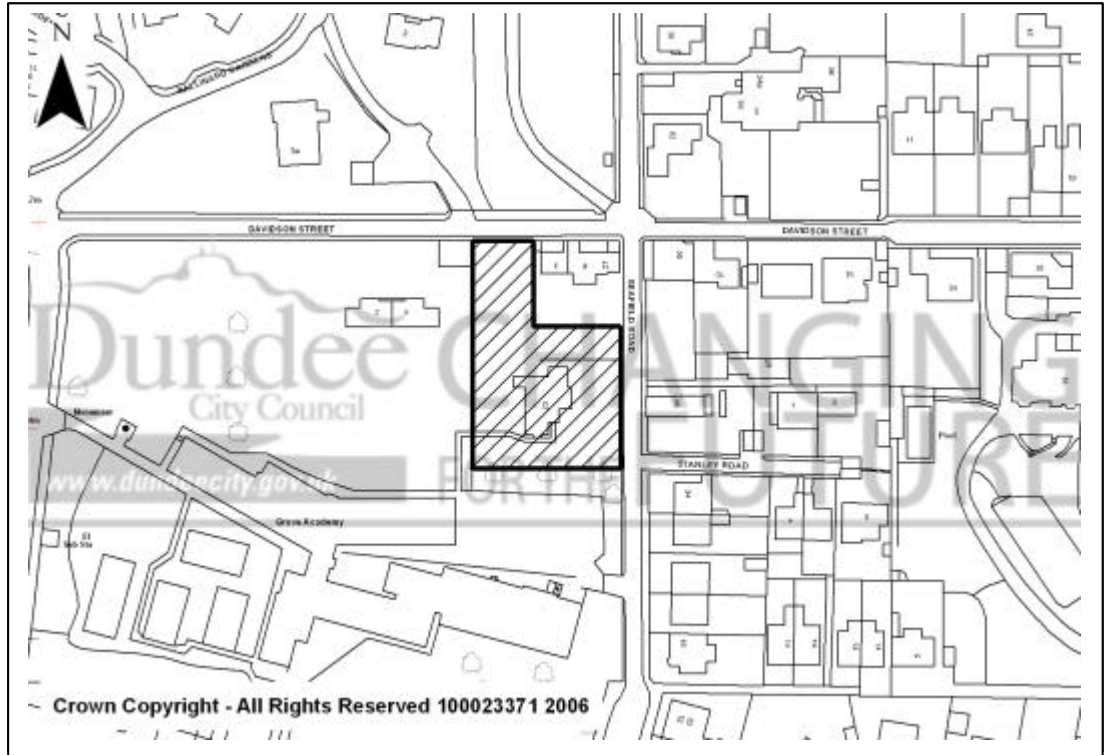


KEY INFORMATION**Ward** The Ferry**Proposal**

Formation of Entrance Gate in North Boundary Wall and Path to House

Address23 Seafield Road
Broughty Ferry
Dundee**Applicant**M Linton
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Broughty Ferry
Dundee
Dd5 1JT**Agent**James Paul Associates
4 Brook Street
Broughty Ferry
Dundee
DD5 1DP**Registered** 9 Dec 2008**Case Officer** P Macari

Proposed Garden Gate in Seafield Road

The formation of an Entrance Gate is **RECOMMENDED FOR APPROVAL** subject to conditions.
Report by Director of Planning and Transportation.

RECOMMENDATION

The concerns of Broughty Ferry Community Council are not supported. The proposals are considered to accord with the requirements of the Dundee Local Plan Review 2005 and Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as well as the Council's Breaches in Boundary Walls Policy and Guidance for Dundee's Listed Buildings and Conservation Areas. Accordingly it is recommended that planning permission be granted subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the formation of a pedestrian access through the northern boundary wall of Avrom House at 23 Seafield Road, Broughty Ferry.
- Policy 55 (Urban Design), Policy 60 (Alterations to Listed Buildings) and Policy 61 (Development within Conservation Areas) of the Dundee Local Plan Review 2005 is relevant to the outcome of this application.
- Broughty Ferry Community Council has objected to the proposals on the grounds that planning permission has already been granted for the formation of a vehicular access in the eastern boundary wall with the formation of an additional pedestrian access in the northern boundary wall (at a considerable distance from the house) being unnecessary and damaging to the integrity of the wall.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the formation of a pedestrian access through the northern boundary wall of Avrom House at 23 Seafield Road, Broughty Ferry.

