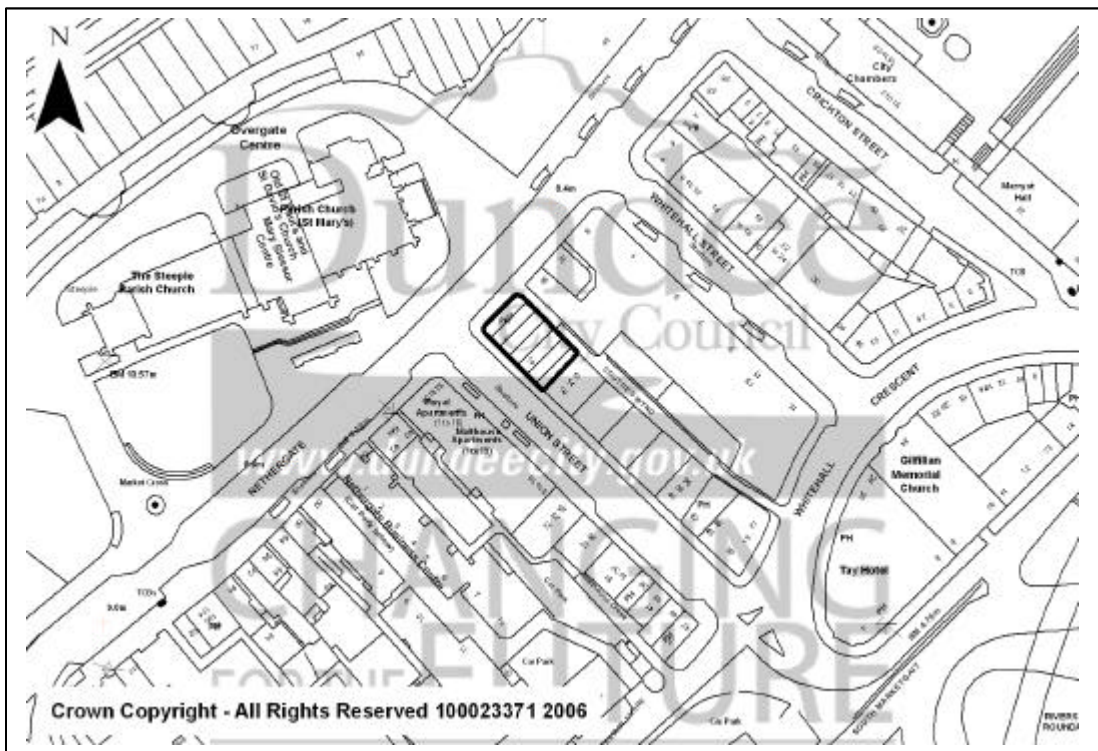


**KEY INFORMATION**

Ward Maryfield

**Proposal**

Erection of external canopies to north and west elevations

**Address**40 Nethergate  
Dundee  
DD1 4ET**Applicant**G & B Morrison  
Trades House Bar  
40 Nethergate  
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DD1 4ET**Agent**The Lindsay Gray/Alan  
Beaton Partnership  
7 Ward Road  
Dundee  
DD1 1LP**Registered** 3 May 2007**Case Officer** Eve Jones

# Proposed External Canopies on Listed Building in Nethergate

The erection of external canopies is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

It is considered that the proposed canopies will have a detrimental impact on both the character and the fabric of the Listed Building and fail to comply with Section 14 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997. They also do not comply with relevant planning policies in the Dundee Local Plan 2005, NPPG 18 - Planning and the Historic Environment or the Memorandum of Guidance on Listed Buildings and Conservation Areas.

**SUMMARY OF REPORT**

- Listed Building consent is sought for the erection of external canvas canopies on the north and west elevations of this Category B listed public house to be 9.2 metres and 16.6 metres long. They are fixed to the building along the bottom section of the deep decorative fascia, immediately above the round headed, finely detailed arched windows.
- This early 19th Century, classically-detailed former bank and commercial building is on the corner of Nethergate and Union Street.
- In accordance with the provisions of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act the Committee is required to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- It is considered that the proposed canopies will have a detrimental impact on both the character and the fabric of the Listed Building, they will not comply with relevant planning policies in the Dundee Local Plan 2005 or with NPPG 18 - Planning and the Historic Environment or the Memorandum of Guidance on Listed Buildings and Conservation Areas.
- No detailed justification has been submitted for the need for the canopies but the agent has submitted historic photographs taken 100 years ago, showing canopies on this building. However at that time it was a shop with large windows and the canopies were an appropriate integral part of the facade at that time. There is no justification for the proposed canopies to be added to the current decorative facade of the Listed building.

## DESCRIPTION OF PROPOSAL

Listed Building consent is sought for the erection of external canvas canopies on the north and west elevations of this Category B listed public house. A single canopy is proposed to each elevation, the northern one being 9.2 metres long and the eastern one being 16.6 metres long. They will project 1.3 metres from the building and be a minimum of 2.3 metres above the footway. They are described as sun shades having a folding mechanism fixed to the building with a steel channel 6cm by 7cm located along the bottom section of the fascia, immediately above the arched windows. There is no indication of the number of fixings required to be inserted into the fascia of the building. They will be grey and wine in colour.

## SITE DESCRIPTION

An early 19th century 4-storey and attic, classically-detailed former bank and commercial building, on the corner of Nethergate and Union Street. Sandstone and polished Peterhead granite characterise the ground floor with round-headed finely detailed arch windows to both elevations and a deep decorative fascia. The building was converted into a public house approximately 10 years ago and included new decorative glass and a well detailed scheme of decoration to enhance the external elevations.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Environmental Resources Policy 5A: Historic Environment.

### Dundee Local Plan 2005

The following policies are of relevance:

Policy 60 - Alterations to Listed Buildings.

Policy 61 - Development in Conservation Areas.

## Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

NPPG 18 - Planning and the Historic Environment.

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.



## SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

## SITE HISTORY

05/01031/LBC Proposed erection of canopy and folding glazed side panels on north elevation of building, the canopy was withdrawn from the application. The partner application 05/01048/FUL for the formation of a licensed seating area along the north elevation of the building was refused by Committee on 2 March 2006.

06/00404/FUL Erection of glazed smoking gazebo on the north side of the footway, north of the building was approved by Committee on 30 August 2006. The Council has refused to grant a Pavement Stopping-Up Order to enable this structure to be built.

07/00711/FUL Planning application for formation of pavement cafe. This application was submitted on 31 July 2007 and is currently invalid as it lacks required information.

07/00425/FUL is the partner planning application which is elsewhere on this agenda.

## PUBLIC PARTICIPATION

The application was the subject of statutory advertisement and there were no objections.

## CONSULTATIONS

If Members are minded to approve this application it will require to be referred to Historic Scotland in the first instance.

## OBSERVATIONS

In accordance with the provisions of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act the Committee is required to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

The canopies or sunshades are proposed to be installed along the lowest part of the decorated fascia, immediately above the arched windows and pilasters on the main frontage. They are 9.2 and 16.6 metres long and cover the full width of the windows on each elevation. They will have a detrimental impact on the character and fabric of the building for the following reasons.

Character - the canopies will obscure the upper parts of the arched windows which are a feature of this building and the capitals on the tops of the pilasters between the windows. They will be an over-dominant feature which will detract from and diminish the architectural and historic character of the building.

Fabric - the canopies are large and will be heavy. They are proposed to be anchored by a steel channel 6cm by 7cm bolted into the building. There are no other fixings indicated. The fixings will require to be substantial to support such structures especially in windy or wet conditions. Such an addition to the decorative fascia of this building will be likely to have a detrimental impact on its fabric which would diminish the architectural integrity of the building.

For these reasons, it is considered that the proposed development fails to

comply with Section 14 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

## Other Material Considerations

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

### Dundee and Angus Structure Plan 2001-2016

Environmental Resources Policy 5A: Historic Environment. The text to the policy points out that "The diverse character and quality of the historic environment provides Dundee and Angus with a distinctive sense of place". The Policy then states that "Local Plans will establish a policy framework to safeguard and enhance important features of the area's historic environment". This will include policies to "protect the site and setting of listed buildings" and "protect and enhance Conservation Areas". These policies are included as follows:

### Dundee Local Plan 2005

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."

The proposed canopies will have a detrimental impact on the character and fabric of the building as detailed above and it is considered that the proposal will not comply with Policy 60.

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."

This is a listed building of significant townscape interest given its prominent corner location on the Nethergate,

opposite the City Churches. It has been converted with great success including the addition of decorative glass to the fine arched windows and a sympathetic and well detailed scheme on the fascia. It is considered that the proposed canopies or sunshades, by reason of their size, scale and location will not preserve or enhance the existing character of the surrounding area to which this building makes a significant contribution.

Therefore the proposal fails to comply with Policy 61.

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

NPPG 18 - Planning and the Historic Environment.

Para 42 notes that "where a planning proposal affects a listed building or its setting, an important material consideration is the desirability of preserving the building, its setting, or any features of architectural or historic interest which it possesses." It goes on to state that there should be a presumption against any development that adversely affects the character of a listed building". With respect to Conservation Areas, "the planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the designated area". If any development conflicts with this objective, there should be a presumption against granting permission. It is considered for the reasons given above that the proposals fail to comply with these requirements and should be refused.

Memorandum of Guidance on Listed Buildings and Conservation Areas. The Memorandum states as follows:

Section 1.2.12 shopfronts and commercial frontages - "Traditional external sun blinds (also referred to as awnings) above shop windows may be appropriate in some cases but as a general rule should only be considered where the display window to be protected may receive direct full sunlight for several hours a day and regularly contains perishable goods." It is considered that there is no such justification for canopies or sunshades on a public house. Less than half of the smaller canopy will cover the pavement cafe area which has permission under the relevant licensing

system on the Nethergate elevation of the building.

The Memorandum goes on to advise; "If a window meets these criteria careful thought must then be given to finding acceptable methods of accommodating the blind box. The architectural treatment and detailing of the facade must be acknowledged and respected, and every effort made to protect the character of the front of the building. For example, the blind box should not mask or cut through or across detailing which contributes to the interest and quality of the facade." As noted above, the proposal masks the upper decorative section of the windows and pilasters.

It is considered that the proposal fails to meet the criteria for an acceptable canopy on a listed building as detailed by the Memorandum.

## Supporting Justification

No detailed justification has been submitted for the need for the canopies. However, the agent has submitted historic photographs of the Nethergate, taken 100 years ago, showing canopies on this building.

Other photographs from the Council owned archives show the building before its current ground floor facade was added. It was a shop with large windows and the canopies were an appropriate integral part of the facade at that time. There is no justification for the proposed canopies to be added to the current decorative facade of the Listed building.

It is concluded from the foregoing that the material considerations justify the refusal of Listed Building consent.

## Design

As noted, the proposed canopies would have a detrimental impact on the appearance and fabric of the Listed Building.

## CONCLUSION

It is considered that the proposed development fails to comply with the provisions of Section 14 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act and that there are no material considerations of sufficient weight to justify the granting of Listed Building consent contrary to the terms of the Act.

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RECOMMENDATION

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It is recommended that consent be REFUSED for the following reasons:

Reason

- 1 The proposals fail to comply with the provisions of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act as they will have a detrimental impact on the features of special architectural interest which the building possesses and there are no material considerations of sufficient weight to justify the granting of listed building consent contrary to the terms of that legislation.