

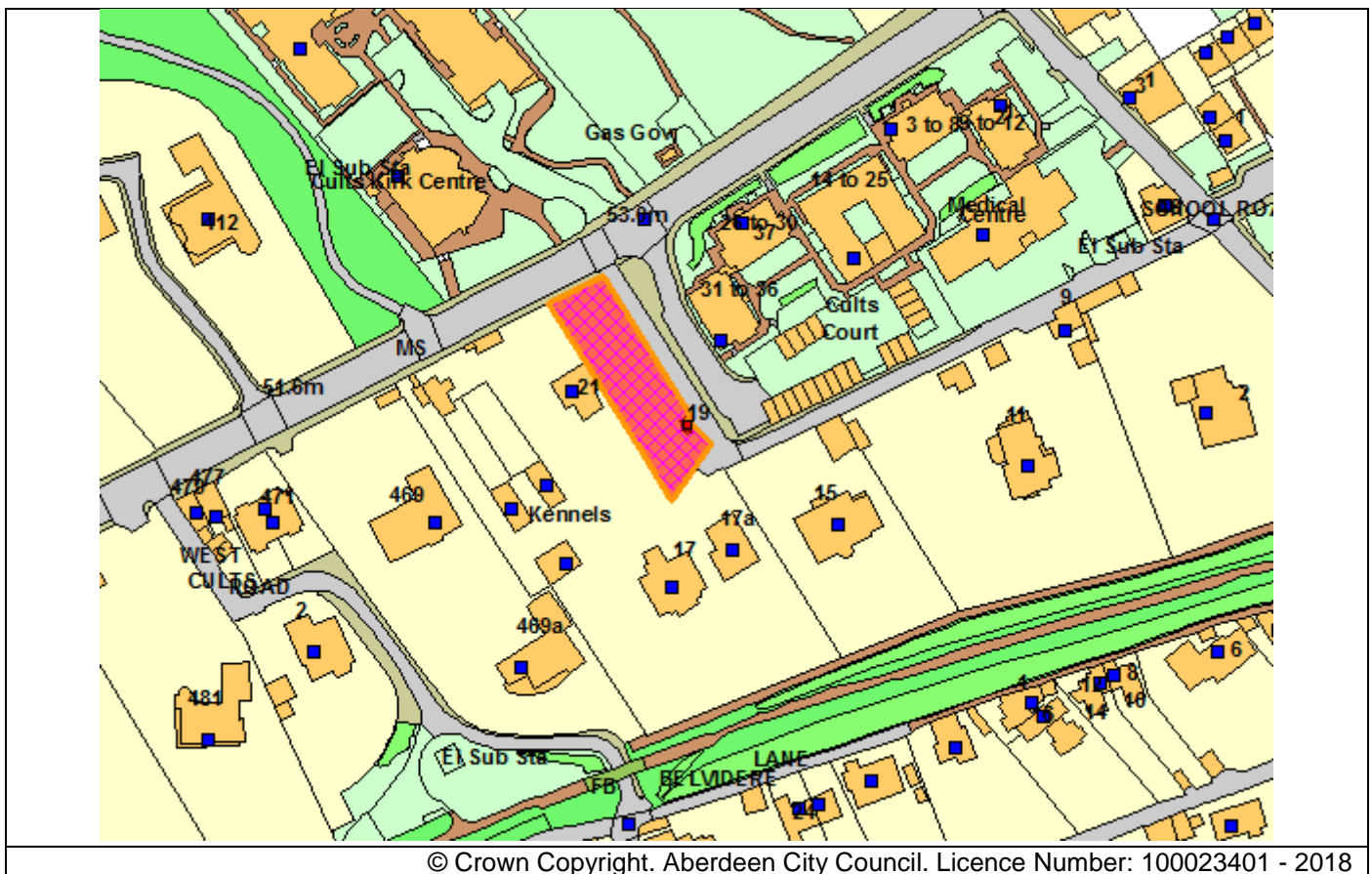


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 20 August 2020

<b>Site Address:</b>	19 South Avenue, Aberdeen, AB15 9LQ,
<b>Application Description:</b>	Erection of 4no. detached dwelling houses
<b>Application Ref:</b>	200533/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	6 May 2020
<b>Applicant:</b>	3J Property Investment Ltd
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Cults, Bieldside and Milltimber
<b>Case Officer:</b>	Dineke Brasier



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## **RECOMMENDATION**

Refuse

## **APPLICATION BACKGROUND**

### **Site Description**

A fairly rectangular site measuring c. 60m by 16m and extending to c.925m<sup>2</sup> located on the corner of South Avenue and North Deeside Road within Cults. The site was previously occupied by a detached 1½ storey dwelling, but this was demolished in 2014 in anticipation of the granting of a previous planning application 141087 for a detached single dwelling. As such, the site is now vacant and has been cleared for development. To the west is a neighbouring dwelling – 21 South Avenue; to the south is an area of hardstanding providing access to various dwellings and the Kennels (17 South Avenue). Boundaries to the east and north were made up of a traditional, high granite wall. However, these have been demolished, in anticipation of the submission of this current planning application, in the winter of 2019/2020 under permitted development rights and as such the site is now clear and secured with Heras fencing. A triangular section extending to c.75m<sup>2</sup> in the south west corner of the site carries a vehicular right of access serving 21 South Avenue immediately to the west of the application site, which will need to be retained.

This section of South Avenue, though not private, is currently unadopted. It is a narrow stretch of road in a relatively poor state of repair, measuring c.4.3m in width, and has no separated footpath. To the east is the high boundary wall serving Cults Court. Apart from the application site, it further serves 15, 17, 17a and 21 South Avenue, including a Kennels business. Even though this part of South Avenue is connected to the remainder of the road further to the east, the section roughly between 11 and 15 South Avenue is in such a poor state of repair that it could be considered impassable for normal cars, with only the weekly bin lorry using this stretch of the road.

### **Relevant Planning History**

**141049** – Erection of detached dwelling with integral garage and associated works – Approved on 13<sup>th</sup> November 2014. No satisfactory evidence has been provided to demonstrate that this permission has been implemented within three years of the issue of the decision notice, and as such the Planning Authority takes it as being lapsed.

**161721/DPP** – Erection of four flats and associated parking – Refused on 9<sup>th</sup> February 2017

**180143/DPP** – Erection of four flats, associated parking, landscaping and part removal of boundary wall – Refused on 22<sup>nd</sup> March 2018, and subsequently dismissed on appeal by the Reporter of the Planning and Environmental Appeals Division of the Scottish Government. The main reasons for refusal for this last application were based on the following:

- Overdevelopment of the site;
- Adverse impact on character and appearance of the surrounding area;
- Poor quality design; and
- Adverse impact on residential amenity of 21 South Avenue and residents at Cults Court.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the construction of four 2-storey detached dwellings with a south facing principal elevation and an east elevation fronting onto South Avenue. Each individual dwelling would measure c.12.7m by c.6.2m with a footprint of c.78m<sup>2</sup>. Accommodation would comprise of an open plan kitchen/family/dining area; home office and shower room on the ground floor with two bedrooms, both with en-suite on the first floor. All dwellings would have two parking spaces accessed directly off South Avenue, and a garden area predominantly to the front. The design would incorporate a mono-pitched roof, with the first floor cantilevered out from the south elevation by c.1m and inset from the north elevation by a similar amount. Proposed materials would include grey granite (mostly at ground floor level and upper level of the north elevations), grey smooth render, and western red cedar timber linings for the walls; a dark profiled metal sheeting for

the roof; and black alu-clad timber windows. Each unit would be separated by a driveway measuring 6m in width, 5m when taking account of the roof overhang. The four plots would be set in a south to north direction along this part of South Avenue, with plot 4 leaving a gap of between 2.5m and 3.5m to the pavement with North Deeside Road, and plot 1 leaving a gap of c10m, including the 6m driveway, from the south elevation to the corner of the vehicular access into 21 South Avenue.

Drawings have been amended through the removal of an overhang of c.1m to the east elevation. The proposal was also amended to introduce a one-way system with vehicles only being able to drive in a south-north direction along this part of South Avenue roughly from 15 South Avenue down towards the junction with North Deeside Road, with a no entry from North Deeside Road into South Avenue. Neighbouring properties and the community council were re-notified following submission of these additional drawings as they constituted a material change to the proposal.

## 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=Q9WE38BZHQI00>

- Design Notes, by RJM Architecture - setting out the design principles behind the proposed design of the dwellings; and
- Planning Statement by Aurora Planning – providing the applicant's justification for the proposal.

## Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the Cults, Bielside and Milltimber Community Council have objected to the proposals, and a total of 31 timeous letters of objection were received following the first round of consultation, with a further 10 timeous letters of objection received following the second round of consultation, 7 of which were additional comments from respondents to the first round of consultation, resulting in a total of 34 objectors to the application.

## CONSULTATIONS

**ACC - Roads Development Management Team – No objection.**

A total of eight parking spaces are required, which are provided on in-curtilage driveways. A 6m aisle width is required in front of the parking spaces to facilitate the use of the spaces. This is not available here. However, swept paths have demonstrated that the combination of a 6m driveway, 1m footpath and 4.3m carriageway would provide adequate space for the required manoeuvres. These swept paths suggest that this is appropriate given the location. The driveway for plot 4 is set at a distance of 10m from the junction of South Avenue with North Deeside Road. An updated drawing has been submitted proposing a one-way system along the frontage of the proposed site only, meaning existing residents can still both enter and exit from School Road. On this basis, the distance to the junction would be acceptable. It would increase the safety at the egress junction as well as for pedestrians of the proposed new houses as there will only be one-way traffic to consider. This is also safer from a general traffic point of view as the lane isn't wide enough to permit vehicles easily passing in tandem, which will be prevented through the one-way system. Traffic Management were consulted who have stated this would be acceptable. The applicant would be required to apply for a Traffic Regulation Order (TRO) for these changes – this should be conditioned.

Due to its proximity to North Deeside Road, the site is highly accessible on foot or by bicycle, and

there are bus stops within 150m of the site, serviced by regular buses. It is assumed that refuse will be placed on the 1m path to the front for collection, which is within the applicant's land.

Given the total number of properties to be served by this unadopted lane will increase to 10 following this application, the lane would be eligible for adoption. The lane would need to be brought up to adoptable standard before the Council would consider adoption. However, it appears that, due to the width of the lane, there would likely be land required from the applicant to do so. The lane at present is in a poor condition. New residents should not be expected to use an initially very poor condition road. As such, the applicant would be required to fill in the potholes, ensuring the road is level upon approach to the proposed dwellings.

**ACC - Waste Strategy Team – No objections**

**ACC - Environmental Health – No objections**, provided a condition would be attached providing a Noise Impact Assessment as the site is adjacent to the A93, which is a source of potential noise disturbance caused by road traffic.

**Cults, Bielside And Milltimber Community Council – *Initial comments***

Would like to see suitable development on the site, but raises the following objections to this current proposal:

1. Challenges figures given in the site plan for the site area, developed area and plot ratio, which may constitute overdevelopment;
2. Impact on privacy/increased overlooking of 21 South Avenue by plot 4;
3. Fails to understand the point made by the building line drawing 727-07. North wall of plot 4 is closer to North Deeside Road than the line established by the north frontage of Cults Court. Visually plot 4 is too close to North Deeside Road;

Further comments include:

4. No detailed all-seasons sunpath analysis is provided demonstrating that the living areas of plots 2, 3 and 4 receive sufficient natural light;
5. The 'home office' on the ground floor could be used as a third bedroom. However, this would face directly onto South Avenue and would offer no privacy;
6. Application appears to suggest that the north-south section of South Avenue is subsumed into the development. It is of course entitled to be used by a number of other properties and customers of the nearby kennels;
7. Car parking appears to be very tight between walls and would require accurate reverse parking; no provision for off-road visitor parking and refuse bins placed on South Avenue would further reduce the usable width of the road;
8. It is understood that the applicant intends to provide some temporary improvements to the appalling state of South Avenue to allow residents to go via School Road during construction. This would require the agreement of neighbours who would be required to surrender some access rights during this period;
9. Expects a developer obligation to resurface South Avenue from North Deeside Road at least to include the vehicular access to 21 South Avenue with an associated plan to resurface the east-west section of the road;
10. Due to the proposed materials and their design, the proposed roofs could appear as one continuous planar area of dark grey metal profiled roof sheeting, which might be considered oppressive; and
11. Regrets the demolition of the historic boundary walls and notes that the site has already been graded into four terraces – perhaps prematurely.

