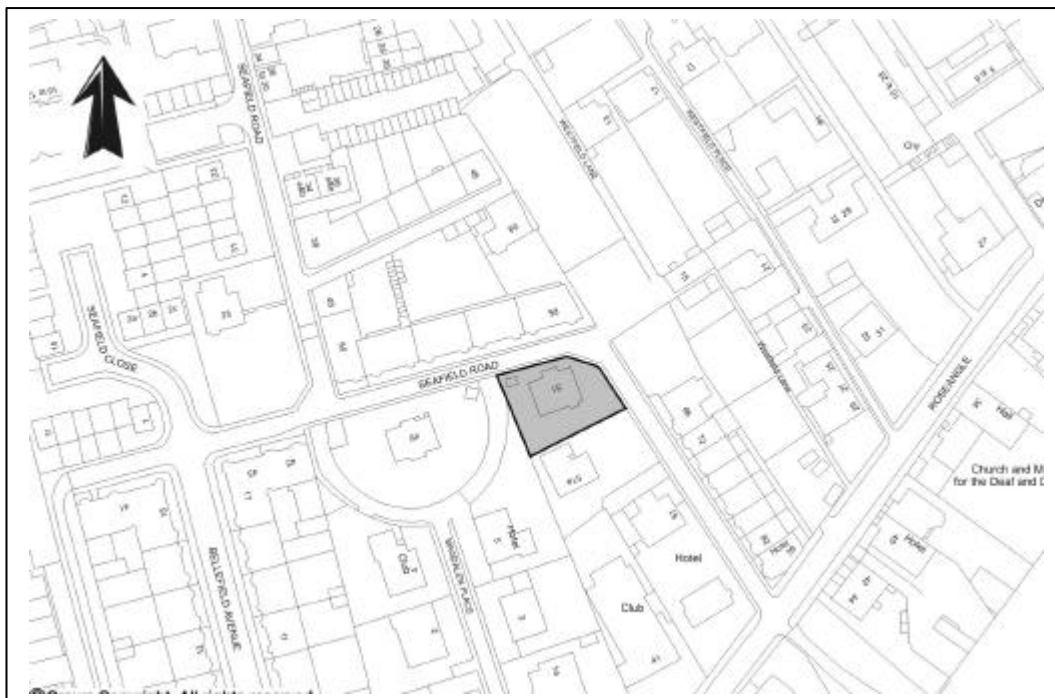


**KEY INFORMATION****Ward** Tay Bridges**Proposal**

Formation of new vehicular access in the existing boundary wall

**Address**51 Seafeld Road  
Dundee  
DD1 4NW**Applicant**Mr Brian Kennedy  
18 Clayhills Drive  
Nineans Views  
Dundee**Agent****Registered** 5 Dec 2005**Case Officer** S Cooper

## Second Access to Breach Wall in Historic Area

The Formation of new vehicular access in the existing boundary wall is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

It is considered that the proposed development is contrary to the provisions of Policy 61 of the Dundee Local Plan Review 2005. Furthermore, the proposal is considered to be contrary to the Council's Policy and Guidance for Dundee's Listed Buildings and Conservation Areas on Breaches in Boundary Walls.

**SUMMARY OF REPORT**

- The proposal is for the formation of a new vehicular access from Seafeld Road, to the north of the property. The proposal involves the removal of a 6 metres wide section of wall, rebuilding part of it and erecting 1.5 metres high timber gates, recessed back from the boundary wall.
- The proposal raises issues in terms of Policy 61 of the Dundee Local Plan Review 2005. Also relevant is the Council's Policy and Guidance for Dundee's Listed Buildings and Conservation Areas on Breaches in Boundary Walls.
- 3 letters of objection have been received. The grounds of objection relate to adverse impact on road safety, and on the character and appearance of the conservation area.
- It is considered that the proposal is contrary to the provisions of Policy 61 of the Dundee Local Plan Review 2005, and also to the Council's Policy and Guidance on Breaches in Boundary Walls.
- Therefore it is recommended that the application be REFUSED.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the formation of a new vehicular access at 51 Seafield Road, Dundee. In order to form the vehicular access it is proposed to remove a 5 metres wide section of the existing boundary wall. The proposal is to provide

## SITE DESCRIPTION

The application site contains a 2 storey property that is divided into an upper floor and a ground floor flat. The property occupies a corner location and the north and east boundaries are enclosed by a 2 metres high stone wall. The property is located within the West End Lanes Conservation Area.

There is an existing vehicular access from Seafield Road to the east, with a car parking area to the east of the building.

