

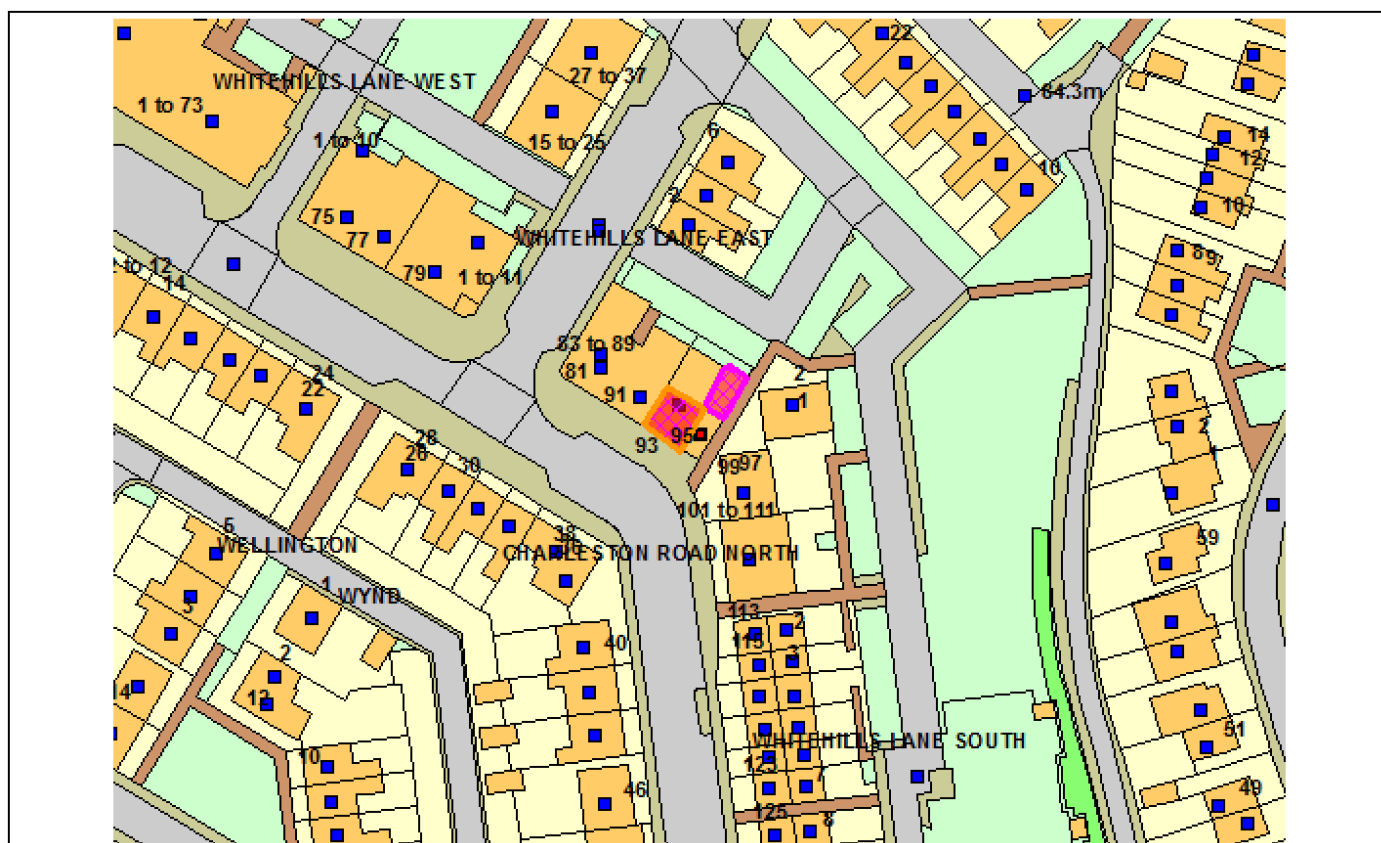


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 17<sup>th</sup> June 2021**

<b>Site Address:</b>	95 Charleston Road North, Aberdeen, Aberdeen City, AB12 3SZ
<b>Application Description:</b>	Erection of 2 storey extension to rear and formation of new window to side
<b>Application Ref:</b>	210461/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	7 April 2021
<b>Applicant:</b>	Mr M McKenzie
<b>Ward:</b>	Kincorth/Nigg/Cove
<b>Community Council:</b>	Cove and Altens
<b>Case Officer:</b>	Jemma Tasker



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## **RECOMMENDATION**

Approve Unconditionally.

## **APPLICATION BACKGROUND**

### **Site Description**

The application site relates to a residential flat which predominantly occupies the upper floor of a two storey, mixed use building located on the northern side of Charleston Road North. The building contains a commercial unit (iCandy Hair & Beauty) at ground floor level and the application property at upper floor level. The building has a south facing principal elevation fronting Charleston Road North; is bound to the east by a public footpath, with residential properties beyond this; adjoins a three storey, mixed use building to the west; and a car parking area is located to the north. Access to the application property is taken from Charleston Road North, where there is an existing entrance hall and utility room at ground floor level. All the main living accommodation is provided at first floor level. The rear garden, to which this application relates, covers an area of approximately 33sqm and is screened on northern and eastern boundaries by way of a 1.8m high wall. On the western boundary, the adjoining commercial unit incorporates a single storey element which projects c.8m from the rear of the main building.

### **Relevant Planning History**

The application site was constructed as part of planning application ref. 11/0065 which was granted conditional consent in 2012 for a mixed-use development consisting of 229 residential units and 18 commercial/retail units, which has now been substantially built out.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed Planning Permission (DPP) is sought for the erection of a two storey extension to the rear (north-east) elevation of the building, forming a multi-purpose room at ground floor level and an extended bedroom to include an en-suite bathroom and dressing room at first floor level. The extension would project approximately 3.5m from the rear of the building, spanning the entire width of the garden – c.4.1m wide. It would have a pitched roof with an eaves height of c.5.7m and a ridge height of c.7.8m. Glazing would be located on the rear (north-east) elevation comprising a 2.9m wide sliding door at ground floor level and a 0.9m wide window at first floor level; on the south-east elevation comprising 1.9m wide window at ground floor level and a 0.9m wide window at first floor level; and on the north-west elevation comprising a 0.9m wide window at first floor level. Finishing materials would include roughcast render, concrete roof tiles and white windows and doors – all to match the existing.

The proposal also includes the formation of a 0.6m wide window opening on the side (south-east) elevation of the existing building at first floor level, to serve a new en-suite.

The application has been amended since original submission at the request of the Planning Authority in that the angle of the roof pitch of the extension has been altered to match that of the original building and the eaves detailing updated to also match that of the original building.

### **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=QQVQIXBZI6N00>

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

The application has been referred to the Planning Development Management Committee because a total of 6 timeous letters of objection have been received and thus falls out with the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Cove and Altens Community Council – No comments received.**

## **REPRESENTATIONS**

A total of 6 timeous objections were received during the neighbour notification period, raising the following matters:

1. The distance between the extension and any boundary should be a minimum of 10 metres. However, according to the information provided in the drawings attached to the application, this distance would be only 2.55 metres when the extension has been completed.
2. The information included in the application is misleading, not showing the nearness of surrounding houses.
3. The construction of the extension will occupy and/or be close to a public footpath and will affect the normal life in the neighbourhood – concerns regarding noise, disturbance, reduction of available car parking.
4. The resulting construction will not be in keeping with the context and/or scale of the area.
5. There are no permitted development rights for flats, and this application is for erecting a 2-storey extension to a flat.
6. Concerns regarding privacy.
7. Concerns regarding the property at No. 2 Whitehills Lane East feeling less open and imposed upon.
8. Will detract from the vernacular design and set a precedent for additional applications.
9. The effect the development will have on 'iCandy' below the property – may significantly affect the business by restricting their client services/hours; unclear what impact the construction will have on existing guttering and roof drainage; and the impact of the construction on the existing ventilation system.
10. Impact on sunlight at the rear of the property at 'iCandy'.

## **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

### **Supplementary Guidance**

The Householder Development Guide (HDG)

### **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. A period of representation in public was undertaken from May to August 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their 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

## **EVALUATION**

### **Principle of Development**

The application site is allocated as residential within the allocated Opportunity Site OP56 (Cove) in the ALDP. This application relates to householder development and the application is assessed against Policy H1 (Residential Areas) of the ALDP. Householder development would comply with this policy in principle if it does not constitute overdevelopment; does not adversely affect the character and amenity of the surrounding area; and it complies with the relevant Supplementary Guidance. These issues are assessed in the below evaluation.

Although OP56 states that ‘a waste license still applies over part of the site and a gas risk assessment and any necessary remediation will be required prior to development’ this is handled through the conditions of the planning permission for the overall site rather than this householder development.

### **Design and Scale**

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

Guidance over what constitutes ‘overdevelopment’ is taken from General Principles 4 and 5 under Section 3.1.4 of the HDG, which sets out that the built footprint of a dwellinghouse as extended should not exceed twice that of the original dwelling and that no more than 50% of the front or rear curtilage shall be covered by development. Given that the application property relates to a flat, it is difficult to reasonably apply the first criterion in relation to the built footprint. Nonetheless, the rear curtilage covers an area of 33sqm and the proposed extension would have a built footprint of 14.5sqm. This would result in a built rear site coverage level of 44% which, while considerable, would not be completely at odds with the remainder of the building which displays little in the way of garden ground. Further to this, in excess of 50% of usable rear garden ground would remain undeveloped and therefore, the proposal would not constitute overdevelopment of the site. The scale of the extension would therefore be acceptable in terms of both the plot size and the surrounding area.

In terms of design, the extension would make an acceptable contribution to its setting; its eaves height would tie in with the existing and the roof ridge would be positioned considerably below that of the main building; the scale and massing are such that the extension would result in it appearing secondary and therefore subservient to the original building, neither overwhelming nor dominating the rear elevation; the proposed eaves detailing would match the original building; and all of the proposed materials would match the existing finishes on the original property – reading as part of the original building as far as possible. The proposal would be visible from a public viewpoint from the north and east of the site; however, in light of the above – while it is recognised

that the surrounding area is predominantly unaltered – it is considered that the extension would be read within the context of the existing building and given its overall design and scale, it is considered that there would be no adverse impact on the visual amenity of the area, thereby maintaining the existing visual character and amenity within the wider streetscape. It is considered that – when viewed from the public footpath to the east – the 3.5m projection would be acceptable within the context of the existing building which has a gable end spanning c.8.3m. Additionally, due to the massing of the proposed extension and the small area of open space to the east of the path, it is not considered that proposal would have an over-bearing impact when viewed in this context.

Overall, the proposal is considered to demonstrate due consideration for its context; all elements of the extension are considered to be architecturally compatible with the original property in terms of design and materials used for the external finishes; and the scale, massing and proportions of the extension are considered acceptable in the context of the both the plot size and surrounding area, in compliance with Policy D1 (Quality Placemaking by Design) and the general principles contained in the HDG.

### **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. Properties to the east of the application site (No. 1 & No. 2 Whitehill Lane East and No. 97 and No. 99 Charleston Road North) are both orientated so that their gable ends face the application site at an angle. Neither of the gables contain any windows; therefore, the proposal would have no impact on internal daylight receipt at these neighbouring properties. Additionally, there would be no increase in shadow cast to usable garden ground of neighbouring properties. Any impact would be contained to the area of space to the side (west) of neighbouring properties which is not considered as usable garden ground. In terms of privacy, as mentioned above, there are no windows contained within the gable ends of the neighbouring properties; therefore, no new windows on the south-east elevation would directly face any neighbouring windows. For the remaining elevations, to the north-east, windows would directly overlook the application property’s rear garden ground and to the north-west, would overlook the neighbouring commercial property which extends to the rear boundary at ground floor level. Overall, current levels of residential amenity would be retained, in compliance with Policy H1 (Residential Aras) and the HDG.

The HDG sets out restrictions for the protection of both single storey and two storey rear extensions to dwellinghouses; however, no guidance is provided for buildings containing flats. These restrictions are set to protect adjoining amenity in terms of undue overshadowing and loss of internal daylight levels. In this case, the extension would project 3.5m from the rear of the building, along the mutual boundary with No. 93 Charleston Road North. Taking into account the purpose of the guidance regarding limitation of projection, while there is no specific guidance limiting the projection of extensions to flats, there would be no significant adverse impact on current residential amenity, and this is considered to be a sufficient justification to accept the proposed projection.

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

In relation to this particular application, the Policies D1, D2 and H1 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.

## Matters Raised in Letters of Representation

1. *The distance between the extension and any boundary should be a minimum of 10 metres. However, according to the information provided in the drawings attached to the application, this distance would be only 2.55 metres when the extension has been completed.*  
No policy or guidance sets out a minimum distance required between any extension and surrounding boundary; extensions are permitted along boundaries.
2. *The information included in the application is misleading, not showing the nearness of surrounding houses.*  
The location plan submitted with the application (Drawing No. 2019 LP) shows the location of the application site and surrounding properties.
3. *The construction of the extension will occupy and/or be close to a public footpath and will affect the normal life in the neighbourhood – concerns regarding noise, disturbance, reduction of available car parking.*  
Any disturbance caused as a result of the construction of the extension is assumed to be within a limit associated with normal domestic development and is not a consideration in the determination of this planning application.
4. *The resulting construction will not be in keeping with the context and/or scale of the area.*  
The scale and design of the extension is discussed in the foregoing elevation: 'Design and Scale'.
5. *There are no permitted development rights for flats, and this application is for erecting a 2-storey extension to a flat.*  
Permitted development rights relate to small-scale development which can take place without requiring an application for planning permission. As there are no permitted development rights for flats relating to ground floor or two storey extensions, an application for planning permission has subsequently been submitted for the development.
6. *Concerns regarding privacy.*  
An assessment of the proposal on neighbouring privacy has been discussed in the foregoing evaluation: 'Impact on Residential Amenity'.
7. *Concerns regarding the property at No. 2 Whitehills Lane East feeling less open and imposed upon.*  
The extension would not project forward of the principal elevation at No. 2 Whitehills Lane East and there are no windows to the south-west; therefore, the extension would not be visible from the front or side of this dwelling. Furthermore, the rear garden is orientated away from the proposed extension; therefore, overall, it is considered that the proposal would have negligible impact on this property.
8. *Will detract from the vernacular design and set a precedent for additional applications.*  
The proposal would tie in with the existing building as closely as possible and would not detract from the architectural integrity of the original building, as discussed in the foregoing evaluation: 'Design and Scale'. Every planning application is assessed on its own merits whereby the principle of a rear extension may be acceptable.
9. *The effect the development will have on 'Icandy' below the property – may significantly affect the business by restricting their client services/hours; unclear what impact the construction will have on existing guttering and roof drainage; and the impact of the construction on the existing ventilation system.*  
These issues are not a material planning consideration and would be a civil matter.

*10. Impact on sunlight at the rear of the property at 'Icandy'.*

Any impact on daylight and overshadowing are discussed in the forgoing evaluation: 'Impact on Residential Amenity' whereby it is considered that there would be no adverse impact on neighbouring sunlight as a result of the proposal.

**RECOMMENDATION**

Approve Unconditionally.

**REASON FOR RECOMMENDATION**

The proposed extension would be ancillary to the existing property by way of its dimensions, position and overall height, and acceptable in terms of its design and materials, and has been designed with due consideration for the architectural form of the building and the context of the surrounding area. The resultant building would not be at odds with the character of the streetscape given that the extension would match the existing building as closely as possible, and impact on its visual character would be minimal. There would be no significant adverse impact on residential amenity of neighbouring properties in terms of overshadowing, or on loss of daylight and privacy. The proposal would be compliant with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan; Policies D1, D2 and H1 of the Proposed Aberdeen Local Development Plan; and with the Supplementary Guidance: 'Householder Development Guide'. There are no material planning considerations that would warrant refusal of the application.