**Additional comments – Maintains initial objections**, and raises the following:

The additional information has not addressed the main points of objection, which were concerned with:

1. Over-development with a plot ratio substantially more than 33%;
2. Overlooking of 21 South Avenue from Plot 4; and
3. The building lines facing to North Deeside Road and the south.

Furthermore, the proposal to make the north-south section of South Avenue one-way forces a change of custom and practice on existing residents of South Avenue. Doubt is expressed whether the east-west section of South Avenue will remain in driveable condition in the long term and whether the one-way system is enforceable.

Drawing 727-04L shows the proposed location of waste bins for collection which would block the footpath forcing pedestrians in the already narrow road.

## **REPRESENTATIONS**

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31 timeous letters of objection were received to the initial round of neighbour notification, raising the following matters:

### Impact on surrounding area and design:

1. Four residential units on a site that previously contained a single dwelling would be considered an overdevelopment of the site. A single house would be more appropriate;
2. The proposal is considered to have an adverse impact on the character of the area, which is characterised by low density housing along this part of North Deeside Road and South Avenue, and would be inconsistent with the existing feu pattern in the surrounding area. Visual prominence on North Deeside Road. Building line along this part of North Deeside Road is set further back – more in line with 21 South Avenue. Properties would be orientated east-west whereas all other properties in the surrounding area are orientated north-south;
3. Design of the proposed dwellings would not be in keeping with the existing dwellings in the surrounding area. An excessive portion of the site would be used for parking. Their design resembles holiday chalets. Ridge height higher than that of 21 South Avenue;

### Impact on residential amenity:

4. The proposal is considered to have an adverse impact on the residential amenity of neighbouring properties due to excessive overshadowing/loss of light, and loss of privacy/overlooking, including 17, 17A and 21 South Avenue, and 32-34 Cults Court;
5. No consideration of how the fall in levels along South Avenue would further aggravate any adverse impact on 21 South Avenue in relation to overshadowing and overlooking;
6. Poor level of amenity provided for proposed dwellings as the dwellings are too close together with the external amenity area significantly overshadowed by other buildings. Especially plots 2 and 3 would have no open aspect at all and a very restricted outlook;

### Impact on local highway conditions:

7. Increase in traffic accessing North Deeside Road. Safety concerns in relation to number of cars entering and leaving the site onto South Avenue and North Deeside Road for both pedestrian and vehicular traffic;
8. Poor visibility for cars leaving the proposed parking spaces. Uncertainty whether the driveways would be wide enough to easily accommodate two cars, and would provide sufficient space for people getting in and out of cars and bins moving past. Drop in levels from north to south not clearly shown on drawings, especially in relation to parking spaces;
9. The potential additional eight cars would be inconsistent with the aims of policy T2;
10. Is there a vehicular right of access across this part of South Avenue, which is a private road. Potential for South Avenue to be closed during construction works. This would be unacceptable as residents rely on this section of South Avenue to access their property;

Other:

11. No need for new houses. Schools and infrastructure already can't cope. Will there be any developer obligations to upgrade South Avenue?;
12. Demolition of boundary walls. These are required to be rebuilt to their original height;
13. Development at the library by the same developer is substandard. Continuous use of site as a construction site, including as a storage facility for materials and soil coming from other construction site on North Deeside Road;
14. Photomontage drawings are not to scale;
15. Continuous increase in size of application site. Existing vehicular right of access for 21 South Avenue across part of the site is not clearly shown on the site plan. This part of the site cannot be included in any development, and should therefore be discounted from the total site area available for development;

Following amendments to the proposal, and in particular the introduction of a proposed one-way system along the north-south section of South Avenue, a further round of neighbour notification was triggered. A total of 10 letters of objection were received, 7 raised additional comments following on from earlier letters of objection during the first round of neighbour notification. As such, the total number of objectors to the proposed scheme would be 34. The following additional matters were raised:

16. Front door of 9 South Avenue opens out immediately onto the unadopted lane. Any increase in traffic would have an adverse impact on safety for residents of this property. Currently, this part of South Avenue is only used by the residents of 9 and 11 South Avenue and the weekly bin lorry;
17. The proposed one-way system would increase traffic passing the medical centre, which has a restrictive car park and is visited by a high number of elderly patients. This increased flow of traffic will cause concern and increase the risk of traffic accidents;
18. Proposed one-way system does not appreciate or take consideration of existing users of this part of South Avenue, which include the properties of West Cults Lodge, the kennel business and 15 through to 21 South Avenue;
19. Turning areas would be required for each individual property. Their footprint would therefore need to move further to the west. Unclear what the impact of the steep slope of South Avenue is on the turning movements required to enter/exit the proposed driveways. Proposed one-way system would not alleviate concerns in relation to parking; and
20. Drawings show that roof lights would be required to allow sufficient natural light into accommodation. This is an indication that the units are too close together and that light will be a problem;

## **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 (2017)**

H1: Residential Areas

D1: Quality Placemaking by Design

T2: Managing the Transport Impact of Development

R6: Waste Management Requirements for New Development

R7: Low and Zero Carbon Building and Water Efficiency

### **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.

H1: Residential Areas

D1: Quality Placemaking

D2: Amenity

T2: Sustainable Transport

T3: Parking

R5: Waste Management Requirement in New Development

R6: Low and Zero Carbon and Water Efficiency

### **Supplementary Guidance**

Subdivision and Redevelopment of Residential Curtilages

Transport and Accessibility

## **EVALUATION**

### **Principle of Development**

The site is located in a residential area in Cults, and policy H1 applies. This policy sets out that residential development would be acceptable provided it:

1. Would not constitute overdevelopment;
2. Would not have an adverse impact on the character and amenity of the surrounding area;
3. Would not result in the loss of valued and valuable open space; and
4. Would comply with relevant Supplementary Guidance (SG), in this case SG on Subdivision and Redevelopment of Residential Curtilages.

