

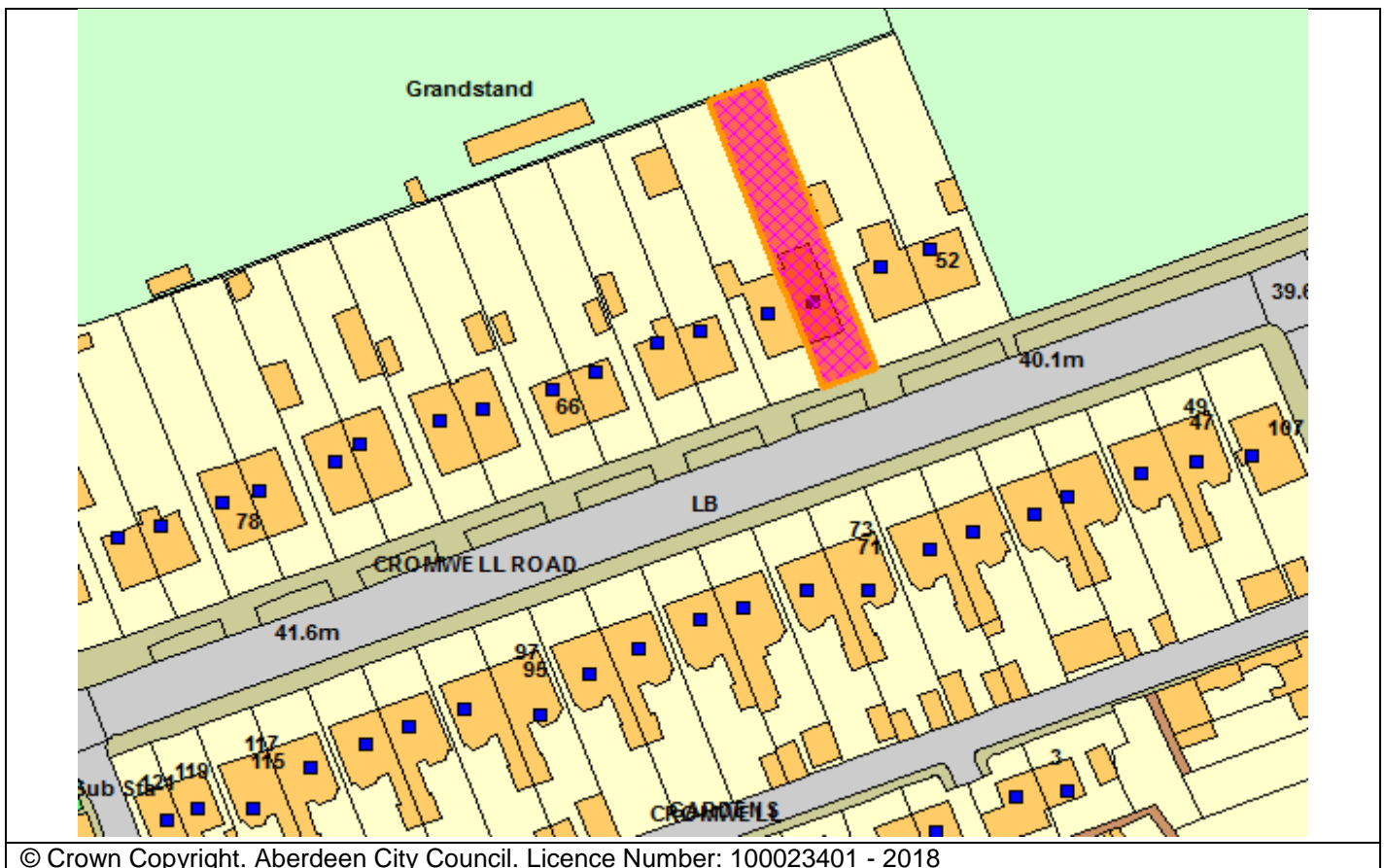


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 20<sup>th</sup> May 2021**

<b>Site Address:</b>	56 Cromwell Road, Aberdeen, AB15 4UB
<b>Application Description:</b>	Erection of single storey ancillary accommodation to rear
<b>Application Ref:</b>	200559/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	19 May 2020
<b>Applicant:</b>	Mr Barrie Milne
<b>Ward:</b>	Hazlehead/Ashley/Queens Cross
<b>Community Council:</b>	Queen's Cross and Harlaw
<b>Case Officer:</b>	Jemma Tasker



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## **RECOMMENDATION**

Approve Conditionally with Legal Agreement.

