

**KEY INFORMATION**

**Ward** Baxter Park

**Proposal**

Conversion of office store to dwelling house

**Address**

41E Mains Loan  
DUNDEE  
DD4 7AF

**Applicant**

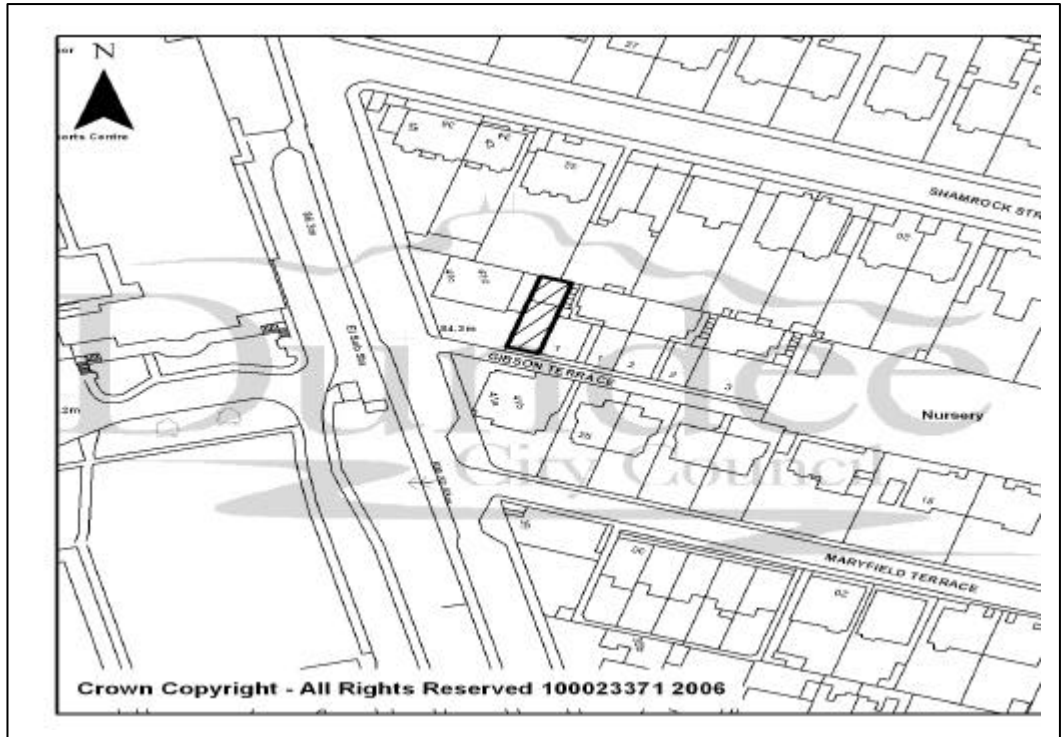
Fordlane Ltd  
36 Constitution Street  
DUNDEE  
DD3 6ND

**Agent**

Ron Weir  
Balloch Bungalow  
South Balloch Farm  
Alyth  
Perthshire  
PH11 8JN

**Registered** 12 Sept 2006

**Case Officer** J Young



## Proposed Residential Conversion in Mains Loan

The conversion of an office store to dwelling house is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal is contrary to Policy 4 of the Dundee Local Plan Review 2005. There are material considerations such as previous permissions on the site and its location within a conservation area that justify granting planning permission in these circumstances. Accordingly, the application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for the change of use from workshop to dwelling at Gibson Terrace, Dundee
- Policy 4 of the Dundee Local Plan Review 2005 is relevant and specifies the criteria to be met for housing development at this location which is just outwith the inner city boundary. The criteria to be met includes 120sqm of garden ground, a car parking space and 18m between facing windows of habitable rooms.
- The proposal is contrary to Policy 4 of the Dundee Local Plan Review 2005 as the garden ground is only approximately 35sqm.
- It is considered that there are material considerations to justify approval of the application contrary to the provisions of the development plan such as previous change of use for the property being granted contrary to policy, change of use of an existing building, its location within a conservation area, an established residential area and the provision of off-street parking on this narrow street.

**DESCRIPTION OF PROPOSAL**

Planning permission is sought for change of use from a workshop to dwelling at Gibson Terrace. The proposed dwelling will have a living room, kitchen, bedroom and bathroom on the ground floor and a bedroom on the upper level. The floor area of the building is approximately 46sqm and the garden area will be 35sqm. Two car parking spaces are proposed at the front (south) end of the site.

**SITE DESCRIPTION**

The application site is located on the north side of Gibson Terrace and it is a one and a half storey detached building which is set back at the north end of the site and about 13m from Gibson Terrace. The building is finished in dry dash walls, slate roof and double dormer on the front elevation. The entrance door and two windows are located on the south (front) elevation. There is a timber shed and external stores at the front end of the site. There are no windows on the other three elevations.

**POLICY BACKGROUND**

**Dundee and Angus Structure Plan 2001-2016**

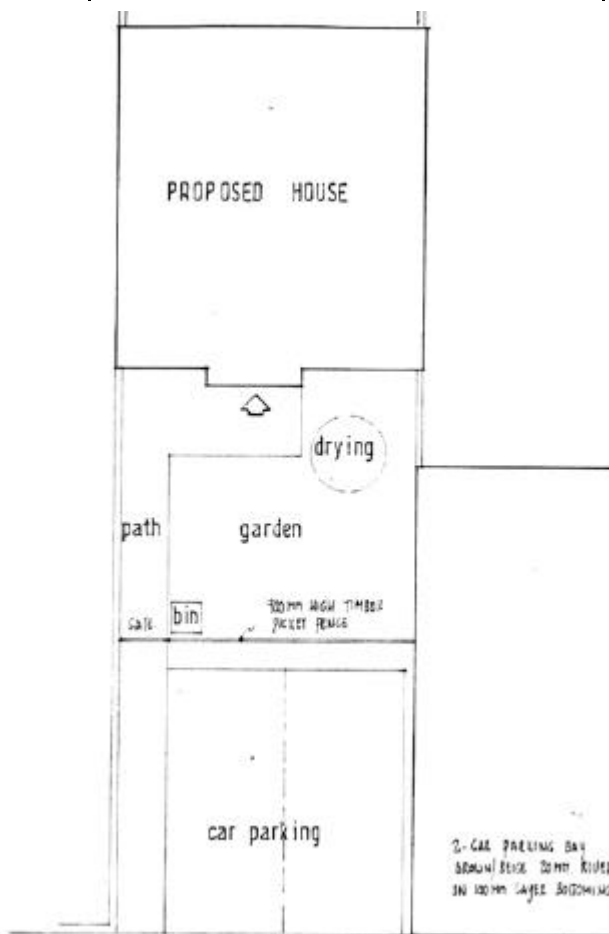
There are no policies relevant to the determination of this application.

**Dundee Local Plan Review 2005**

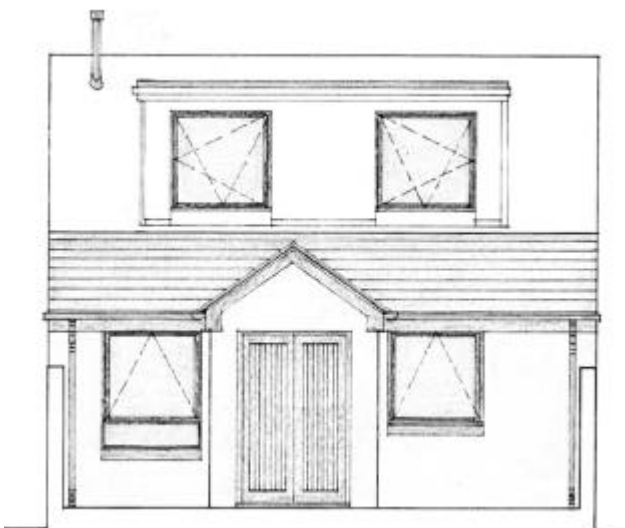
The following policies are of relevance:

Policy 4: Design of New Housing - The design and layout of all new housing in Dundee should be of a high quality. New development should conform to the Design Standards. A minimum garden size of 120sqm should be provided, 1 car parking space, 75% of houses should have 3 or more bedrooms and 18m between facing habitable rooms.

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.

**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 permission was granted for change of use to a dwelling on 18.11.99 and a condition was attached to ensure that there are no window openings on the north elevation. This permission was renewed on 30th August 2004.

