

KEY INFORMATION

Ward Law

Proposal

2 storey extension to Nursing Home (re-submission)

Address

10 Dudhope Terrace
Dundee
DD3 6HG

Applicant

Carmichael Nursing Home
10 Dudhope Terrace
Dundee
DD3 6HG

Agent

Peter Inglis Architects
30 South Tay Street
Dundee
DD1 1PD

Registered 19 Sep 2003

Case Officer R Anderson



Proposed Nursing Home Extension in Dudhope Terrace

An extension to a Nursing Home is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the proposal represents development that will have an adverse impact on the Laws Terrace Conservation Area and a Category B listed building. The proposal is contrary to local plan policy and accordingly refusal is recommended.

SUMMARY OF REPORT

- Planning Permission is sought for the extension of an existing nursing home at the above premises. The extension, covering a footprint of some 440m² (880m² floorspace) is located within the Laws Terraces Conservation Area and would extend a category B Listed building.
- The applicants have submitted supporting information with the proposal which indicates that in their view the siting design and external appearance of the extension was acceptable and will not impact adversely on the character and appearance of the conservation area or listed building.
- Six letters of objection were received. The main issues raised were the adverse impact on the character and appearance of the conservation area; adverse impact on the appearance of the listed building; increased traffic in the area and consideration of new legislation.
- It is considered that the siting and scale of the extension is unacceptable and does not represent appropriate development of a listed building, in a conservation area. In addition sufficient parking provision for the facility has not been provided. The proposal is contrary to the terms of the Dundee Local Plan 1998 and accordingly refusal is recommended.

DESCRIPTION OF PROPOSAL

It is proposed that a two storey substantial extension be added to the above property. The extension will be finished in ashlar reconstituted stone walls with a series of hipped roofs, clad in natural slate and Sarnafil. Basically "T" shaped in plan, the extension, design in a neo Georgian style covers an area of some 440m² footprint (overall floorspace some 880m²) and reaches an overall height of some 7m. It will provide an additional 24 bedrooms each with separate en suite facilities and a lounge/dining room.

The development will necessitate the removal of a large two-storey garage/store to the north of the site, conterminous with the boundary wall. The building is finished in a combination of stone, render and slate. The property has a pitched roof with two gabled hips and decorative ridge tiles and finials.

The applicant's agents have submitted information in support of the application, which states that:

- The proposal differs from that previously submitted as the building has been set into the garden ground by means of a retaining wall. This then limits its views and subsequent visual impact onto Douglas Terrace
- The roof has been reduced in scale and will be finished in slate and Sarnafil (materials already present in the Conservation Area) further reducing its impact.
- There are no windows on the north elevation which could impact on neighbours. The majority of windows are east-west oriented which will improve amenity and will be timber with a stepped profile with proportions to complement the main house.
- The walls of the house are to a cream coloured ashlar reconstituted stone with string course features.
- The extension will not be visible from Dudhope Terrace to the south of the property, due to the narrowness of the gaps between the properties. In this respect the

amenity of the terrace will not be affected.

- The boundary wall to the north will be retained as it fulfils the function of enclosure and maintains the conservation area character and maintains the amenity to the garden enjoyed by residents.
- Dundee has seen a decline in the number of bedspaces for nursing homes of this type. The applicants are committed to expanding services at this site.
- The proximity of the site to public transport routes allows the company to operate a policy of encouraging staff to use non car modes of transport and therefore no parking spaces for staff are to be reserved within the site.



SITE DESCRIPTION

The site is located on the north side of Dudhope Terrace, some 60m west of its junction with Law Street. It has a south - facing slope with the main building on a lower level than the garden to the north where the extension is due to be built. The garden ground is fairly extensive and contains a two - storey stone and slate garage/store room. The existing nursing home is a substantial natural stone and slate roofed detached building with timber sash and case windows and other notable features such as a cupola and brattishing. It is a category B listed building and is located in the Law Terraces Conservation Area.

Development in this area is characterised by substantial detached buildings set in fairly large plots. There has been some development in the adjacent garden grounds but the overall character of development still prevails.