## **APPLICATION BACKGROUND**

### **Site Description**

The application site relates to a one-and-a-half storey, semi-detached dwellinghouse of granite construction and is one out of twenty dwellings situated on the northern side of Cromwell Road. The dwelling has a south facing principal elevation fronting Cromwell Road and is bound to the east and west by neighbouring semi-detached properties (No. 54 Cromwell Road and No. 58 Cromwell Road, respectively) and to the north by playing fields. The property has been extended previously by way of a single storey extension to the rear measuring a maximum 6m in length, 6.9m in width and 3.7m in height. The rear garden, to which this application relates, covers an area of approximately 296sqm and is screened on eastern and western boundaries by a c. 1.8m high timber fence and on the northern boundary by a c. 1.8m high wall.

### **Relevant Planning History**

Application Number	Proposal	Decision Date
131299	Proposed rear extension	17.10.2013 Status: Approved Unconditionally.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed Planning Permission (DPP) is sought for the erection of a single storey ancillary building to the rear of the dwelling, located in the northern section of the rear garden over 1m from the surrounding mutual boundaries. The purpose of the building is to provide ancillary accommodation to the main dwelling and would comprise: a kitchen/living area; utility room; shower room; and bedroom.

The proposed structure would form a 'L' shape and would measure a maximum 7.2m x 9.5m. It would have a flat roof design at a height of 3m, incorporating 1 raised rooflight. Glazing would be located on south-east and north-west elevations, comprising two full height windows and a fully glazed door, and a full height window and 3m wide sliding doors, respectively. Finishing materials include a smooth grey render, horizontal timber cladding, and timber alu-clad or upvc windows and doors.

The proposal has been amended since original submission in that the roof of the building has been lowered and changed to a flat roof profile. Additionally, following concerns regarding the root protection of trees on the adjacent neighbouring site, the building has been rotated 90 degrees. Subsequently, the fenestration arrangement has also been updated. These amendments required a renotification of neighbouring properties.

### **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=QA9NVOBZHUB00>

Drainage Assessment Report by MacLeod Jordan (September, 2020)

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because more than 6 timeous letters of objection have been received, including an objection from the Community Council, and thus falls out with the Council's Scheme of Delegation.

## **CONSULTATIONS**

**ACC - Roads Development Management Team** – No objection. Note that the existing driveway is large enough to accommodate the parking requirements.

**Queen's Cross and Harlaw Community Council** – Object to the application for the following reasons:

- The development does not appear to adhere to the requirements of Policy D1 in that: it does not respond to site context due to its siting and footprint; does not complement the existing streetscape; does not reflect local style; does not complement local features; does not have an attractive defined entrance or active street frontage; does not appear to have appropriate lighting.
- There seems to be limited accessibility for wheelchairs or invalid vehicles and it is not clear how a wheelchair user would get away from the building if there are cars parked at the side of the main house.
- Considered that the application plan would create overdevelopment in that it is trying to shoehorn a new house into an unsuitable space. The view from neighbouring houses would be negatively impacted.
- The development would contradict the advice to "safeguard living conditions within the development" as per Policy H3.
- Assume the new development will abide by Policies CI1 and CI2 as it is noted some residents have mentioned BT poles and lines will be affected.
- Parking space provided in the development is very limited and there are already problems in this respect in the local area.
- If this development goes ahead it will set an unwelcome precedent for the area i.e. what impact this would have on the area if every semi-detached house was allowed to build another extra house in their back garden.

## **REPRESENTATIONS**

A total of 16 timeous objections were received during the first neighbour notification period, raising the following matters:

### **Scale**

1. Overdevelopment of the area with two houses uncomfortably situated on a small site.
2. The proposal is almost the same size/height of the original main semi-detached house.
3. The house at 56 already has a large extension.
4. The proposed development is over-bearing and out-of-scale with the original dwelling.
5. The two properties would take up a disproportionate amount of green garden space.

