

KEY INFORMATION

Ward West End

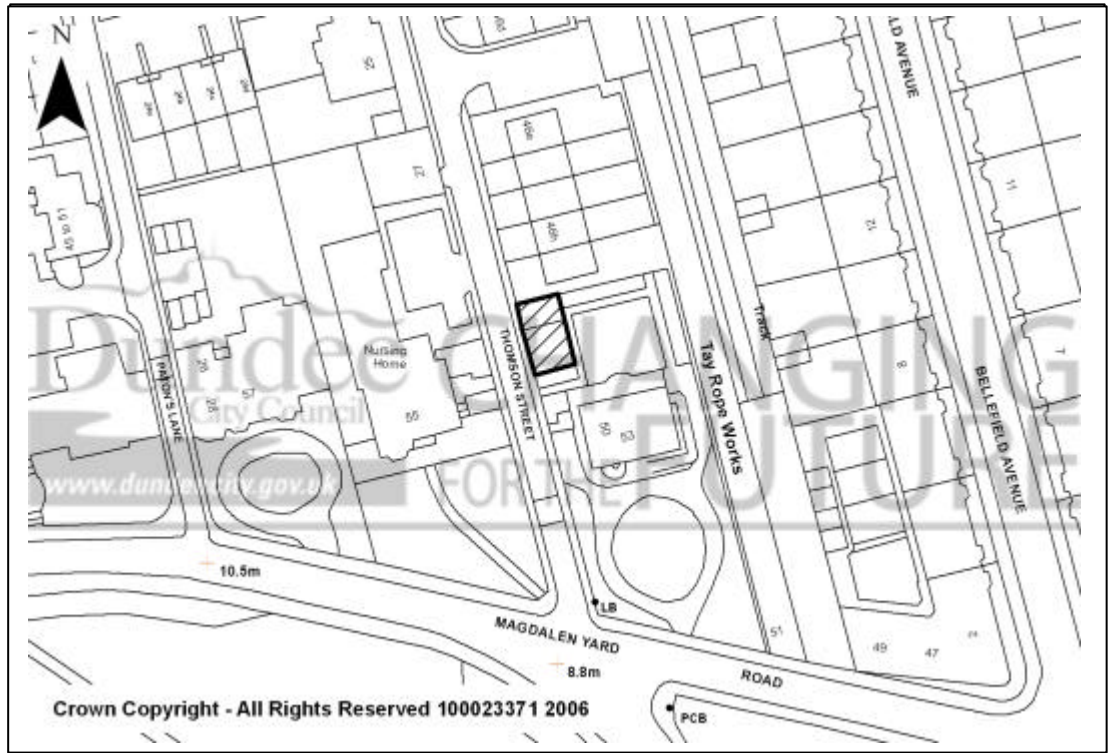
Proposal

Change of Use from Office to Dwelling House, Elevation Alterations

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Dundee
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Registered 12 Dec 2008

Case Officer B Knox



Proposed Residential Conversion in Thomson Street

A change of use from an Office to a Dwelling House is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation.

RECOMMENDATION

The application has been advertised as being contrary to Policy 4: Design of New Housing of the Dundee Local Plan Review 2005. There would be extremely limited amenity space or space for clothes drying associated with the newly created dwelling. The application is considered to be contrary to Policy 4 and is therefore recommended for REFUSAL. There are no material considerations to justify a decision contrary to this.

SUMMARY OF REPORT

- This application proposes the change of use of an existing office to residential use.
- The application has been advertised as being contrary to Policy 4: Design of New Housing of the Dundee Local Plan Review 2005.
- Three letters of objection have been received in relation to the application raising concerns in relation to increased noise, loss of privacy, there is no garden for the property, increased traffic in the narrow street and the effect upon the setting of the nearby Listed Building and conservation area.
- There would be extremely limited external amenity space or space for clothes drying associated with the newly created dwelling.
- The application is considered to be contrary to Policy 4 and is therefore recommended for REFUSAL. There are no material considerations to justify a decision contrary to this.

DESCRIPTION OF PROPOSAL

This application proposes the change of use of an existing office to residential use. The development would comprise a living/kitchen area, small bathroom and two bedrooms. One of the bedrooms would be at first floor level and would utilise the existing roof lights on the north plane of the roof.

The frontage would be altered slightly with a new panelled timber door but the existing windows would be retained.

There would be limited external amenity space or space for clothes drying associated with the newly created dwelling totalling approximately 10m².