The site was previously occupied by a single dwelling and its associated residential curtilage, and therefore does not constitute open space. As such, the proposal would comply with this part of policy H1. All other criteria will be discussed in detail below.

### **Impact on character and appearance of the surrounding area**

Policy D1 sets out that quality placemaking is at the core of planning in Aberdeen. All development must follow a thorough process of site context appraisal to arrive at an appropriate proposal, with the site context differing from site to site. Even though not all development will be of a scale to make a significant placemaking impact, all good design and detail adds to the attractiveness of the built and natural environment, and careful consideration is key.

As such, the historic development of an area provides a crucial element in the determination of this site context, and can set the parameters for development in relation to issues such as density, building line and appropriate scale of development. In this case, historic maps dating back to the 1860s show that the position of roads including North Deeside Road, West Cults Road and South Avenue are generally fixed, with a number of dwellings constructed to the south of South Avenue, including numbers 15 and 17 immediately to the south of the application site, forming a relatively straight building line. This map also shows a single building roughly in the position of 477-479 North Deeside Road, immediately fronting this road.

A further historic map dating back to the 1920s shows that the general character of the area is continually defined by additional development further west with dwellings roughly set halfway between North Deeside Road and the, now, Deeside Way. This clearly demonstrates the main characteristic of this area, which consists of dwellings in substantial plots set back from North Deeside Road with a generous garden both to the north and south of the dwelling. This map also shows that the school building which became part of the flats at Cults Court has now been constructed fronting directly onto the North Deeside Road.

Finally, by the 1950s, the previous dwelling at 19 South Avenue that has since been demolished and the kennel buildings were constructed. Again, these buildings roughly followed the pattern of development and general building lines as set by previous development phases, especially in relation to the houses fronting directly onto North Deeside Road. Again, even though the plots themselves were smaller, the buildings were set centrally within the plot, keeping a clear separation between the dwelling and North Deeside Road.

Taken the above together, it is clear that the general pattern of development in this area comprises detached or semi-detached dwellings orientated north-south, and set roughly centrally within long rectangular plots, with the historic exceptions of the former Cults School, now part of the larger Cults Court and the building at 477-479 North Deeside Road. Both of these buildings however contained an element of service to the community as the first was originally constructed as a primary school serving the village and the latter historically has a commercial element on the ground floor.

It further should be noted that, in relation to density, this junction of North Deeside Road and South



Avenue presents a transition between the higher density area including the village centre of Cults and its shops and facilities to the east and the lower density area as described above to the west. Again, upon assessment of historic maps, it is clear that the village centre originally centred on the junction of Kirk Brae/North Deeside Road/Devenick Place, and expanded east- and westwards from there. This area has always had a higher density than the character area as described extensively above. Furthermore, it should be noted that, on the historic map dating back to the 1950s mentioned previously, a property was constructed on the application site, but there were still some undeveloped areas separating this area to the west of South Avenue with the higher density area of the village centre of Cults. As such, it is clear that the site falls within this lower density character area, which starts at this point and then stretches westwards towards Bielside and Milltimber. This change in character of the surrounding area when walking in a westwards direction past South Avenue is acknowledged in the appeal decision for the previous application 180149/DPP by the Reporter *'When walking westwards along North Deeside Road past Cults Court the character of development does change when passing South Avenue.'*

This current application is for the construction of four dwellings, set south to north along this section of South Avenue. Plot 4 (nearest North Deeside Road) would leave a gap varying between 2.5m and 3.5m from the north elevation to the edge of the pavement of North Deeside Road. Thus, this property would appear unnaturally close to North Deeside Road, being substantially closer to the road than its neighbour, to the significant detriment of the streetscape and the character of the area. Plot 4 would be set significantly forward of the north-facing principal elevation of the neighbouring property at 21 South Avenue, which itself sits centrally within its plot and keeps a separation distance of c.18m to the edge of North Deeside Road; the north elevation of plot 3 would sit c.2m in front of the north elevation of 21 South Avenue, whereas the south elevation of plot 2 would extend c.3.8m beyond the south elevation of this existing dwelling, and plot 1 in its entirety would sit significantly to its south. All properties would have an east elevation facing South Avenue, only leaving a marginal distance of c.1m to the edge of this road, with this area used for refuse collection and shown as a footpath. As such, there would be no separation between this side of the dwelling and public spaces.

The overall site area and plot ratio quoted by the applicant on their drawings (c.925m<sup>2</sup>) are misleading in that it includes a triangular section to the south west of the site that is reserved as a vehicular right of access for the adjoining dwelling at No. 21, and as such cannot be counted towards the developable area. Even though not clearly marked on drawings, it is likely that this area could extend to c.75m<sup>2</sup>, resulting in an overall developable area of 850m<sup>2</sup>. Taking account of the removal of this piece of land as it would not be available for development or for use by the occupants of Plot 1, the overall density (plot ratio), based on a footprint of 78m<sup>2</sup> per dwelling, or an overall footprint of c.312m<sup>2</sup> for all four dwellings together, would be approximately 37%.

Furthermore, when assessed on an individual plot basis the following applies. No clear plot boundaries are shown between properties, but it is likely that the smallest plots for the two central houses would extend to c.195m<sup>2</sup>. Again, taking account of the proposed footprint of 78m<sup>2</sup>, this would equate to a plot ratio of c.40% for these two plots, with slightly lower ratios for plots 1 and 4 given these both would have an additional area of garden ground to the side.

Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages sets out the following in relation to development proposals:

1. New dwellings must respect the established pattern of development formed by the relationship between buildings and their surrounding spaces (gardens etc.);
2. The scale and massing of any new dwellings should complement the scale of surrounding properties;
3. The density of the surrounding area should be reflected in the development proposals. As a general guide, no more than a third of the total site area for each individual curtilage should be built upon;
4. New dwellings should generally not project forward of any established building line; and

5. The distance between proposed dwellings, and between proposed and existing dwellings should be similar to that predominating on the street.