### **Drainage**

6. Questioned if the current drainage system could cope with the increased volume of waste/sewage that would ensue from construction of the proposed new property.
7. The application states that water supply and drainage will be connected to public drainage network. Suggested a Drainage Impact Assessment including proposal for Sustainable Drainage Systems is required for consideration in this application.
8. Concerns that the conduit – encasing the West Burn of Rubislaw – may be impacted by the development and cause flooding to neighbouring properties.
9. Roof area will contribute to more surface water runoff and compromise the drainage system with potential adding to flooding problems around the properties in Cromwell Road.

### Overshadowing

10. Unacceptable overshadowing and visual intrusion of adjacent properties.
11. The Aberdeen Local Development Plan 2020 (2022-2032) speaks of enhancing food growing spaces and food growing projects. This proposed development will all but eliminate our self-sustainability and contribution to the achievement of Council objectives. The enjoyment of a substantial area of our garden would be ruined (No. 54 Cromwell Road).

### Design

12. The new building is of a modern design and not in keeping with the traditional buildings in Cromwell Road which are predominantly granite/stone built.
13. The present wooden cladding is not ageing well.

### Outlook & View

14. Negative impact on our outlook from the kitchen/dining area and will impede our enjoyment of the rear garden.
15. The change from the existing inoffensive outlook to a side view of a dwelling, c. 9metres down the side of our fence and some 3-4metres high would severely detract from the enjoyment of our property.
16. The building would encroach severely on the outside space of its immediate neighbours and those who live on the street who would see it from their upper rear windows.
17. The removal of trees and shrubs which has already taken place have impacted negatively on the visual appearance on Cromwell Road and the overdevelopment of the existing garden with the proposed new house would have a further detrimental impact.
18. Detraction from the open aspect of the neighbourhood particularly in relation to the playing fields.

### Overlooking

19. There will be no room for any screening or planting to limit the impact of the building.
20. The proposal would face the rear windows and gardens of neighbouring properties, significantly reducing privacy.

### Trees & Shrubs

21. Concerns regarding a mature tree immediately to the right of the proposed development - proposed building does not allow adequate space for the tree's natural development and mature canopy spread.

### Parking

22. Result in an increase in cars on the property and increase in traffic noise and pollution.
23. Cars parking at the rear of the property will disturb our enjoyment in our back garden and rear of the house.
24. The driveway is too narrow for emergency vehicle access - there is not another way to gain access.
25. There is already limited parking and there would be additional pressure on this due to additional residence being built.
26. Cars have to reverse out onto this very busy bus route and an increase in the number of vehicles would add to the problem of road safety.

### Noise

27. It's likely there will be an increase in noise and disturbance as there will now be two properties, rather than one from which noise may emanate.

### Precedent

28. Should this planning application be approved there would be potential for a further 19 annexes thus doubling the properties on the north side. This would impact on all services

and infrastructure.

29. This application could potentially lead to further housing development being requested on Harlaw Playing Fields.

#### Other Matters Raised

30. The orientations on the plan are wrong. The quoted north elevation is the south elevation, the other three elevations are also transposed.

31. The rearrangement of telephone/broadband lines would be required for several houses.

32. The proposal contravenes the terms of The 1935 Feu Disposition conveying the land on which No. 52 - 74 Cromwell Road are constructed.

A further 3 letters of objection were received during the second round of neighbour notifications, all raising additional or similar 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 remains at 16. The following additional matters were raised:

1. Concerns regarding a copper beech tree located within the neighbouring site.
2. Land to the rear of the proposed building will become overgrown and encroach into the neighbouring garden ground.
3. Blockage of light to neighbouring garden pond.

### **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 Local Development Plan (2017) (ALDP)**

Policy D1 – Quality Placemaking by Design

Policy H1 – Residential Areas

Policy NE5 – Trees and Woodlands

Policy NE6 – Flooding, Drainage and Water Quality

Policy T2 – Managing the Transport Impact of Development

Policy T3 – Sustainable and Active Travel

#### **Supplementary Guidance**

Flooding Drainage and Water Quality

The Householder Development Guide (HDG)

Transport and Accessibility

Trees and Woodlands

#### **Proposed Aberdeen Local Development Plan (2020) (PALDP)**

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. Policies of relevance include:

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy H1 – Residential Areas

Policy NE4 – Our Water Environment

Policy NE5 – Trees and Woodlands

Policy T2 – Sustainable Transport

Policy T3 – Parking

## **EVALUATION**

### **Principle of Development**

The application site is located within a residential area as identified in the 2017 Aberdeen Local Development Plan and policy H1 applies. The proposal would comply with this policy in principle if it does not constitute overdevelopment; the character and amenity of the surrounding area is not adversely affected; and it complies with the relevant Supplementary Guidance.