The proposals will provide access from the rear garden of the application site on to Davidson Street. The proposed access will be enclosed by a timber slatted gate painted with Dulux Heritage Range Azure Blue. Given the height of the B listed boundary wall, the existing coping stones will be replaced above the proposed access with the new gate piers constructed from natural stone.

SITE DESCRIPTION

The application site is located on the west side of Seafield Road and south side of Davidson Street. There is a two storey B-listed building, which has two pedestrian access gates from Seafield Road. The building is a Z-plan Jacobean-style house with ashlar stone walls and slate roof. There is a single storey entrance porch on the south elevation with glass fanlight set into a recessed panel. A further entrance door is located on the east elevation but this was added at a later stage as a fire exit door. Many of the rooms have decorative cornice details, ceiling roses and fireplaces. There is a high stone wall along the Seafield Road and Davidson Street boundaries, this is also B listed. There are various mature and semi-mature trees within the site and along the boundaries.

There is a newly built detached double garage in the eastern side garden grounds of the house. The garage has a slate pitched roof with cream wet dash rendered walls.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

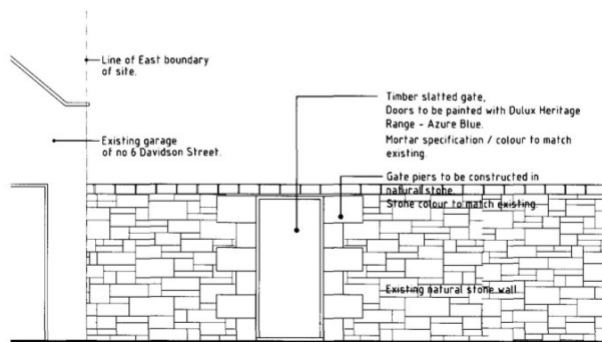
The following policies are of relevance:

Dundee City Council Development Quality Committee

Policy 55: Urban Design - for all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.



EXISTING ELEVATION



PROPOSED ELEVATION

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites.

All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.



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 within 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 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

There are no statements of Government policy relevant to the determination of this application.

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

On 17 December 2007, the Development Quality Committee granted planning permission 07/00928/COU and listed building consent 07/00927/LBC for the conversion of Avrom House, 23 Seafield Road Broughty Ferry from a vacant school building to a domestic dwelling including the erection of a

16 February 2009

detached double garage and conservatory extension.

Previous proposals to redevelop Avrom House have included planning permission 6/00645/COU and listed building consent 06/00641/LBC which sought consent to convert the existing B listed building into two flats and erect a house in the garden grounds. These proposals were considered to have a negative impact upon the B listed building as well as being contrary to the provisions of the Development Plan.

A related application seeking listed building consent for the formation of a pedestrian access in the northern boundary wall of Avrom House appears elsewhere on the agenda as do planning and listed building applications for the substitution of the glazed conservatory roof with a slate roof and the installation of solar panels on the roof of the recently built garage approved by planning application 07/00928/COU and listed building application 07/00927/LBC.

PUBLIC PARTICIPATION

The applicant has carried out the statutory neighbour notification procedure as detailed in the Town and Country Planning (General Development Procedure) (Scotland) Order 1992. No letters of objection have been received

CONSULTATIONS

Broughty Ferry Community Council has objected to the proposals on the grounds that planning permission has already been granted for the formation of a vehicular access in the eastern boundary wall with the formation of an additional pedestrian access in the northern boundary wall (at a considerable distance from the house) being unnecessary and damaging to the integrity of the wall.

No other adverse comments have been received from 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

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

A quality environment is dependent on the inter-relationship between building form and use, architectural style, streetscape spaces, places and movement patterns. Policy 55 (Urban Design) is therefore supportive of proposals to that seek to enhance design quality through the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas.

The proposals are considered to comply with the provisions of Policy 55 as the provision of an additional pedestrian access from the application site on to Davidson Street is of a scale, massing and design that compliments the appearance of the historic streetscape that is made up of mainly stone boundary walls and vehicular accesses. The form of the pedestrian access is such that the existing stone copes will be replaced once the access is formed. The use of stone gate piers is considered to blend well with the remaining B listed stone boundary wall.

The proposed access will enhance the connectivity of the application site as Davidson Street is a popular pedestrian through route to Claypotts Road which lies on the main bus route into Dundee.