In this case, it is considered that the proposed development would not meet the above criteria for the following reasons. As described in detail above, the character of the surrounding area consists of detached and semi-detached dwellings set in large gardens with a generally low plot ratio. The neighbouring property at 21 South Avenue has a plot ratio of 14%, whereas the nearby dwelling at 15 South Avenue has a plot ratio of 13.75%. These are typical of houses in the locality and are significantly less than the 33% set out in the above list of criteria, which therefore would not be considered acceptable in this context and a lower plot ratio should be sought. As set out above, the proposed development would sit at a significantly higher density than prevalent in the surrounding area, and would therefore not take account of this general context of the surrounding area. This is further reflected by an overall density of 37% across the site, raising to c.40% for individual plots. This would clearly represent an overdevelopment of the site when taking account of both the context of the surrounding area, and specific guidance as set out in the SG which sets out that, in any case, density should never be in excess of 33%.

This overdevelopment of the site is further reflected in the need to push the building line both to the north and south so much more forward than currently established. Again, as set out in detail above, the current building line is characterised by dwellings sitting centrally in long plots leaving significant distance between both the front and rear plot boundaries. In this case, the distance between the north elevation of plot 4 and North Deeside Road would only be c.2.5m-c.3.5m, which would be unacceptable in the context provided by existing developments in the surrounding area. Similarly, plot 1 would not leave sufficient spacing between the south most boundary of the site and its south elevation to provide the spaciousness that is characteristic of development in the surrounding area.

The established pattern of development is further not respected as in general, all properties in the surrounding area have a north or south facing principal elevation and a north-south orientation with south facing gardens resulting in a consistent pattern of development. Even though the proposed dwellings would have a south facing principal orientation, due to their linear site layout, the proposed south facing front gardens would be enclosed, at close quarters, by the next plot, and would not represent the spaciousness of the surrounding area..

Finally, one of the characteristics of the surrounding area is the wide spacing between detached and pairs of semi-detached dwellings. In this case, the dwellings would be separated by a double driveway with a maximum width of c.6m, which due to the overhang at first floor level is reduced to c.5m. However, due to the need to use this space as a double driveway, there is no clear separation between the properties. In addition, the properties are set immediately adjacent to the footpath running along South Avenue. As such, there would be no clear defensible private space separating the dwellings from South Avenue and its associated footpath, unlike the vast majority of other properties in the wider area. In addition, the private front garden area to the south of the dwelling would be partly enclosed by the rear elevation of the adjacent plot, which again would limit its sense of being a defensible, private space. This further emphasises that the proposal would represent an overdevelopment of the site to the detriment of the character and appearance of the surrounding area and would appear hemmed into the site.

For the above reasons, the proposal would have a significant adverse impact on the character and appearance of the surrounding area, and has not taken suitable cognisance of the context of the surrounding area. It is therefore considered not to comply with policy D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan and associated Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

## **Design**

The proposed dwellings would have a narrow rectangular plan measuring c.12.8m by c.6.1m,

resulting in a footprint of c.78m<sup>2</sup>, and would be of a modern design. They would be 2 storey in height with a mono-pitched roof, which at its lowest level has a height of c.5.4m and at its highest level a height of c.7m. The first floor would be off-set by c.1m, resulting in an overhang to the south elevation of, including the overhang of the roof, c2m. Fenestration would include full-height single and double width windows, centred on the south elevation, with additional windows located on both ground and first floor level on the east elevation, with a single ground floor window on the west elevation and only first floor windows with frosted glass on the north elevation. This results in relatively blank elevations both to the north and the west. The exception is plot 4, which would include three full height windows in its north elevation. Finishing materials would include a mix of grey granite, grey render and western red cedar timber linings to the walls; dark grey metal profile sheeting for the roofs; and black alu-clad timber windows and doors.

The inclusion of the overhang is to allow sufficient natural day light into the main south facing ground floor windows, frosted windows on the north elevation and limited number of windows on the west elevations, are all examples of a design for houses that do not comfortably fit the site and have a good relationship with the surrounding area, resulting in a compromised design. Even though a modern approach to design, and the proposed materials, could be considered acceptable in this location, it is considered in this case that the resultant design on the site would not take sufficient consideration of the site context and existing relationships between the site and the neighbouring dwellings. Due to the proximity of the dwellings to each other, the repetitiveness of the design, and their arrangement on site with the main windows serving the living accommodation looking directly out towards the rear elevation of the next dwelling (which is only 6m from the windows), this would result in a design that is inappropriate for both the site and the surrounding area on this visually very prominent corner of North Deeside Road and South Avenue upon approach from both the east and the west. ,

Taking account of the above, it is considered that the overall design of the development is of insufficient quality and does not respond well to the surrounding site context, as required under policy D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan.

## **Residential Amenity**

### Future Residents

As set out above, the fenestration on the north and west elevations of all dwellings is limited to ensure the units do not result in excessive overlooking and can achieve an acceptable level of privacy to each other. However, due to the relatively small distance between the dwellings at 6m, it would result in a very limited and unacceptably low level of outlook from the south facing windows in to the solid wall of the neighbouring property for plots 2, 3 and 4. Similarly, the distance from the west elevation to the boundary with the neighbouring property 21 South Avenue would be limited to c.2m, which again severely restricts the outlook from this ground floor window. In addition, the ground floor window on the east elevation would be immediately adjacent to South Avenue and its footpath as there is no defensible space or front garden between this elevation and the footpath running in front of the buildings. As such, this window and the room behind would be severely overlooked by passing traffic, and would not achieve the level of privacy considered acceptable in this suburban setting.

Residents should reasonably be able to expect good levels of daylighting within existing and proposed residential property. In this case due to the proximity of the buildings to the main south facing windows, the 25° method should be applied. In this case, when a line is drawn from the mid-point of the lowest window in question, it would go through the roof profile of the dwelling opposite. As such, the proposal would not comply with this method. It should be noted here that the submitted drawings include a line drawn at a 25° angle. However, this line is set above the mid-point of the affected window at a height of 1.5m. This potential deficiency in natural light to the main living accommodation is proposed to be mitigated by the introduction of a rooflight to all properties. Again,

this is a feature that, although technically addresses a failure of the design due to the proposed overdeveloped nature of the proposal, does not address any issues in relation to its outlook.