While, in principle, the Planning Authority can support the formation of a building which includes ancillary accommodation to the original dwelling, it cannot support the formation of a wholly separate independent dwelling within the curtilage of the property. It is recognised that the facilities provided within the ancillary unit would give rise to the potential it could operate as a separate, independent dwellinghouse to the existing. In effect, if the proposed development were permitted without controls in place to avoid this situation arising, the proposal would be at odds with the established character and could adversely harm the character of the area by setting an undesirable precedent for the development of similar residential units in rear garden areas. Moreover, if the proposal was considered to be assessed as a wholly separate dwelling within the curtilage of the property, without being ancillary to the parent dwelling, it would undoubtedly be contrary to the Supplementary Guidance: 'The Sub-Division and Redevelopment of Residential Curtilages' and thus Policy H1 (Residential Areas). Additionally, it would also be contrary to Policy D1 (Quality Placemaking by Design) as it would not respect the site's context, character and juxtaposition of the existing house and garden ground, which would not complement the prevailing character and pattern of development along Cromwell Road. In light of this, such a proposal would not be considered acceptable and would highly unlikely be supported by the Planning Authority. Therefore, in order to provide assurance that this will not be a long-term issue, a Section 75 Agreement would be required to tie the use of the ancillary accommodation to the original dwelling, which the applicant has agreed to enter into should the Committee be minded to approve the application. This would place a legal restraint on the unit to be occupied by anyone unrelated to the occupiers of the main dwellinghouse and using the unit for independent dwellinghouse purposes. An assessment of the further details of the proposal is carried out below.

### **Design and Scale**

To determine the effect the proposal will have on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. This policy states that all development must ensure high standards of design and have a strong and distinctive sense of place, which is a result of: context appraisal, detailed planning, quality architecture, craftsmanship and materials. Additionally, the Supplementary Guidance expects ancillary structures, such as the one proposed, to be architecturally compatible in design and scale with the original dwellinghouse and its surrounding area; materials should be complementary to the original building; any development should not overwhelm or dominate the original form or appearance of the dwellinghouse; and no more than 50% of the rear garden should be covered.

While there are a variety of outbuildings located within the surrounding area, specifically on the southern side of Cromwell Road, with a built footprint of 57sqm, it is recognised that the proposed building is substantial and is larger than those in the surrounding area. Nevertheless, in terms of scale and design, the proposed structure would comply with the guidance relating to outbuildings contained within the HDG for the following reasons: the building is subordinate in scale to the original dwelling; it would increase the built rear site coverage from 13% to 29% and while this is slightly higher than the immediate area, it is considered an acceptable level of development that would not be completely at odds with that of the wider surrounding area; materials would be contemporary and of a high quality, matching that of the existing rear extension; and more than 50% of usable rear garden space would remain undeveloped. The proposal would be located within the rear curtilage of the property which is considerably well screened. To the northern boundary, adjacent the Harlaw playing fields, screening consists of a high granite boundary wall with planting behind. While the proposal would be somewhat more visible during winter months from this vantage point, its overall scale and design are such that there would be limited impact on visual amenity, appearing as an outbuilding. Overall, it would not be readily visible from a public viewpoint; however, any view would be seen within the context of a residential curtilage, appearing as an ancillary building, having negligible impact on the visual amenity of the streetscape or surrounding area.

The proposed building is considered to be subservient and secondary to the property by way of its size, scale and overall height in relation to the existing dwelling and is acceptable within the context of the surrounding properties and wider area generally, in compliance with Policy D1 (Quality Placemaking by Design) and the associated Supplementary Guidance: 'Householder Development Guide'.

### **Impact on Residential Amenity**

No development should result in a situation where amenity is "borrowed" from an adjacent property or there is an impingement on the amenity enjoyed by others. Following the '45 Degree Rule' methodology as given by the Supplementary Guidance on Householder Development, calculations indicate that the proposed building would be located sufficiently distant from all neighbouring windows to ensure no impact on internal daylight receipt levels.

In terms of overshadowing, the building would be located more than 1m away from neighbouring boundaries. This, coupled with the relatively low overall height of the building, would result in no significant increase in overshadowing to neighbouring garden ground.

Glazing would be located on south-east and north-west elevations, facing the application property's rear garden ground and the adjacent playing fields. Glazing on the south-east elevation would be located at least 19m from neighbouring windows and, while they would be directly facing the application property itself and not neighbouring dwellings, would exceed the separation distance of 18m between windows where dwellings would be directly opposite one another. Additionally, the site is considered to be sufficiently well screened by way of a 1.8m high timber fence along the boundaries with neighbouring properties to ensure no overlooking of their private rear gardens or ground floor living accommodation. It is recognised that there would be views of the dormer at first floor level at No. 58 Cromwell Road; however, there would be a separation distance of some 23m between these windows and thus, this relationship is accepted. Additionally, habitable rooms within the proposed building are located towards the boundary with No. 54 Cromwell Road, which has much denser screening which would highly limit any views of their property. The proposed building would therefore provide little opportunity for the overlooking of neighbouring properties or garden ground.

As previously mentioned, while there are a variety of outbuildings in the surrounding area, it is recognised that these buildings are more 'ordinary' outbuildings which are used for a purpose incidental to the enjoyment of the dwellinghouse. Although, as discussed above, the scale of the

proposed ancillary accommodation would be acceptable in relation to both the plot and the surrounding area, its proposed floor layout and facilities could give rise to different impacts to those seen from other outbuildings in the area. It is recognised that there would likely be a higher increase in activity within the rear curtilage in comparison to that generated by other ancillary buildings. Any impact from the proposed structure would be contained to the immediate area, only potentially affecting dwellings either side of the application property (No. 54 Cromwell Road and No. 58 Cromwell Road). However, activity would be predominantly contained to within the rear garden ground of No. 56 Cromwell Road which is sufficiently well screened. Additionally, this would be from a one-bedroom ancillary structure which would be linked to the main house, not a wholly separate unit.

Overall, current levels of residential amenity in relation to overshadowing, daylight receipt and privacy would be retained. While there would likely be a higher increase in activity in the rear garden, especially in comparison to other outbuildings in the area, it is not considered that this would cause significant harm to the enjoyment of immediate dwellings or their garden ground, in compliance with Policy H1 (Residential Areas) and the associated Supplementary Guidance: 'Householder Development Guide'.

### **Trees**

Upon assessment of the application a concern over the proximity of development from neighbouring trees was raised. While these are not protected under a Tree Preservation Order (TPO), all trees are considered a material consideration in relation to Policy NE5 (Trees and Woodlands). Policy NE5 includes a presumption against development that will result in the loss of or damage to trees. While the proposal does not involve the felling of trees, it is acknowledged that damage may occur to their roots during the construction of the development. It was considered that the development as originally proposed would likely have had an impact on the tree located in the north-west corner of No. 54 Cromwell Road in terms of incursion within the root protection area of the tree. In light of this, the proposal has been amended so that the courtyard area would be located in the north-east corner of the plot, which would form a root protection area for the tree concerned. It is considered that other than some paving to the rear of the building and the path leading to the building, arboricultural impacts are limited and are considered acceptable. To ensure this, it is proposed that a condition is attached to the grant of consent requiring further details of the proposed path leading to the building, ensuring that it is no-dig construction to avoid damage to the trees. Additionally, to ensure the protection of the tree in the north-west corner of No. 54 Cromwell Road, a condition is proposed to be attached to the grant of consent requiring the submission of a Tree Protection Plan. Therefore, subject to the submission of further details relating to the path and appropriate tree protection during construction (secured via conditions) the siting of the proposed development would not have a significant adverse impact on the health of the trees, in accordance with Policy NE5 (Trees and Woodlands) and the associated Supplementary Guidance: 'Trees and Woodlands'.

### **Parking**

There is an existing driveway which extends along the side and front of the application property. While this driveway does not meet modern standards, as this is existing it is accepted and Roads Development Management have no concerns with the proposal. In light of this, it is considered that the proposal shall provide sufficient parking and not be detrimental to the area, in compliance with Policy T2 (Managing the Transport Impact of Development).

Additionally, the site is within close proximity to Aberdeen City Centre and is therefore accessible by other sustainable modes of transport such as walking, cycling and a public bus route along Cromwell Road. The proposal is therefore considered compliant with Policy T3 (Sustainable and Active Travel).



## Drainage

In terms of drainage from the site, foul water will be disposed of via the existing house combined drainage system, connected to existing public infrastructure, and surface water will be disposed of to an underground attenuation system and discharged at a controlled rate, as per the details outlined in the Drainage Assessment Report. Overall, there are no concerns with this aspect of the proposal, in compliance with Policy NE6 (Flooding, Drainage and Water Quality) and the associated Supplementary Guidance: 'Flooding Drainage and Water Quality'.

## Heads of Terms of any Legal Agreement

Given the level of accommodation within the proposed building, and that the Planning Authority would be unable to support the formation of a wholly separate dwelling within the curtilage of the property, as previously mentioned, it is necessary that the use of the building is tied to the original dwellinghouse through a Section 75 Agreement, which the applicant is agreeable to enter into. This will ensure that the use of the building is restricted to being ancillary to the occupation of the main house.

## Matters Raised by the Community Council

- *The development does not appear to adhere to the requirements of Policy D1 in that: it does not respond to site context due to its siting and footprint; does not complement existing streetscape; does not reflect local style; does not complement local features; does not have an attractive defined entrance or active street frontage; does not appear to have appropriate lighting.*

The proposal has been assessed against Policy D1 in the foregoing evaluation: 'Design and Scale'. The siting and footprint are considered appropriate for an ancillary building within the garden ground of a dwelling. The detail of the proposal, such as finishing materials, are considered appropriate for its siting within the rear garden ground, matching that of the existing rear extension.

- *There seems to be limited accessibility for wheelchairs or invalid vehicles and it is not clear how wheelchair user would get away from the building if cars parked at side of main house.*

This is not a material planning consideration.

- *Considered that the application plan would create overdevelopment in that it is trying to shoehorn a new house into an unsuitable space. The view from neighbouring houses would be negatively impacted.*

The level of development within the site has been addressed in the foregoing evaluation: 'Design and Scale' whereby it has been concluded that the proposal would not result in the overdevelopment of the site. The proposal is considered to be appropriately designed and sited, having negligible impact on the outlook from neighbouring dwellings.

- *The development would contradict the advice to "safeguard living conditions within the development" as per Policy H3.*

Policy H3 of the ALDP is not relevant in the assessment of this application as it relates to residential developments over one hectare. In addition, this proposal is for ancillary accommodation and not an independent dwelling.

- *Assume the new development will abide by Policies C11 and C12 as it is noted some residents have mentioned BT poles and lines will be affected.*

Policy C1 applies to all new residential development. However, given this proposal is for ancillary accommodation and not an additional independent dwelling, this policy would not apply. Policy C12 is relevant to proposals for telecommunications infrastructure such as phone masts and broadband cabinets, and is thus not applicable for this application.

- *Parking space provided in the development is very limited and there are already problems in this respect in the local area.*

The existing driveway is considered to provide adequate parking provision. Roads Development Management have no objection to the proposal.

- *If this development goes ahead it will set an unwelcome precedent for the area i.e. what impact this would have on the area if every semi-detached house was allowed to build another extra house in their back garden.*

Every planning application is assessed on its own merits. An extra independent dwelling would not be considered acceptable; however, the principle of an ancillary building/accommodation would be acceptable subject to further details, compliance with policy and guidance and a Section 75 Agreement.

## **Matters Raised in Letters of Representation**

- *Scale*

The level of development within the site has been assessed in the foregoing evaluation: 'Design and Scale' whereby it has been concluded that the proposal would not result in the overdevelopment of the site, including when taking into consideration existing development on the site, and in excess of 50% of the rear garden ground would remain undeveloped. At a height of 3m, the proposal is subservient to the main dwelling and of a height which is acceptable for an ancillary building.

- *Drainage*

A Drainage Impact Report was requested by the Planning Authority and subsequently submitted in support of the application. This detailed both foul drainage and surface water drainage. This information was reviewed by colleagues in Roads Development Management who noted no concerns.

- *Overshadowing*

Impacts of overshadowing from the proposed building are discussed in the foregoing evaluation: 'Impact on Residential Amenity' where it is concluded that there would be no significant adverse impact on neighbouring garden ground as a result of the proposal.

