

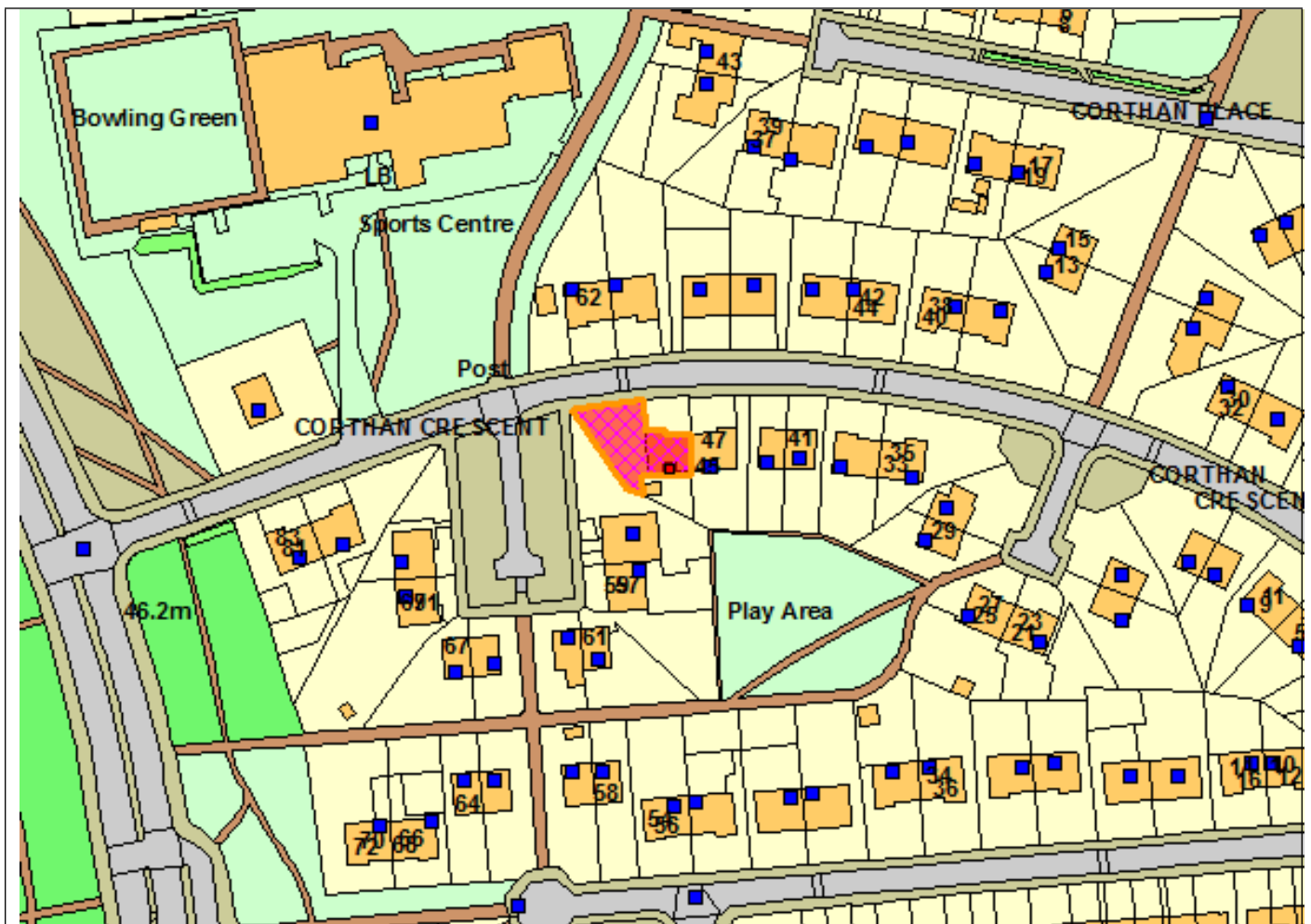


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 15 August 2019

Site Address:	51 Corthan Crescent, Aberdeen, AB12 5BA,
Application Description:	Erection of shed and fence to rear (retrospective)
Application Ref:	191019/DPP
Application Type	Detailed Planning Permission
Application Date:	9 July 2019
Applicant:	Ms Val Deans
Ward:	Kincorth/Nigg/Cove
Community Council:	Kincorth And Leggart
Case Officer:	Alex Ferguson



RECOMMENDATION

Approve Unconditionally

APPLICATION BACKGROUND

Site Description

The application site comprises the curtilage of a first-floor flat which occupies the western half of a semi-detached 'four-in-a-block' building on the southern side of Corthan Crescent, Kincorth. The property lies to the east of a cul-de-sac within the street serving no's 53 – 75 Corthan Crescent and as a result, it has an irregular, chamfered mutual western boundary with the neighbouring properties 53 & 55 Corthan Crescent to the south. The irregular boundary gives the application property a relatively large front and side garden area of approximately 200sqm.

