

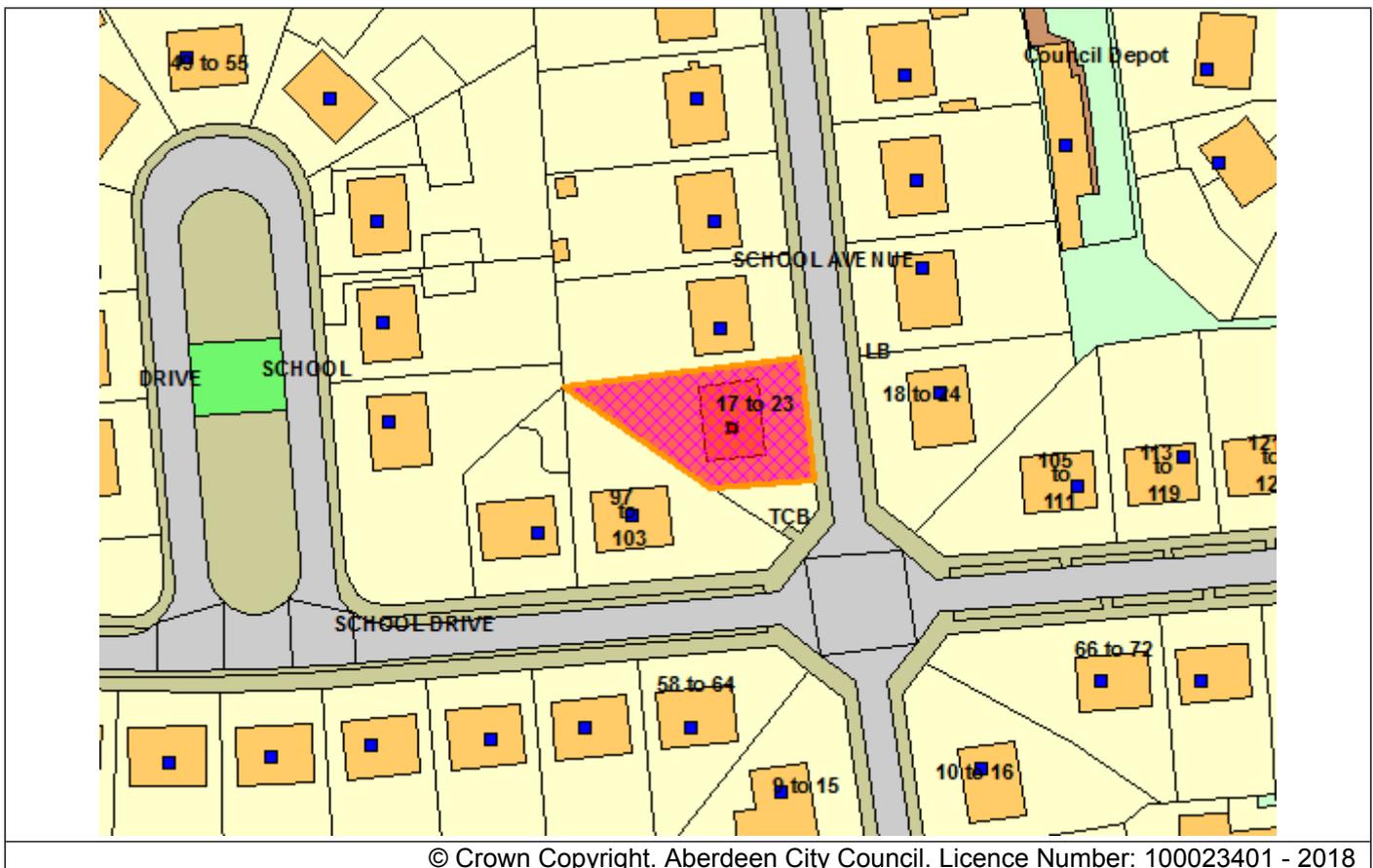


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 30 April 2020

Site Address:	17 School Avenue, Aberdeen, AB24 1TJ,
Application Description:	Erection of shed
Application Ref:	200344/DPP
Application Type	Detailed Planning Permission
Application Date:	13 March 2020
Applicant:	Aberdeen City Council
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Seaton And Linkfield
Case Officer:	Alex Ferguson



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RECOMMENDATION

Approve Unconditionally

APPLICATION BACKGROUND

Site Description

The application site comprises the curtilage of no's 17, 19, 21 and 23 School Avenue, four residential flats within a 2-storey 'four-in-a-block' building situated on the northwestern corner of School Avenue's junction with School Drive. Although the application site covers the full curtilage of all four properties within the block, the area of proposed development relates to a section of grass adjacent to the southern gable of the building. That gable incorporates the front entrance door to no. 17, the ground floor flat occupying the southern half of the building and the property to which this application relates.