To the north of the property, Seafield Road becomes very narrow. Car parking for residents of the flatted properties to the north is on the north side of Seafield Road. This makes access along Seafield Road difficult, and in most cases, vehicles will have to mount the kerb on the south side to pass the parked cars.

The building has been subdivided into upper and lower level flats. The upper flats contains 5 bedrooms and the lower flat has 2.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

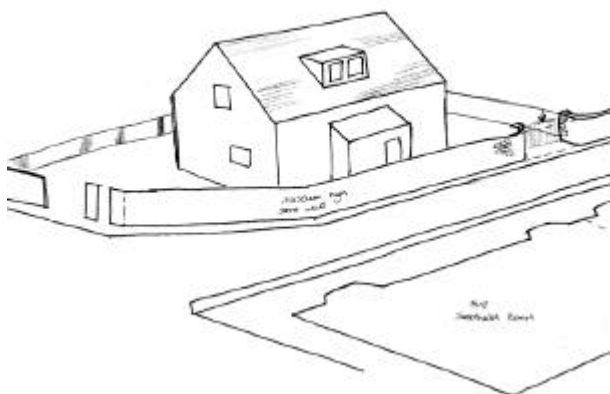
### Dundee Local Plan Review 2005

The following policy is of relevance:

#### **Policy 61: Development in Conservation Areas**

Within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of features which contribute to the character and appearance including unlisted buildings of townscape interest, trees and landscape features and the historic

pattern of streets and spaces, as identified in the Conservation Area management plans to be advanced in the near future.



### Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

Section 64 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.



National Planning Policy Guideline 18 - Planning and the Historic Environment (para 46) indicates that planning authorities should afford a high priority in decision making to preserving and enhancing the character or appearance of conservation areas when considering proposals which affect such areas. If proposals conflict with this objective there should be a presumption against them.

The Memorandum Of Guidance on Listed Buildings and Conservation Areas produced by Historic Scotland

reflects this general advice but is more specific in relation to boundary walls and their impact on a streetscene. Paragraph 1.8.1 indicates that demolition of garden walls to accommodate large numbers of cars should always be avoided. Where a certain number of openings are acceptable they should be restricted in number and size. Recessed gates should be discouraged. Paragraph 1.8.2 continues that boundary walls etc can make a significant contribution to the streetscape character of a conservation area. Individual breaches may have little impact by themselves. However they may set or continue an undesirable precedent which cumulatively will affect that conservation area.

### Non Statutory Statements of Council Policy

The following policy statements are of relevance:

The Council's Policy and Guidance for Dundee's Listed Buildings and Conservation Areas on Breaches in Boundary Walls. Of particular relevance is paragraph 2.2.1 which states;

"Applications will not be recommended for approval where the wall is considered to contribute to the character of the listed building or the 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."

### LOCAL AGENDA 21

Key Theme 1 of Dundee 21: Planning for sustainability indicates that resources should be used efficiently and waste should be minimised. The

re-use of the existing stone should reduce the need to use alternative sources.

Key theme 15 indicates that diversity and local distinctiveness are valued and should be protected. The 2m high wall in this case forms an integral part of the local distinctiveness.

## SITE HISTORY

93/18257/D - Planning permission retrospectively granted for the change of use of 1 house to 2 flats.

## PUBLIC PARTICIPATION

The applicant has carried out the statutory notification of neighbours. 3 letters of objection were received.

The grounds of objection are:

- Impact on road traffic safety due to narrowness of Seafield Road.
- Detrimental impact on character and appearance of Conservation Area by way of breach in historic boundary wall.

It is intended to comment on these issues in the 'Observations' section of this report. Copies of these letters are available for inspection in the Members Lounges.

## CONSULTATIONS

No adverse comments were made by consultees.

## 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.

The proposal is for the formation of a vehicular access from Seafield Road. 2 car parking spaces would be provided to the west of the flatted building. The

proposal is to provide a separate access and car parking area for the upper and lower flats.

The north and east boundaries of the property are enclosed by a 2 metres high stone wall. There is a substantial opening in the wall for the existing vehicular access with a smaller pedestrian access alongside it. There are further openings for vehicular and pedestrian in the eastern wall to the south of the property. There are also existing openings for vehicular access in the north wall to the west of the property.

The proposed opening would be some 5 metres in width. However, a much larger section of wall (some 8.5 metres in length) would initially be removed. Stone would be salvaged and re-used to form new curved sections of wall leading to the new gate piers. 1.5 metres high timber lined gates would be erected over the proposed vehicular access. In their recessed position they would be set back 1 metre from the boundary wall.

Section 64 of the Town & Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a statutory duty on Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area in the determination of any application for planning permission affecting such a designated area.

The requirement to preserve or enhance Dundee's Conservation Areas is echoed in policy 61 of the adopted Dundee Local Plan Review 2005.

Boundary walls play a very important role in defining the character and appearance of any setting, even more so in a Conservation Area. Boundary walls provide a sense of enclosure and scale, whilst providing colour and texture, illustrating a range of building materials and methods vernacular to the locality. The boundary walls in this particular area give a pronounced sense of enclosure, which is fundamental to the character and appearance of the West End Lanes Conservation Area.

There are existing openings in the north wall, at the western end of Seafield Road. However there remains a large section of the wall of some 55 metres in length which has no openings. This proposal would result

in the removal of a large section of that long unaltered section of north boundary wall.

It is considered that the proposed 5 metres wide opening would detract from the important sense of enclosure and character that the wall brings to the Conservation Area. The loss of the sense of enclosure would be enhanced by the set back position of the proposed timber gates, which would also be significantly lower than the boundary wall. The curved sections of wall either side of the opening would further eradicate that sense of enclosure.

It is therefore considered that the proposed development would neither preserve nor enhance, but instead would be detrimental to the character and appearance of the Conservation Area. Accordingly, the proposal is contrary to Policy 61 of the Dundee Local Plan Review 2005.

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 the views of the objectors, National Planning Policy Guidance, and the Council's non-statutory guidance on Breaches in Boundary walls.

There are two main grounds of objection to this proposal. These are the impact on road safety and the detrimental impact on the character and appearance of the conservation area.

In terms of road traffic safety, the objectors are concerned that at the point of the proposed access, Seafield Road is very narrow. This is further exacerbated by cars parking on the north side of the road. In some cases this can result in vehicles having to mount the kerb in order to negotiate the parked cars.

Notwithstanding the fact that the road is narrow and that car parking is on the north side of the road, it is considered that the opening would be of sufficient width to allow satisfactory sight lines and sufficient space to enable a vehicle to safely access and egress the site. It is therefore considered that the proposal would not be detrimental to road safety. Accordingly this ground of objection is not supported.

The other ground of objection is that the proposal would result in a large opening in a historic boundary wall, which would be detrimental to the character and appearance of the conservation area.

This issue has been considered in greater detail above. It is considered that the proposal would detract from the character and appearance of the conservation area. Therefore this ground of objection is supported.

The Council's Policy and Guidance for Dundee's Listed Buildings and Conservation Areas on Breaches in Boundary Walls is a material consideration in the determination of this application.

Section 2.2.1 (openings to provide access) is of particular relevance to this application. It states that applications will not be recommended for approval where the wall is considered to contribute to the character of the listed building or the 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. It continues that the setting back or lowering of boundary walls to facilitate access will be discouraged, as this would destroy the sense of enclosure.

As stated above it is considered that the proposal would be detrimental to the important sense of enclosure the wall brings to the character and appearance of the conservation area. Accordingly it is considered that the proposal is contrary to the Council's Policy and Guidance for Dundee's Listed Buildings and Conservation Areas on Breaches in Boundary Walls.

The Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area (Town & Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997). Paragraph 64 of NPPG 18 echoes this

and provides further guidance. Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas provides more detailed guidance on boundary walls.

For the reasons stated above it is considered that the proposed development would have a detrimental impact on the character and appearance and importance of the boundary wall, and subsequently would be harmful to the character and appearance of the conservation area. It therefore follows that the proposal is contrary to Government Guidance and Advice.

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

## Design

The proposal would re-use existing stone and coping stone. This would be acceptable. However, the proposed gates would be relatively large and would contrast with the stone wall. Their recessed position would diminish their role in enclosing the street, to the detriment of the streetscene and the character and appearance of the conservation area. Accordingly, the proposal is considered to be unacceptable in terms of design.

## CONCLUSION

It is considered that the proposed development is contrary to the provisions of Policy 61 of the Dundee Local Plan Review 2005. Furthermore the proposal is contrary to national guidance and advice, and the Council's non-statutory guidance on breaches in boundary walls. There are no material considerations that would justify the approval of this application. Accordingly it is recommended that the application be REFUSED.

## RECOMMENDATION

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

## Reasons

- 1 The proposed development would result in a substantial breach in the existing boundary wall. Furthermore the set back position of the new gates would further emphasise the breach in the wall. It is therefore considered that the proposed development would be detrimental to the character and appearance of the Conservation Area, contrary to the provisions of Policy 61 of the Dundee Local Plan Review 2005.
- 2 The proposed development would result in a substantial breach in the boundary wall, detrimental to the character and appearance of the Conservation Area. It is therefore considered that the proposal is contrary to the Council's Policy and Guidance for Dundee's Listed Buildings and Conservation Areas on Breaches in Boundary Walls.