

KEY INFORMATION

Ward West End

Proposal

Change of Use from one house to two houses to provide parking, rooflights, windows and patio doors

Address

283 Perth Road
Dundee
DD2 1JS

Applicant

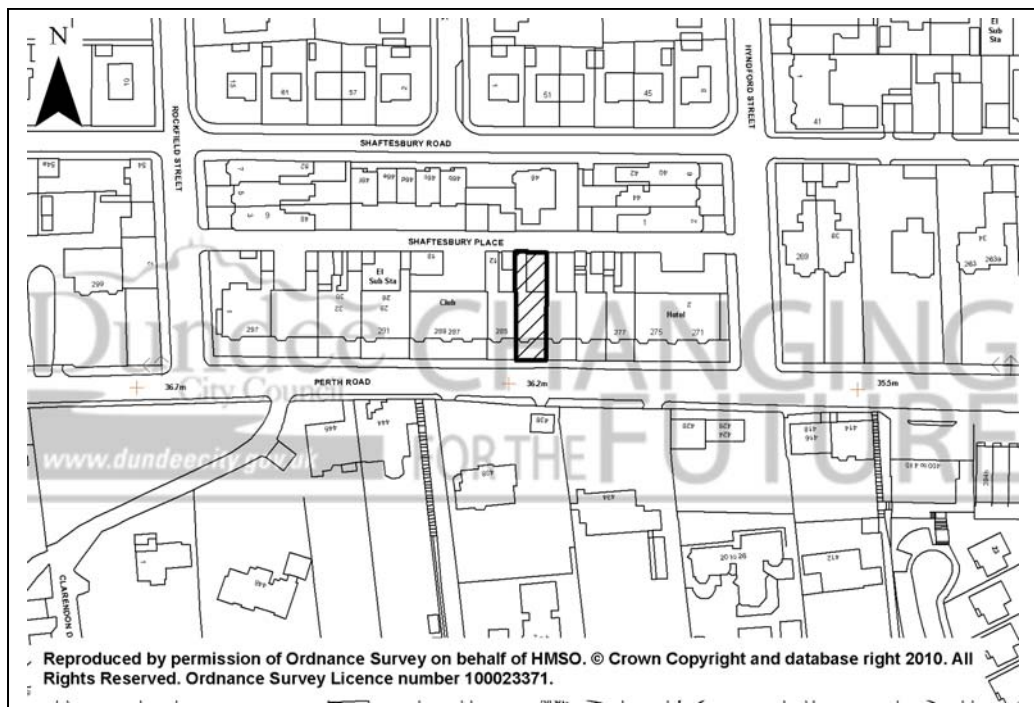
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Agent

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DD2 1ED

Registered 17 Mar 2010

Case Officer E Young



Proposed Residential Conversion in Perth Road

A change of use from one house to two houses is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

It is concluded from the foregoing that the proposal does not comply fully with the development plan but the strong material considerations of the planning history and the need to preserve and enhance the Listed Building and the Conservation Area are considered to support the approval of the application subject to a Section 75 agreement to restrict HMO use.

SUMMARY OF REPORT

- Planning permission is sought for the change of use of an existing terraced house, formerly an unauthorised HMO, to form TWO houses with external alterations. There will be a three bed and a four bed house each with garden areas and one car parking space accessed from Shaftesbury Lane to the rear. Internally, the fine cornices and ceiling roses will be retained and repaired.
- 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 and Policy 61 - Development in Conservation Areas. The development fails to meet all of the criteria for Policy 12.
- There were no adverse comments from consultees and no objections from the public.
- Planning permission and listed building consent to convert this property into three flats have previously been approved by the DQ Committee but the development has not been carried out.
- It is concluded that whilst the proposal fails to comply with the Development Plan, material considerations including National Planning Guidance and previous planning history supports the retention and reuse of the Listed Building and the approval of the application subject to conditions.
- 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 two houses with external alterations comprising a rear porch, velux windows, car parking with garage doors and new garden wall.

The westmost house will have four bedrooms, will have a new internal stair and will be accessed via a new porch to the rear. The eastmost house will have three bedrooms, will use the existing staircase and the existing front entrance with patio doors to the rear.

A single storey rear extension and garage is proposed to be removed to provide rear amenity space and two 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.

Internally, the fine cornices and ceiling roses will be retained and repaired where necessary. Any new windows will be traditional timber sash and case.

