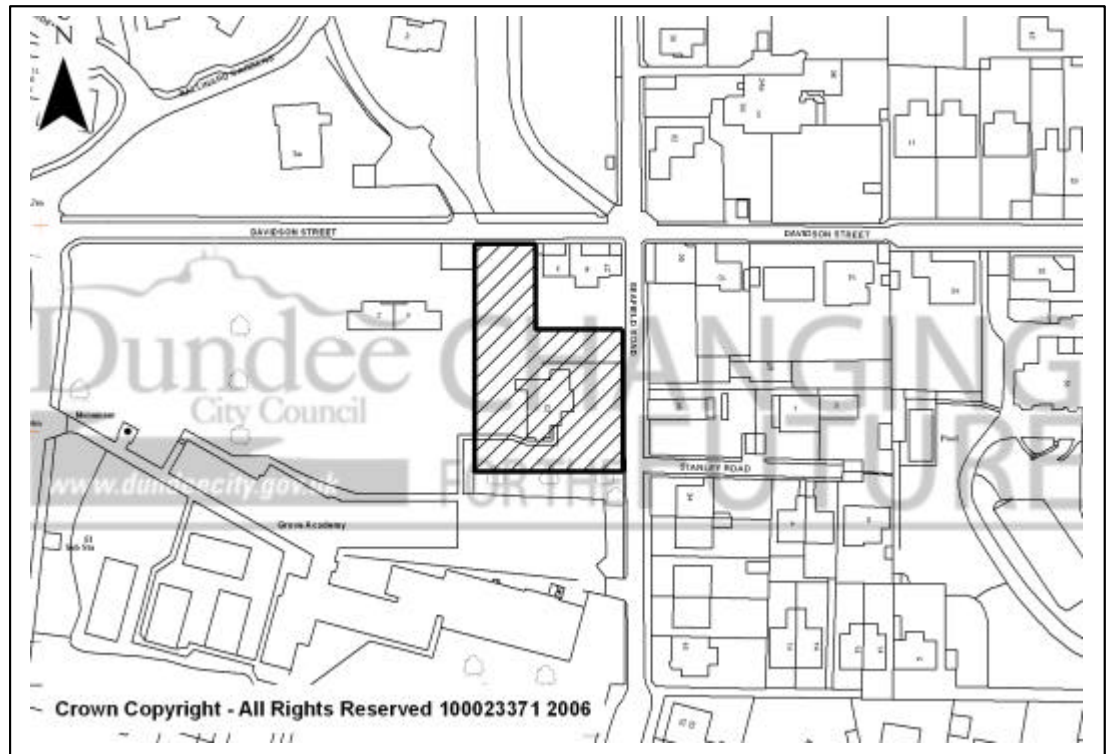


KEY INFORMATION**Ward** The Ferry**Proposal**

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

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Broughty Ferry
Dundee**Applicant**M Linton
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DD5 1DP**Registered** 9 Dec 2008**Case Officer** P Macari

Proposed Opening in Listed Wall in Seafield Road

The formation of an Entrance Gate is **RECOMMENDED FOR APPROVAL** subject to **Historic Scotland**. 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 14 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.

SUMMARY OF REPORT

- This application seeks listed building consent for the formation of pedestrian access through the B listed northern boundary wall that encloses Avrom House.
- Policy 60 (Alterations to Listed Buildings) of the Dundee Local Plan Review 2005 is relevant to the outcome of this application.
- This application has been advertised in the Edinburgh Gazette and Dundee Evening Telegraph as development affecting a listed building
- 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

This application seeks listed building consent for the formation of pedestrian access through the B listed northern boundary wall that encloses Avrom House.

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 once formed 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

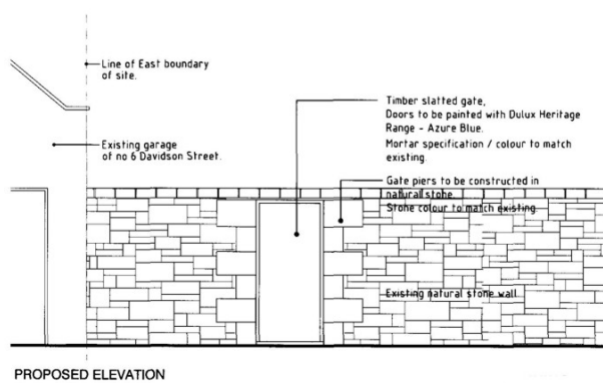
Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

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.

Scottish Planning Policies, Planning Advice Notes and Circulars

SPP23 Planning and the Historic Environment

Memorandum of Guidance on Conservation Areas and Listed Buildings 1998 (Historic Scotland).

Scottish Historic Environment Policy (2008).

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

The Committee recently granted planning permission and listed building consent 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 detached double garage and conservatory extension.

Prior to the approval of the proposed conversion of Avrom House, planning application 06/00645/COU and listed building application 06/00641/LBC sought to convert the existing B listed building into two flats and the 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. The respective applications for planning permission and listed building consent were withdrawn before the proposals could be reported to the Development Quality Committee.



A related application seeking planning permission 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 07/00927LBC.

PUBLIC PARTICIPATION

This application was advertised in the Edinburgh Gazette and Dundee Evening Telegraph as development affecting a listed building. No letters of objection were 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.

Historic Scotland has been informally consulted with regard to the proposed development. Historic Scotland has stated that the proposed opening in the B listed wall is appropriate to the character of the wall. However, the applicant must demonstrate to the Council's satisfaction that access in the location proposed is necessary.

No other adverse comments have been received from Consultees.

OBSERVATIONS

In accordance with Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Council is required to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

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 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. 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.

The proposed access will respect the character and setting of the B listed wall. The statutory duties set out in Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are therefore discharged.

Other Material Considerations

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

a The Development Plan

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 proposals comply with the criteria of the Dundee Local Plan Review 2005.

b 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 Policy 60 (Alterations to Listed Buildings) 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. 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.

c 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 listed building consent by virtue of planning application 07/00927/LBC there is no need for further access to the property.

As detailed in the assessment of the proposals against the criteria of Policy 60 (Alterations to Listed Buildings) 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.

Historic Scotland has informally stated that the proposed access is appropriate to the character of the B listed wall.

The concerns of Broughty Ferry Community Council are therefore not supported.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of listed building consent contrary to the provisions of the development plan and findings of the statutory duties set out in Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. It is therefore recommended that listed building consent 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 14 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.

RECOMMENDATIONS

Recommendation 1

This consent shall not be issued unless and until Historic Scotland has formally decided that the listed building application will not be called in for determination by the Scottish Government.

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 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 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 materials approved by virtue of this condition.

Reasons

- 1 To comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 2 In the interests of safeguarding the historic character and setting of the B listed boundary wall.
- 3 In the interests of safeguarding the historic fabric of the B listed boundary wall.