

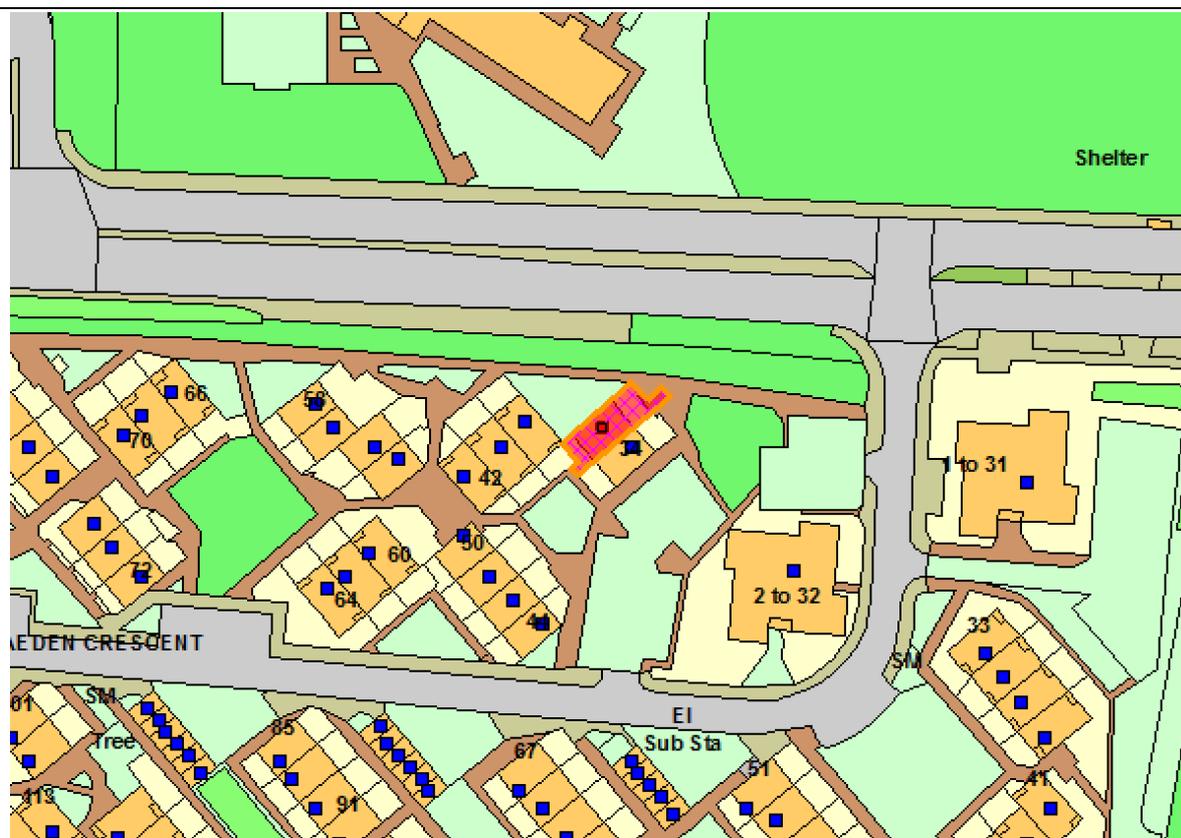


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 20 January 2022

<b>Site Address:</b>	36 Raeden Crescent, Aberdeen, AB15 5WJ
<b>Application Description:</b>	Erection of single storey extension to rear
<b>Application Ref:</b>	210972/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	5 July 2021
<b>Applicant:</b>	Mr E McMillan
<b>Ward:</b>	Mid Stocket/Rosemount
<b>Community Council:</b>	Rosemount and Mile End
<b>Case Officer:</b>	Roy Brown



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## **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site comprises a two-storey semi-detached dwellinghouse, its associated front and rear curtilage and a communal drying area adjacent to the residential curtilage, located in a residential area.

The dwellinghouse has a southwest facing principal elevation that fronts communal open space and a footway. It is adjoined by 34 Raeden Crescent to the southeast and is bounded to the northwest and northeast by open space and a public footpath. Approximately 10m to the north of the site is a dual carriageway, Westburn Road.

The ground level slopes from the southwest to northeast and thus the rear elevation is c.0.8m lower in ground level than that of the principal elevation.

The surrounding area of Raeden Crescent is characterised by uniformly designed single storey and two-storey terraced and semi-detached dwellings.

### **Relevant Planning History**

Planning permission (Ref: 191508/DPP) was refused on 10<sup>th</sup> December 2019 for the erection of front and rear dormers and a single storey rear extension on the property. It was refused due to the incompatible design and scale of the dormers and the decision was upheld by the Local Review Body. Its Report of Handling stated: *'It must be emphasised that planning permission is refused due to the design and scale of the proposed dormers but not that of the extension.'* There was no reference to the single storey extension in the reasons for refusal.

The single storey extension proposed in that application was of similar design and form to the extension proposed.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Planning permission is sought for the erection of a single storey extension to the (northeast) rear of the dwelling. The extension would have a lean-to roof with a maximum height of c.4.5m and c.3.5m high eaves. It would be c.5.5m in width and would project c.2.4m from the rear elevation along the boundary shared 34 Raeden Crescent. It would be finished in brick, roof tiles to match the existing building and would have a uPVC door, fanlight and window.

The plans indicate that two rooflights are proposed on the southwest elevation and a new window opening is proposed on the northwest elevation of the dwellinghouse. These alterations would fall within the provisions of Class 2B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. They therefore do not require express planning permission and are therefore not included in the application.

### **Amendments**

In agreement with the applicant, the following amendments were made to the application:

The application has been reduced in scale so that only a single storey extension is proposed rather than the two-storey extension that was initially proposed. The finishing materials have been

revised to be brick and to have roof tiles to match the existing building. This change required the re-notification of the application, which was carried out in November 2021.

### **Supporting Documents**

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QVRW3VBZLGL00>

### **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 because the Rosemount and Mile End Community Council has objected to the application.

This community council has been dis-established since the submission of the objection. However, as they were the recognised local Community Council at the time of their objection, their response is considered a Local Community Council objection in terms of the Aberdeen City Council Consolidated Schemes of Delegation for Planning and Related Applications.

### **CONSULTATIONS**

**Rosemount and Mile End Community Council** – Objection – Concerns raised with respect to the initial submission for a two-storey extension. The proposed extension is too large, would cover more than 50% of the rear curtilage, it would be out of character and of inappropriate finish, which would be of particular concern due to it being readily visible from public areas. The proposal would be particularly dominating to the public footpath to the north due to its close proximity, design and scale. Many flatted properties to the east of the development which are likely to be impacted by it may not be aware it has been submitted as they were not notified.

### **REPRESENTATIONS**

7 timeous representations objecting to the application have been received overall, this includes any additional comments received due to the re-notification of the application in light of the amendments submitted. The matters of concern raised can be summarised as:

- The design, materials and scale of the extension would not be compatible with original dwelling, the site and the surrounding area. The proposal would conflict with the Supplementary Guidance: 'The Householder Development Guide'.
- The proposal would adversely affect the amenity afforded to 34 Raeden Crescent by overshadowing its curtilage and would appear dominating and overwhelming to users of the public footpath to the north, given its proximity and brick construction.
- The proposal could impact the drainage of the adjacent property.
- Concern raised with respect to the design and scale of the initially submitted proposal to erect a two-storey extension and its impact on residential amenity.
- There are discrepancies in the drawings as they show that the extension would be built in brick, but the notes identify the use of both standing seam cladding and brick. It is also argued that the plans over-state the size of the rear curtilage.

- The planning history is confusing. The proposal was included on the Planning Development Management Committee agenda as a two-storey extension. An application for a two-storey extension may be submitted in the future.
- Concern that the inclusion of the drying area within the site boundary would result in a change of use of the space from amenity space to garden ground, and concern that this could set an unwelcome precedent.
- The accuracy of the Land Ownership Certificate submitted with the application is disputed.

## **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.

### **Development Plan**

#### Strategic Development Plan

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified. (or state otherwise)

#### Local Development Plan

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan (ALDP) will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

Policy D1 - Quality Placemaking by Design

Policy H1 - Residential Areas

### **Supplementary Guidance (SG)**

The Householder Development Guide (HDG)

### **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 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. 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. The following policies of the Proposed ALDP are of relevance:

Policy H1 - Residential Areas

Policy D1 - Quality Placemaking

Policy D2 - Amenity

## **EVALUATION**

### **Principle of Development**

The application site is located in a residential area, under Policy H1 of the ALDP, and the proposal relates to householder development. Householder development would accord with this policy in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area, does not result in the loss of valued open space, and it complies with the Supplementary Guidance, in this case the Householder Development Guide (HDG).

This proposal would comprise development that would be located in the existing private residential curtilage. Therefore, it would not result in the loss of publicly valued open space.

The other issues are assessed in the below evaluation.

### **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.

The Supplementary Guidance: 'The Householder Development Guide' states that given the wide variety of house types across the city and the existence of 'dual-frontage' dwellings, it will be for the planning authority to determine which elevation forms the principal elevation of a dwelling for the purposes of this guidance. In assessing this proposal against the HDG, it is recognised that both the northwest and southeast elevations of this dwelling are public facing and the fenestration of the windows and doors on each are characteristic of a principal elevation. Nevertheless, the southwest elevation is the principal elevation in that it, like the adjacent properties, fronts the residential court serving Raeden Crescent and the southwest curtilage is of layout and design solely characteristic of front curtilage. The rear elevation fronts open space and the curtilage to the northeast contains features characteristic of being rear curtilage. Therefore, the planning service considers that the southeast elevation of this dwellinghouse is unambiguously the principal elevation and, as such, the development constitutes a rear extension.

The proposed extension would be ancillary to the original dwelling in terms of its single storey lean-to form and its ancillary maximum and eaves heights that would be significantly less than of

the original dwelling. The proposed extension would comply with the guidance in the HDG for rear extensions in that it would project significantly less than 4m along the boundary shared with the adjacent property, 34 Raeden Crescent as it would project c.2.3m to the rear along the mutual southeast boundary.

The finishing materials and, in particular the use of brick and roofing tiles, would match and thus complement the use of those on the original dwelling. The use of brick would correspond with the basecourse of the original dwelling. Given the extension would be readily visible from public vantage points on Westburn Road to the west, north and east, should the application be approved, it would be subject to a condition requiring the finalised details of the finishing materials of the development to be submitted to the Planning Service for consideration.

In compliance with the HDG, the proposal would not result in the footprint of the dwelling being doubled as the footprint of the dwelling as extended would be 23% greater than that of the original dwelling. The rear curtilage covers an area of c.27.3sqm, noting that the area of drying area and the minor strip of land at the northwest of the site does not form part of the residential curtilage and is therefore not included in this figure. The proposed extension would have a built footprint of c.12.8sqm. Therefore, c.47% of the rear garden ground would be covered by development. As such, it would comply with the HDG in that no more than 50% of the rear curtilage would be covered by development as a result of the proposal.

Whilst it would be readily visible from Westburn Road and there are indeed no similar extensions on the rear of the similar dwellings in the surrounding area, this does not mean that no development of this nature would be acceptable, but that the Planning Service needs to give due consideration to the character of the area. Overall, it is considered that the design and scale of the proposed single storey extension would be architecturally compatible with the original dwelling and the surrounding area. Therefore, it would not adversely affect the character and visual amenity of the surrounding area and given its ancillary scale and footprint, the proposal would not constitute over-development. As such the design and scale of the development would comply with Policies H1 – Residential Areas and D1 – Quality Placemaking by Design of the ALDP and the Supplementary Guidance.

### **Residential Amenity**

Established using the 45-degree sunlight method in the HDG, the extension would not overshadow the habitable rooms of any neighbouring property. Whilst c.1sqm of the rear curtilage of 34 Raeden Crescent would be overshadowed by the development, the impact to the level of sunlight afforded to 34 Raeden Crescent would be very limited and would have negligible impact on their residential amenity. Overall, just c.4% of the total area of the rear curtilage of 34 Raeden Crescent would be affected, the development is to the northwest of the affected space and thus would only impact the space on very limited hours, and the affected space is already overshadowed by the dwellings of 34 and 36 Raeden Crescent themselves.

The 45-degree daylight method in the HDG shows the proposal would adversely affect the level of background daylight entering the glazed rear door of 34 Raeden Crescent. However, as the room is a kitchen rather than a habitable room and the room is also served by a large window, the impact on this window would have negligible impact on the level of residential amenity afforded to that dwelling.

The proposed extension would not adversely affect the level of privacy afforded to the adjacent property given its windows would be on the northeast elevation similar to the existing windows on the dwelling.

As such, it is considered that the proposed extension would not impact any other property in terms of sunlight, daylight or privacy given its distance from other residential properties. The proposed

extension would therefore have a negligible impact to residential amenity in terms of privacy, sunlight and background daylight, in accordance with Policies H1 and D1 of the ALDP, and the HDG.

### **Matters Raised by the Rosemount Community Council**

It is considered that the concerns raised with respect to the design, materials, scale and footprint of the initially submitted two-storey extension have been satisfactorily addressed through the amendments to the application and through a condition regarding the materials.

The comments note that some properties were not notified and may not be aware of the application. The planning authority notified all neighbouring properties within 20m of the application site, as required by Regulation 18 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, as amended. Any properties outwith 20m of the application site were therefore not notifiable neighbours, nevertheless, any member of the public has the opportunity to comment on a planning application should they wish to do so.

With respect to concern that the flats (1-31 and 2-32 Raeden Crescent) are likely to be impacted by the development, given the significant distance from the development from these residential properties and the minor scale of the development, the proposal would have no impact on the residential amenity afforded to those properties.

### **Matters Raised in the Representations**

#### Amenity

The concerns raised with respect to the impact on residential amenity have been satisfactorily addressed through the submission of revised plans to reduce the extension to the single storey extension proposed and its above evaluation. The proposal would be of ancillary scale and form and would not adversely affect the level of amenity afforded to the users of the public footpath to the north.

#### Design and Scale

The concerns raised with respect to the design and scale have been satisfactorily addressed in the above evaluation and through the revision to reduce the proposal to a single storey extension. The extension has been revised so that its footprint would cover less than 50% of the rear curtilage.

#### Application Description Changes

The development has been amended since submission to be a single storey extension. Neighbours were re-notified once these revised plans had been submitted.

Whilst the application was included on the Planning Development Management Committee Business Planner of the 9<sup>th</sup> December 2021 PDMC Agenda Pack as a '2 storey extension', it must be highlighted that the agenda pack is indicative and not relevant in the determination of this application. The application description has been amended since that document was written and the application processed in the correct manner as a result.

Notwithstanding the application site includes a drying area to the northeast of the rear curtilage within the red line boundary, the application solely relates to the erection of a single storey extension within existing residential curtilage. The application does not include the change of use. This would require planning permission separately.

Every planning application is assessed on its own merits and any application that may be submitted in the future would be processed in accordance with statutory requirements against the relevant material planning considerations at that time.

### Discrepancies

As revised, there are no discrepancies in the proposed plans regarding the finishing materials. An appropriately worded condition requiring the finalised details of the finishing materials in advance of initiation of development would ensure they are acceptable.

### Drainage

The ancillary footprint of the development relative to the abundance of surrounding open space means that the proposal would have negligible impact on drainage in the area.

### Land Ownership Dispute

Dispute regarding the ownership of the land is not a material planning consideration but is instead a civil matter to be settled between the relevant third parties.

The applicant has submitted a Land Ownership Certificate certifying that they are sole owner of all land on the application site. Upon receipt of the objections disputing the accuracy of this, the agent has confirmed that the certificate is indeed correct. There is no burden on Aberdeen City Council to probe the legitimacy of the certificate and it is the responsibility of the applicant and not the planning authority to certify that this has been served correctly.

### **Proposed Aberdeen Local Development Plan**

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

### **RECOMMENDATION**

Approve Conditionally

### **REASON FOR RECOMMENDATION**

Subject to an appropriately worded condition requiring finalised details of the finishing materials, the proposed single storey extension would be architecturally compatible in design, footprint height, form, materials and scale with the original dwelling and the surrounding area. The proposed extension would have a negligible impact on the residential amenity afforded to the neighbouring residential properties, notably 34 Raeden Crescent. The proposal would therefore not adversely affect the character and amenity of the surrounding area. It would therefore comply with Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: ‘The Householder Development Guide; and Policies D1 – Quality Placemaking, D2 - Amenity and H1 – Residential Areas of the Proposed Aberdeen Local Development Plan 2020.

### **CONDITIONS**

1. That no construction related to the extension shall take place unless finalised details of the finishing materials to the walls and roof of the development have been submitted to, and approved in writing by the planning authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding area.