

BREACHES IN BOUNDARY WALLS



Policy and Guidance for Dundee's Listed Buildings and Conservation Areas



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References

Policy background

- Historic Scotland: *Memorandum of Guidance on Listed Buildings and Conservation Areas 1998*;
- Dundee City Council: *Tayside Structure Plan 1993*: Policy ENV13;
- Dundee City Council: *Dundee Local Plan 1998*: Policies H2 (Garden Ground Development), BE4 (Development in Garden Ground) and BE11 (Development in Conservation Areas);
- Dundee City Council: *Dundee 21: Towards a Sustainable Future*;
- Scottish Development Department: *Circular 17/87, Annex IV*;
- Scottish Development Department: *National Planning Policy Guideline 18, Planning and the Historic Environment*,
- *Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997*;
- *Town and County Planning (General Permitted Development) (Scotland) Order 1992*, as amended.

For further information contact:

Development Management Team
City Development Department
Dundee City Council
Dundee House
50 North Lindsay Street
Dundee DD1 1LS

Telephone: 01382 433105 or 01382 433414 (Conservation Officer, for specific advice)
Fax: 01382 433013

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Introduction

Boundary walls are important to the character of our historic townscape. But the cumulative result of ill considered openings (or breaches) for pedestrian or vehicular access in them can be very destructive to that character. The purpose of this leaflet is to help prevent this gradual erosion of our townscape by explaining what alterations are appropriate and by providing best practice guidance for those considering works of this nature. It also introduces the relevant planning legislation and outlines the factors which Dundee City Council will take into account in determining applications for such works.

The key issues are that where there is a desire to provide new vehicular or pedestrian entrances and parking areas:

- openings will not be permitted which adversely affect the amenity or character of a conservation area or listed building; and
- openings should not create traffic hazards.

Guidance leaflets can be obtained from the City Development Department on how to apply for planning permission or listed building consent. Applications for creating new breaches in boundary walls in conservation areas, and where listed buildings are concerned, should follow the guidance given in this leaflet.

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PLANNING CONTROLS AND LEGISLATION

1.1 The character of historic townscape

Why permission is required

Boundary walls are important to any setting, whether in the city centre, suburbs or in a more rural environment. They provide a particular sense of enclosure and scale, they define public and private spaces, they introduce colour and patina, and they illustrate the range of building materials and construction methods vernacular to the locality. Often they are associated with other materials (typically cast or wrought iron railings), hedges and other flora.

Dundee's architectural heritage is wide ranging and a quality environment is an appropriate ambition for all locations. However, the particular focus of this leaflet is boundary walls to listed buildings and in conservation areas. These are our principal historic buildings and areas of historic townscape and they are where special controls are in place to protect their character. This section of the leaflet describes the special controls in place for listed buildings and conservation areas, which protect the boundary walls, however the general advice in this leaflet is best practice advice to all areas of the city.

The controls covering historic buildings and townscape are listed building consent, conservation area consent and planning permission. These consents and permissions are required (by the planning legislation) to be determined by the planning authority, or the Scottish Ministers as appropriate, according to local and national policy and guidance. The principal policy documents associated with the controls are the Structure Plan, the Local Plan, NPPG18, Planning and the Historic Environment, and the Memorandum of Guidance on Listed Buildings and Conservation Areas. The specific sections of these that identify material considerations relevant to the control of breaches in garden walls are detailed in the References section. Other material considerations are design, potential for restoration, and traffic safety.

1.2 Listed buildings and listed building consent

Buildings of special architectural or historic interest are protected by "listed" status, as designated by the Scottish Minister. The protection in place for the actual building also includes the boundary walls, either by a specific mention in the statutory listing, or by inclusion as a "curtilage" structure. The legislation covering this is the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and consent normally requires final approval from the Scottish Minister (via Historic Scotland).

Please contact the Development Management Team for further advice about listed building status and listed building consent requirements.



Listed building consent is required for any alteration, addition or partial demolition which would affect the character of the wall. Consent may also be required where the wall was originally associated with a listed building, but now only relates to a property in its sub-divided grounds.

1.3 Conservation areas and planning permission

Conservation areas are designated by Dundee City Council, as the planning authority, and are “areas of special architectural or historic interest, the character of which it is desirable to preserve or enhance.” One means of achieving this is to give special attention to development proposals in conservation areas. This is done by having planning controls over a wider range of works in conservation areas than would normally require permission.

The main legislation covering this is the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended.



Conservation Area Consent for Demolition is required where a complete structure (eg the whole boundary wall) is proposed for demolition. This is also processed like a listed building consent application, and requires final approval from the Scottish Ministers.

Planning permission is required where a breach, alteration or addition is involved, but not total demolition. Every conservation area in Dundee is covered by a direction under Article 4 of the 1992 Order - known as “Article 4 Directions” - making planning permission necessary for a range of development classes.

Any proposal to lop or cut down trees in conservation areas requires six weeks notification to the Council. A separate guidance leaflet is available.

Please contact the Development Management Team for further information.

1.4 Other permissions

In addition to listed building consent and planning permission, other consents may be required. Building warrants and vehicular/pedestrian access consents are required under separate legislation and the decision will take different criteria into account. It is therefore possible that a boundary wall breach may be acceptable for one type of consent but not for another. The City Development Department will endeavour to co-ordinate the different consent decisions where possible, but the applicant is responsible for making the separate applications.

Building warrant

A building warrant is required for the erection, alteration or demolition of a boundary wall, fence, gate or railings where, at its highest point, the wall is 1.2m or higher or the fence or railing is 2m or higher. Where there is a traditional combination of railings above a wall, a warrant is required if the lower wall is over 1.2m or if the combined height exceeds 2.0m. Please contact the Building Standards Team for further information.

Vehicular / pedestrian access consent

Vehicular Access Consent should also be applied for at the same time as the other planning applications, in every instance of a wall being breached to form a new vehicle or pedestrian gateway. This is because it is necessary to ensure that any new opening emitting onto a public road is designed with regard to vehicular and pedestrian safety. Please contact the Development Management Team (Roads) for further information.



Housing department or feudal superior's consent

Permission may also be required from Dundee City Council Housing Department, where the property is a former council house, or by the feudal superior, landlord or mortgage lender, according to individual circumstances.

1.5 Other areas and planning policies

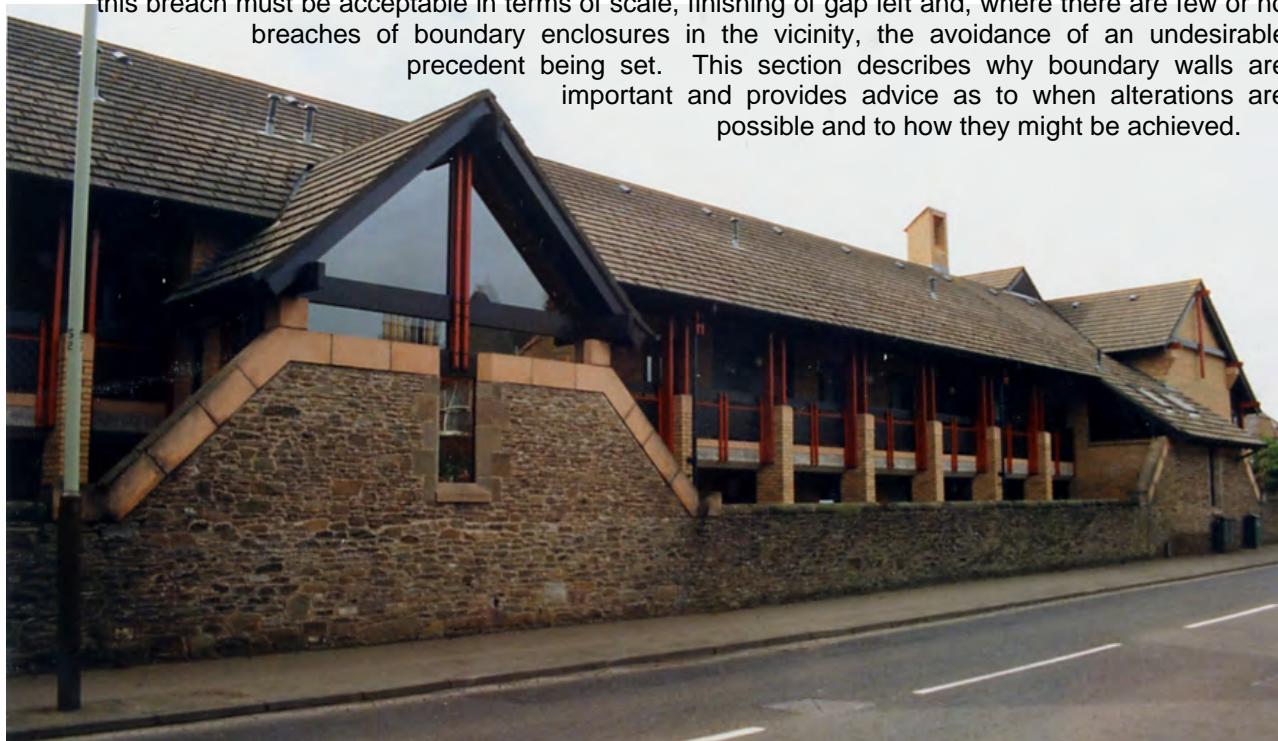
Outwith conservation areas planning permission is not needed just to breach a boundary wall (except where this involves vehicle access to a classified road), but the other permissions noted above, notably vehicle access and building warrant requirements, still apply.

However, where the proposed alteration to the wall is associated with other development proposals, such as subdivision of grounds or property, then the alteration should be included in the overall planning permission application. Please contact the Development Management Team, with details of your proposal, for further advice.



GUIDANCE AND POLICY

If a breach is to be approved for pedestrian or vehicular access or for some other form of development, this breach must be acceptable in terms of scale, finishing of gap left and, where there are few or no breaches of boundary enclosures in the vicinity, the avoidance of an undesirable precedent being set. This section describes why boundary walls are important and provides advice as to when alterations are possible and to how they might be achieved.



2.1 Boundary walls and the character of conservation areas

To the north, east and west of the city centre, there are areas of predominantly 19th century and early 20th century housing which comprises much of our historic townscape, and which are designated as conservation areas. These include the series of areas all along the spine of the Perth Road, much of Broughty Ferry, the Logie housing scheme, Trottice, and Maryfield. Most conservation areas also involve associated buildings, churches, schools, shops. Some areas also have notable industrial buildings, such as former jute and linen mills, and in Blackness the conservation area designation is because of the

concentration of historic mill buildings. The city centre is also a conservation area, with a wide range of building types. In every case, the boundary walls are an important part of the overall townscape.



Leaflets are available describing most individual conservation areas. The Development Management Team can clarify conservation area status for addresses where there is any uncertainty.

In each conservation area, it is the overall character and quality of the area that is important. Individual buildings are relevant to this, and most conservation areas include groups of listed buildings, but it is the combination of buildings and their in-between spaces of streets, lanes, gardens, trees and hedges that “in-between” spaces, and are fundamental to the character of the conservation areas. They provide cohesion to an area by defining and linking the grounds and gardens of properties. They might create narrow streets through dense housing or industry, or wide streets throughout the grander scaled properties. Often the walls are enhanced by a section of old stone paving, an unusual gateway, a light fixture, surviving run of old railings, an old street or house sign, or even a postbox let into the wall. Generally these features are constructed of traditional materials, common to the locality.

Boundary walls come in different shapes, forms, heights and materials. In Dundee walls might be brick or rendered block, but in conservation areas they are commonly of local sandstone. The stone could be ashlar blocks (square-edged dressed stones) or of random rubble (unshaped stones). Although many walls are pointed with a cement mortar, the appropriate and historic mortar for stone is lime.

In different conservation areas boundary walls take on different roles. The large individual houses in the West End and upper Broughty Ferry, have tall rubble stone walls surrounding the entire properties, often fronting a further screen of mature trees for maximum seclusion, with lodges, ornate gatepiers and railings providing the only indication of the grandeur of the main house from without the grounds. In Logie, the enclosure and boundary is provided by a standard simple railing, generally backed by privet hedge, contributing significantly to the “garden city” characteristics of this unique conservation area.

In the suburban areas, with terraces of houses on south facing slopes, the low ashlar wall fronting a villa or terrace is topped by ornamental cast or wrought iron railings (though unfortunately most railings were removed during the Second World War). The side and rear walls are taller (about 2m), and of random rubble. The front walls and railings allow views and light to pass through but still give scale and enclosure to the street. The rear and side walls provide security and privacy to the houses and gardens, especially on corner sites.

In the urban areas, terraces of town houses (such as Springfield and South Tay Street) have low walls which provide copes for railings, linked to buildings by access steps over basement wells. In the lower part of Broughty Ferry, the lanes off Perth Road, and in the narrow lanes of the Blackness industrial area, the boundary walls give a pronounced sense of enclosure and clear definition to street blocks.



2.2 When You Might Want to Breach a Boundary Wall

Most people appreciate why the boundary wall surrounding their property is important. Alterations to the boundary wall are usually only made with improvements to their home (or other premises), but often this aspect of the alterations is not given sufficient consideration.

The main reasons for wanting to alter a boundary wall might be to:

- Provide a new vehicular or pedestrian access for the existing property;
- Provide a separate access for the subdivision of the property into smaller units or the subdivision of the garden area as development sites;
- Provide parking in the form of a garage or paved area, or access to parking;
- Improve the sight lines from an existing opening.



Sometimes alterations are possible, with little detriment to the area, but more often there may be a better solution or a need to accept that desired works cannot be satisfactorily achieved because of the potential adverse impact on the character of the conservation area.



2.2.1 Openings to provide access

Alterations to walls to provide a new vehicular or pedestrian access point for the existing property can be desirable to provide access for off-street parking or provide pedestrian access to a back garden. Depending on the location of the proposed opening, the quality of the wall and the design of the alteration, this may be possible.

Applications 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. Where there have already been alterations to boundary walls in the vicinity, to the detriment of the character of the conservation area, the remaining sections of boundary wall provide evidence of the original character and form of the townscape, and take on a higher value. **Therefore, rather than accepting further deterioration, there will still be a presumption against additional breaches in such areas and, indeed, a desire for the restoration of already altered walls to their original form.**

The setting back or lowering of the boundary wall to facilitate access will be discouraged, as this would destroy the sense of enclosure. In many cases solutions will involve relocating proposed access points to less sensitive boundaries, or sharing access points with adjoining sites to minimise the extent of alterations to existing walls.

2.2.2 Openings for subdividing the property

The subdivision of property and division of gardens to provide additional houses is contentious and often not desirable in conservation areas, as it increases parking difficulties and the resultant small units often require extensions into garden ground. Such developments require planning permission and, where appropriate, listed building consent. However, sometimes subdivision may be a good solution to reusing a substantial house of architectural interest (there are many examples of this in upper Broughty Ferry and in the West End), but in these circumstances it is usually possible for all the units to share the main accesses.

Subdivision of a smaller property or its garden is less likely to be acceptable in a conservation area, or in the area defined by the Dundee Local Plan 1998, Policy BE4. This involves the main area of Dundee's 19th century residential townscape (much of which is already protected by conservation area status). In all areas there is a requirement for garden ground and for one off-street parking space per unit (under Housing Policy H2). In the Policy BE4 areas the parking requirement is increased to 2 spaces per unit. Policy BE4 includes the requirement that **Breaches in existing walls will only be permitted where necessary to enable the achievement of safe vehicular and pedestrian access.** This policy concerns all walls, not just those considered important to conservation areas.



2.2.3 Openings to provide parking

Houses built in the 19th century did not anticipate modern car ownership and consequently only the larger houses had the equivalent stable provision. Many house owners with gardens see the garden area as a solution to their parking problems. But the removal of boundary walls, mature trees and the covering of gardens with paving, brick pavers or asphalt is extremely damaging to the character and visual amenity of listed buildings and conservation areas and applications for such works will not normally be recommended for approval.

It is generally not appropriate to remove lengths of boundary wall or railings to create a parking space out of part of garden ground, effectively extending the street or footpath into the garden. **The adaptation of front gardens of listed buildings to form parking areas will not normally be recommended for approval. Parking areas in front gardens of houses in conservation areas will only be considered where there is a predominance of existing and authorised front garden parking.**

Where alterations are proposed in conservation areas or to listed buildings to provide access to a new parking area or garage in the garden ground, the development works must be justified in terms of need. Such alterations must not sacrifice the residential character of the back garden or back court or result in the removal of any trees or areas of gardens with flowers and shrubs, as these are important to the amenity of the area. Any new hard surfacing requires planning permission and this will only be permitted where it can be shown that the character of the original garden will not be eroded, or dominated by its introduction. The use of bituminous surfacing is not appropriate, but a combination of stone setts, gravel and paving slabs may be acceptable. Particular attention should be paid to gates, railings and any additional landscaping that is required to integrate car parking with the garden and the overall character of the conservation area.

Proposals to create car parking within garden ground will not be recommended for approval where, in the consideration of the planning authority, the works will damage the walls to the detriment of the conservation area.



2.2.4 Improving the sight lines

Proposals for new accesses or adjustments to existing accesses have to allow the safe emergence of a moving vehicle. Normal traffic engineering solutions involve the seeking of adequate sight lines at junctions, vehicular entries or garage entries, but these traffic safety requirements can conflict with the conservation area requirements. The setting back or lowering of boundary walls to provide sight lines may seriously affect the sense of enclosure and adversely affect the street scene, and the repetition of such modifications can totally alter the character of an area.

It is appreciated that the applicant may often be requested to comply with different requirements which will sometimes be contradictory. Rather than trying to satisfy one or the other, the Development Management Case Officer will advise the applicant on the possibility of solutions which might satisfy both. For instance, the junction or entry might be relocated to a less sensitive position or it may be possible to use an existing opening.

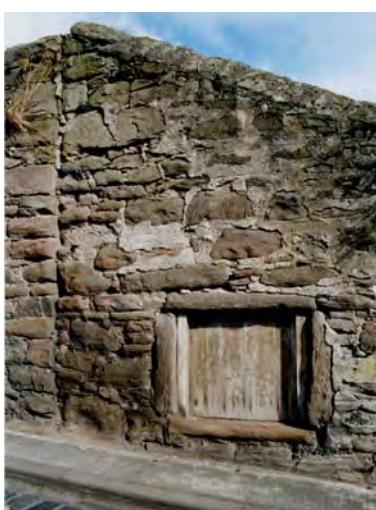
Where a sight line is required at a gateway or other entry, then consideration should be given to alternative means of securing the view. Localised widening of footways, where possible, can improve awareness and speed of passing traffic by providing defined "bays" for parked cars. However, the sight lines still need to allow for safe passing of pedestrians and this can only be achieved by making the opening wider. The adverse effect of this can sometimes be lessened by setting the entrance further back into the drive, and splaying the boundary walls inwards to a narrower gateway.

Where the proposed new access is to be formed onto a major or classified road, the proposed driveway must incorporate a turning area within the garden ground to ensure that a car can both enter and exit the driveway in a forward gear. A vehicle access consent application is required.

2.3 Appropriate repairs and alterations to boundary walls



The most sensitive way of designing a new access is to minimise the extent of the opening. This is achieved where the wallhead or cope still runs through or where the garage door or entry gates are flush with the heel line. This would require the use of a particular form of door which does not lift over the pavement and preferably which would be electronically controlled. This is because the driver can open the door or gate without leaving the car and causing a traffic hazard.



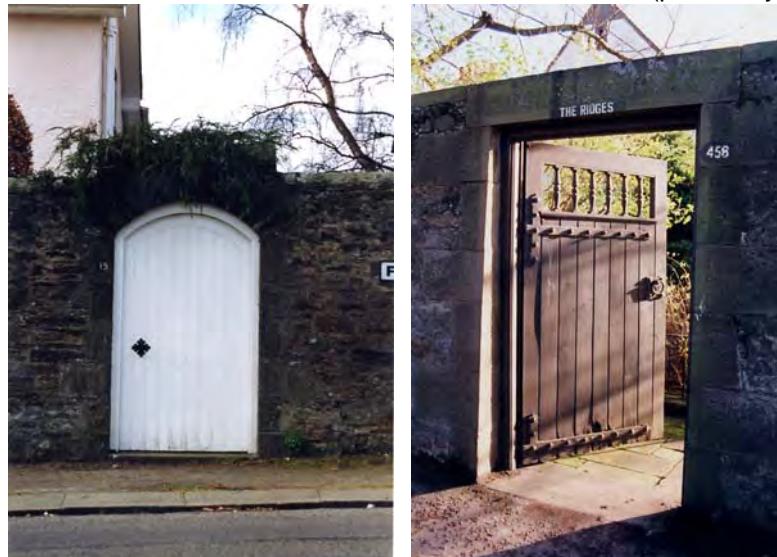
Original walls and gatepiers should be retained and repaired in the original material. Masonry walls should be repointed with lime and they should not be painted, though a lime render may be appropriate in some circumstances. Stone or brick boundary walls requiring significant rebuilding should be rebuilt using the original material, as far as possible, and using matching (perhaps salvaged) material thereafter. A lime mortar should always be used. Mortar is supposed to be softer than stone, acting as a "cushion" between the stones, whereas cement is impervious. Water trapped inside a wall by a cement mortar will cause the stone, and therefore the wall, to deteriorate.

Where a new opening is approved, the exposed edges should be rebuilt in a manner appropriate to the material and locality. An ashlar wall to the front of a property might require masonry gate piers, whilst a rubble wall in a back lane will not usually require gate piers and might be more simply finished in squared rubble. They should be constructed in a variety of materials to match the wall and cope. If the wall is to be lowered, any copings should be reinstated. Consideration must also be given to how the lowering in height is achieved, either by a step or series of steps or by a slope.

2.4 Appropriate gates and doors

Vehicular and pedestrian gates are a normal feature of Dundee's conservation areas and provide reasonable security and privacy. They are either constructed of close boarded timber, stained or (preferably) painted, or of cast or wrought iron, usually to the same height as the wall. Mild steel gates are also acceptable, although overly ornate scrollwork is alien to urban Dundee and should be avoided. Ironwork should be painted a dark colour.

Pedestrian entrances can also take the form of a simple plain timber door, set into a high boundary wall. A gate that allows views into and out of a secluded walled garden or yard is a welcome contribution to the conservation area, providing a series of glimpses into private spaces which enlivens the experience of passing through an otherwise enclosed area.



2.5 Appropriate Railings and Fences

Where original railings survive, new ones should match them, particularly in terms of height, spacing of uprights and pattern. Ironwork should be painted a dark colour (not necessarily black) and should be repainted regularly to prevent deterioration. Associated ironwork, such as boundary and staircase railings, gates and lamp standards should be retained and repaired.

If the original railings have been removed their reinstatement is encouraged (especially along the frontages of terraces). Often there will be a surviving section, or an example of railings at a similar property, which can be used as a model for the new railings. Iron founders generally have access to historic patterns. Appropriate specification is necessary to ensure that the railings are properly bedded into the original or repaired stone cope. New railings will also be encouraged, provided the design enhances the character of the building and area.



The privacy of back garden areas may be increased by planting inside the railings or boundary walls. Where original railings have been removed and their replacement is not viable, a neatly clipped hedge would be a suitable alternative boundary treatment for the front garden area.