

KEY INFORMATION

Ward The Ferry

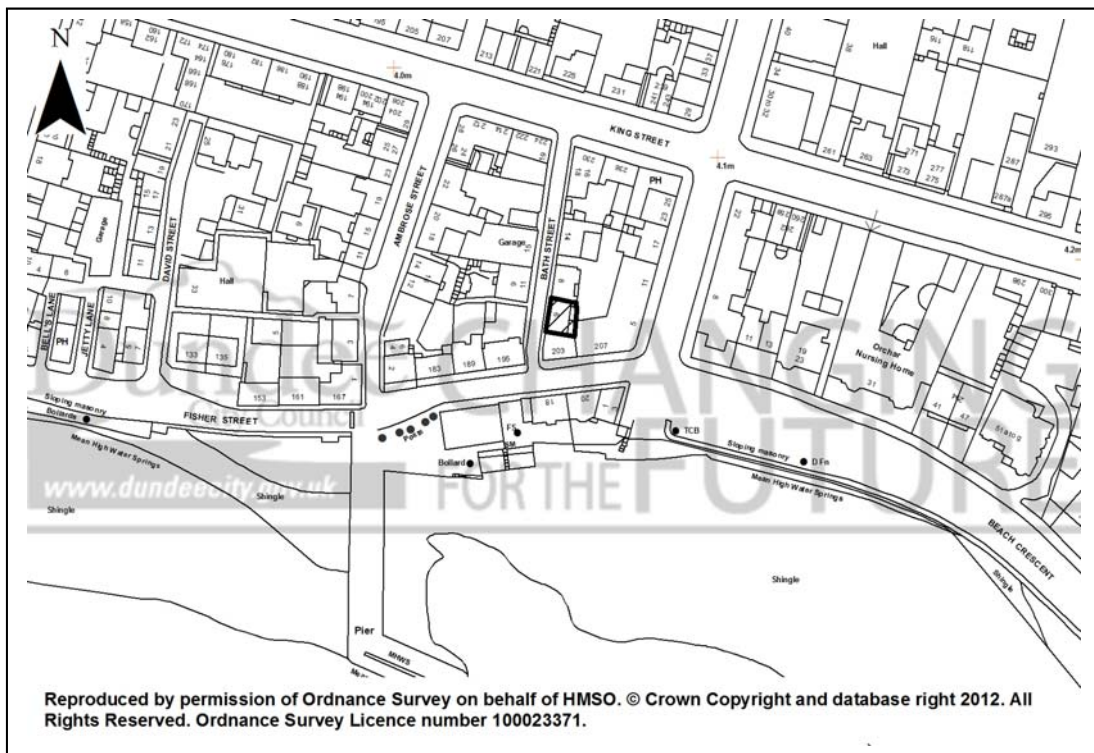
Proposal

Retrospective extension of cellar

Address6 Bath Street
Broughty Ferry
Dundee**Applicant**Graham Rosie
6 Bath Street
Broughty Ferry
Dundee
DD5 2BY**Agent**

Registered 5 Oct 2012

Case Officer David Rennie



Retention of Cellar Extension at Bath Street

The retrospective extension of cellar is **RECOMMENDED FOR APPROVAL**. Report by Director of City Development.

RECOMMENDATION

The extension is not detrimental to the character and setting of the listed building or the Conservation Area. The proposals satisfy the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, the application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- This application seeks retrospective planning permission for an extension to a shed/cellar at 6 Bath Street, Broughty Ferry, Dundee.
- Policy 14 (Alterations and Extensions to Houses), Policy 60 (Alterations to Listed Buildings) and Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005 are relevant to the outcome of this application. The proposals satisfy the requirements of the Development Plan.
- One valid letter of objection was received, raising concerns of the visual impact on the C listed building and the Broughty Ferry Conservation Area. The views of the objector are not supported.
- The application is recommended for approval.
- The application is being referred to the Development Management Committee at the request of an elected member.

DESCRIPTION OF PROPOSAL

This application seeks retrospective planning permission for an extension to a shed/cellar. The extension measures 1.88m wide by 1.25m deep by 2.16m high. The walls have been rendered and the roof is covered with felt. The door of the existing cellar has been reused on the extension.

SITE DESCRIPTION

The site lies to the east of Bath Street, Broughty Ferry and lies within the Broughty Ferry Conservation Area. The site is surrounded by traditional cottages, villas and tenements.

On the site is a 1½ storey traditional cottage, believed to date from 1893; the property is category C listed. The cottage has a slate roof, the front of the cottage has a traditional stone wall and the gable end has been rendered. To the south of the cottage is a relatively small yard and a relatively small shed/cellar, which has recently been extended; it is this extension to the cellar that is currently under consideration. The yard is enclosed by a 2m high wooden fence and gate that runs along the boundary with Bath Street.

The cellar and the extension to it are attached to the gable end of the cottage and to the 2.5m high boundary wall on the southern boundary of the site. It appears that this boundary wall is attached to, and is parallel to, the rear wall of the cottage at 203 Fisher Street. The wall of the extension has been rendered to match the gable end of the cottage and the boundary wall. The roofs of the cellar and of the extension are covered in felt.

POLICY BACKGROUND

TAYplan Strategic Development Plan 2012

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

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 14: Alterations and Extensions to Houses.

Policy 60: Alterations to Listed Buildings.

Policy 61: Development in Conservation Areas.

Proposed Dundee Local Development Plan

The following policies are of relevance:

Policy 10: Householder Development.

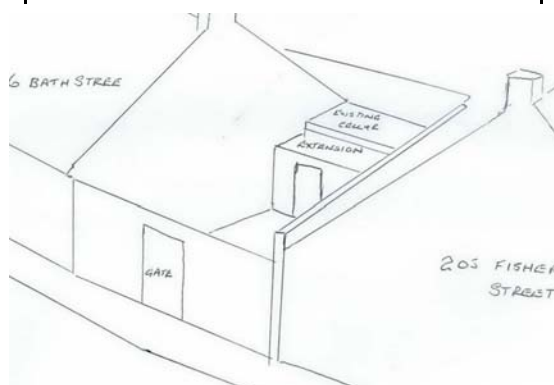
Policy 48: Listed Buildings.

Policy 50: Development in Conservation Areas.



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

There are no non statutory statements of Council policy relevant to the determination of this application.

SUSTAINABILITY ISSUES

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

SITE HISTORY

12/00634/LBC – extension of cellar – pending consideration.

88/13909/D – part demolition of building – approved 20 February 1989.

88/00525/DLB – Listed building consent for partial demolition of building – approved 20 February 1989.

PUBLIC PARTICIPATION

The Statutory Neighbour Notification was carried out.

One valid letter of objection was received from the resident of the immediately adjoining property, although some of the concerns raised are not considered to be valid in planning terms. The concerns raised were:

- Due to the poor quality of the design and materials, the visual appearance of the extension affects the setting of the listed building and the Conservation Area.

These are considered to be valid planning considerations and will be considered in the Observations section below.

- The timber fence and gate have been erected without necessary consents being obtained and have not been included in the application.

The fence and gate are not considered to affect the setting of the listed building. The applicant has stated that the fence and gate were erected around 8 or 9 years ago. As such, the fence and gate are not required to be included in this application.

- Appropriate permission may not have been granted for other extensions that have been built on the property.

Records show that permission was granted in 1989 for alterations to the property.

- Prior to the works being carried out, consents were not obtained from both the Council and the owner of the neighbouring property.

This is not considered to be a valid material planning consideration. The applicant has subsequently submitted applications to obtain the necessary consents; that the extension was built without consent should not influence the determination of these applications. There have been separate discussions between officers of the Council and the applicant and the objector over the ownership of the boundary wall and it is considered that this is a legal matter to be resolved between the applicant and the objector.

Members will already have access to the letter of objection. The planning issues raised are considered in the Observations section below.

A second letter was received that did not raise any planning issues, but stated that the extension had been built prior to the necessary consents being granted.

CONSULTATIONS

No adverse comments were received from any of the 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 the development plan unless other 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 14 (Alterations and Extensions to Houses) is supportive of proposals to alter or extend houses which do not adversely impact on the level of amenity afforded to the existing and neighbouring properties. Proposals are required to satisfy all four criteria of Policy 14.

Part (a) of Policy 14 states that alterations and extensions to houses

should not adversely impact upon the appearance of prominent elevations of the house. The extension to the cellar has a simple design. The materials used match the adjoining walls and original cellar. The extension is of a relatively small scale and is barely visible from the street due to the high wooden fence and gate. Therefore, it is considered that the extension does not have an adverse impact on the prominent elevation of the house.

Part (b) states that alterations and extensions to houses should not cause a significant loss of sunlight, daylight or privacy to the occupants of neighbouring properties. Due to its scale and location, the extension will not overshadow neighbouring properties. As the extension has no windows, there will be no loss of privacy to the occupants of neighbouring properties.

Part (c) states that there should be more than 50% of the original useable garden ground remaining. The extension covers approximately 23% of the yard to the south of the cottage.

Part (d) of the policy states that the design and materials should respect the character of the existing building. The walls of the extension have been rendered to match the gable end of the cottage and the boundary wall with 203 Fisher Street. The traditional-style wooden door from the original cellar has been reused on the extension. The simple design of the extension respects the character of the C-listed cottage.

From the above assessment, it is considered that the extension meets all four criteria of Policy 14.

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.

In terms of traditional appearance, it is considered that the prominent elevation of the cottage retains more character than the rendered gable end. The extension to the cellar has been built against the gable end. The extension has a simple design and the materials used match the gable end and the original cellar. The extension is of a relatively small scale and is barely

visible from the street due to the high wooden fence and gate.

Given its positioning, design, materials and scale, it is considered that the extension is not detrimental to the historic character, setting and appearance of the C listed building.

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. Because it is reasonably well-hidden behind the high wooden fence and gate and because of its scale, design and materials, it is considered that the extension has a neutral affect on the Broughty Ferry Conservation Area.

As such, the proposals satisfy the requirements of Policies 14 (Alterations and Extensions to Houses), 60 (Alterations to Listed Buildings) and 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005.

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.

Section 64 of the Act requires planning authorities in considering applications in conservation areas to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

From the assessment of the proposals against the requirements of the Development Plan, it is considered that the extension is not detrimental to the C listed building or its setting, whilst the character and appearance of the Broughty Ferry Conservation Area will be maintained. The statutory duty outlined by Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is therefore discharged.

Other Material Considerations

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

A - Proposed Dundee Local Development Plan

Policies 10 (Householder Development), 48 (Listed Buildings) and 50 (Development in Conservation Areas) of the Proposed Dundee Local Development Plan are substantially the same as Policies 14, 60 and 61 of the Dundee Local Plan Review 2005 that were assessed above. As such, it is considered that no further issues are raised by the relevant policies of the Proposed Dundee Local Plan.

B – The Views of the Objector

The neighbouring resident is concerned about the visual appearance of the extension due to the poor quality of the design and materials and the subsequent affect on the setting of the listed building and the conservation area.

As discussed above, due to its scale, design, materials and positioning, it is considered that the extension does not detract from the appearance of the listed building and the conservation area. As such, the views of the objector are not supported.

It is concluded from the foregoing that there are no material considerations that would justify refusal of planning permission. It is therefore recommended that planning permission is granted.

Design

The extension has a simple design that respects the character and setting of the C listed building and the Broughty Ferry Conservation Area.

CONCLUSION

The proposals satisfy the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. It is therefore recommended that planning permission is granted.

RECOMMENDATION

Recommendation

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

- 1 No Conditions attached to this consent.

Reason

- 1 No Reasons attached to this consent.