The site lies within a residential area and is bound to the north and west by neighbouring four-in-a-block properties and by the School Avenue pavement and road carriageway to the east. Immediately to the south of the application site lies a small (c. 250sqm) area of public open space comprising an area of grass and several trees, as well as a bench for outdoor seating. The open space is fenced off from the street and accessed via a gate on the School Avenue / School Drive junction. A public telephone box is situated at the back of the pavement adjacent to the gate.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a garden shed, to be utilised by the occupants of no. 17 School Avenue, the ground floor flat within the southern half of the building.

The shed would be sited on the existing grassed area, 1.7m to the south of the building, with its rear (west) elevation in line with the rear elevation of the flatted building. The shed would measure 3m long by 2.4m wide, resulting in a rectangular footprint of 7.2sqm and it would have a pitched roof with a ridge height of 2.3m and an eaves height of 1.8m. The shed would be finished with timber linings and a green felt roof and would incorporate a window on its northern side elevation and a timber door on its eastern elevation.

Amendments made since submission of application

Initially the shed was proposed to be sited a distance of 1.2m to the south of the flatted block's southern elevation. In order to increase the size of the gap between the shed and the building to improve ease of accessibility to the rear garden, the proposed siting of the shed was altered slightly to increase the separation distance to 1.7m.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q72RT4BZGML00>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because

a total of seven objections to the application have been received. Thus, the application cannot be determined under Delegated Powers, in accordance with the Council's Scheme of Delegation.

CONSULTATIONS

Seaton and Linksfield Community Council – No response.

REPRESENTATIONS

Seven representations have been received from members of the public: all objecting to the proposals. The material points raised in the representations received can be summarised as follows:

- The shed would detract from the character and appearance of the street;
- No other shed or outhouse in the area is located to the side of a building - sheds should always be located to the rear of properties;
- The shed would be excessively large – more than double the size of a standard shed (“if it was any bigger it would be a garage”);
- The shed would be sited too close to a communal path leading to the rear of the building, making the transport of items to the rear garden by other residents difficult;
- The shed would result in the loss of green open space which is in short supply;
- The shed would result in a loss of light for the kitchen window of the adjacent ground floor flat at no. 17 School Avenue;

Non-material considerations

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

- A large container has been sited on the area of public open space immediately to the south of the application site. The container detracts from the character and amenity of the area.
- The shed could provide a hiding place for drug deals to take place;
- The shed could be vandalised or broken into and crime rates could increase;
- The applicant has already positioned other items of garden furniture in the area of public open space to the south;
- The shed represents a potential fire hazard;
- The adjacent area of open space is used by the public and kids alike;
- Previous planning consent / request for a driveway was rejected because it is too close to the School Avenue / School Drive junction.

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 may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

Aberdeen Local Development Plan (ALDP)

- H1: Residential Areas
- D1: Quality Placemaking by Design
- NE5: Trees and Woodland

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. The following policies of the Proposed ALDP are relevant to this application:

- H1 (Residential Areas)
- D1 (Quality Placemaking)
- NE5 (Trees and Woodland)

Supplementary Guidance

- Householder Development Guide

EVALUATION

Design, Character and Amenity

The application site is situated in Seaton, 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 front door to 17 School Avenue is sited on the building's southern gable, architecturally the building fronts east onto School Avenue and the eastern elevation is considered to be the principal elevation of the building.

In this regard, the shed would be sited within the 'rear' curtilage of the flat, although due to open nature of the southern boundary, immediately adjoining an area of public open space, the section of the rear curtilage to the south of the building is visible from the street, unlike most traditional rear garden areas. The rear curtilage of the building extends to approximately 310sqm.

The shed would have a footprint of 7.2sqm and would cover just 2.5% of the rear curtilage of the building. With only a few other garden sheds present within the rear garden area of the building (belonging to the occupants of the other flats), the total amount of development covering the rear curtilage and the site as a whole would be well below 50% and the proposed works therefore would not result in the overdevelopment of the site.

Impact on character and amenity

With regard to assessing the impact of the shed 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, with a rectangular footprint of just 7.2sqm (3m x 2.4m) and to be finished with timber linings and a felt roof, the shed would have the scale and appearance of a traditional garden shed. The outbuilding would be subordinate in scale to the parent flatted building.

