

KEY INFORMATION

Ward Law

Proposal

2 storey extension to Nursing Home

Address

10 Dudhope Terrace
Dundee
DD3 6HG

Applicant

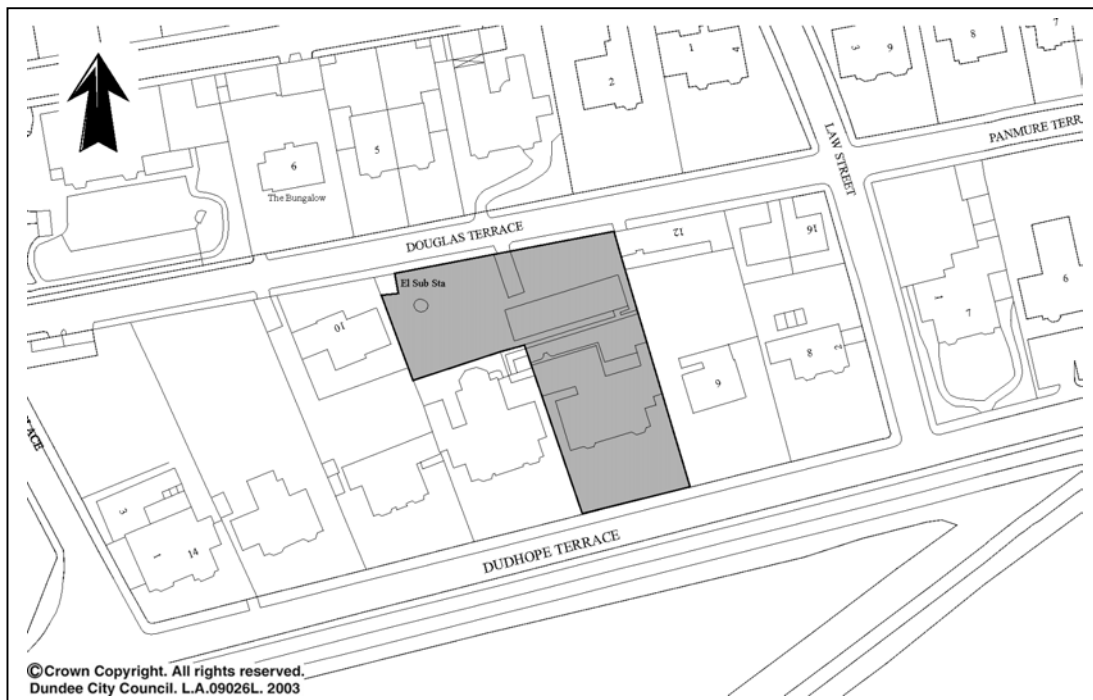
Carmichael House Nursing Home
10 Dudhope Terrace
Dundee
DD3 6HG

Agent

Peter Inglis Architects
30 South Tay Street
Dundee
DD1 1PD

Registered 19 Sep 2003

Case Officer R Anderson



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

- Listed Building Consent is sought for the extension of an existing nursing home at the above premises. The extension, covering some 440m² (880m² floorspace) is located within the Laws Terraces Conservation Area and extends a category B Listed building.
- Five 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 and poor design quality.
- It is considered that the siting and scale of the extension is unacceptable and does not represent appropriate quality development of a listed building or in a conservation area. The proposal is contrary to the terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (and associated guidance) and the Dundee Local Plan 1998. 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 Local Plan 1998

The following policies are of relevance:

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 determination of this application

Finalised Dundee Local Plan Review

There are no policies relevant to the determination of this application

Policy 60: Alterations to Listed Buildings

Policy 61: Development in Conservation Areas

Policy 55: Urban Design

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 - 15.02.1991

91/16986/D - Change Of Use To Residential Home For The Elderly Including Part Single/Part Two Storey Extension - approved - 11.03.1992

93/00840/DLB - Formation of Raised Terrace at Patio Door - approved - 27.10.1993

93/18572/D - Variation of Condition 4(D16986) to increase bed spaces to 26 no & form raised terrace at patio door - approved - 28.10.1993

02/00849/LBC & 02/00848/FUL - 2-storey extension to nursing home - Refused - 25.02.2003

PUBLIC PARTICIPATION

6 Objections have been received regarding the application. The main issues arising of relevance to the Listed Building Consent application are:-

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

The development will have an adverse impact on the appearance of the listed building

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 Sections 59 and 64 of the Planning(Listed Building And Conservation Area)(Scotland)Act 1997 the Committee is required to consider

a whether the proposals are consistent with the provisions of the Act; and if not

b whether an exception to the provisions of the Act is justified by other material considerations

NPPG 18 Planning and the Historic Environment

With regard to the terms of NPPG 18 para. 12 indicates (reflecting the requirements of section 59 of the Planning(Listed Building And Conservation Area)(Scotland)Act 1997 that when assessing applications for development affecting a listed building or its setting, special regard should be paid to the desirability of preserving the building, it's setting or special architectural/historic features it possesses.

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 important and visually interesting whilst being well integrated with its surroundings. Impressive features such as the massing of different elements, the cupola and brattishing, the proportions and style of the windows and the roof all make valuable contributions. The current proposal will obscure these features to the detriment of the appearance and setting of the building and it's historic and architectural character.

With regard to Conservation areas para.13 indicates (reflecting 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. Para. 51 outlines the national policy on demolition of unlisted buildings 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 a 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.

The existing building is a fairly substantial Victorian building of imposing mass and scale. However it

does not stand out because many of the other buildings in the immediate area are of a similar scale and character. The proposed extension will have a similar footprint and will at a slightly lower height. Development in neighbouring curtilages, whether it be extensions or detached buildings, are generally of a much smaller scale than the proposal. Extensions to important buildings and curtilage development should always play a subordinate role to the main building especially when viewing major elevations. Although the proposed extension will be developed into the sloping curtilage, it will still be viewed as a considerable mass in close proximity to the existing building. In this respect it will be at odds with the general pattern of development to the detriment of the area's character.

In terms of plot orientation the area generally contains linear plots aligned north/south, with the main buildings orientated similarly. In the case of the proposed extension, the main emphasis is development is oriented north/south, although there is a considerable element which is east/west. It is also the case that garden ground is required from what would appear to be the original neighbouring curtilage. This further emphasises a more horizontal layout both in the plot created and the alignment of the building. This goes against the general pattern of development and does not respect the established building spacing, alignment, and orientation.

With regard to the impact on views into the conservation area and significant vistas, one of the main features is the fairly linear street pattern, which lends itself to longer-term views, particularly along Douglas Terrace. Another significant feature is the relatively low density of development and the spaces created. 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 there has been some unfortunate examples of incongruous development (particularly two dwellinghouses in gardens to the rear of Dudhope Terrace) these buildings do not tend to dominate the vista created along Douglas Terrace when viewed from the east and the west. It is considered that the proposed

extension, particularly the protrusion of the roof above the boundary walls, will be extremely visually prominent when viewed from Douglas Terrace, that it will have a detrimental effect of the character and appearance of the conservation area. Even though the roofs are hipped they are situated only some 2m from the boundary wall and will encroach onto the space between the wall and the original building in a manner that the existing buildings in these gardens do not. In addition to this the ridge of the roof that will be visible above the wall will run perpendicular to the northern elevation of the building and appear to "cut across" the garden space, a vital element of the area. In this respect the proposal will damage significant views and vistas, to the detriment of the character and appearance of the conservation area.

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. Where unlisted buildings are proposed for demolition, comprehensive information regarding their condition, marketing history and feasibility/viability studies to assess their potential for retention should be submitted. The applicant's agents included a paragraph in their supporting evidence indicating that the loss of the building was not significant. It is considered that such information does not fulfil the statutory requirements and is not sufficient to justify demolition of the building.

It has been demonstrated 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

The memorandum sets out the Scottish Ministers' views on development affecting listed buildings and conservation areas. In terms of

additions and extensions to listed buildings para. 6.0.0 indicates that additions should always play a subordinate role to the main building in terms of scale and siting and should never overlay principal elevations. Para.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, whilst paras 4.26 - 4.32 covers the demolition of unlisted buildings in Conservation Areas, indicating that there is a general presumption against demolition of buildings which contribute to the area, with a requirement for comprehensive justification for any demolition proposals.

These issues have been assessed above and it is considered that the proposal is contrary to the guidance set out in the memorandum.

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

In terms of assessing the proposal against the general 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 its surroundings. These issues have been assessed above and it is considered that in relation to siting and scale the proposal is contrary to this policy.

In considering the proposal in terms of Policy BE2 - Townscape Quality the main criteria are whether new spaces and points of architectural interest are being created and whether development reflects historic street

patterns. It also indicates that significant views and vistas should be protected. These issues have been assessed above and it is considered that the proposal is contrary to this policy.

In relation to Policy BE4 - "Development in Garden Ground" many of the criteria have already been assessed in previous sections. 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 and the proposal is therefore contrary.

Policy BE11 - "Development in Conservation Areas." A detailed analysis has been undertaken previously on the impact of the proposal on the conservation area. The policy expects that new development in these areas should complement and enhance its surroundings. In this case it is considered the proposal does not and therefore it is contrary to this policy.

Policy BE17 - "Alterations to Listed Buildings" indicates that development affecting listed buildings should have regard for its architectural and historic character. As has been demonstrated the current proposal does not and is therefore contrary to this policy.

It is concluded from the foregoing that the proposal does not comply with the statutory requirement as outlined in NPPG 18 and the Memorandum of Guidance or 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 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.

The criteria associated with policy 15 are similar to that of BE4 above. One additional criterion to policy 15 is that prevailing densities in the area are respected. It is considered for reasons stated previously that the proposal does not fulfil these 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. This point has been assessed in previous sections and it is considered that the proposal is contrary to it.

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. Again this point has been assessed earlier and it is considered that the proposal is contrary to this policy.

Points raised by the objectors

The points raised by objectors have already been assessed in this report. The council is in agreement with them.

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 listed building consent contrary to the statutory requirement. It is therefore recommended that consent 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 national guidance and the development plan which promotes appropriate quality design to enhance the built environment. There are no material considerations, which justify a departure from the national requirement and the terms of the development plan. Accordingly refusal of the application is recommended.

RECOMMENDATION

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

Reasons

- 1 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.
- 2 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, detail, location and materials; it overlays an important elevation of a listed building; it adversely affects the relationship of that building and the adjacent roadway and

insufficient justification has been submitted for the demolition of the unlisted building in the curtilage.

- 3 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 design, external appearance and impact on the conservation area and listed building and there are no material considerations which warrant overturning policy in this case.
- 4 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, design and external appearance of the extension, impact on the conservation area and listed building and insufficient justification for the demolition of the building within the curtilage.