- *Design*

The design of the proposal is addressed in the foregoing evaluation: 'Design and Scale'. It is considered appropriate for its siting within the rear curtilage of the dwelling. The use of timber cladding ties in with existing development within the site and is an appropriate building material used across the city.

- *Outlook & View*

The proposal is considered to be an appropriately sited and designed ancillary building within the rear garden of a residential property which would not have a significant adverse impact on neighbouring outlook, as discussed in the foregoing evaluation: 'Design and Scale'.

- *Overlooking*

Privacy concerns are addressed in the foregoing evaluation: 'Impact on Residential Amenity'.

- *Trees and Shrubs*

Impact upon concerned trees is discussed in the foregoing evaluation: 'Trees'. The proposal, as amended, would minimise adverse impacts to existing tree stock located on

the neighbouring site and conditions proposed to be attached to the grant of consent would ensure this.

- *Parking*

The existing driveway is considered to provide adequate parking provision. Although the driveway does not meet modern standards, as this is existing, it is accepted. There is no requirement for emergency vehicles to access the rear garden; this is not a material planning consideration. There are no road safety concerns with the proposal and Roads Development Management have no objection.

- *Noise*

While it has been recognised that there will likely be an increase in activity in the rear garden – and therefore, a possible increase in noise – given the proposal is linked to the main dwelling, there should be no significant harm caused to neighbouring dwellings.

- *Precedent*

Every planning application is assessed on its own merits. An additional house would not be considered acceptable; however, the principle of an ancillary building to provide ancillary accommodation would likely be acceptable subject to further details, compliance with policy and guidance and a Section 75 Agreement.

- *Other Matters Raised*

The elevations labelled on the drawings are correct.

The rearrangement of telephone/broadband lines is not a material planning consideration.

The 1935 Feu Disposition is not a material planning consideration.

### **Proposed Aberdeen Local Development Plan (2020) (PALDP)**

In relation to this particular application, the Policies D1, D2, H1, NE4, NE5, T2 and T3 in the Proposed Aberdeen Local Development Plan 2020 (PALDP) 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 Conditionally with Legal Agreement.

### **REASON FOR RECOMMENDATION**

The proposal to provide ancillary accommodation with the rear garden ground is considered appropriate for its intended use and appears ancillary to the main dwellinghouse without unduly effecting the character of the surrounding area, subject to the applicant entering into a Section 75 Agreement to tie the unit to the main dwellinghouse. Additionally, the ancillary unit is architecturally compatible in design and scale with the original dwelling and the surrounding area in terms of siting, scale, height and materials. The site would not be overdeveloped; the proposal would have no adverse impact on the residential amenity of neighbouring properties in terms of overshadowing, or on daylight receipt and privacy; and would not be readily visible from a public viewpoint. The creation of the ancillary accommodation would not have an unduly detrimental impact on road safety along Cromwell Road given the existing driveway is considered sufficient to provide off-street parking for both the dwelling and the ancillary unit. Additionally, there are no concerns regarding the proposed drainage arrangement. While there would undoubtedly be a higher level of activity within the rear curtilage, this is not considered to be of a significant degree that would cause significant harm to the amenity of immediate neighbouring dwellings. Therefore, the proposal would be compliant with Policies D1 (Quality Placemaking by Design), H1

(Residential Areas), NE5 (Trees and Woodlands), NE6 (Flooding, Drainage and Water Quality), T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan; the associated Supplementary Guidance: 'Householder Development Guide', 'Flooding Drainage and Water Quality' and 'Transport and Accessibility'; and Policies D1, D2, H1, NE4, NE5, T2 and T3 of the Proposed Aberdeen Local Development Plan. Lastly, subject to conditions, the proposed development is also considered to comply Policy NE5 (Trees and Woodlands) and the associated Supplementary Guidance: 'Trees and Woodlands'.

## **CONDITIONS**

1. That no development shall take place unless a scheme for the protection of all trees to be retained on the site and neighbouring sites during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented.

Reason: In order to ensure adequate protection for the trees during the construction of the development, in compliance with Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

2. That no development shall take place unless further details relating to the proposed path – which would be expected to be no-dig construction – have been submitted to, and approved in writing by, the Planning Authority and thereafter the works carried out in accordance with the details agreed.

Reason: In order to limit arboricultural impacts and ensure the protection of trees, in compliance with Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.