policies which seek to protect the character of Listed Buildings and Conservation Areas for the reasons noted above. The development will retain significant architectural details within the individual flats. The removal of the single storey rear extension will not have a significant detrimental impact on the character of the Listed building. The existing rear stone wall at ground floor level has been painted and will require to be repaired where the new windows will be installed. It is proposed that this wall and the garden wall exposed when the outbuildings are removed are finished in smooth render and painted cream. The existing rear elevation to Shaftesbury Place is formed by a high stone wall. The wall is to be removed and the

enclosure to the rear lane will be replicated by the use of three roller garage doors with a slated partial roof above. This will also ensure security for the parked cars.

It is concluded that the proposals complies with Policies 59; 60 and 61.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan as the retention and reuse of the Listed Building supports a degree of flexibility in the application of the relevant policies.

It is considered that the Statutory Requirements under Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 have been discharged as detailed in the Observations above.

Other Material Considerations

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

a Memorandum of Guidance on Listed Buildings and Conservation Areas

States 2.15: New uses for old buildings may often be the key to their continued survival. It may be justifiable for planning authorities to relax control over use, zoning, density, plot ratio, daylighting, and other restrictions where this would enable an historic building or group of buildings to be given a new lease of life.

It is considered that the proposed development will retain or repair and improve the fabric of the Listed Building and the loss of the single storey outbuilding and rear wall is justified as detailed in this report.

b Non Statutory Statements of Council Policy

Breaches in Boundary Walls - this site is typical of similar Listed Buildings and dwellings in the area with a low stone wall to the front elevation and a high stone wall to the rear elevation. In this case, the rear wall protects the rear garden area from Shaftesbury Place which is a non-adopted access lane. Some properties in this terrace have rear parking which has been achieved by the total removal of

the wall. This proposal retains the enclosure by the use of three roller garage doors with a partial slated roof above to replicate an outbuilding. It is considered that the proposal meets the spirit of the policy and the removal of the wall is acceptable in order to provide much needed secure off street parking for a development which will ensure the beneficial re-use of a listed building.

c Houses in Multiple Occupation

The supplementary planning policy guidance was approved as a material consideration in the determination of planning applications in order to control the use of premises for multiple occupancy in certain areas of the City. This is an area of multiple letting between the University campus and Ninewells. It is considered appropriate to secure a Section 75 agreement with the applicant to ensure that these properties are not let for multiple occupation given the limited parking and garden ground available.

d Sustainability Policy 5

The proposal supports Sustainability Policy 5 - Built Environment, as it preserves and reuses a Listed Building which forms an important part of the Conservation Area.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to support the granting of planning permission in accordance with the terms of the Development Plan.

Design

The exterior of the building will be largely unchanged, unsympathetic UPVC windows on the rear elevation will be replaced by timber sash and case windows and existing traditional windows will be restored. A velux window on the front elevation will be virtually unseen from the street level due to the height and slope of the roof. The interior features will be retained and repaired to a high standard. The design of the proposed secure parking will retain the enclosure to the rear lane and the provision of the slate roof over the parking will add to the traditional character of the development.

CONCLUSION

It is concluded that the flexibility available in both Policy 12 and Policy 4 of the Dundee Local Plan Review 2005 is applicable in this particular case as the development will retain important architectural features of the building in the proposed conversion into 2 high quality flats. This will preserve and enhance the fabric and character of the building which forms part of a terrace of Listed Buildings which contribute to the character of this part of the West End Suburbs Conservation Area, as required by other relevant policies and National Planning Guidance. In order to ensure that the units are not let for multiple occupancy, it is considered appropriate that a Section 75 agreement is sought with the applicant.

RECOMMENDATION

Recommendation 1

This planning permission shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between the Council and all parties with appropriate interests in the land has been recorded. This agreement will relate to:

- 1 The prevention of use of either of the units for multiple occupancy.

Recommendation 2

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 Good quality slate shall be carefully removed and stored on site in order to be available for use in the construction of the new parking shelter.
- 3 Prior to the commencement of any demolition works, the applicant shall take such steps and carry out such works as shall during the progress of the works, secure the safety and stability of walls which are to be retained. Such protective measures shall remain on site during the demolition works hereby approved.

- 4 The original windows shall be retained and refurbished.
- 5 Before either of the units is first occupied the car parking with the slated roof and garage doors indicated on the approved drawings shall be provided and shall thereafter be kept available for use by residents at all times.
- 6 Prior to the commencement of development, a comprehensive landscaping scheme for hard and soft landscaping shall be submitted for approval and if approved, the works shall be carried out only in accordance with such approved details. The landscaping shall be implemented within 3 months of the first occupation either of the units hereby approved.
- 7 Before either of the residential units is first occupied bin stores, in accordance with the requirement of the City Council's Waste Management standards, and cycles stores shall be provided in the locations noted on the plans.

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 safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
- 4 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
- 5 Ensure adequate off-street car parking in the interests of both highway safety and visual amenity.
- 6 In the interests of the amenities of the future occupants of the residential accommodation.
- 7 In the interests of the amenities of the future occupants of the residential accommodation.