To the north of the site are detached dwellinghouses whilst to the east and west are former dwellinghouses of similar scale which now function as offices. Dudhope Park is located to the south.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

Dundee Local Plan 1998

The following policies are of relevance:

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- Policy H12 - Residential Homes and Nursing Homes
- Policy BE1 - Design Quality
- Policy BE2 - Townscape Quality
- Policy BE4 - Development in Garden Ground
- Policy BE11 - Development in Conservation Areas
- Policy BE17 - Alterations to Listed Buildings

Dundee Urban Nature Conservation Subject Local Plan 1995

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

Finalised Dundee Local Plan Review

The following policies are relevant to the consideration of this application:

- Policy 60: Alterations to Listed Buildings
- Policy 61: Development in Conservation Areas
- Policy 55: Urban Design
- Policy 10: Non Mainstream Residential Uses
- Policy 15: Development in Garden Ground

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application

NPPG 18 Planning and the Historic Environment

Non Statutory Statements of Council Policy.

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

LOCAL AGENDA 21

Key Theme 7 indicates that access to facilities and services should not be achieved at the expense of the environment.

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

SITE HISTORY

90/15917/D - Change of Use from Office to Nursing Home for the Elderly - approved - 15 February 1991.

91/16986/D - Change Of Use To Residential Home For The Elderly Including Part Single/Part Two Storey Extension - approved - 11 March 1992.

93/00840/DLB - Formation of Raised Terrace at Patio Door - approved - 27 October 1993.

93/18572/D - Variation of Condition 4 (D16986) to increase bed spaces to 26 no and form raised terrace at patio door - approved - 28 October 1993.

02/00849/LBC & 02/00848/FUL - 2-storey extension to nursing home - Refused - 25 February 2003.

PUBLIC PARTICIPATION

6 Objections have been received regarding the application. The main issues arising are:

1 The development will have an adverse impact on the character and appearance of the conservation area.

- 2 The development will have an adverse impact on the appearance of the listed building
- 3 Vehicles associated with the extension will create hazards in the area.
- 4 New Planning legislation prevents similar schemes already rejected being resubmitted.

These points will be addressed in full 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:

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b 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.

Dundee Local Plan 1998

With regard to policy H12 this sets out the criteria for which a residential home (or extension) would be acceptable. These cover parking and open space provision, outlook and proximity to public transport and other residential homes. The nursing home is conveniently located for public transport and is outwith 0.5km from the another residential home. In terms of the number of parking spaces that require to be provided the agents have indicated that no additional spaces are to be provided and the company is to operate a policy whereby use of non car modes of transport are encouraged.. It is envisaged that there will be up to 45 bedspaces provided within the home. At present there are only 11 parking spaces on site, which will not adequately cater for a facility of the proposed size and its visitors and staff. The company's policy of

encouraging staff to use public transport is supported. However enforcement of this commitment would be onerous. The requirements regarding open space are based on the number of residents and maintaining an open sunny outlook. The required garden ground/ landscaped area is some 420m2. As the extension is taking up the majority of garden ground associated with 10 Dudhope Terrace, the area of ground which is/was associated with number 11 is being utilised. Although this area is sloping it does amount to some 600m2 and is south facing, albeit with the existing buildings being to the south. It is considered that although the proposal meets the majority of criteria associated with policy H12 a crucial element i.e. parking provision has not been satisfied. Sufficient off street parking associated with any use in this area of the city is very important. In this respect it is considered that the facility is unlikely to have sufficient off street parking spaces and could contribute to on street parking in the area to the detriment of traffic and pedestrian safety. This aspect of the criteria of H12 has not been satisfied and therefore the proposal is contrary to this policy.

In terms of Policy BE1 - "Design Quality" the main criteria outlined are scale, form, siting, alignment, materials and landscaping, with the Council expecting the highest standards of design and integration with it's surroundings. The scale of the existing building is fairly substantial with an imposing mass. However it does not stand out because many of the other buildings in the immediate area are similar. The proposed extension has a footprint similar to the existing building and is similar in height. However many of the surrounding buildings have been extended or have development in their curtilage which are significantly smaller than the proposal. Extensions to important buildings should always play a subordinate role to the main building especially on major elevations. Although it is accepted that the extension is to be set into the site and therefore of a similar scale it still represents a substantial mass in relation to the main building. In terms of its alignment, the general pattern of development in this area is large linear plots aligned north/south, with the buildings within them taking a similar

orientation. In this case, the proposal is aligned north south but has a sizeable east/west orientation also which requires curtilage from the neighbouring property. This establishes a more horizontal layout, which goes against the general pattern of development and fills the linear plot leaving little garden ground associated with 10 Dudhope Terrace. This does not respect the established building spacing, alignment, and orientation. The form of the extension is largely sympathetic to the listed building, in terms of proportions, details and setting into the ground. and attempts to echo some of the features of the original building in terms of window styles and roof pitches etc. It is considered that although the proposal represents a significant improvement in terms of appearance and some attempt has been made to reduce the mass of the extension it is still considered that it is not subordinate to the main building and represents a considerable mass within vital space in the conservation area. In this respect it is considered contrary to BE1.

