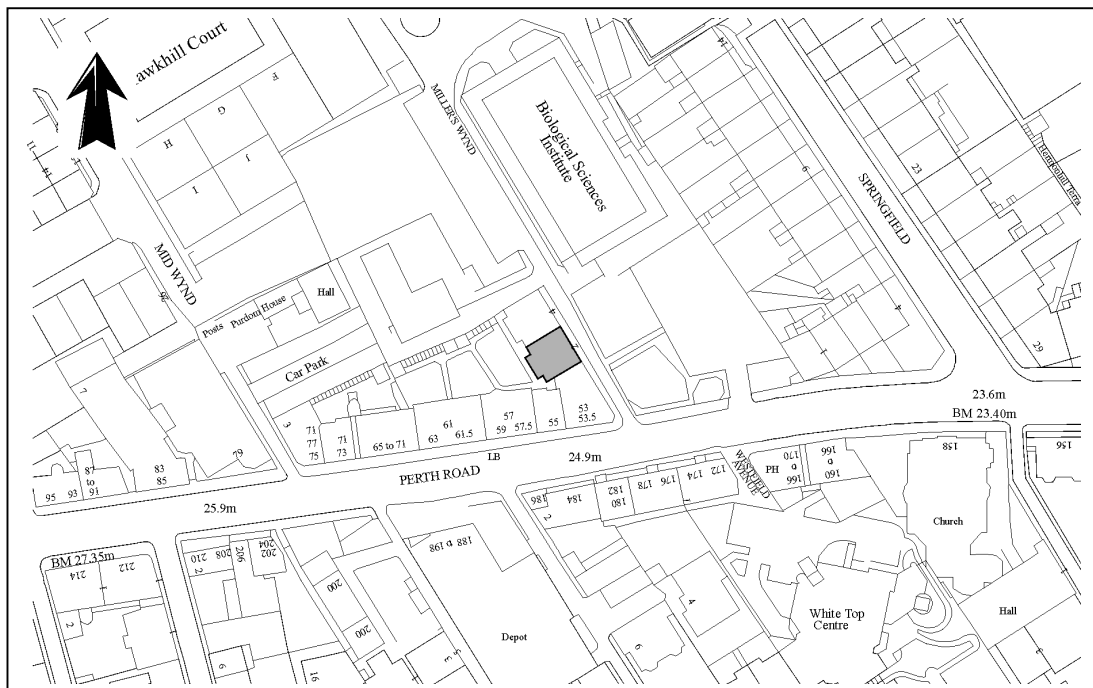


**KEY INFORMATION****Ward** Tay Bridges**Proposal**

Subdivision of flat to form two flats

**Address**2 Millers Wynd  
Dundee  
DD1 4JF**Applicant**Westport Ltd  
3 Old Hawkhill  
Dundee  
DD1 5EU**Agent**Ron Weir  
Building Consultant  
Lodge House  
Easter Ogil  
Glenogil  
DD8 3SS**Registered** 20 Jan 2003**Case Officer** R Anderson

# Proposal to Subdivide Existing Flat in Millers Wynd

The subdivision of a flat to form two flats is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal for the creation of two flats is considered to be contrary to existing and emerging local plan policy on grounds of lack of amenity and facilities and incongruous development in a Conservation Area. Accordingly refusal is recommended.

**SUMMARY OF REPORT**

- An application has been received for the subdivision and extension of an existing flat into two flats in a property in the West End Conservation Area. The proposal would add three dormer windows to an area of unified unblemished roofscape.
- The application has met with one letter of objection. The main issues raised are the impact on the appearance of the roofscape and increased burden on services in the area.
- It is considered that the proposal would be detrimental to the character and appearance of the Conservation Area and would not provide the required amenity and facilities for new residential units. It is therefore contrary to the existing and emerging local plan policy and national guidance. Accordingly refusal of the application is recommended.

## DESCRIPTION OF PROPOSAL

It is proposed to subdivide and alter an existing flat to form two flats each on two levels at the above address. At present the flat contains two public rooms and two smaller rooms (the uses of which are not clear from the plans). The new flats require the introduction of three dormers into the roof space, two splayed dormers on the eastern elevation (one per flat) and one box dormer on the western elevation (serving both flats). The flats will contain two bedrooms and a main living room. Both dormers are to be finished in second hand Scots slate to match the existing roof.

