

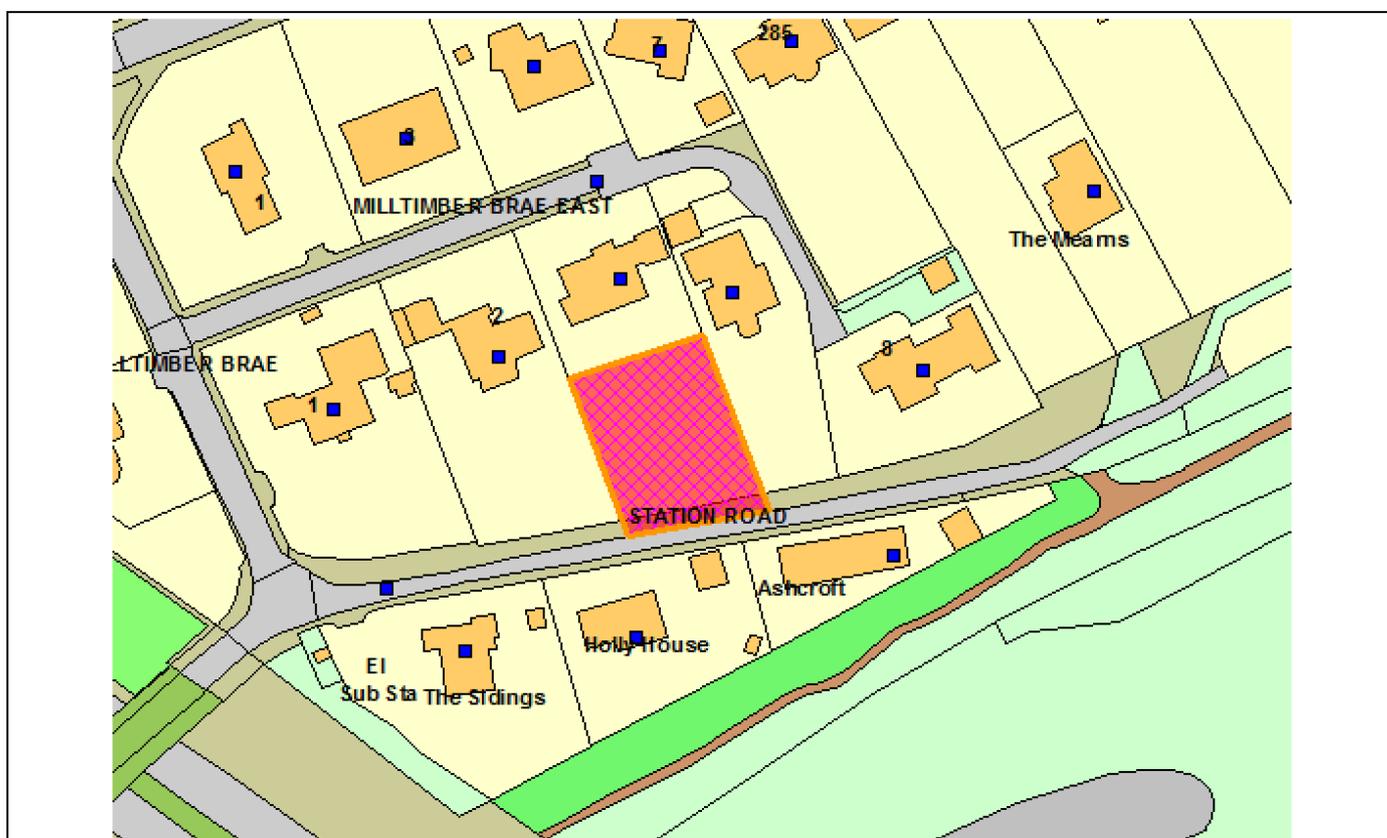


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 4th November 2021

Site Address:	Anchorage, 4 Milltimber Brae East, Aberdeen, Milltimber, AB13 0DN
Application Description:	Splitting of feu and erection of 2 storey dwelling house with garage and canopy, including access and car parking with associated works
Application Ref:	210717/DPP
Application Type	Detailed Planning Permission
Application Date:	21 May 2021
Applicant:	Mr Sam Clark
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Jemma Tasker



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2018

RECOMMENDATION

Refuse

APPLICATION BACKGROUND**Site Description**

The application site extends c.1023sqm and comprises approximately half of the feu of a detached bungalow. The existing house lies at the north end of its feu and faces south over the garden which slopes southwards towards Station Road. The application site comprises nearly three quarters of the front garden area. The site is bound to the west and east by the garden grounds of 2 and 6 Milltimber Brae East, respectively. The southern boundary of the site is screened by a drystone dyke which is separated from Station Road by a grass verge. Trees and shrubs currently line the southern boundary of the site. The surrounding area is residential, characterised by large, detached houses of varying styles set in large gardens and facing south over the Dee valley.