SITE DESCRIPTION

The property is currently occupied as the offices for an architectural practice. The building itself is small measuring approximately 7.5 metres by 7.5 metres. It benefits from two off street car parking spaces to the north of the property but no other external space. The property is finished in natural stone, render and natural slate to the roof and is traditional but modern in appearance.

It was built originally as part of the adjoining Listed Building at 53 Magdalen Yard Road which has now been divided into flats. It is surrounded by residential properties. The garden grounds of No 53 lie to the south and east. There are terraced houses to the north and there is a large nursing home to the west behind a high stone wall. Thomson Street links Perth Road with Magdalen Green and is a narrow two way street subject to heavy on street parking for much of its length.

The property is located within the West End Lanes conservation area.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

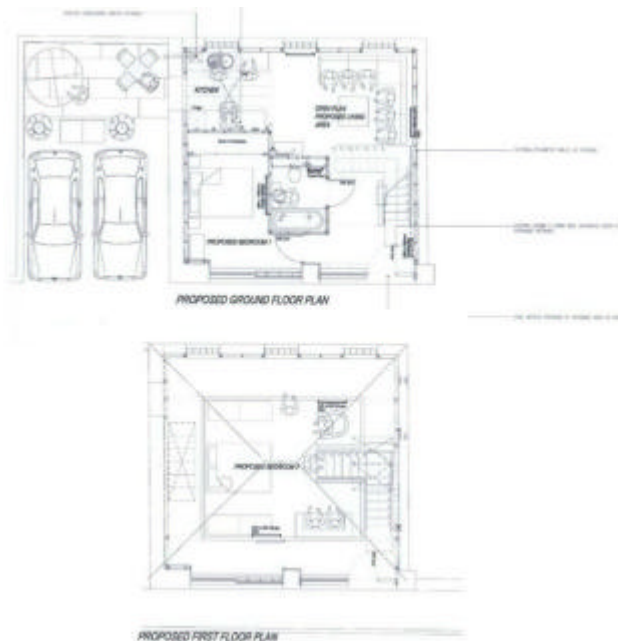
There are no policies relevant to the determination of this application.

Dundee Local Plan 2005

The following policies are of relevance:

Policy 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.

In addition, new housing development should meet "Secured by Design" standards. New residential streets should be designed to promote low vehicle speeds of 20 mph or less. New housing should have regard to opportunities to maximise energy efficiency and promote sustainable waste management.

Application No 08/00856/FUL

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.

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.

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 on 31 October 2006 for the Change of use from Garage/Workshop to office. The unit is currently occupied by an office as a result of this (06/00846/COU).

PUBLIC PARTICIPATION

The application was the subject of statutory neighbour notification. The application was also advertised in the local press as being contrary to Policy

4 of the Dundee Local Plan Review 2005.

Three letters of objection have been received in relation to the application raising the following concerns:

- increased noise.
- privacy - the dwelling would overlook the private garden of the objectors dwelling.
- there is no garden for the property.
- increased traffic in the narrow street.
- effect upon the setting of the nearby Listed Building and conservation area.

The applicant has sought to provide a small area of amenity space at the rear of the parking area approximately 2.2 metres by 4.3 metres.

Since the application involves the creation of a new dwelling, Policy 4 of

Policy and due to its small size, the space is not considered to be useful or useable. The proposal therefore fails to meet the criteria in relation to garden ground.

Appendix 1 also contains some guidance regarding privacy. It states that there should be 18 metres between the facing windows of habitable rooms and that living room windows should not unacceptably overlook private gardens of houses. It is not considered that there would be any issues with regards to the window to window distances. The three windows to the rear serving the kitchen and living area are directly facing the gardens of the large villa to Magdalen Yard road which is currently occupied by four flatted properties. Although the area is not a private garden for a dwelling house, it is comprised of communal gardens for the residents of the villa at 53 Magdalen Yard Road and benefit from being relatively secluded.



In order to ensure the windows do not overlook this area, the windows comprise obscure glazing. Whilst this may overcome concerns with regards to privacy, it will not present the proposed dwelling with a high standard of accommodation if the only windows to the lounge are obscure glazing.

