

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE - 3 NOVEMBER 2015

PLANNING APPLICATION - 50 AUCHMITHIE ARBROATH DD11 5SQ

GRID REF: 368070 : 744321

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with listed building consent application 15/00784/LBC for alterations and extension to dwelling for Kinloch Properties at 50 Auchmithie, by Arbroath. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/ CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

3. INTRODUCTION

3.1 Listed Building Consent is sought for alterations and extension to dwelling at 50 Auchmithie, by Arbroath.

3.2 The application site is located on the south side of the main thoroughfare through the village. The property comprises the easterly end of a terrace of three one storey cottages whose principal elevation faces south-east towards to sea. The former Auchmithie Hotel wraps around the east and north sides of the property. The property is a category C listed building.

3.3 The proposal involves alterations and extension to the dwelling. The drawings indicate that this would primarily involve the formation of first floor accommodation via the installation of a box style dormer on the rear/north roof slope. The proposed works include the installation of three rooflights in the roof slope of the south/principal elevation of the building and the formation of an extraction outlet. The drawings suggest that the flat roof of the newly formed dormer would sit below the ridge line of the dwelling and a roof lantern would sit atop of the structure. The drawings indicate that the proposed roof extension would be constructed against the wall of the hotel and the walls of the dormer would be rendered. The proposal also involves the replacement of the existing UPVC windows and door located on the front of the dwelling and their replacement with new timber sash and case windows and a timber door.

3.4 The application has been varied to include the provision of replacement windows and door on the south/principal elevation of the dwelling.

3.5 The application was advertised in the Edinburgh Gazette and Dundee Courier.

4. RELEVANT PLANNING HISTORY

The property was designated as a Category C listed building in June 1971.

5. APPLICANT'S CASE

The applicant's agent submitted a statement in support of the application which indicates that:-

- The applicant bought the property in August 2015 with the intention of restoring it and bringing it back into a purposeful use.
- The UPVC windows were in place when the property was purchased and the applicant is willing to change the front windows to a more appropriate appearance.
- The railings at the front of the property are understood to have been replaced with timber balustrades around 2003. Those railings were not original.
- The rooflights on the front elevation are required to act as a fire escape but can be reduced in size. They were designed to match the property to the west. An astragal could also be applied to improve their appearance.
- The Carmyllie slate roof was replaced in 2011 in dialogue with the Council after it collapsed and a prompt repair was needed. Carmyllie slate was not available and a pragmatic solution was agreed to protect the fabric of the building.
- An oil tank which serves the hotel is presently sited under the decking and will be removed and repositioned to the rear of the building as part of a future planning application.
- There is no increase in the building footprint and rainwater will be connected to the three existing rainwater outlets.

6. CONSULTATIONS

6.1 **Aberdeenshire Council Archaeology Service** - This consultee has no objection subject to a condition requiring a photographic survey condition.

6.2 **Angus Council - Roads** - This consultee has no objection to the application.

6.3 **Scottish Water** - There was no response from this consultee at the time of report preparation.

6.4 **Community Council** - There was no response from this consultee at the time of report preparation.

7. REPRESENTATIONS

There were no letters of representation.

8. PLANNING CONSIDERATIONS

8.1 In considering whether to grant Listed Building Consent for the present application, the Council is required in terms of Section 14(2) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

8.2 The development plan contains policies which enable an assessment of the impact on the buildings and their setting. In this case the development plan comprises:-

- TAYplan (Approved 2012)
- Angus Local Plan Review (Adopted 2009)

8.3 The Angus Local Plan Review indicates that the Council will seek to ensure that development proposals respect and sustain the character and quality of listed buildings and their settings. Policy

ER15 of the local plan relates to change of use, alterations and extensions to listed buildings and indicates that changes will only be permitted where they are in keeping with fabric, character or appearance of the building or its setting.

- 8.4 Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was approved by Angus Council at its meeting on 11 December 2014 and published the Proposed Angus Local Development Plan for a statutory period for representations. The Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP(June 2012) and Scottish Planning Policy (SPP) published in June 2014. The statutory period for representation has now expired and submitted representations are in the process of being assessed. Any unresolved representations are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it is a material consideration in the determination of applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents until the level and significance of any objection to the policies and proposals of the plan are known.
- 8.5 Scottish Historic Environment Policy (SHEP) is also material to the consideration of the application. The policy states that where a proposal involves the alteration or adaption which will sustain or enhance the beneficial use of the building and such alteration or adaption does not adversely affect the special interest of the building, consent should normally be granted.
- 8.6 This property is a category C listed building. Listed Building Consent is sought for alterations and extension of the dwelling to facilitate the provision of first floor accommodation. This would be achieved by the installation of a box style of dormer on the rear/north elevation of the property and installation of rooflights on the south/front elevation of the property. In judging the acceptability of this form of development it is relevant to note that the former Auchmithie Hotel wraps around the north and east of the property making the rear elevation largely invisible from public areas within the village. The proposed box dormer would not project above the ridge of the roof and would not be visible from public areas to south. The property forms part of a terraced row incorporating 48, 49 and 50 Auchmithie which were all designed as single storey cottages. Both 48 and 49 Auchmithie have been extended in a similar manner to that which is proposed, with box dormers on the rear elevation and rooflights on the front elevation. The rooflights proposed on the front elevation are similar to the other properties within the terrace. While those properties are also located within the conservation area, they are not listed buildings and are not afforded the same degree of protection as a listed building. These rooflights are large and are bigger than those that would be characteristic for a property of this age. The applicant's agent has indicated that the proposed rooflights need to be large enough to provide a means of escape but has also suggested that they could be reduced in size and have a central astragal applied. Such a change would enhance the proposal and reduce the impact of the rooflights on the listed building. The details of this could be secured by condition.
- 8.7 The property has been unsympathetically altered in the past with the installation of a UPVC door and windows. The proposal involves the replacement of the unsympathetic door and windows with more traditional timber units (including sash and case windows). These changes would enhance the character and appearance of the front elevation of the building. It is noted that the building was reroofed around 2011 due to a collapsed section of the Carmyllie slate roof and the application also seeks to regularise those works. The roof was reinstated in natural slate due to the lack of availability of Carmyllie stone slate, and this was agreed with the Planning Service at that time.
- 8.8 The archaeology service has requested a photographic survey of the building in order to ensure that a historic record is obtained prior to development commencing.

- 8.9 Whilst a box style dormer might not normally be appropriate on a listed building within a conservation area, this property is located in an area that has undergone significant change and the dormer would not be readily visible. The proposal would allow the building to be adapted such that it is likely to be capable of beneficial long-term use and it would also facilitate replacement of an inappropriate door and windows. On this basis I consider that the overall impact on the listed building would be generally beneficial.
- 8.10 The application is not subject to representation but representation has been received in connection with the parallel application for planning permission (15/00777/FULL) and as such it is appropriate to have regard to its content. For the reasons detailed above I consider the overall development would result in an enhancement to the character and appearance of the listed building. The proposal includes provision for the replacement of the UPVC windows and door, with timber sash and case units proposed for the windows. The agent has agreed to revise the proposed rooflights to reduce their impact on the property. The agent has also indicated that it is likely that the oil tank will be relocated in future. The information submitted in support of the application indicates that the decking and balustrade was installed in 2003 and as such is immune from planning enforcement action. The decking and balustrade has been in situ for a period of around 12 years and is immune from planning enforcement action. Whilst there is no time limit on listed building enforcement action, it is arguable whether the decking and balustrade require listed building consent, and in this case it would be difficult to demonstrate a public interest in pursuing action in relation to works that have been in situ for the period of time in question.
- 8.11 In conclusion, the proposal would provide for alterations that are likely to secure a long-term beneficial use for the property in a manner that does not have a significant adverse impact on the listed building. The proposal complies with the relevant policies of the development plan. There are no material considerations which would justify the refusal of listed building consent.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The decision to grant permission/consent, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

EQUALITIES IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

10. CONCLUSION

It is recommended that the application be approved subject to conditions for the following reasons, and subject to the following condition(s):

Conditions:

1. Prior to the commencement of development, an elevation drawing shall be submitted detailing amended rooflights for the south elevation of the property. The amended rooflights shall incorporate a central astragal and shall be resized so that they are smaller than those which are shown on the submitted plans. Thereafter only the approved rooflights shall be installed in the property.

Reason: In order to ensure that the rooflights are appropriate for the listed building as required by Policy ER15 of the Angus Local Plan Review (2009).

2. No development shall take place prior to a photographic survey being undertaken by the developer and approved by the planning authority. All elevations, both external and internal (where it is safe to access the building), together with the setting of the building, and any unusual feature/s, shall be photographed and clearly annotated on a plan. Photographs, which should be digital files (jpeg, tiff, pdf) submitted by email, on CD or via online file sharing services, shall be clearly marked with place name for identification, national grid reference and planning reference and deposited with the Archaeology Service for addition into the local Sites and Monuments Record.

Reason: in order to ensure a historic record of the building in accordance with Policy ER19 of the Angus Local Plan Review (2009)

3. No development shall take place until precise details of the proposed timber sliding sash and case windows and timber door has been submitted to and approved in writing by the Planning Authority. Thereafter, only the approved windows and door shall be installed in the property.

Reason: In order to ensure that the proposed windows and door are appropriate for the listed building as required by Policy ER15 of the Angus Local Plan Review (2009).

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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DATE: 22 OCTOBER 2015

Appendix 1 : Location Plan
Appendix 2 : Development Plan Policies

Appendix 1 : Location Plan

BRUNTON DESIGN
CHARTERED ARCHITECTS



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LOCATION PLAN | 1:1250

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| REV | Description | Date |
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| - | First Issue | |
| client: Kinloch Properties | | |
| project: Alteration and Extension to 60 Auchincloss | | |
| dwg no: 1916_D_001- | | |

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Appendix 2 - Development Plan Policies

Angus Local Plan Review 2009

Policy ER15 : Change of Use, Alterations and Extensions to Listed Buildings

Change of use, or alterations and extensions to a listed building will only be permitted where they are in keeping with the fabric, character and appearance of the building or its setting.

Policy ER19 : Archaeological Sites of Local Importance

Where development proposals affect unscheduled sites of known or suspected archaeological interest, Angus Council will require the prospective developer to arrange for an archaeological evaluation to determine the importance of the site, its sensitivity to development and the most appropriate means for preserving or recording any archaeological information. The evaluation will be taken into account when determining whether planning permission should be granted with or without conditions or refused.

Where development is generally acceptable and preservation of archaeological features in situ is not feasible Angus Council will require through appropriate conditions attached to planning consents or through a Section 75 Agreement, that provision is made at the developer's expense for the excavation and recording of threatened features prior to development commencing.