Relevant Planning History

Application Number	Proposal	Decision Date
051959	Proposed new dwellinghouse	21.09.2006 Status: Refused.

APPLICATION DESCRIPTION**Description of Proposal**

Detailed Planning Permission (DPP) is sought for the subdivision of a residential curtilage and the erection of a detached, four-bedroom dwellinghouse and detached garage/carport, as well as the creation of a new access and associated works.

The proposed dwellinghouse would be two storeys in height with a pitched roof at an overall height of c.7.4m. It would have a rectangular plan measuring c.16.8m by 8.3m, with a two storey projection to the rear, sitting slightly below the ridge height of the main dwelling, measuring c.6.6m by c.3.5m. The principal elevation would face southwards and take access from a new driveway formed onto Station Road. The rear elevation would face north towards Milltimber Brae East and would be extensively glazed at both ground floor and first floor level. The dwellinghouse would incorporate a contemporary design and proposed finishing materials would include white render, zinc and stone for the walls; slate tiles for the roof; and timber/upvc/aluminium composite windows. A garage and car port would abut the west elevation of the proposed dwelling measuring c.7.6m by c.8.3m, with a pitched roof at an overall height of 4.9m. The dwellinghouse would be set back from Station Road by approximately 11m (at the closest point), with the garage and carport being a further 5m back. The distance between the rear of the proposed dwellinghouse and the existing house would be 22.5m. The dwellinghouse and garage/carport would be set at approximately 1.2m above the level of Station Road.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QTEXSDBZJXF00>

Design and Access Statement by Kasia Antoszyk (May 2021) – provides a summary of the proposal; a description of the site, its character and identity; and provides further details regarding the design, materials and character of the proposal.

Report by Kasia Antoszyk (July 2021) – provides further detail in regard to the character of the site and the history of the area, in reference to the Supplementary Guidance: ‘The Sub-Division and Redevelopment of Residential Curtilages’.

Policy and Neighbouring Applications Study by Kasia Antoszyk (August 2021) – provides details of an application (ref. 171444/DPP) deemed to provide a precedent for the current application and how the current application complies with the Supplementary Guidance: ‘The Sub-Division and Redevelopment of Residential Curtilages’.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than 5 timeous letters of objection have been received and thus falls out with the Council’s Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – The new driveway is required to meet the road at 90 degrees – this does not appear to be the case. A channel drain is required at the interface between the new driveway and the road, and no loose material should be used in the first 2m of the driveway to prevent it being carried out with the property boundary.

ACC - Waste and Recycling – No objection. Have provided details on the waste facilities required for one dwelling.

Cults, Bielside and Milltimber Community Council – Object to the application, noting two principal concerns. Firstly, the proposed property would have no right to vehicular access via Station Road as a result of the A90 (AWPR) Special Road (Extinguishment of Public Rights of Way) Order 2010 and Station Road being privately owned. The Community Council also deprecate any additional vehicle movements on this section of the Deeside Way, to the potential detriment of walkers, cyclists and horse riders. Secondly, while the resulting plot ratios from the split would conform to Supplementary Guidance, the splitting of this feu would disrespect the established pattern of development of the neighbouring houses and gardens and would thus contravene Policy H1 of the Aberdeen Local Development Plan 2017 and Supplementary Guidance para 3.1.

REPRESENTATIONS

A total of 19 objections were received, the matters raised can be summarised as follows:

Access and Traffic

- It would open up the only access to Station Road from the north side and could potentially cause a new traffic hazard.
- None of Milltimber Brae East properties have access to Station Road.
- Applicant refers to Station Road as a public road when in fact it is a private road.
- The A90 Special Roads Order (2010) prevents any new vehicular access to Station Road.
- The condition of Station Road will deteriorate following the use of heavy construction vehicles required for the proposal.

Trees and Wildlife

- The proposal will result in the loss of mature trees and shrubs.
- Adverse impact on wildlife.

Residential Amenity

- Concerns regarding the overlooking of 2 Milltimber Brae East from expansive glazing on the rear of the proposed dwelling.
- Loss of light to 2, 4 and 6 Milltimber Brae East and two properties on Station Road.

Character and Appearance of Surrounding Area

- Unacceptable impact on the character of this low-density residential area.
- Garden will be much smaller in comparison to surrounding properties which offer generous garden space.
- Detrimental impact on Station Road which retains its traditional rural and natural appearance.
- The proposal would demolish a section of the drystone dyke that runs the length of Milltimber Brae East.
- The proposal would create a new line of houses along the north side of Station Road.
- Apart from 2 Milltimber Brae East, neighbouring properties are bungalows.
- Overdevelopment of the site.
- The removal of established trees would create a view of the development which does not currently exist on Station Road.

Other Considerations

- Photographs supplied with the application are inaccurate.
- At risk of setting a precedent for similar development in the area.
- The proposed dwelling exceeds the height permitted in Milltimber for properties to the south side of a split feu.
- Obstruction of Station Road affecting houses on the road and other users of the Deeside Way.
- Further build in the area would cause residents further stress and uncertainty.
- Proposal will increase flood risk on Station Road.
- Proposal breaches the minimum separation distance of 18m of neighbouring properties.
- The south-west view from 8 Milltimber Brae East will be obstructed.
- Proposal risks the disruption to services for households along Stations Road and 8 Milltimber Brae East.
- The proposal is purely for the financial gain of the applicant.

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 NE8 – Natural Heritage

Policy R6 – Waste Management Requirements for New Development

Policy R7 – Low and Zero Carbon Building and Water Efficiency

Policy T2 – Managing the Transport Impact of Development

Supplementary Guidance (SG)

The Sub-Division and Redevelopment of Residential Curtilages
Transport and Accessibility
Trees and Woodlands
Natural Heritage

Proposed Aberdeen Local Development Plan (2020)

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 NE3 – Our Natural Heritage

Policy NE5 – Trees and Woodland

Policy R5 – Waste Management Requirements for New Development

Policy R6 – Low and Zero Carbon Building and Water Efficiency

Policy T2 – Sustainable Transport

EVALUATION

Principle of Development

The application site is located within a residential area as identified in the ALDP and Policy H1 applies. This policy sets out that residential development is generally acceptable provided it: would not result in overdevelopment of the site; would not have an adverse impact on the character and amenity of the surrounding area; would not result in the loss of valued and valuable open space; and would comply with relevant Supplementary Guidance, in this case the Subdivision and Redevelopment of Residential Curtilages.

The proposal would not result in the loss of any open space given that it is located within the curtilage of a residential property. Other issues are discussed in the evaluation below.

Layout, Design and Scale

Policy D1 of the ALDP 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. The SG sets out that the location and size of any new dwellings must be in keeping with the established spatial character and built form of the surrounding area. The following should be adhered to:

- New dwellings must respect the established pattern of development formed by the relationship between buildings and their surrounding spaces.
- The scale and massing of the any new dwellings should complement the scale of surrounding properties.
- The density of the surrounding area should be reflected in the development proposals for the new and existing property. Generally, no more than 33% of the total site area should be built upon.
- New dwellings should generally not project forward of any established building line.
- High quality design and materials – including design components – which enhances and respects the character and appearance of the surrounding area will be encouraged.

In this case, the proposal is for a curtilage split and construction of a new two storey, detached dwelling. The existing site measures c.1896sqm, with the dwelling having a footprint of c.241sqm, resulting in a development ratio of c.13%. Following the curtilage split, two smaller plots would be created, with the one serving the existing dwelling extending to c.903sqm, and the newly created plot extending to c.1023sqm. Therefore, the proposal would result in a plot ratio of c.27% for the existing dwelling and, based on a footprint of c.230sqm for the new dwelling and garage, of c.22% for the new dwelling.

It is acknowledged that these figures are lower than the maximum level of development suggested by the SG (33%). However and importantly, this cannot be considered in isolation and the SG sets out that the density of the surrounding area should be reflected in the development proposal for both the existing and new property. Milltimber Brae East is characterised by large, detached houses set in generous sized gardens with a somewhat established building line – particularly numbers 1-6 Milltimber Brae East. It is acknowledged that the house known as ‘The Mearns’, which resulted from a feu split more than 30 years ago and a dwelling approved by the Planning Development Management Committee in 2018 (application reference 171444/DPP) are, or will be accessed from Station Road. These dwellings are located on the far eastern side of Station Road and relate to previous feus forming part of dwellings on North Deeside Road, not Milltimber Brae East. With the exception of the aforementioned dwellings, no properties are accessed via the north side of Station Road. The houses along the south side of Station Road have a different pattern of development and cannot be compared to the current proposal. Within the Design and Access Statement submitted as part of the application, it is stated that ‘*there is a strong building line on Milltimber Brae East and a line of larger rear gardens along Station Road*’. Later, within the Supporting Statement titled ‘Report’ it is stated that ‘*there is no established building line on Milltimber Brae East at all*’. Nevertheless, the application site, the two houses to its west and the single house immediately to its east present a lower density character, with similar patterns of development and the introduction of a new house in the front garden would disrupt this pattern. Currently, no houses forming part of Milltimber Brae East are accessed from Station Road. The new two storey dwelling and access onto Station Road would be visually dominant and would have a detrimental visual impact on the semi-rural ambience of the area, specifically along the northern side of this road which is continually lined by a drystone dyke and trees and thus, the proposal would considerably change this character of the area. Further to this, precedent can be a legitimate planning consideration, in particular where the potential for cumulative impacts could arise. A precedent could be set for similar feu-splits along Milltimber Brae East and in the surrounding streets which, in aggregate, would change the low-density character and established pattern of development in the area, to the detriment of the existing amenity and character of the area.

While there is a mixture of architecture in the immediate area and thus, the contemporary approach the proposed dwelling displays would be acceptable, as the proposal would not respect the existing building line nor the overall density or established pattern of development of the immediate area and thus has not been designed with due consideration for its context, the

proposal would be contrary to the guidance contained within the SG: 'The Sub-Division and Redevelopment of Residential Curtilages' and thus, Policies D1 and H1 of the ALDP.

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. In order to help achieve this, the SG sets out core requirements, as follows:

- New dwellings should not adversely affect the existing dwellings residential amenity in terms of privacy, overlooking, daylighting or sunlight.
- There should be a minimum separation of 18 metres between the windows of existing and proposed habitable rooms.
- Rear gardens should have an overall length of at least 9m, which should be conveniently located immediately adjoining the residential property and be of a layout which makes it 'usable' in respect of functionality and privacy.

In this instance, the rear elevation of the proposed dwelling, facing the rear elevations of dwellings on Milltimber Brae East, would incorporate substantial glazing serving one bedroom and living space at ground floor level and three bedrooms at first floor level. Gable ends of the dwelling would be blank. There would be a minimum separation distance of 22.5m between the existing and new dwelling, with the floor level of the existing dwelling sitting approximately 4.7m higher than the floor level of the proposed dwelling, ensuring that the proposal would not result in a significant loss of privacy/excessive overlooking. In addition, the separation distance of 22.5m is sufficient to ensure that the proposal would not result in a significant loss of light or overshadowing to this property. It is acknowledged that the current outlook from the existing dwelling, looking southwards, overlooks the expansive and mature garden ground. While the proposed dwelling would sit lower than that of the existing dwelling, it is recognised that the outlook would nevertheless change. What before was an expansive outlook, would change to feeling somewhat compact. While the outlook of the existing dwelling would change, due to the difference in levels between the two dwellings, it is not considered that this would significantly adversely impact the enjoyment of the existing dwelling.

The proposed dwelling would be built along the eastern mutual boundary with 6 Milltimber Brae East, resulting in an increase in shadow cast to the garden ground of this property. However, this impact would only be apparent in the late evening and given the extent of garden ground which would be unaffected, it is considered that the impact would not be of a significant duration or magnitude. Additionally, due to the orientation of the proposed dwelling in relation to this property, it is not considered that there would be any significant impact on the level of privacy currently afforded to this property.

Both the existing property and the new dwelling would have private rear gardens exceeding 9m in depth which would provide a good level of amenity for existing and future residents.

Taking together, the proposal would not have an adverse impact on the residential amenity of neighbouring properties and would result in a good level of accommodation for the new dwelling, in compliance with the relevant parts of Policies H1 and D1 and SG on Subdivision and Redevelopment of Residential Curtilages.

Impact on Trees

Policy NE5 states that there is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands (regardless of whether they have statutory protection). The SG also sets out that care should be taken to position new buildings to minimise potential disturbance to the root system of tree canopies. Appropriate measures should

be taken for the protection and long-term management of existing trees and new planting both during and after construction. The loss of mature or attractive garden trees which make a contribution to the visual amenity of the neighbourhood would not be acceptable.

The proposal would result in the loss of four trees. It is not only the immediate tree loss that is a concern, but also the future impact and likely further loss of trees. The proximity of the proposed building to the existing tree stock poses a number of issues. The proposed new building significantly impacts the available future rooting environment which will be required to ensure healthy stable future growth. In addition, the proximity of the trees immediately adjacent to the south facing elevation will have a significant impact on light levels reaching the house and future work will be required to maintain a physical distance between the proposed building and tree stock.

Overall, the proposal does not leave sufficient space between the existing tree stock and the proposed dwelling to allow for future retention. The shear proximity of the trees to the proposed building will cause future conflict in terms of poor light levels and concerns regarding proximity as the trees become larger. Therefore, the proposal fails to comply with Policy NE5 (Trees and Woodlands) of the ALDP and the SG: 'Trees and Woodlands'.

Natural Heritage

As some trees may be mature enough to have bat roost features, a Preliminary Bat Roost Assessment was requested and submitted as part of the application. It advised that the trees had either low or negligible bat roost potential. This is accepted; however, should felling or any work near the trees take place, it is recommended that a suitably qualified bat surveyor is present. Subject to this, it is considered that the proposal would comply with Policy NE8 (Natural Heritage) of the ALDP and the SG: 'Natural Heritage'.

Parking and Access

As per the Transport and Accessibility SG, the proposal would require 3 off-street car parking spaces which are noted to be provided via a garage, car port and large driveway. The proposed garage sufficiently exceeds the required internal dimensions set out by the SG: 'Transport and Accessibility'. In terms of access, the existing dwelling gains vehicular access from Milltimber Brae East, while the proposed site layout shows access via Station Road. While a cross-section has been submitted showing the gradient of the proposed driveway, and details regarding drainage and the material, the Roads Development Management Team noted that the driveway would not meet the road at 90 degrees, as per the proposed site plan. Should the committee be minded to approve the application, the geometry of the driveway could be sought and controlled by condition by seeking additional information regarding the access and driveway from the applicant/developer prior to commencement of development. Subject to this condition, the proposal would comply with Policy T2 of the ALDP and the Supplementary Guidance: 'Transport and Accessibility'.

Waste

Policy R6 requires new development to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. The proposed site layout does not show a dedicated area for refuse bins. Nevertheless, colleagues in Waste Services have no objection to the proposal but have provided details of the required waste facilities which would be relayed to the applicant if permission was granted. The proposal would therefore be considered compliant with Policy R6 of the ALDP.

Low and Zero Carbon

Policy R7 sets out that all new buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology. In addition, all new buildings are required to use water saving technologies and techniques. No information on how these targets are met were

submitted as part of this application. However, this information would generally be requested via a condition.

Matters Raised by the Community Council

The proposed property would have no right to vehicular access via Station Road as a result of the A90 (AWPR) Special Road (Extinguishment of Public Rights of Way) Order 2010 and Station Road being privately owned. The Community Council also deprecate any additional vehicle movements on this section of the Deeside Way, to the potential detriment of walkers, cyclists and horse riders. Secondly, while the resulting plot ratios from the split would conform to Supplementary Guidance, the splitting of this feu would disrespect the established pattern of development of the neighbouring houses and gardens.

Officers in the Roads Development Management Team have advised the 2010 Order states that Station Road will be 'an alternative right of way, not being a right of way enjoyable by vehicular traffic', suggesting that it will not be a through-road for any traffic, as opposed to not permitting any new driveways onto the road. It is not considered that a single driveway in this location would have any material impact on the AWPR. Roads Development Management Team have not given rise to any concerns in respect of the road safety of other road users along station road. The pattern of development has been discussed in the foregoing evaluation: 'Layout, Design and Scale' whereby it is considered that the proposal would disrupt the existing pattern and density of development.

Matters Raised in Representations

Access and Traffic

While the proposal is likely to give rise to additional vehicles using Station Road, the level of uplift is considered to be negligible and consultation with the Roads Development Management Team has not given rise to any concerns in this respect. As noted above, the A90 Special Roads Order (2010) sets out that Station Road will not be a through-road for any traffic, the prohibition of new driveway accesses is not detailed. Station Road being a private road and the potential deterioration of its condition are not material planning considerations in the determination of this planning application.

Trees and Wildlife

Impact on trees and wildlife has been discussed in the foregoing evaluation: 'Impact on Trees' and 'Natural Heritage' whereby the proposal is considered contrary to Policy NE5 of the ALDP. In terms of wildlife, the preliminary bat roost survey identified the bat roost potential as low or negligible. Additionally, should the application be approved, the Tree Report advises that no tree works should be carried out between November and March to ensure that nesting birds are not present.

Residential Amenity

Proposed windows to the rear would be located a minimum distance of 12m from the western mutual boundary with 2 Milltimber Brae East and 25m from the rear elevation of this dwelling. This separation should prove sufficient to design-out any potential undue intrusion of privacy. As discussed in the foregoing evaluation: 'Impact of Residential Amenity' it is considered that the dwelling would be located sufficiently distant from neighbouring dwellings to result in no significant loss of internal daylight levels.

Character and Appearance of Surrounding Area

The impact of the proposal on the character and appearance of the area has been discussed in the foregoing evaluation: 'Layout, Design and Scale' whereby the impact on the semi-rural character and the existing building line has been discussed.

Other Considerations

Potential obstruction caused by the development; the impact and disruption this could cause to neighbouring households; the obstruction of views; and the motive of the applicant for pursuing the proposal are not material planning considerations and therefore, are not assessed. There is no stated height permitted in Milltimber for properties to the south side of a split feu. The site is not located within an identified area for flooding thus, it is considered that flood risk is relatively low. A separation distance of 18m is a general guide for windows which face each other – this distance can be reduced if the angle between the windows of the existing and proposed residential properties is offset. In regard to the inaccurate photographs, additional, more recent, photographs have been provided separately by the agent.

Proposed Aberdeen Local Development Plan (2020)

In relation to this particular application, the Policies D1, H1 and NE5 in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the Adopted Local Development Plan and the proposal is not acceptable in terms of both Plans for the reasons previously given.

Conclusion

Overall, the pattern of development which is being proposed is deemed out of character with that of the immediate area. The proposal does not accurately reflect the immediate context within which the application site lies, in terms of density and building lines of surrounding properties. It would be visually intrusive within this long established landscape character, to the detriment of the visual amenity of the area. Additionally, the proposal would result in the removal of trees which make a contribution to the character of the area and would result in the dwelling being located within close proximity to existing trees, effecting the stability of their future. Therefore, the proposal fails to accord with Policies D1, H1 and NE5 of the Aberdeen Local Development Plan, in addition to the SG: 'The Sub-Division and Redevelopment of Residential Curtilages' and 'Trees and Woodlands'.

Should the Committee be minded to approve the application, conditions would be required including those relating to: the geometry of the driveway, and the formation of the driveway as so agreed; details of how low and zero carbon targets are to be met; and an advisory note relating to waste facilities.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposal would not respect the existing building line nor the overall density or established pattern of development of the immediate area; would be detrimental as a single development to the character of the area; and would set an unwelcome precedent for similar developments in the immediate area which would cumulatively erode the existing character and amenity of the area. Furthermore, the proposal fails to leave sufficient space between the existing tree stock and the proposed dwelling to allow for future retention. On the basis of the above, it is considered that the proposal fails to accord with Policies D1 (Quality Placemaking by Design), H1 (Residential Areas), and NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan 2017; the associated Supplementary Guidance: 'The Sub-Division and Redevelopment of Residential Curtilages' and 'Trees and Woodlands'; and Policies D1, H1 and NE5 of the proposed Aberdeen Local Development Plan 2020. It is considered that there are no material planning considerations of sufficient weight that warrant approval of the application contrary to the above policy and guidance.