## SITE DESCRIPTION

The site is located on the west side of Millar's Wynd some 20m north of its junction with Perth Road. The property currently forms the top floor of part of a three-storey terrace of tenements finished in stone and slate. To the west of the site are university buildings whilst to the north south and west is a combination of residential and commercial uses.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan 1998

The following policies are of relevance:

H1 - Existing Residential Areas

H10 - Design of New Housing

BE11 - Development in Conservation Areas

MV18 - Residential Parking Standards

### Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

### Finalised Local Plan Review

The following policies are of relevance:

Policy 4: Design of new housing

Policy 13: Roofspace and basement development

Policy 61: Development in Conservation Areas

Policy 88: Residential Parking

## Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

NPPG 18 - Planning and the Built Environment

## The Memorandum of Guidance on Listed Buildings and Conservation Areas

Non Statutory Statements of Council Policy

There are no non-statutory Council policies relevant to the determination of this application



## LOCAL AGENDA 21

Key theme 13 indicates that places, spaces and objects should combine meaning and beauty with utility.

## SITE HISTORY

There is no site history of relevance to the application.

## PUBLIC PARTICIPATION

One letter of objection was received. The main issues arising are the impact of the development on the roofscape; over burdening of facilities such as refuse, drying facilities and parking; fire regulations as a result of utilising an extra storey. These points will be

answered in the Observations section of this report.

## CONSULTATIONS

No adverse comments have been received.

## OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- whether the proposals are consistent with the provisions of the development plan; and if not
- whether an exception to the provisions of the development plan is justified by other material considerations

## The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above

In terms of policy H1 the terms of this policy are quite broad. It tries to promote good appropriate development in suitable locations. However it should be considered in conjunction with Policy H10 to assess the suitability of the details of the proposed development.

Policy H10 indicates that the design and layout of new housing should conform to detailed guidance covering issues such as 10sqm private garden ground per flat, the provision of drying facilities and car parking of one private space per unit. The applicant's agent was requested to provide information about these facilities in a letter dated 17th February 2003. He responded by indicating that as there used to be 6 flats at one time in the block and previous development has now reduced that to four. By reinstating two flats on the second floor the total number of flats in the block is still less than the original 6, therefore no additional amenity and parking spaces are required. It is considered that such reasoning is not acceptable. However proposals have to be assessed on current policy and standards taking account of land uses as they are now not as they used to be. Standards are upgraded all the time and in this case the policy of the council is where new units are created amenity space and parking should be

provided to improve living standards and the amenity of surrounding land uses. As the agent has not provided information regarding amenity space and additional parking it is presumed that such facilities cannot be provided. In this respect the proposal is contrary to policy H10 of the local plan.

Policy MV18 indicates that residential parking standards should be those proposed by the former Tayside Regional Council. These standards have been incorporated into policy H10 and have been assessed previously.

In terms of assessing the proposal against policy BE11 "Development in Conservation Areas" any development is expected to complement and enhance the appearance and character of the Conservation Area. In this case the development of the dormer windows is of relevance. The dormers proposed for the front of the property (east) i.e. two splayed dormers, are fairly traditional in appearance. It could be argued however that the proportions and the horizontal emphasis are not in keeping with the remainder of the windows on this main elevation. However the tenements in this small wynd and those in Perth Road are linked and wrap around the corner created by the junction of the streets. The roofscapes are clean i.e. free of features, which allows the Scots slate to become more of a feature. The roofscape is also distinctive because staggers in levels and imposing chimneybreasts separates the clean roof planes. The clean roofscapes help to emphasise the chimneybreasts more. The roofscape in this area is distinctive and a feature of the conservation area, giving this small section a definite character. The addition of two splayed dormers onto this roofscape would alter this character and to a degree add clutter to the roof plane and the clean breaks achieved by the unspoilt roofs and chimneys. It is considered that a combination of the proportions of the dormers and their position in the roof plane would be detrimental to the appearance and character of this part of the conservation area.