The main criteria of Policy BE2 - "Townscape Quality" are whether new spaces and points of architectural are created and whether development reflects historic street patterns. It also indicates that significant views and vistas should be protected. In terms of the first three criteria these have already been outlined under the previous policy. With regard to the latter, one of the features of the Law Terraces Conservation area is the linear street pattern, which lends itself to views, particularly along Douglas Terrace. A significant aspect of the area is the relatively low density of development. Even though the original buildings are fairly substantial they are set back from the high boundary walls that are evident along the south side of Douglas Terrace (the north of the development site). Although also there have been some examples of incongruous development (particularly two dwellinghouses in gardens to the rear of Dudhope Terrace) these buildings do not dominate the vista created along Douglas Terrace. The proposed extension, particularly the height of the roof, will be visually prominent and will have a detrimental effect of the character and appearance of the conservation area. Even though the roofs are hipped they start some 2m

from the adjacent boundary wall and will encroach onto the space between the wall and the original building (another aspect of the area) in a negative manner, which the existing surrounding buildings, do not. When viewed from the east and the west of Douglas Terrace the roof line will "cut across" the space perpendicular to the rear elevation of the main building. In this respect it is considered the proposal will damage significant views and vistas in the conservation area and would be contrary to Policy BE2.

Policy BE4 - "Development in Garden Ground." Many of the criteria have already been assessed in consideration of previous policies. However it is considered that the proposal fails to meet the following criteria. C) - development covering 40% of garden ground and G) - prominent elevations should remain largely intact. No sufficient justification has been submitted which would justify a departure from the terms of this policy. In this respect the proposal is contrary to Policy BE4.

Policy BE11 - "Development in Conservation Areas." The character of the conservation area is one of linear streets flanked by sloping sites, containing substantial stone and slate villas, set in generous plots, providing fairly low density development. The character is therefore derived largely from the mass of the buildings, their materials, the spaces between them and their boundary walls and the views that this presents both east and west along the streets and north and south when addressing the slope. As demonstrated in previous policy considerations the proposal would have a detrimental effect on all of these features. It is therefore contrary to this policy.

With regard to Policy BE17 - "Alterations to Listed Buildings" it is accepted that the current proposal does not alter the existing listed building fabric in a significant way. However the northern elevation of the existing building is visually interesting and is well set into its surroundings. Impressive features such as the cupola and battishing, the proportions and style of the windows and roof all contribute to the visual interest when viewed from the north. The current proposal will interrupt all of these features to the detriment of the

building's setting and it's historic and architectural character. The proposal is therefore contrary to Policy BE17.

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 Dundee Local Plan Review

- Policy 10: Non Mainstream Residential Use
- Policy 15: Development in Garden Ground
- Policy 55: Urban Design
- Policy 60: Alterations to Listed Buildings
- Policy 61: Development in Conservation Areas
- Policy 62: Demolition of Listed Buildings and Buildings in Conservation areas.
- NPPG 18 Planning and the Historic Environment

The Memorandum of Guidance on Listed Buildings and Conservation Areas

The issues raised by Objectors:

The criteria associated with policy 10 are similar to, but more detailed than H12 of the 1998 plan. It is considered that the proposal would fail to meet criteria A); D) and F). The reasons for this are the amenity of neighbours would be adversely affected by virtue of the amount of off street parking it is likely to generate. It is clear that parking provision is inadequate and the resultant design does not reflect the scale of adjacent buildings in relation to their surroundings.

The criteria associated with policy 15 have been assessed under policy BE4 above. One additional criterion to policy 15 is that prevailing densities in the area are respected. It is considered for reasons stated previously (in the assessment of BE1, BE2, BE4 and BE11) that the proposal does not fulfil this criteria.

Policy 55 covers the areas stated in policy BE2 of the 1998 plan. The same consideration is given as stated under that policy previously.

Policy 60 reflects policy BE17 of the 1998 plan, however it is worded slightly differently. It states that alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest. It is considered that as the extension will cut across the northern elevation of the listed building, its architectural integrity and historic interest will be adversely affected.