CONSULTATIONS

No adverse comments have been received from any of the consultees.

the Dundee Local Plan Review 2005 is applicable. The criterion in Appendix 1 in relation to Policy 4 provides guidance in relation to the standards sought for new housing. The site is located in the Inner City as defined by

OBSERVATIONS

Statutory Requirements

In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 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 change of use of an existing office to a residential dwelling. The development would comprise a living/kitchen area, small bathroom and two bedrooms. One of the bedrooms would be at first floor level and would utilise the existing roof lights on the north plane of the roof.

The frontage would be altered slightly with a new panelled timber door but the existing windows would be retained.

the Dundee Local Plan Review 2005. As such, all houses should have a minimum of two bedrooms or a minimum gross internal floor area of 100m². It is proposed that the dwelling shall have two bedrooms and in this respect the proposal satisfies the requirements of the policy.

In addition to this, the Policy states that there should be at least one parking space within the curtilage of the property. The proposal can provide two car parking spaces within the curtilage and can therefore be found to be acceptable in this respect.

Furthermore, a minimum private useable garden ground of 50m² should be provided for all houses. The small area of amenity space provided is some way from meeting this part of the

Policy 61 is also relevant since the proposed works lie within the West End Lanes Conservation Area. This policy states that proposals should preserve or

enhance the character and appearance of the conservation area. The proposed physical changes to the property are minimal and the general character and appearance of the property will be retained. The main external change will be the proposed new front door to the property on the west elevation. In the event that the application be approved, a condition would be required in order to agree a suitable style and finish to the door prior to works commencing on site. The proposal is considered to comply with 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.

The Statutory Requirement under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is discharged in the assessment of the proposals against the criteria of the Development Plan above. The proposed works will preserve the character of the property and will have a neutral effect upon the character of the West End Lanes conservation area.

Other Material Considerations

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

Views of the objectors:

Increased Noise

The property is currently in office use. The use of the small property as a dwelling may have a slight impact upon noise levels at that property but given the urban location and dense street pattern, the noise levels would not be such as to cause an unacceptable noise level to nearby residential occupiers.

Privacy - the dwelling would overlook the private garden of the objectors dwelling.

This matter has been discussed in relation to Policy 4 in the Observations Section above.

There is no Garden for the Property

This matter has been discussed in relation to Policy 4 in the Observations Section above.

Increased Traffic in the Narrow Street

The dwelling proposed is small in size with two bedrooms and can provide two off street parking spaces. It is not considered that there would be a significant change in the volume of traffic to the detriment of nearby residential occupiers.

Effect upon the setting of the nearby Listed Building and Conservation Area

As discussed above, it is considered that the proposed works will preserve the character of the property and will have a neutral effect upon the character of the West End Lanes conservation area. The minor alterations to the property would not have a detrimental effect upon the setting of the nearby Listed Building. The views of the objector are dismissed in this regard.

Supporting statement from Applicants

"... the building is worthy of retention as a stone built, slate roofed coach house formerly attached to the Grade B Listed 53 Magdalen Yard Road although the building itself is not listed. With the existing building retained, full compliance with policy requirements for garden ground and parking are impossible to achieve, let alone impractical."

The applicants have also stated that the flexibility mentioned in Policy 4 should be applicable to the current application with regards to garden ground requirements. This part of Policy 4 specifically relates to Listed Buildings or other buildings worthy of retention.

As stated by the applicants, the building is not a Listed Building and is currently in use as an office. Given the small plot size, an office use of this nature is much more suited to the property than a residential use since there is no requirement for amenity space. It is considered that the flexibility mentioned in this policy is therefore not applicable in this case.

It is concluded from the foregoing that insufficient weight can be accorded to any of 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 refused.

Design

The design is sensitive to the character of the building and the small changes proposed represent a modern insertion into a traditional structure.

CONCLUSION

The proposal fails to comply with Policy 4 of the Dundee Local Plan Review 2005 since there is no useful or useable garden or amenity space associated with the proposal. The view of the objectors in relation to the garden provision and overlooking are upheld.

It is therefore recommended that planning permission be REFUSED.

RECOMMENDATION

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

- 1 The proposal fails to comply with Policy 4 of the Dundee Local Plan Review 2005 as it fails to provide sufficient garden or amenity space which would result in a poor standard of development. There are no material considerations that would justify a decision contrary to the provisions of the Development Plan.
- 2 The proposal fails to comply with Policy 4 of the Dundee Local Plan Review 2005 as in mitigating the potential for overlooking to the east by the use of obscure glass, this results in a poor standard of amenity for the proposed dwelling. There are no material considerations that would justify a decision contrary to the provisions of the Development Plan.