

KEY INFORMATION**Ward** Riverside**Proposal**

Change of use with elevational alterations from former HMO to 3 Apartments

Address

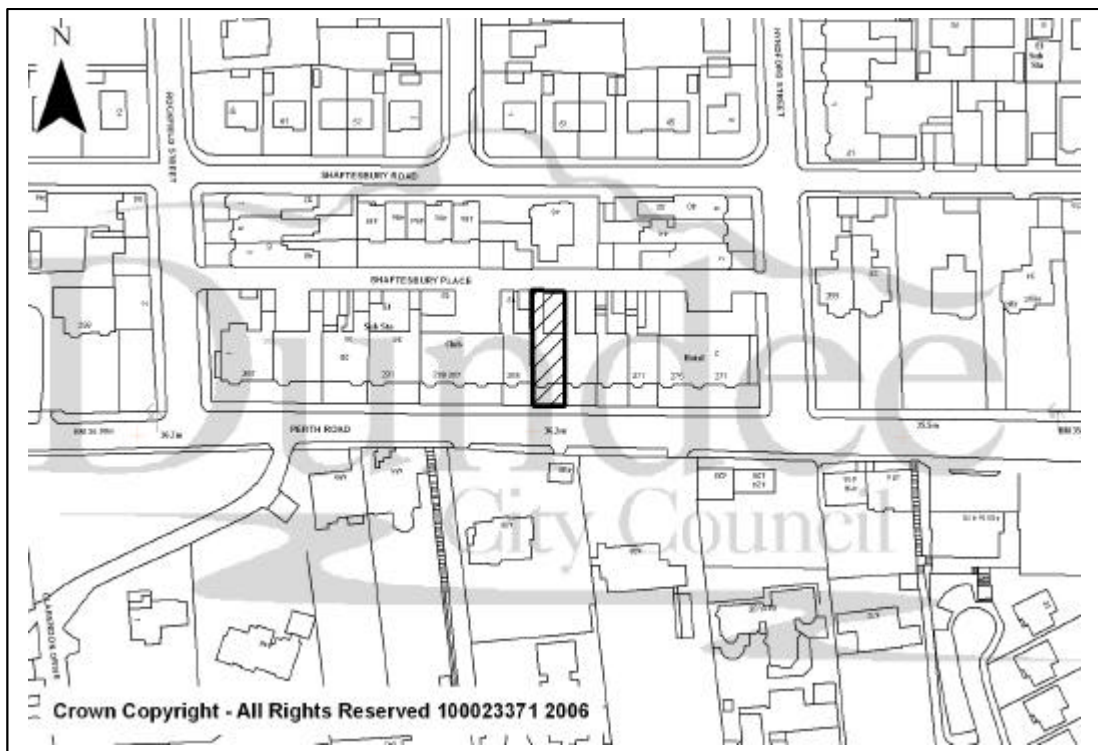
283 Perth Road
Dundee
DD2 1JS

Applicant

Solera Associates Per
Andrew Black Design
1 Ritchies Lane
Dundee
DD2 1ED

Agent

Andrew Black Design
1 Ritchies Lane
Dundee
DD2 1ED

Registered 5 Feb 2007**Case Officer** Eve Jones

Proposal to Form 3 Apartments

The change of use with elevational alterations from former HMO to 3 apartments is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

It is concluded that the proposal complies with Policies 4; 12; 59; 60 and 61 of the Dundee Local Plan Review 2005, with relevant Non-Statutory Policies and with National Planning Guidance. In order to ensure that the units are not let for multiple occupancy, it is considered appropriate that a Section 75 Agreement is sought with the applicant and that the application is recommended for **APPROVAL** subject to condition.

SUMMARY OF REPORT

- Planning permission is sought for the change of use of an existing terraced house, formerly an unauthorised HMO, to form 3 flats with external alterations. There will be 1 x 2 bedroom flat and 2 x 3 bedroom flats, one on each floor of the building, with a garden area and 3 car parking spaces accessed from Shaftesbury Lane to the rear. Internally, the fine cornices and ceiling roses will be retained and repaired.
- Dundee Local Plan 2005 - the following policies are of relevance: Policy 4 - Design of New Housing; Policy 12 - Sub-Division of Houses; Policy 59 - Alternative use for Listed Buildings; Policy 61 - Development in Conservation Areas.
- There were no adverse comments from consultees and no objection from the public.
- It is concluded that the proposal complies with the policies and with National Planning Guidance as the retention and reuse of the Listed Building supports a degree of flexibility in the application of the relevant criteria for flats, parking and garden ground.
- In order to ensure that the units are not let for multiple occupancy, it is considered appropriate that a Section 75 agreement is sought with the applicant.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use of an existing terraced house, formerly an unauthorised HMO, to form 3 flats with external alterations comprising new windows, velux windows, car parking with partial roof and garage doors and new garden wall.

There will be 1 x 2 bedroom flat and 2 x 3 bedroom flats, one on each floor of the building, accessed from a new internal communal stair. A single storey rear extension and garage is proposed to be removed to provide rear amenity space and 3 car parking spaces accessed from Shaftesbury Lane to the rear. In order to retain the enclosure to the lane, the parking spaces will be secured by individual roller doors with a partial slate roof above to replicate the outbuildings common to the rear of many of these properties.

Internally, the fine cornices and ceiling roses will be retained and repaired where necessary and unsympathetic UPVC windows installed without consent on the rear elevation will be replaced by traditional timber sash and case windows.

SITE DESCRIPTION

The property is a large, 3 storey terraced townhouse forming part of a traditional stone terrace on the north side of Perth Road between Hyndford Street and Rockfield Street. There is rear vehicular access along the unadopted Shaftesbury Place but only pedestrian access from Perth Road due to the elevated position of the building. There are fine interiors with well detailed plaster cornices and ceiling roses.

The building, which is currently vacant, has 9 bedrooms, 3 bathrooms and 2 kitchens and has previously been rented out as an unauthorised HMO.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 4 - Design of New Housing

Policy 12 - Sub-Division of Houses

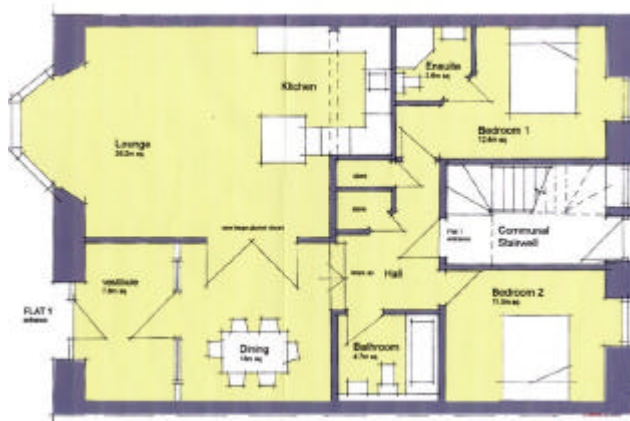
Policy 59 - Alternative use for Listed Buildings

Policy 60 - Alterations to Listed Buildings

Policy 61 - Development in Conservation Areas

Scottish Planning Policies, Planning Advice Notes and Circulars

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



The following are of relevance:

The Memorandum of Guidance on Listed Buildings and Conservation Areas.

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Breaches in Boundary Walls.

Houses in Multiple Occupation.

SUSTAINABILITY ISSUES

The following sustainability policy implication(s) arise from this application:

Policy 5 Built Environment

The issue is discussed in greater detail below.

SITE HISTORY

07/00101/LBC - The partner Listed Building application in respect of the proposed partial demolition and alterations to the Listed building is considered elsewhere on this agenda.

PUBLIC PARTICIPATION

The application was the subject of Statutory Neighbour Notification and was also advertised as a development contrary to the Development Plan. There were no objections.

CONSULTATIONS

There were no adverse comments from 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

Policy 12: Sub-Division Of Houses - "The sub-division of houses will only be permitted if all of the following criteria are met:

- each unit has a minimum of 5 habitable rooms, 2 parking spaces within the curtilage and useable garden ground of 120 square metres or 50 square metres if within the inner city; and
- the proposal does not involve an extension, through either conversion of non-residential accommodation or new build, of more than 30% of the existing floorspace; and
- all units should have a pleasant aspect and surrounding residential environment with main living areas being located to the front of the house

The above criteria may be applied flexibly where this is necessary to preserve the architectural integrity of a listed building."

It is considered that the flexibility allowed in the policy to protect a listed building should be applied in the following way for the following reasons.

Each of these flats has four habitable rooms but the floorspace available is such that they could have been further divided into five smaller rooms to meet this policy. However this would have had a very detrimental impact on the proportion of the rooms and would not have allowed the retention of the cornices.

Three parking spaces are provided, two more than exist at present in an area where parking is at a premium.

The existing rear amenity area is a paved courtyard of 54 square metres. The demolition of the rear extension almost compensates for the additional car parking spaces and the resulting rear garden area is 52 square metres. This can be the subject of a landscaping condition to ensure that it is garden rather than a paved courtyard.

The 3 lounges all face south with fine views across the Tay.

It is concluded that whilst the proposed sub-division does not meet the criteria of Policy 12, the preservation of the architectural integrity of the Listed building does support a flexible application of these criteria. It is therefore considered that the development does comply with Policy 12.

Policy 4: Design Of New Housing - "The design and layout of all new housing in Dundee should be of a high quality. As a basis for achieving this, new development will be required to conform to the Design Standards contained in Appendix 1 of this Local Plan unless:

- a the City Council, through either site allocation in the Local Plan or site planning briefs, considers it appropriate to vary the standards to reflect the constraints or opportunities offered by the development of a particular site; or
- b the proposal is within an established low density

residential area, in which case the density of the new development should reflect this and more generous external space standards will be required.

New housing development should also have regard to the principles of the City Council's Urban Design Guide.

Where conversion of a listed building or other building worthy of retention is proposed, there may be limited flexibility in applying parking and garden ground requirements where compliance is impractical. The development of flats through conversions of buildings of merit may also be acceptable where conversion to flats is the only appropriate action."

This is a large terraced house on three floors with 9 bedrooms, 3 bathrooms and 2 kitchens with a limited area of garden ground and 1 parking space. It has limited demand as a family house and has been in unauthorised use as a house in multiple occupation. Change of use to flats is acceptable in principle to retain the Listed Building in beneficial use.

Appendix 1 to Policy 4 sets criteria for flattened developments. The proposal meets the required size of unit and innovative, secure parking is provided. Parking is provided at 100% rather than 130% and the garden ground does not meet the criteria. The garden ground to the front of the property is not considered to be acceptable private garden ground. The Design Statement suggests on street parking for one unit but this is not acceptable and each unit should have one secure parking space within the curtilage. However the policy provides flexibility in these matters where conversion of a listed building is proposed. The increase in parking from 1 to 3 and the landscaping of the rear garden is welcomed. The proposal provides three high quality flats retaining traditional architectural features with space standards in excess of many new developments.

It is concluded that the development merits the flexibility detailed in Policy 4 and is in compliance with it.

Policy 59: Alternative Uses For Listed Buildings - "Suitable alternative uses will be considered for listed buildings where this is necessary to secure their future. Any adaptation of the fabric must be undertaken carefully and sensitively and have minimum impact

on the architectural and historic interest, character and setting of the building. Reference should be made to other policies in the Plan."

Policy 60: Alterations To Listed Buildings - "The alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character. Alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest."

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 all 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."

It is considered that the proposal complies with these three policies which seek to protect the character of Listed Buildings and Conservation Areas for the reasons noted above. The development will retain significant architectural details within the individual flats. The removal of the single storey rear extension will not have a significant detrimental impact on the character of the Listed building. The rear elevation to Shaftesbury Place is formed by a high stone wall and the entrance to the single garage. The wall is to be removed and relocated as the rear wall to the amended garden area. The enclosure to the rear lane will be replicated by the use of three roller garage doors with a slated partial roof above. This will also ensure security for the parked cars.

It is concluded that the proposals comply with Policies 59; 60 and 61.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan as the retention and reuse of the Listed Building supports a degree of flexibility in the application of the relevant policies.