As previously discussed, planning permission was granted for change of use to a dwelling in 2004. This was approved by Committee Members, although it was contrary to Policy H10 of the Dundee Local Plan 1998 and Policy 4 of the Finalised Dundee Local Plan Review. Therefore this is a material consideration in the determination of the application.

**PUBLIC PARTICIPATION**

Statutory neighbour notification was carried out and four letters of objection were received from neighbouring residents stating concerns about potential overlooking if any windows or openings are inserted into the north elevation, parking and access problems, drainage problems and noise during construction works. The objections will be discussed in further detail in the "Observations" below.

Copies of the objection letters are available for viewing in the various Members' Lounges.

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## CONSULTATIONS

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No adverse comments were received from statutory consultees

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## OBSERVATIONS

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In accordance with the provisions of Section 25 of the Act 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.

Also, in accordance with provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Council is required to have special regard to preserving and enhancing the character and appearance of a conservation area.

### 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 4 of the Dundee Local Plan Review 2005 specifies the amount of garden ground and parking required for new development. The proposal is for the conversion of an existing office building to a two bedroom house with garden ground and parking to the front. The proposal involves the conversion of an existing building and a minimal porch extension is proposed on the front elevation. The building is set back at the north end of the site and this leaves the front area only for garden ground and parking. Two car parking spaces are being provided, although the Local Plan requires only one space for a house with two bedrooms at this location. This will ensure that cars will be parked off street on this narrow access road, where the majority of residents park on the street.

The property is located on the boundary of the inner city area, where only 50sqm of garden ground is required per dwelling. As the proposal is for the conversion of an existing building, it is considered that the garden ground section can be set aside in these circumstances.

The building was last used as a workshop and this use could be intensified without planning permission being required. This could be detrimental to the amenity enjoyed by surrounding residents, particularly if the use changes to a more noisy business. The character of the area could be seriously altered if the business use were intensified. It is considered that residential use is more suitable for the area and will complement the existing uses on this street.

Policy 61 advises that all development proposals should preserve or enhance the character of the surrounding area. As previously discussed, the proposal is for the conversion of a building and a minimal porch extension is proposed on the front elevation. The extension will be designed and use materials to match the existing building. Therefore the character and appearance will be maintained and the proposal complies with Policy 61.

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

It is also concluded that the statutory duty set out in the relevant sections of the Planning (Listed Buildings and Conservation Areas (Scotland) Act 1997 is discharged in this instance.

### Other Material Considerations

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

### Objections

Four letters of objection were received from neighbouring residents with concerns regarding:

- 1 Overlooking if any windows or openings are inserted into the north elevation;
- 2 Parking and access problems;
- 3 Drainage problems;
- 4 Noise during construction works.

No windows or openings are proposed on the north elevation and a condition will be attached to ensure this does not occur in the future, without the Council's consent.

As previously discussed, two car parking spaces are provided with the development. This will ensure that the existing parking problem on Gibson

Terrace is not exacerbated by the proposal. A dwelling of this size only requires one car parking and so the provision of two will be of benefit to the area. Therefore the objection regarding parking and access problems is not supported.

The applicant has indicated that surface water will be drained to a public drain and foul drainage will drain to a public sewer. No objections have been received from consultees to this proposed method of drainage. Therefore the objection is not supported in these circumstances.

Noise during construction works is not a material planning objection.

### Previous planning history

As previously discussed, planning permission was granted for change of use to a dwelling in 2004. This was approved by Committee Members, although it was contrary to Policy H10 of the Dundee Local Plan 1998 and Policy 4 of the Finalised Dundee Local Plan Review. Therefore this is a material consideration in the determination of the application.

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

### Design

Minimal external alterations are proposed on the existing building, which are considered complementary in terms of design and materials.

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## CONCLUSION

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The proposal is contrary to Policy 4 of the Dundee Local Plan 2005 as there is insufficient garden ground provided with the development. However there are material considerations to justify setting the Policy aside in these circumstances such as the previous planning permissions for residential use, its location within a conservation area, change of use of an existing building with no additional extensions proposed, an established residential area and the provision of off street parking spaces. Therefore the application is recommended for APPROVAL subject to conditions.

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## RECOMMENDATION

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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 There shall be no windows, openings, vents or extraction pipes located on the property's north elevation, unless otherwise agreed in writing by the Council.

### Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To protect the amenities of the occupants/owners of nearby properties.