The main private garden area serving all properties is to the south facing to the front of the dwelling. For plots 2, 3 and 4, this is a relatively small space with a depth of no more than 6m, enclosed by the rear elevation of the neighbouring property to the south and the front elevation of the dwelling it serves. As such, these main gardens, and , even though not supported by a shadow study, it is likely that they would be severely overshadowed by neighbouring properties as they would be surrounded to the east, south and north by other dwellings. In addition, in the case of the garden serving plots 2 and 4, this could be overlooked to some extent by nearby first floor windows serving the existing dwelling at 21 South Avenue.

The combination of the restricted outlook through the windows of the main living accommodation for especially plots 2, 3 and 4, the lack of direct sunlight for the main private garden area, and the lack of privacy provided for the ground floor room facing directly out onto South Avenue would result in an inadequate level of living environment, and would not provide the level of residential amenity that should be expected in new residential developments. As such, it is considered that the proposal does not comply with policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) and associated SG on Subdivision and Redevelopment of Residential Curtilages.

#### Existing residents

##### 21 South Avenue

No development should result in a significant adverse impact upon the privacy afforded to neighbouring residents, both within dwellings and in their private garden ground/ amenity space or have a similar unacceptable adverse impact on natural day and sunlight levels enjoyed by dwellings.

The main dwelling to be affected by the proposed development is 21 South Avenue, immediately to the west of the application. This 1½ storey dwelling faces north towards North Deeside Road, and sits centrally within its plot with a distance of c.18.5m to North Deeside Road and c.25m to its rear boundary. Due to a change in levels, 21 South Avenue sits c.1m below the finished floor level of plot 4, with this change in levels reducing as the site falls to the south.

The proposed site layout would result in a situation where plot 4 in its entirety would sit in front of the front elevation of this property, and plot 1, and most of plot 2 would sit to the rear of this building, with a gap of c.2m retained between their west elevation and the site boundary. 21 South Avenue itself has a gap of c.0.5m to its eastern boundary. As such, it is considered that, due to their proximity to the boundary, position in relation to the front and rear elevation of this existing building, and overall height, plots 1 and 4 in particular would have an overbearing impact on the outlook of the existing dwelling at 21 South Avenue. This is further exacerbated by the need to have a 2m high boundary fence along the west elevation of the development site, which, in real terms and taking account of the change in levels between the two sites, would have a height of c.3m along the section between the front elevation of the dwelling and North Deeside Road, further increasing the enclosed outlook for this property resulting from the proposed development.

In addition, all dwellings include substantial windows in the south elevation at first floor level. Again, for plot 4, these windows would be located above the boundary fence, and would directly look back towards the front elevation and windows serving habitable rooms of 21 South Avenue, thereby having a significant detrimental impact on their residential amenity. It is accepted that these would be at an angle to this dwelling, however due to the very limited distance between the proposed and existing dwelling of less than 10m, and its height above the boundary fence, it is considered that there would be unacceptable views from this window back towards windows serving living accommodation of this existing property.

For these reasons, it is considered that the proposal would have an unacceptable detrimental impact

on the residential amenity of 21 South Avenue, contrary to the requirements of policies H1 (Residential Areas), D1 (Quality Placemaking by Design) and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

#### *Other surrounding dwellings*

The distance between the flats at Cults Court and the east elevation of the proposed dwellings would be c.17m, and would be made up of South Avenue, and the boundary wall, car park and access road into Cults Court. The proposed dwellings would include a large window on ground floor level and two narrow, full height windows on first floor level looking out towards these flats. One of the first floor windows would serve a bathroom, and would therefore not have any impact on privacy of residents at Cults Court. The second window would be a corner window on the south and east elevation serving a single bedroom. Due to the design of the window, it is likely that most views will be angled towards the south east. Furthermore, given the distance between the proposed dwellings and the existing flatted development sits at c.17m, which is just below the recommended minimum distance of 18m between facing windows as specified in the SG on Subdivision and Redevelopment of Residential Curtilages, it is considered that, any impact on the residential amenity of residents of Cults Court due to overlooking is not of such a significant adverse degree to warrant a further reason for refusal.

The distance between the south elevation of plot 1, and surrounding dwellings at 15, 17 and 17a South Avenue would exceed 18m as set out above, and as such the proposal would not result in an unacceptable level of overlooking of these dwellings.

### **Local road network conditions**

#### Road layout

Each property would be served by two in-curtilage parking spaces accessed directly from South Avenue. The driveway serving plot 4 would be set at a distance of c.10m to the junction with North Deeside Road. In general, a distance of c.15m should be retained between a driveway and junction. This can be lessened to 10m if the junction is with a lightly trafficked road. In this case, North Deeside Road is a major arterial route out from Aberdeen City Centre towards the west. As such, this reduction in distance to the junction would not be accepted.

However, to circumnavigate this issue, the applicant is proposing to introduce a partial one-way system along the final north-south section of South Avenue, with traffic only travelling towards North Deeside Road. To access the site and the surrounding existing dwellings, traffic would need to leave North Deeside Road at its more eastern junction with School Road and then travel west along South Avenue. Colleagues from Roads Development Management have commented on these proposals, and consider these acceptable as it would reduce any pressure on the junction between South Avenue and North Deeside Road, and would result in a generally safer situation both at this existing junction, with no cars stopping in North Deeside Road to enter South Avenue at this point, and within this part of South Avenue which, at present, is too narrow to allow cars passing.

However, introduction of this one-way system would result in added inconvenience for existing residents at 15, 17, 17a and 21 South Avenue and the kennels business, as they would no longer be able to use this junction from North Deeside Road to use this part of South Avenue to get to their properties. In addition, more traffic would be passing the Cults Medical Centre, which could have an impact on turning movements in and out of their car park. Finally, there would be an impact on the residential amenity and potential safety of the residents at 9 South Avenue, whose front door opens out directly onto the carriageway of South Avenue without any defensible space or front garden, with currently only vehicles accessing 9 and 11 South Avenue and the weekly bin lorry using this section of the road.