The flatted building and its front / side garden areas sit approximately 1.2m above the height of the pavement on the southern side of the street. The front garden area incorporates a driveway at street level, a communal path serving the application property and the neighbouring ground floor flat at no. 49 (both accessed via the western gable end). The applicant's garden contains an unauthorised summer house outbuilding positioned forward of the front building line and a 1.8m high timber fence (both subject of this application) toward the rear (south) of the garden. The garden also sees a small timber decked area and a pond adjacent to the western gable. Low-level shrubs and bushes are sporadically interspersed throughout the remainder of the garden.

Relevant Planning History

071426 – Planning permission was approved in 2007 for the formation of a driveway to the front of the property.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is retrospectively sought for the erection of a summer house outbuilding and a fence within the front and side garden area of the property. The plans have been amended since the original submission, with the summer house re-positioned to sit behind the front building line of the application property, rather than to the front, as constructed.

The summer house has a footprint of approximately 6sqm (2.6m x 2.4m), with a mono-pitched roof with a ridge height of 2.3m and an eaves height of 2.1m. The outbuilding is painted black on its blank northern (rear) elevation, with natural timber linings on both of its side elevations. The building incorporates windows on its side elevations and a timber door on its eastern elevation, whilst the southern elevation is predominantly glazed.

The 1.8m high natural timber fence (with horizontal boards) surrounds a slabbed area to the rear of the timber deck.

Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PTPLRGBZH8U00>.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because six members of the public have made representations objecting to the proposals.

CONSULTATIONS

Kincorth and Leggart Community Council – No response.

REPRESENTATIONS

Fourteen representations have been received from members of the public: Eight in support of the application and six objecting to the proposals. It is important to note that the representations received were all made in reference to the originally submitted plans, which saw the summer house located to the front of the building, and that the plans have subsequently been amended to move the summer house back from the street. The points raised in the representations received can be summarised as follows:

In support

- The applicant has improved the appearance of the garden in recent years and the works have improved the appearance of the area.

Objections

- The fence and summer house detract from the character and appearance of the street;
- The summer house is a distraction to drivers;
- The placement of the summer house in front of the property does not fit in with the aesthetic of the area; and
- The fence erected appears to exceed 6 feet in height and is not sensitive to neighbouring properties.

Non-material considerations

In addition to the above comments, the following non-material considerations were also raised:

- The building has not been erected in line with building standards;
- The land-ownership of specific garden areas shown on the submitted plans is queried;
- The fence and building are a hazard to members of the public (due to subsidence, the potential collapse of the existing front boundary wall and exposed metal plates and electrical wiring);
- The fenced area is allegedly for the breeding of dogs;
- The works are impacting on the sale of a neighbour's property;

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (ALDP)

- D1: Quality Placemaking by Design
- H1: Residential Areas

Supplementary Guidance and Technical Advice Notes

- Householder Development Guide

EVALUATION

Design, Character and Amenity

The application site is situated Kincorth, a residential area as zoned in the Aberdeen Local Development Plan (ALDP) and as such, Policy H1 Residential Areas) of the ALDP is applicable. Policy H1 states:

Within existing residential areas, proposals for new development and householder development will be approved in principle if it:

- *does not constitute over development;*
- *does not have an unacceptable impact on the character and amenity of the surrounding area;*
- *does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and*
- *complies with Supplementary Guidance.*

Overdevelopment

Whilst not defined in the ALDP, in Planning terms 'overdevelopment' refers, in a residential sense, to the point at which the level of development within a particular plot begins to harm the character and amenity of an area. In this regard, the Council's Householder Development Guide (General Principles 4 & 5) states that no more than 50% of the front or rear curtilage shall be covered by development.

Whilst applicable to dwellings rather than flats, for the purposes of defining a residential property's front and rear curtilage, the Scottish Government Circular 1/2012: 'Guidance on Householder Permitted Development Rights' is of use. It defines the front curtilage as 'all the land forward of the principal elevation' and the rear curtilage as the remainder of the curtilage.

Whilst the doors to both 49 and 51 Corthan Crescent are sited on its western gable, architecturally the building fronts north onto Corthan Crescent and the northern elevation is considered to be the principal elevation of the building.

In this regard, the summer house and fence would both be sited within the 'rear' curtilage of the flat, although due to the chamfered nature of the boundary, the rear curtilage is prominently visible from the street, unlike most traditional rear garden areas. The rear curtilage of no. 51 extends to approximately 90sqm.

The slabbed area with perimeter timber fence and shed covers approximately 25sqm. The barbeque and decked area covers approximately 8sqm and the summer house (once re-located from its current position to the rear curtilage) would cover an additional 6sqm. Thus, the combined total of development covering the applicant's rear curtilage following the re-siting of the summer house, would be 39sqm, or 43%.

The existing and proposed works therefore would not constitute the overdevelopment of the site.

Impact on character and amenity

With regard to assessing the impact of the summer house on character and amenity, the Householder Development Guide (HDG) section 3.1.6 – Outbuildings, states that:

- *Outbuildings must always be subordinate in scale to the dwellinghouse and two storey outbuildings will generally not be permitted;*
- *Outbuildings should not have a negative impact on the character of the surrounding area;*
- *Proposals will be assessed on their impact on the amenity of the area (e.g. loss of daylight/privacy) in the same way as extensions;*
- *Outbuildings will not usually be acceptable in front gardens because of the damaging impact development forward of a front building line can have on the visual character of an area.*

At just over 2m in height and with a square footprint of just 6sqm, the summer house would be of a scale and appearance not dissimilar to a traditional garden shed, albeit with a mono-pitched roof and an increased amount of glazing. The outbuilding is subordinate in scale to the parent flatted building.

It is acknowledged that the summer house, in its current, unauthorised position forward of the building line, does have an unacceptable impact on the visual character and appearance of the area. As the HDG notes, such structures are not common in front gardens and the increased ground level of the garden only serves to exacerbate the dominant impact of the structure on the street-scene at present.

However, having notified the applicant of the unacceptability of the summer house's current location, amended plans were subsequently submitted, with the summer house proposed to be relocated to the west of the building, behind its front building line. The Planning Authority is satisfied that the revised location of the summer house, despite still being visible from the street, would be far less prominent on the street-scene, to an extent that it would not adversely affect the character of the

area. The summer house would not only be set sufficiently far back from the street, but would also be afforded an element of natural screening by the existing shrubs and bushes in situ toward the front of the garden.

The summer house would not immediately overlook any private garden ground or the windows of any neighbouring properties. Further, its modest scale and siting would also ensure that it would not have any impact on neighbouring properties in terms of daylight or sunlight receipt.

Although the HDG does not have any specific guidance on fences, walls and other boundary treatments, the general principles of protecting character and amenity are the same as for outbuildings. In this regard, the timber fence that has been erected to the rear of the decked area is situated further back into the plot than the summer house, is of a typical size and appearance for a residential fence and it is considered that it does not affect the character of the area, nor the amenity of any neighbouring properties.

Open Space

The application relates to development ancillary to the ongoing residential use of the property and involves works to a private residential curtilage. No public open space is affected by the works.

Supplementary guidance

As noted above, the proposed works are considered to comply with the relevant supplementary guidance contained within the Council's Householder Development Guide. No other supplementary guidance is considered to be relevant in this instance.

Thus, for the aforementioned reasons, the proposed works are considered to comply with the criteria for householder development as set out in Policy H1 and the Householder Development Guide supplementary guidance. The proposed works would be of a suitable design, scale and siting for their context, in accordance with Policy D1.

Concerns raised by objectors

The concerns raised by objectors are addressed as follows:

The fence and summer house detract from the character and appearance of the street

The Planning Authority concurs that the summer house, as built, does indeed detract from the character and appearance of the street, but considers that the revised location would be acceptable in this regard.

The summer house is a distraction to drivers

It is not considered that the summer house would act as a distraction to drivers. Nonetheless, the revised location would see it set back from the street, in a less prominent location than at present.

The placement of the summer house in front of the property does not fit in with the aesthetic of the area

See aforementioned assessment.

The fence erected appears to exceed 6 feet in height and is not sensitive to neighbouring properties

The plans submitted show the fence as 1.8m in height and the current application is assessed on that basis.

Aberdeen City and Shire Strategic Development Plan (SDP)

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

RECOMMENDATION

Approve Unconditionally

REASON FOR RECOMMENDATION

As built, the summer house outbuilding, due to its prominent siting forward of the building line, has a detrimental impact on the character of the street. However, the proposed relocation of the outbuilding to the side of the building would reduce its visual impact on the street to an acceptable level, such that it is considered that the outbuilding and adjacent fence would adequately preserve the character of the street. The proposed works are of an appropriate design, would not harm the amenity of any neighbouring properties, would not constitute overdevelopment and would not result in the loss of any areas of open space. Thus, the proposals are considered to comply with Aberdeen Local Development Plan Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and the Council's Householder Development Guide supplementary guidance.

ADVISORY NOTES FOR APPLICANT

Should the application be approved by the Planning Development Management Committee, the applicant should arrange for the summer house to be relocated from its current position to the siting shown in the approved plans as soon as possible and by no later than two months following the issue of a formal decision notice. Should this fail to be the case, the Council may pursue enforcement proceedings to have the unauthorised works removed due to their detrimental impact on the character of the area.