Policy 61 incorporates many of the criteria of policy BE11 of the 1998 plan however it goes further in indicating that features such as unlisted buildings and landscaping should be retained. The proposal necessitates the removal of a fairly substantial and ornate garage/store to the north of the site. It appears that this building is not listed (from an assessment of cartographic records) but architecturally and due to its siting it does contribute to the character of the conservation area. Its removal therefore would be detrimental.

Policy 62 elaborates on 61 and indicates that where unlisted buildings are proposed for demolition, comprehensive information regarding its condition, marketing history and feasibility/viability studies to assess its retention should be submitted. The applicant's agents included a paragraph in their supporting evidence indicating that the building was in poor condition and its removal would not be greatly significant. It is considered that such information does not fulfil the terms of the policy and is not sufficient to justify demolition of the building.

With regard to the terms of NPPG 18, paragraph 12 indicates (reflecting the requirements of section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997) that when assessing applications for planning permission for development affecting a listed building or its setting, special regard should be paid to the desirability of preserving the building, its setting or special architectural/historic features it possesses. With regard to Conservation areas, paragraph 13 indicates (reflect the requirements of section 64 of the act) that when

assessing applications which affect a conservation area attention should be paid to preserving or enhancing its character and appearance. It has been demonstrated under previous policy considerations that the development will have an adverse affect on both the character and appearance of the conservation area as well as the setting of the listed building. The proposal is contrary to the statutory requirements and the terms of NPPG 18.

The Memorandum Of Guidance on Listed Buildings and Conservation Areas sets out the Scottish Ministers' views on development affecting listed buildings and conservation areas. In terms of additions and extensions to listed buildings paragraph, 6.0.0 indicates that additions should always play a subordinate role to the main building in terms of scale and location and should never overlay principal elevations. Paragraph 8.4.0 covers new curtilage development. It indicates that no building of similar or greater bulk should be erected close to the main listed building and principal elevations should remain visible from all viewpoints. It also states that development in front gardens of large suburban houses which destroys the relationship between the house and the adjacent streets should not be permitted. (Although in this case development is proposed in the rear garden the principle is still the same). In terms of assessing new development in conservation areas the memorandum re - iterates the statutory requirements and the guidance of NPPG 18.

The points raised by the objectors:

These have been covered elsewhere in the report. The new legislation referred to by one of the objectors is at present a consultation suggestion and not in force at the present time and therefore cannot be used in consideration of this application.

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

It is considered that the design of the building does not contribute to the preservation or enhancement of the

conservation area or respect the architectural or historic character of the listed building. The scale and siting employed are unacceptable and at odds with the character and appearance of the conservation area. By virtue of this the extension will also obscure an important elevation of a category B listed building.

CONCLUSION

It is considered that the proposed extension does not contribute to the character and appearance of the conservation area and does not respect the listed building it is positioned adjacent to. The siting, and scale are viewed as unacceptable and contrary to the terms of the development plan which promotes appropriate quality design to enhance the built environment. There are no material considerations, which justify a departure from the terms of the development plan, and accordingly refusal of the application is recommended.

RECOMMENDATION

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

Reasons

- 1 That the proposal is contrary to policy H12 of the Dundee Local Plan 1998 by virtue of the fact that adequate parking arrangements have not been provided and there are no material considerations which warrant overturning policy in this case.
- 2 That the proposed extension is contrary to policies BE1, BE2, BE4, BE11 and BE17 of the Dundee Local Plan 1998 by virtue of its siting and scale and its subsequent impact on the conservation area and listed building and there are no material considerations which warrant overturning policy in this case.
- 3 The proposal is contrary to the advice contained in the Memorandum of Guidance on Listed Buildings and Conservation Areas as it does not play a subordinate role in terms of scale and location; it overlays an important elevation of a listed

building and it adversely affects the relationship of that building and the adjacent roadway.

- 4 The proposal is contrary to paragraphs 12 and 13 of NPPG 18 by virtue of the fact the proposal does not pay special regard to the historic and architectural interest of the listed building and does not preserve or enhance the character and appearance of the conservation area, respectively.
- 5 The proposal is contrary to policies 10, 15, 55, 60, 61 and 62 of the finalised Dundee Local Plan 2003 by virtue of inadequate parking provision, siting and scale of the extension, impact on the conservation area and listed building and insufficient justification for the demolition of the building within the curtilage