The rear (west) elevation of the property is less public than the east. However it is still an important aspect of the conservation area. The rear of the tenements and those in Perth Road are relatively unspoilt by development and again are typified by clean

roofscapes divided by chimney breasts. The imposition of the box dormer would cover the roof plane between two chimneys and alter the balance and rhythm of the roofs. The dormer itself being a large box has little design quality and would be detrimental to the roofscape to the rear of these tenements. This would be detrimental to the character and appearance of the conservation area. It is considered that the proposed dormer extensions do not comply with policy BE11.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

## Other Material Considerations

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

### Finalised Local Plan Review

Policy 4: Design of new housing. This policy sets out similar criteria to that of policies H1 and H10 of the 1998 local plan. These points have been assessed previously. One additional criteria attached to this policy is the requirement for each new flat to be at least 60sqm gross floorspace. It appears that the flats in question have no more than 50sqm floorspace and therefore are smaller than those required by the policy. The proposal is contrary to this policy.

Policy 13: Roofspace and basement development. This policy sets out similar criteria to those of policy H10 of the 1998 local plan, which have been previously assessed in this report. The proposal is contrary to this policy.

Policy 61: Development in Conservation Areas. This policy sets out similar criteria to those of policy BE11 of the 1998 local plan, which have been previously assessed in this report. The proposal is contrary to this policy.

Policy 88: Residential Parking. This policy sets out similar criteria to those of policy MV18 and H10 of the 1998 local plan which have been previously assessed in this report. The proposal is contrary to this policy.

## NPPG 18 - Planning and the Historic Environment

Para 46 outlines the statutory requirement of the 1997 Listed Buildings and Conservation Areas Act that development in Conservation Areas should preserve or enhance the character and appearance of the area. As indicated previously the proposal does not preserve or enhance the conservation area and is therefore contrary to the guidance outlined in NPPG 18.

## Memorandum of Guidance on Listed Buildings and Conservation Areas

This document provides general advice on the impact of new development in Conservation areas which has been assessed elsewhere in this report. However para. 1.6.4 deals specifically with the addition of dormers into the roofspace of unified terraces. It is clear in stating "Where there are no dormers, and there never has been, the construction of new dormers should not be permitted." It is considered that there have never been dormers in this roofscape (facing east) and therefore the installation of two dormers as indicated would be contrary to the advice contained in this paragraph. It is considered the proposal is contrary to the terms of the memorandum.

## The Issues raised by the objector

The issues raised by the objector relating to impact on the roofscape and overburdening of facilities are all agreed with and have been explained elsewhere in this report. The point raised re fire safety is a building control matter. However it appears that the proposal does not contravene building regulations.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused

## Design

The designs of the dormers are unacceptable as explained above. The

played dormers although traditional in style and finished in natural slate with stepped profile windows are out of proportion and are badly sited in an unspoilt roofscape. The box dormer to the rear of the property has little architectural merit and is detrimental to the roofscape and views in this area of the conservation area.

---

## CONCLUSION

---

It is considered that the proposed subdivision and alteration of the existing flat is unacceptable. The proposal does not provide the space, amenity ground and parking required for new residential units in this area of the city and the addition of the dormers would be detrimental to the character and appearance of this part of the conservation area. It is contrary to the terms of the development plan and other material considerations and accordingly refusal of the application is recommended.

---

## RECOMMENDATION

---

It is recommended that planning permission be REFUSED for the following reasons:

### Reason

- 1 That the proposal is contrary to policies H1, H10, MV18 and BE11 of the Dundee Local Plan 1998 because insufficient amenity space and parking spaces are proposed and the proposed dormers would add incongruous elements to a unified roofscape to the detriment of the character and appearance of the Conservation Area.
- 2 That the proposal is contrary to policies 4; 13; 61 and 88 of the Finalised Local Plan Review in as much as insufficient amenity space, parking spaces and floorspace have been provided and the proposed dormer windows would be detrimental to the character and appearance of the Conservation Area.
- 3 The proposal is contrary to the terms of NPPG 18 in as much as it would be detrimental to the character and appearance of the Conservation Area by virtue of the addition of the dormer windows into unaltered areas of unified roofscape.

- 4 That the proposal would be contrary to paragraph 1.6.4 of the Memorandum of Guidance on Listed Buildings and Conservation Areas because it is proposed to add dormer windows into an area of roofscape where there has never been any previously.