With regard to Policy 60 (Alterations to Listed Buildings), while the wall is not a building, this policy is relevant to the outcome of this application as the protection in place for the actual building also includes the boundary walls, through the specific mention in the statutory listing. It is the aim of Policy 60 to support proposals that have regard to the preservation or enhancement of the architectural or historic character of listed buildings. The proposed formation of a pedestrian access gate in the B listed northern boundary wall of Avrom House is considered to be of a scale, massing, design and finish that compliments the appearance of the wall while also maintaining the architectural and historic integrity of the structure.

The proposed pedestrian access in the northern boundary wall is considered a positive addition to the surrounding Conservation Area. This is because the design of the proposed access respects the character of the existing B listed wall and surrounding historic Davidson Street streetscape. This is best demonstrated by the repositioning of the original stone copes above the proposed access.

Statutory Duty

In accordance with the provisions of Sections 59 and 64 of the Planning and Listed Buildings and Conservation Areas (Scotland) Act 1997, the Council's statutory duty has been discharged in the assessment of the proposals against the criteria of the Development Plan above.

It is concluded from the foregoing 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 Breaches in Boundary Walls Policy and Guidance for Dundee's Listed Buildings and Conservation Areas.

Paragraph 2.2.1 of the Breaches in Boundary Walls Policy and Guidance for Dundee's Listed Buildings and Conservation Areas states that proposals involving the formation of an access "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."

The assessment of the proposals against both Policy 55 (Urban Design), Policy 60 (Alterations to Listed Buildings) and Policy 61 (Development in Conservation Areas) demonstrate that the proposed pedestrian access through the B listed northern boundary wall of Avrom House will not have a significant impact upon the character and setting of both the B listed mansion house and walls as well as the Forthill Conservation Area. This is because the design of the proposed access is such that the existing original coping stones shall be replaced once the opening has been formed with natural stone gate piers formed at either side of the opening to blend with the natural stone wall.

The proposals are therefore considered to comply with the criteria of the Council's Breaches in Boundary Walls Policy and Guidance for Dundee's Listed Buildings and Conservation Areas.

b Views of Broughty Ferry Community Council.

Broughty Ferry Community Council has expressed concern that the proposed pedestrian access through the B listed northern boundary wall of Avrom House would damage the integrity of the wall. Furthermore, as a vehicle access has already been granted permission by virtue of planning application 07/00927/COU there is no need for further access to the property.

As detailed in the assessment of the proposals against the criteria of Policy 55 (Urban Design), Policy 60 (Alterations to Listed Buildings) and Policy 61 (Development in Conservation Areas) the proposed access is of a scale, massing and design that compliments the character and setting of both the B listed mansion house and walls as well as the historic Davidson Street streetscape. Not only this, but the proposed access will enhance the connectivity of the application site with the local area.

The concerns of Broughty Ferry Community Council are not supported.

It is concluded from the foregoing that insufficient weight can be accorded to any material considerations such as to

justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The proposed pedestrian access through the B listed northern boundary wall is considered to be appropriate to the character, setting and appearance of the wall. This is because the proposed access by virtue of scale and massing respects these elements of the existing wall while also seeking to minimise the impact upon the wall through the repositioning of the existing original coping stones above the proposed access. Furthermore to blend with the existing wall it is proposed to form stone gate piers at either side of the access to blend with the original wall.

CONCLUSION

The concerns of Broughty Ferry Community Council are not supported. The proposals are considered to accord with the requirements of the Dundee Local Plan Review 2005 and Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as well as the Council's Breaches in Boundary Walls Policy and Guidance for Dundee's Listed Buildings and Conservation Areas. Accordingly it is recommended that planning permission be granted subject to conditions.

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 A sample of the proposed Dulux Heritage Range Azure Blue paint to be applied to the timber gate hereby approved shall be submitted to this Planning Authority for written approval prior to work commencing on site and thereafter applied to the timber gate within one month of its hanging. For the avoidance of doubt, the colour of the proposed timber gate will not change without written approval from this Planning Authority.

- 3 Samples of the stone to be used for the formation of the new gate piers shall be submitted to this Planning Authority for written approval prior to work starting on site. Thereafter, the stone gate piers shall be formed in accordance with the stamped approved plans and the material approved by virtue of this condition.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of safeguarding the visual amenity and historic character of the B listed wall.
- 3 In the interests of safeguarding the historic fabric of the B listed boundary wall.