To enable the introduction of the one-way system, the applicant would need to apply for a Traffic Regulation Order (TRO) for these changes, which would be a separate legislative process. Given

the necessity of the one-way system to address a road safety hazard caused by the close proximity of the driveway for Plot 4 to the North Deeside Road junction and thus to be certain that it can be delivered through the TRO process, it would be essential to have a TRO granted in advance of development commencing. Therefore, if the Committee is minded to approve the application, then this would need to be conditioned. In addition, due to the poor condition of the section of South Avenue roughly between the medical centre further east and the application site, which in its current state is nearly impassable for normal cars, the applicant would need to ensure that, as a minimum, all potholes would be filled to allow safe use of this stretch of South Avenue for general traffic as at present this is not used by residents. The introduction of the one-way system to facilitate the potential construction of these four dwellings would mean that both new and existing residents would have no option but to use this section of road. As such, it can be considered that this section of road would need to be improved to facilitate the proposed development. Again, if the Committee is minded to approve this application, this would need to be conditioned. This condition would need to ensure that the applicant can demonstrate that they have all relevant permissions in place to undertake the work and a schedule of works prior to any development on the site, with all works undertaken prior to occupation of the dwellings.

### Parking

As set out above, all dwellings would be served by two in-curtilage parking spaces. SG on Transport and Accessibility sets out that two and three bedroom dwellings in this location would need two parking spaces. As such, this number is acceptable and would comply with these standards.

The same SG sets out that all new developments will be required to install appropriate electric vehicles (EV) charging infrastructure. It further specifies that for residential developments, one charge point (passive) provision is the minimum required for each unit where spaces are private and off-street. Charge points should be connected to the domestic electricity supply. No information in relation to the provision of EV charging points has been provided as part of this application. Again, if the Committee is minded to approve the application, this could be conditioned.

SG further sets out that a 6m aisle width would be required in front of parking spaces to facilitate the use of parking spaces. In this case, the carriage way would be 4.3m with a 1m footpath behind which are the 6m driveways. The application is supported by swept path analyses which sufficiently demonstrate that cars could enter and exit the driveways. Given this part of South Avenue would be lightly trafficked, these swept path analyses would be accepted.

### **Noise**

The site is adjacent to the A93 North Deeside Road, which is a main road west from the city centre out towards Deeside. Due to the high volume of traffic, colleagues in Environmental Health have specified that a noise impact assessment should be undertaken to ensure that the dwellings would be suitably constructed to ensure residents would not suffer from any noise disturbance due to these high volumes of traffic. Again, if the Committee is minded to approve the application, this could be conditioned.

### **Waste**

All properties would have a bin storage area immediately behind the parking area. This refuse store would be of a sufficient size to accommodate all required bins. Bin collection would be kerbside, with the refuse vehicle using South Avenue as existing. This is accepted.

### **Low and zero carbon buildings**

The Supporting Statement by Aurora Planning sets out that the proposed development would utilise a fabric first approach, and would incorporate large glazed openings to the south and limited openings to the north to maximise solar gain. The dwellings would be highly insulated, with triple glazed windows and it would be the intention to install air source heat pumps. These measures would be considered acceptable.

## Proposed Aberdeen Local Development Plan

In relation to this particular application, policies H1 (Residential Areas), D1 (Quality Placemaking), T2 (Sustainable Transport), R5 (Waste Management Requirements in New Development) and R6 (Low and Zero Carbon Buildings and Water Efficiency) 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.

Policies D2 (Amenity) and T3 (Parking) are both new policies. Policy D2 provides additional emphasis on the need to ensure that development would not have a significant detrimental impact on the residential amenity of proposed and existing dwellings. In this case, for the reasons provided in the evaluation above, it is considered that the proposal would not provide a satisfactory living environment for prospective residents and would have an unacceptable adverse impact on the residential amenity of the occupiers of the neighbouring property at 21 South Avenue. As such, the proposal would not comply with this policy.

Policy T3 sets out that sufficient parking should be provided within new residential development in compliance with standards as set out in relevant SG. In addition, it further emphasises the need for provision of electric vehicle charging infrastructure. Subject to a condition setting out how EV charging points will be provided for each individual unit, it is considered that the proposal broadly complies with this policy with further details to be submitted as part of a suitably worded condition.

### Matters arising from Community Council objection

1. Challenges figures given in the site plan for the site area, developed area and plot ratio, which may constitute overdevelopment – *This has been addressed in the evaluation above;*
2. Impact on privacy/increased overlooking of 21 South Avenue by plot 4 – *This has been addressed in the evaluation above;*
3. Fails to understand the point made by the building line drawing 727-07. North wall of plot 4 is closer to North Deeside Road than the line established by the north frontage of Cults Court. Visually plot 4 is too close to North Deeside Road – *This has been addressed in the evaluation above;*

Further comments include:

4. No detailed all-seasons sunpath analysis is provided demonstrating that the living areas of plots 2, 3 and 4 receive sufficient natural light – *No sun path analysis has been submitted. However, it is accepted that the combination of ground floor windows and rooflight would ensure sufficient natural light would reach the main living areas of the proposed dwellings;*
5. The 'home office' on the ground floor could be used as a third bedroom. However, this would face directly onto South Avenue and would offer no privacy – *This has been addressed in the evaluation above;*
6. Application appears to suggest that the north-south section of South Avenue is subsumed into the development. It is of course entitled to be used by a number of other properties and customers of the nearby kennels – *South Avenue itself is not part of the application site and would therefore remain publicly accessible;*
7. Car parking appears to be very tight between walls and would require accurate reverse parking; no provision for off-road visitor parking and refuse bins placed on South Avenue would further reduce the usable width of the road – *This has been addressed in the evaluation;*
8. It is understood that the applicant intends to provide some temporary improvements to the appalling state of South Avenue to allow residents to go via School Road during construction. This would require the agreement of neighbours who would be required to surrender some access rights during this period – *Rights of access would be a civil matter. It is understood that South Avenue at this point is not private, but unadopted;*
9. Expects a developer obligation to resurface South Avenue from North Deeside Road at least to

include the vehicular access to 21 South Avenue with an associated plan to resurface the east-west section of the road – *This is addressed in the evaluation above;*

10. Due to the proposed materials and their design, the proposed roofs could appear as one continuous planar area of dark grey metal profiled roof sheeting, which might be considered oppressive – *It is considered that due to the change in levels across the site the buildings would read as separate dwellings, which would suitably break up the proposed roofs;* and
11. Regrets the demolition of the historic boundary walls and notes that the site has already been graded into four terraces – perhaps prematurely – *The demolition of the boundary was considered permitted development, and did not require planning permission. The regrading of the site into four terraces would constitute a change of ground levels exceeding 0.5m, and would therefore be considered engineering works, and would require planning permission in their own right.*

### **Matters raised in letters of objection**

The majority of matters raised in the letters of objection have been addressed in the above evaluation, apart from the following:

#### Impact on local highway conditions:

10. Is there a vehicular right of access across this part of South Avenue, which is a private road. Potential for South Avenue to be closed during construction works. This would be unacceptable as residents rely on this section of South Avenue to access their property – *Access along South Avenue throughout the construction phase would be a civil matter, and is not a material consideration;*

#### Other:

11. No need for new houses. Schools and infrastructure already can't cope. Will there be any developer obligations to upgrade South Avenue? – *No developer obligations are sought as the development is less than five units. However, the above evaluation concludes that, if the Committee is minded to approve the application, a condition should be attached to ensure an improvement to the quality of the road surface of South Avenue;*
12. Demolition of boundary walls. These are required to be rebuilt to their original height – *The demolition of the boundary walls was considered permitted development, and did not require planning permission. As such the Planning Authority cannot require these to be rebuilt;*
13. Development at the library by the same developer is substandard. Continuous use of site as a construction site, including as a storage facility for materials and soil coming from other construction site on North Deeside Road – *The use of the site for temporary storage of materials and activities of the applicant on a different development site are not material planning considerations;*
14. Photomontage drawings are not to scale – *Photomontage drawings are indicative only and there is no requirement for these to be to scale;*

#### Additional comments

16. Front door of 9 South Avenue opens out immediately onto the unadopted lane. Any increase in traffic would have an adverse impact on safety for residents of this property. Currently, this part of South Avenue is only used by the residents of 9 and 11 South Avenue and the weekly bin lorry – *If the Committee is minded to approve, then this issue would be addressed through the separate TRO process, and as such is not a material consideration in the assessment of this application;*
17. The proposed one-way system would increase traffic passing the medical centre, which has a restrictive car park and is visited by a high number of elderly patients. This increased flow of traffic will cause concern and increase the risk of traffic accidents – *The proposal has been assessed by colleagues in Roads Development Management, who did not raise any issues in relation to an increase in traffic along this part of South Avenue;*
18. Proposed one-way system does not appreciate or take consideration of existing users of this



part of South Avenue, which include the properties of West Cults Lodge, the kennel business and 15 through to 21 South Avenue - *The proposal has been assessed by colleagues in Roads Development Management, who did not raise any issues in relation to the introduction of a one-way system along this part of South Avenue for existing properties;*

### **Recommended conditions**

The application is recommended for refusal. However, if the Committee is minded to approve the application, then it is requested that the following conditions are considered:

1. Details on materials;
2. Details on landscaping, including surfacing materials and boundary treatments;
3. Submission and implementation of a Traffic Regulation Order (TRO) application, with no development undertaken prior to granting of the TRO;
4. Upgrading surface of South Avenue with submission of details, including capability of undertaking proposed works prior to development and implementation of the works prior to completion;
5. Details on EV charging points;
6. Submission of a Noise Impact Assessment;
7. Details on low and zero carbon measures;

### **RECOMMENDATION**

Refuse

### **REASON FOR RECOMMENDATION**

1. The proposed development is considered not to take sufficient cognisance of the site context, would have a significant detrimental impact on the streetscape and on the character and appearance of the surrounding area, and would constitute an overdevelopment of the site, which is reflected in the need to push the buildings lines significantly forward, both to the north and the south and in very close proximity to North Deeside Road, to that currently prevalent in the surrounding area; in the proposed levels of development, with a plot ratio of c.40% for plots 2 and 3, and an overall plot ratio of c.37% across the developable area of the site;; and due to the lack of separation space between South Avenue and the east elevation of the buildings. As such, the proposal is considered not to comply with relevant parts of policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan, policies H1 (Residential Areas) and D1 (Quality Placemaking) of the 2020 Proposed Local Development Plan, and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.
2. The close proximity of the houses to each other results in insufficient space and spacing between the buildings, which together with the repetitive design would create a development out of keeping with the prevailing character of the surrounding area, to the detriment of the visual amenity of the area, contrary to expectations as set out in policy D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan, policy D1 (Quality Placemaking) of the 2020 Proposed Local Development Plan and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.
3. The proposed development would not achieve an acceptable level of residential amenity for future residents due to the combination of a restricted outlook through the windows of the main living accommodation immediately out onto the bin store and blank north wall of the neighbouring property for plots 2 through to 4; the small amount of good quality usable private garden space; the lack of direct sunlight for the main private garden area for plots 2 through to 4; and the lack of privacy provided for the east facing ground floor room, the combination of which would result in a substandard living environment for future residents. This is considered contrary to the

requirements of policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan and policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the 2020 Proposed Development Plan, and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

4. Due to the position of, especially plots 1 and 4 to the front and rear of the existing dwelling at 21 South Avenue, the change in levels between especially plot 4 and the front elevation of 21 South Avenue, and the proximity of the proposed buildings to the boundary with this existing dwelling, it is considered that the proposed development would have a significantly detrimental impact on the outlook of windows serving main living accommodation of this dwellings. In addition, due to the position of south facing first floor windows serving plot 4, these are considered to look back directly towards windows on both the ground and first floor of 21 South Avenue, which would give rise to an unacceptable level of overlooking/loss of privacy to this dwelling. Taken together, the proposal is therefore considered to have an unacceptable detrimental impact on the residential amenity of 21 South Avenue, and would therefore not comply with policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan, policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the 2020 Proposed Local Development Plan and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.