SITE DESCRIPTION

The property is a large, three 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 nine bedrooms, three bathrooms and two kitchens and has previously been rented out as an unauthorised HMO.

POLICY BACKGROUND

Dundee Local Plan 2005

The following policies are of relevance:

Policy 4 - Design of New Housing

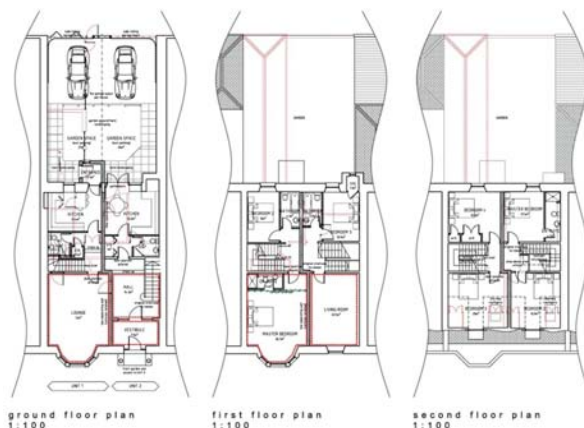
Policy 12 - Sub-Division of Houses

Dundee City Council Development Quality Committee

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 following is of relevance:

SHEP Scottish Historic Environment Policy



The SHEP notes that work which affects the character of a listed building will require listed building consent. Change should be managed to protect a building's special interest while enabling it to remain in active use. In respect of Conservation Areas, it is the duty of the planning authority to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area when exercising its powers under the planning legislation.

Non Statutory Statements of Council Policy

The following policy statements is of relevance:

Breaches in Boundary Walls

Houses in Multiple Occupation

SUSTAINABILITY ISSUES

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

SITE HISTORY

06/00147/CLEU Certificate of Lawfulness for use as an HMO was refused 25/04/2006.

07/00108/FUL and 07/00101/LBC - Change of use with alterations from one house to three flats was approved subject to a Section 75 agreement to restrict use as HMOs.

There is a partner listed building application 10/00156/LBC which is currently referred to Historic Scotland.

PUBLIC PARTICIPATION

The application was advertised as a development contrary to the Development Plan on 2 April 2010. It was also advertised as potentially affecting the setting of the West End Suburbs Conservation Area. There were no objections or representations.

CONSULTATIONS

There were no adverse comments from consultees.

OBSERVATIONS

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.

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 sets out specific criteria which must be met to be acceptable. A minimum of

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five habitable rooms, two parking spaces and 50m² of usable garden ground are required with pleasant aspects to main living areas. The policy notes that the criteria may be applied flexibly where this is necessary to preserve the architectural integrity of a listed building.

The westmost house has five habitable rooms but the eastmost has only four. However, this house has a very large hall which could be used as a dining area. The retention of the original larger rooms maintains their proportions and allows the retention of the cornices.

Two parking spaces are provided, one more than exists at present in an area where parking is at a premium.

The existing rear amenity area is a paved courtyard of 54m². The demolition of the rear extension allows for the provision of the car parking spaces and the resulting rear garden area is divided between the houses providing 23 and 26m².

The lounges face south with fine views across the Tay.

However, the policy also provides flexibility to apply these criteria flexibly where this is necessary to preserve the architectural integrity of a listed building. In this particular case the development will retain important architectural features of the building in the proposed conversion into two high quality houses. The provision of five habitable rooms would require the subdivision of well proportioned rooms with good plasterwork and the rooms will have a pleasant aspect with living rooms to the front of the house. Accordingly, these elements of the criteria can be applied flexibly. However the development fails to meet parking and garden ground requirements of Policy 12.

Policy 4: Design of New Housing and Appendix 1 sets out the guidelines and criteria for the provision of quality housing in the City. The policy also notes that, "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".

Appendix 1 to Policy 4 sets criteria for new housing. The proposal meets the required size of unit. Parking is provided at 100% rather than 200% and there is no garage provision although the parking space could be roofed in and enclosed. The rear garden ground does not meet the criteria and garden ground to the front of the property is not considered to be private.



This is a large terraced house on three floors with nine bedrooms, three bathrooms and two kitchens with a limited area of garden ground and one parking space. It has limited demand as a family house and has been in unauthorised use as a house in multiple occupation. Change of use to two houses is acceptable in principle to retain the Listed Building in beneficial use.

Whilst the retention of the building is important, the failure to provide sufficient parking and garden ground does not meet Policy 4. However, Policy 4 also allows for limited flexibility in the compliance with the criteria where conversion of a listed building is proposed and compliance is impractical. For the reasons given above, it is considered that the proposals comply with Policy 4.

Policy 59: Alternative Uses for Listed Buildings; Policy 60: Alterations to Listed Buildings and Policy 61: Development in Conservation Areas seek to protect the character of Listed Buildings and Conservation Areas.

The development will retain significant architectural details within the individual houses and will repair the external fabric. The alterations will have limited impact on the appearance of the building as the velux windows will barely be seen from the street and the new windows and doors will be in character in both design and materials. The removal of the single storey rear extension will not have a significant detrimental impact on the character of the Listed building or the Conservation Area. The rear elevation to Shaftesbury Place is formed by a high stone wall and the entrance to the single garage. The enclosure to the rear lane will be replicated by the use of roller garage doors which will also ensure security for the parked cars.

It is concluded from the foregoing that the proposal complies with Policies 4; 59; 60 and 61 but fails to comply with Policy 12. Accordingly, the development fails to comply with the Development Plan.

Other Material Considerations

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

Planning History

As noted above, this large three storey, nine bedroom house has a varied planning history and has remained vacant for several years.

Following several years being used as an unauthorised HMO by previous owners, an application to regularise that use was unsuccessful. Planning and Listed Building consents were then granted by the Development Quality Committee for conversion of the building into three flats subject to a Section 75 agreement to restrict HMO use. However, the financial situation has rendered this option uneconomic. This proposal provides two large houses with well proportioned rooms containing original features which can be retained. In respect of the impact of

the proposed sub-division into two houses rather than three flats, it is considered that the two houses represents less potential impact on the residential amenity of the area and the amenities of adjoining and adjacent residents. Accordingly it is considered that the planning history is a strong material consideration which supports the proposed development.

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 roller garage doors.

It is considered that the proposal meets the spirit of the policy.

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.

Design Statement

The Design Statement submitted by the applicant's agent suggests on street parking be taken into account but this is not acceptable and each unit should have secure parking space within the curtilage.

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Section 59 of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the planning authority shall have special regard to the desirability of preserving the building or its setting. It is considered, for the reasons set out

above, that the approval of this proposed development will comply with this requirement.

It is also concluded from the foregoing that the statutory duty set out in Section 64 of the Act, to preserve or enhance the character or appearance of the Conservation Area would be satisfied by the approval of this proposal.

Design

The exterior of the building will be largely unchanged, there are unsympathetic UPVC windows on the rear elevation and any new windows to be installed will be timber sash and case windows. A previously blocked up window to the rear will be reopened. Four velux windows 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 roller garage doors to the rear parking spaces will retain the sense of enclosure to the lane but provide security for the parked vehicles.

CONCLUSION

It is concluded that, in this particular case, the development will retain important architectural features of the building in the proposed conversion into two high quality houses and the material considerations as detailed above support the approval of the application. The property forms part of a terrace of Listed Buildings which contribute to the character of this part of the West End Suburbs Conservation Area. In this regard, there is the potential for this development to set a precedent for other conversions and in order to ensure that the units are not let for multiple occupancy, it is considered appropriate to conclude a legal agreement with the owners which will be binding on the land.

It is concluded from the foregoing that the proposal fails to comply with the development plan but there are strong material considerations of the planning history, the need to preserve and enhance the Listed Building and the Conservation Area and the provision of two high quality houses with historic characteristics which support the approval of the application.

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:

The prevention of use of any of the units for multiple occupancy.

Recommendation 2

It is recommended that consent be GRANTED subject to the following conditions:-

- 1 Prior to the commencement of development, full details of the proposed new windows and doors shall be submitted to the City Council for approval and if approved, the works shall be carried out only in accordance with such approved details.
- 2 The original windows shall be retained and refurbished unless otherwise agreed in writing with the Planning Authority.
- 3 Prior to the commencement of the demolition of the rear extension, 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 structures which are to be retained. Such protective measures shall remain on site during the demolition works hereby approved.
- 4 Before any of the residential units is first occupied the car parking and garage doors indicated on the approved drawings shall be provided on the basis of one space per house and shall thereafter be kept available for use for parking purposes at all times.

Reasons

- 1 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
- 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 To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity.