

KEY INFORMATION

Ward Maryfield

Proposal

Formation of doorway in rear elevation

Address

14-16 Arbroath Road
Dundee
DD4 6EP

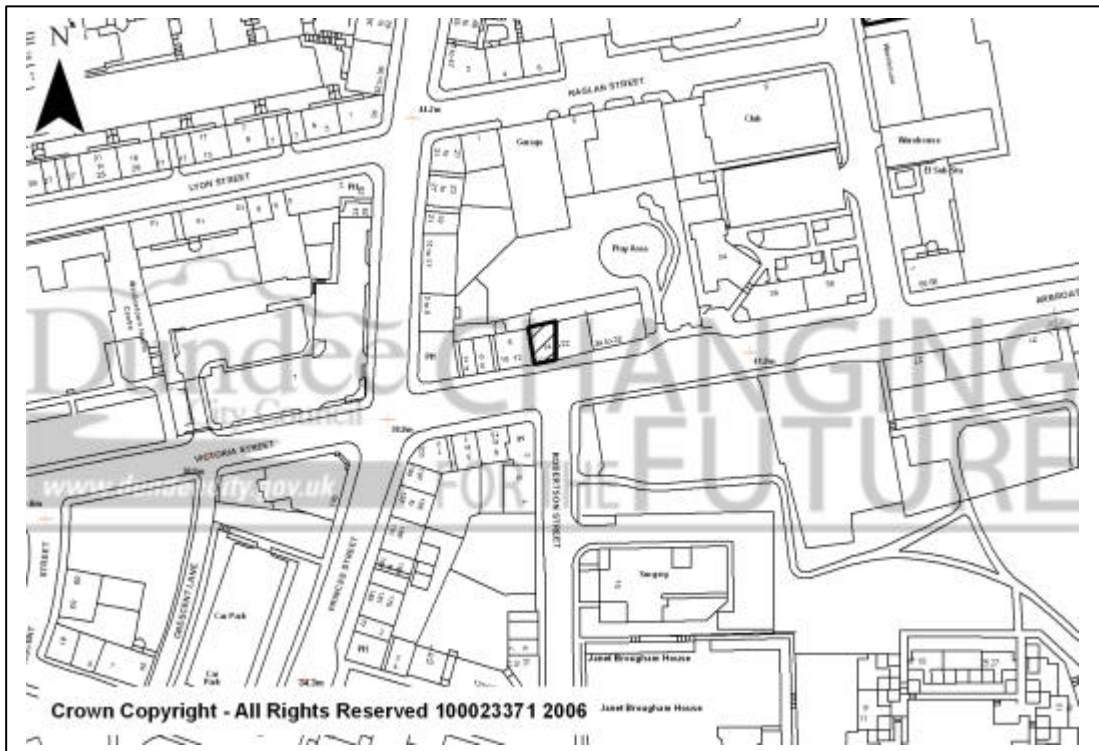
Applicant

E Ceyhan
20 Marine Park
Northmuir
Kirriemuir
DD8 4TR

Agent

Registered 17 Mar 2009

Case Officer P Macari



Proposed New Doorway in Arbroath Road

The formation of a doorway in a rear elevation is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation.

RECOMMENDATION

The door opening complies with the provisions of Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005. The views of the objector are not supported. Accordingly it is recommended that planning permission be granted subject to conditions.

SUMMARY OF REPORT

- This application seeks retrospective planning permission for the formation of a door opening in the rear elevation of the ground floor commercial unit at 14-16 Arbroath Road, Dundee.
- Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005 is relevant to the outcome of this planning application.
- Four letters of representation have been received from neighbouring residents concerned about the description of the development, the appearance of the door installed, security and privacy and noise disturbance.
- The concerns of the objectors are not supported.
- The formation of a door opening meets the requirements of Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005.

DESCRIPTION OF PROPOSAL

This application seeks retrospective planning permission for the formation of a door opening in the rear elevation of the ground floor commercial unit at 14-16 Arbroath Road, Dundee.

The door opening formed has timber facings with the door being of timber construction reinforced by galvanised steel plates on either face. The areas of roughcast on the rear elevation damaged by the formation of the door opening have been patched using cement render.

SITE DESCRIPTION

The application site comprises a ground floor commercial unit situated within a mid terraced four storey tenement building on the northern side of Arbroath Road. The three upper floors of the building are currently occupied by residential flats. The application site takes the form of a vacant former tanning salon that is being converted into a cafe courtesy of planning permission 08/00651/COU.

The application site is located at the western end of Arbroath Road, 100m from the junction with Albert Street. The application site therefore lies on the boundary of Albert Street District Centre as defined in Appendix 5 of the Dundee Local Plan Review 2005.

The building has a slate pitched roof and is finished in a buff coloured stone. The exposed gables are finished in a weathered buff render. The windows of the flatted dwellings are timber framed top hopper style. The application site itself has a brown painted timber fascia with a white painted timber sign displayed upon it. The windows and doors are secured by aluminium roller shutters with the shutter boxes concealed behind the timber fascia. The exposed stone work on the ground floor has been painted blue. Access to the rear of the premises and to the flatted dwellings above is taken from a close located to the east of the application site between 14 and 18 Arbroath Road. To the rear is an enclosed communal area surfaced in paving slabs. This area is used as a bin store for the flats above. The door opening formed in the rear elevation of

the ground floor unit opens into the communal area.

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 1: Vibrant and Sustainable Communities - the City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing



areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

Scottish Planning Policies, Planning Advice Notes and Circulars

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

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

Planning application 08/00651/COU sought full planning permission for the change of use of an existing tanning studio to a cafe/bakery selling hot and cold food. This application included a ventilation/extraction system. This application was reported to the Development Quality Committee on 17 November 2008. The Committee granted planning permission subject to conditions.

Following the grant of planning permission the applicant started work on site without complying with the conditions attached to planning permission 08/00651/COU. Several complaints were received from neighbouring residents living in the flats above the application site concerning the formation of a door opening. The Council's Planning Enforcement Officer visited the application site and advised the applicant that the unauthorised door opening required planning permission. This led to the submission of the current application which is the subject of this report.

PUBLIC PARTICIPATION

The applicant has carried out the statutory neighbour notification procedure as stipulated by the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.

Four letters of objection have been received from neighbouring residents and the valid planning concerns relate to:

- the description of the development;
- the appearance of door installed;
- security and privacy;
- noise disturbance.

Members will already have had access to the objection letters and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

No adverse comments have been received from Consultees.

OBSERVATIONS

Statutory Requirements

In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 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.

Policy 1 (Vibrant and Sustainable Communities) is supportive of proposals that seek to preserve or enhance the level of environmental quality afforded to neighbouring properties be them commercial or residential.

The door opening in the rear elevation of the application site does not adversely impact upon the level of environmental quality afforded to neighbouring commercial and residential properties. As the cafe shall only be open from 7am until 4pm Monday to Saturday the additional doorway, even if left open, will not lead to an increase in the existing levels of noise disturbance.

As the cafe benefits from a high level ventilation/extraction flue the additional door opening will not impact upon the existing levels of smell disturbance experienced by neighbouring residents.

The cement render applied to make good the areas of roughcast damaged by the formation of the door opening does not blend with the buff roughcast finish of the rear elevation of the tenement building that accommodates

the application site. The galvanised finish of the steel plate on the outer face of the door does not enhance the appearance of the communal area to the rear of the application site. The appearance of the unauthorised door opening can be enhanced through painting the galvanised steel plated door a softer colour and replacing the cement render with roughcast matching the existing rear elevation of the tenement building. Should the Committee be minded to grant planning permission these issues will be addressed by conditions.



The door opening meets the requirements of Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

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

Views of the Objectors

Four letters of objection have been received from neighbouring residents concerned about:

The description of the development - the objectors have expressed concern that the original description of the development was not accurate. The

original description of this application for planning permission was "re-opening of an existing doorway". However, as the works required to create the door opening involved removing the roughcast and stone forming the rear elevation of the building, this application was not made valid until the description of the proposals was changed to "formation of door opening" and all neighbours and property owners had been re-notified.

The appearance of door installed - the objectors have raised concern that the external appearance of the door installed is unsightly and that the door opening itself has not been finished to an acceptable standard. These concerns have been addressed in the Observations section of this report. Should the Committee be minded to grant planning permission these concerns will be addressed by conditions.

Security and Privacy - the objectors have expressed concern that the communal area to the rear of the application site has always been secure and private and only accessible by the residents of the flats occupying the upper levels of the building and the commercial unit on the ground floor. The objectors considered the formation of a door opening from the cafe to the communal area to the rear of the building to prohibit the use of the area by the residents for drying clothes, allowing their children to play and even sitting in the sun.

The principal use of the communal area to the rear of the application site is for bin storage and drying clothes. The formation of the door opening has been for convenience to allow the occupier of the cafe to put refuse into the storage bins located in the communal area to the rear of the application site. Had the door opening not been formed, the applicant would require to take refuse out of the front of the premises and in through the tenement building to the existing door that provides access to the communal area. As the door opening will not be for public use, the concerns of the objector are not supported as no issues of privacy or security will arise from this development.

Noise disturbance - the objectors have expressed concern that the door

opening will exacerbate existing levels of noise disturbance from the cafe premises. This issue has already been discussed in the Observations sections of this report and therefore such concerns are not supported.

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

Design

The galvanised steel plated door and the cement render applied to the door surround detracts from the appearance of the roughcast rear elevation of the tenement building that accommodates the application site. Should the Committee be minded to grant planning permission these issues can be overcome by conditions.

CONCLUSION

The door opening complies with the provisions of Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005. The views of the objectors are not supported.

RECOMMENDATION

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

- 1 The external galvanised steel face of the door hereby approved shall be painted within one month of the date of planning permission being granted. Details of the colour the door is to be painted will be submitted to this Planning Authority for written approval no later than 14 days from the date planning permission is granted.
- 2 The cement render applied to the door surround shall be removed and replaced with roughcast matching the remainder of the rear elevation of the application site within one month of planning permission being granted.

Reasons

- 1 In the interests of safeguarding visual amenity.
- 2 In the interests of safeguarding residential amenity.