Other Material Considerations

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

Non Statutory Statements of Council Policy

Breaches in Boundary Walls

This site is typical of similar Listed Buildings and dwelling in the area with a low stone wall to the front elevation and a high stone wall to the rear elevation. In this case, the rear wall protects the rear garden area from Shaftesbury Place which is a non-adopted access lane. Some properties in this terrace have rear parking which has been achieved by the total removal of the wall. This proposal retains the enclosure by the use of three roller garage doors with a partial slated roof above to replicate an outbuilding. The wall will be rebuilt behind the parking as a new wall to the rear garden.

It is considered that the proposal meets the spirit of the policy.

Houses in Multiple Occupation

The supplementary planning policy guidance was approved as a material consideration in the determination of planning applications in order to control the use of premises for multiple occupancy in certain areas of the City. This is an area of multiple letting between the University campus and Ninewells. It is considered appropriate to secure a Section 75 agreement with the applicant to ensure that these properties are not let for multiple occupation given the limited parking and garden ground available.

The proposal supports Sustainability Policy 5 - Built Environment, as it preserves and reuses a Listed Building which forms an important part of the Conservation Area.

Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

Section 59 of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the planning authority shall have special regard to the desirability of preserving the building or its setting. It is considered, for the reasons set out above, that the approval of this proposed development will comply with this requirement.

It is also concluded from the foregoing that the statutory duty set out in Section 64 of the Act, to preserve or enhance the character or appearance of the Conservation Area would be satisfied by the approval of this proposal.

Memorandum of Guidance on Listed Buildings and Conservation Areas

States 2.15: New uses for old buildings may often be the key to their continued survival. It may be justifiable for planning authorities to relax control over use, zoning, density, plot ratio, daylighting, and other restrictions where this would enable an historic building or group of buildings to be given a new lease of life.

It is concluded from the foregoing that sufficient can be accorded to any of the material considerations such as to justify the grant of planning permission in accordance with the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The exterior of the building will be largely unchanged, unsympathetic UPVC windows on the rear elevation will be replaced by timber sash and case windows and existing traditional windows will be restored. A previously blocked up window to the rear will be reopened. Two velux windows on the front elevation will be virtually unseen from the street level due to the height and slope of the roof. The interior features will be retained and repaired to a high standard.

CONCLUSION

It is concluded that the flexibility available in both Policy 12 and Policy 4 of the Dundee Local Plan Review 2005 is applicable in this particular case as the development will retain important architectural features of the building in the proposed conversion into 3 high quality flats. This will preserve and enhance the fabric and character of the building which forms part of a terrace of Listed Buildings which contribute to the character of this part of the West End Suburbs Conservation Area, as required by other relevant policies and National Planning Guidance. In order to ensure

that the units are not let for multiple occupancy, it is considered appropriate that a Section 75 agreement is sought with the applicant.

RECOMMENDATION

Recommendation 1

This planning permission shall not be issued unless and until an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 between the Council and all parties with appropriate interests in the land has been recorded. This agreement will relate to:

- 1 The prevention of use of any of the units for multiple occupancy.

Recommendation 2

It is recommended that consent be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within five years from the date of this permission
- 2 Prior to the commencement of development, full details of the proposed new windows and doors shall be submitted to the City Council for approval and if approved, the works shall be carried out only in accordance with such approved details.
- 3 Good quality demolition material, including stone and slate shall be carefully removed and stored on site in order to be available for use in the construction of the new garden wall and the parking shelter.
- 4 Prior to the commencement of any demolition works, the applicant shall take such steps and carry out such works as shall during the progress of the works, secure the safety and stability of structures which are to be retained. Such protective measures shall remain on site during the demolition works hereby approved.
- 5 The original windows shall be retained and refurbished.
- 6 Prior to the commencement of development, a comprehensive landscaping scheme for hard and soft landscaping shall be submitted for approval and if

approved, the works shall be carried out only in accordance with such approved details. The landscaping shall be implemented within 3 months of the first occupation of any of the units hereby approved.

- 7 Before any of the residential units is first occupied the car parking with the slated roof and garage doors indicated on the approved drawings shall be provided on the basis of one space per flat and shall thereafter be kept available for use at all times.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
- 3 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
- 4 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
- 5 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
- 6 In the interests of the amenities of the future occupants of the residential accommodation.
- 7 To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity.