

4 APPEAL DECISION, DUNCARSE HOUSE (EAST WING), 381 PERTH ROAD (AN262-2003)

Reference is made to Article VII(g) of the Minutes of the Development Quality Committee of 26th August 2002 wherein the above proposals were refused planning permission and listed building consent because the Council considered that:

- a the proposals failed to meet the minimum habitable rooms requirements of Policy H2 of the Dundee Local Plan 2003;
- b ran contrary to the interim review of the Policy H10 guidelines;
- c would set an undesirable precedent for the sub-division of further dwellings within Duncarse House to the detriment of its character and integrity as a listed building; and
- d would be contrary to the provisions of the Local Plan, Tayside Structure Plan and the Memorandum of Guidance in respect of alterations to listed buildings.

The decisions were appealed by the applicant under the provisions of Section 47 and Schedule 4 of the Town & Country Planning (Scotland) Act 1997 and Section 18 and Schedule 3 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The appeal was determined by written representations and the decision was received by the Council on 1st May 2003. A copy of the decision letter can be found in the Member's Lounges.

The Reporter considered the determining issues to be:

- a whether the proposal would have an adverse effect on the listed building, its features or its setting;
- b if so, whether the reasons put forward in support of the appeals justify the grant of listed building consent;
- c whether the provisions of the development plan were breached; and
- d if not, whether an exception to the development plan was justified by other material considerations.

In summary, the Reporter concluded that the proposal would not restore or enhance the building given the unacceptable proposals for the subdivision and alteration to the sun lounge and its decorative tiled floor.

No justification was provided by the appellants as to why the Council's policy presumption against the development of flats in suburban areas (H10) should be set aside in this case.

If the proposals were granted permission/consent there could be pressure for similar sub-divisions with similar compromises which were to the detriment of policy considerations and the appearance of the listed building.

Accordingly, the appeal was **DISMISSED**.