The shed would be located to the south of the building, well behind its front building line and views of the shed from School Avenue and School Drive would be partially obscured by the several existing established trees within both the application site and the area of public open space to the south. The location of the shed is considered satisfactory. Although it would be visible from the street, would not be unduly prominent and would not have a detrimental impact on the character of the area.

The shed 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. It is thus considered that the proposed development would 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 within a residential curtilage. No public open space would be lost as a result of the development.

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 shed would be of a suitable design, scale and siting for a domestic garden shed within the site context, in accordance with Policy D1.

Impact on trees

Policy NE5 (Trees and Woodland) of the ALDP states that there is a presumption against all development that will result in the loss of, or damage to, trees and woodlands that contribute to landscape character and local amenity.

There are a total of seven established trees both within the application site (to the south of the building) and within the adjacent area of public open space to the south, all of which contribute toward the local amenity and visual character of the area. The proposed shed would be sited in relatively close proximity to two trees. Although the structure may encroach within the root protection areas of those trees, any such encroachment would be minimal. Furthermore, there would be no significant foundations or ground works associated to the construction of the shed. Taking the foregoing into account it is considered that there would not be any detrimental impacts that would

affect the long-term health of either of the two nearby trees. The proposals are therefore considered to comply with Policy NE5.

Concerns raised by objectors

The concerns raised by objectors are addressed as follows:

The shed would detract from the character and appearance of the street

Addressed in the foregoing evaluation.

No other shed or outhouse in the area is located to the side of a building - sheds should always be located to the rear of properties

Addressed in the foregoing evaluation. The siting of the shed to the side of the building is considered to be acceptable and would not unduly impact on the character of the area.

The shed would be excessively large – more than double the size of a ‘standard’ shed

The Council does not have any prescribed maximum dimensions for sheds/outbuildings. The shed is not considered to be excessively large for a domestic outbuilding and is considered to be a suitable size for its context, thus preserving the character of the area, as noted in the foregoing evaluation.

The shed would be sited too close to a communal path leading to the rear of the building, making the transport of items to the rear garden by other residents difficult

Initially it was proposed to site the shed a distance of approximately 1.2m away from the southern elevation of the parent flatted building. It was acknowledged that this distance would have resulted in a relatively narrow passage which is used by the occupants of neighbouring properties within the block to access the rear garden. As such, an amendment was requested and made to the proposals in order to increase the separation distance to c. 1.7m, which is considered to be sufficient to allow unhindered pedestrian movement and the reasonable movement of garden furniture and other items between the two buildings.

The shed would result in the loss of green open space which is in short supply

Although there is no physical structure to demarcate the mutual boundary line between the domestic curtilage of the application site and the adjacent area of public open space, the Council's Housing service has indicated that the application site is wholly within the residential curtilage of the flatted building. Thus, there would be no loss of, nor impact upon, the existing area of open space.

The shed would result in a loss of light for the kitchen window of the adjacent ground floor flat at no. 17 School Avenue

The shed would not be significantly tall (2.3m total) and would be set 1.7m away from the flatted building. The shed would have a pitched roof, sloping down toward the building and it is considered that there would not be any significant impact on daylight receipt of the nearest window, which is nevertheless associated to the flat occupied by the applicant and serves a non-habitable room (a kitchen). Thus the amenity of the flat at no. 17 would not be adversely affected by the erection of the shed.

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.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Approve Unconditionally

REASON FOR RECOMMENDATION

The proposed shed would be of an appropriate design, scale and siting for its context, such that it would not harm the character of the area or 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 (ALDP) Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and the Council's Householder Development Guide supplementary guidance. The works would not result in the loss, nor hinder the long-term health, of any existing trees in accordance with ALDP Policy NE5 (Trees and Woodland). In relation to this application, the policies in the Proposed ALDP (2020) substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

ADVISORY NOTES FOR APPLICANT

REMOVAL OF TEMPORARY CONTAINER ON ADJACENT LAND

The applicant is advised that the storage container currently in situ on the adjacent area of public open space does not have planning permission and is thus unauthorised. Should the application be approved by the Planning Development Management Committee, the shed should be erected as soon as possible following the granting of this consent, thus allowing the unauthorised container to be removed from the adjacent site shortly thereafter. Should the container remain on the site after a period of 2 months from the date of this approval, then planning enforcement action will be initiated to have the container removed due to its detrimental impact on the character of the area.