

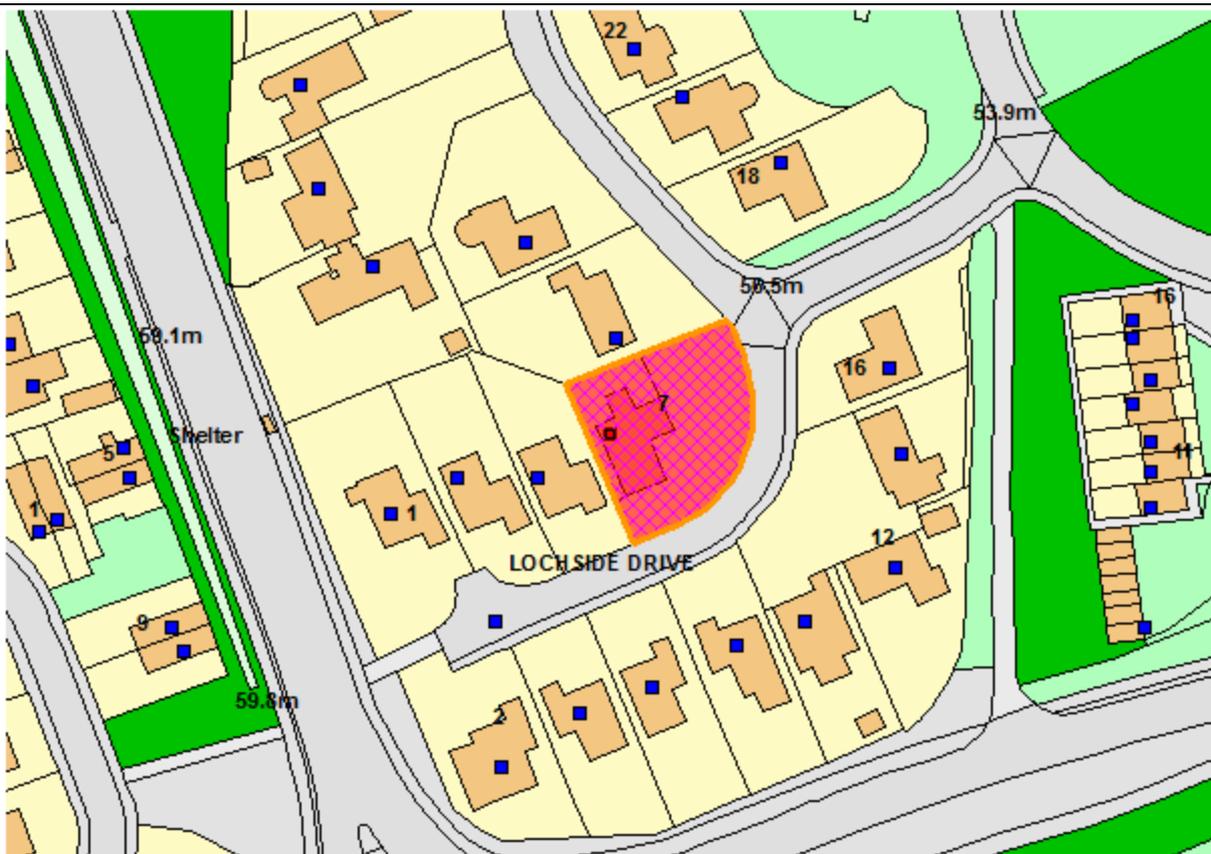


Planning Development Management Committee

Report by Development Management Manager

Committee Date:

Site Address:	7 Lochside Drive, Aberdeen, AB23 8EH
Application Description:	Erection of log cabin to side (part retrospective)
Application Ref:	220278/DPP
Application Type	Detailed Planning Permission
Application Date:	7 March 2022
Applicant:	Mr Eric Pirie
Ward:	Bridge of Don
Community Council:	Bridge of Don
Case Officer:	Rebecca Kerr



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is located to the north of Aberdeen, in the Denmore neighbourhood, which is part of the wider established residential area of the Bridge of Don. Access to Lochside Drive is gained from Lochside Road, which joins the Parkway (A92) just east of the Scotstown roundabout junction. The application site is visible from and bound by Lochside Drive to the east and south as the road splits to provide access to other properties. The remainder of the site is bound by 9 Lochside Drive to the north and 5 Lochside Drive to the west. The application site occupies a corner plot situated on a curve in the road and its front, rear and side curtilages combined totals approximately 724sqm. The application dwelling is a single storey bungalow, which is a L-plan form with an attached single side garage located to the east, set-back 7m from the main frontage with driveway to front. A small conservatory is located to the rear (north) elevation, positioned centrally on the rear elevation. To the side of the dwelling is a large area of soft landscaping which is primarily grass with 2 small trees.

Relevant Planning History

No relevant planning history.

APPLICATION DESCRIPTION

Description of Proposal

The application seeks planning permission for the erection of a detached ancillary 'log cabin' outbuilding and associated landscaping, situated within the curtilage of the existing dwelling. The application is part retrospective as the applicant stated they were unaware the log cabin structure required planning permission. The log cabin is largely constructed however the roof finishing material, privacy screening and associated soft landscaping have not been completed.

The log cabin outbuilding is located on the eastern side of the existing dwelling, in an area of the side curtilage where fencing has been recently extended to include an additional 100sqm of land within the overall area of self-contained rear garden ground.

The proposal creates an additional 26sqm of ancillary accommodation through construction of a prefabricated timber log cabin with pitched roof and double-glazed timber windows and doors. The log cabin features a covered porch/deck area (8.5sqm) with frosted acrylic perspex privacy screens to the north side. The cabin measures 6.5m in length, 4.5m in width and is 2.9m high, it is finished in natural timber with a proposed roof finish of dark grey felt shingles.

Amendments

None.

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=R8D7KZBZL7O00>

- *Supporting Statement: Response to Representations (14 April 2022)*

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than 5 timeous objections from the public have been received and thus, the application falls out with the Council's Scheme of Delegation.

CONSULTATIONS

Bridge of Don Community Council – none received.

REPRESENTATIONS

The application has received a total of 12 representations, 3 in support and 9 objecting to the development. The matters raised can be summarised as follows:

Support

1. No salient objection to the application.
2. The log cabin doesn't affect the overall character of the street/area.
3. Times have changed since development of estate in 1970s and new owners want to capture the most of their gardens instead of all open space.

Objection

1. No clear dimensions of the log cabin or distances to neighbouring properties on plans.
2. Loss of day/sunlight receipt to neighbouring property (9 Lochside Drive).
3. Loss of view/outlook from 9 Lochside Drive.
4. Overlooking and loss of privacy to bedroom window of adjacent property (9 Lochside Drive).
5. Noise disturbance from social use of the log cabin.
6. Size and scale of log cabin.
7. Cabin is outside and extends beyond the original building line of the street.
8. Not in keeping with open plan ethos of the Denmore Estate and gives negative impression.
9. Eyesore, spoils outlook, especially when entering the street and for properties overlooking 7 Lochside Drive.
10. Sets precedence for similar structures to be erected without obtaining planning permission.
11. Concerns regarding drainage of the structure and excess water impacting neighbouring property.
12. No effort made to blend the building in.
13. Impact on future property resale values.
14. Concern how something so large could have been erected without consent.
15. Area is not part of the original curtilage and the surrounding fence was erected initially too high without consent.
16. Some well-established trees were removed to accommodate the log cabin.

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.

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)

Aberdeen Local Development Plan 2017 (ALDP)

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 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 –

- H1 – Residential Areas
- D1 – Quality Placemaking by Design

Supplementary Guidance (SG)

- Householder Development Guide SG

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 are relevant –

- H1 – Residential Areas
- D1 – Quality Placemaking
- D2 – Amenity

EVALUATION

Principle of Development

The application site lies in an area zoned on Aberdeen Local Development Plan 'proposals map' as 'residential area' and is covered by Policy H1 (Residential Areas). Policy H1 states that a proposal for householder development will be approved in principle if it:

1. does not constitute over development;
2. does not have an unacceptable impact on the character and amenity of the surrounding area;

3. does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and
4. complies with Supplementary Guidance (SG).

The proposed development is related to the erection of a log cabin structure to the side elevation of the existing dwelling, within the residential curtilage. The area of ground to the front and side of the dwelling has been stated on the application form as being within the ownership and control of the applicant. The area of land in question is also indicated on 'ScotLIS' (Scotland's Land Information Service) website as forming part of the title deeds for the dwelling and is therefore understood not to be part of the communal public open space / amenity grounds for the wider Denmore Estate. Due diligence has been undertaken to confirm that this area of ground is not an area of amenity land owned or maintained by the Council. The communal open space and amenity grounds for the estate are managed privately through a factoring arrangement. Furthermore, the area of ground is not identified as a 'Local Open Space' or 'Natural Green Space' in the Open Space Audit 2010 and therefore no loss of open space would occur as a result of development – in accordance with point 3 above. The remaining points 1, 2 and 4 of Policy H1 (Residential Areas) will be discussed in the evaluation below in order to assess the impact of the proposed development on the character and amenity of the area, whether it constitutes overdevelopment and compliance with relevant Supplementary Guidance.

Scale, Design and Impact on Surrounding Area

The relevant SG in this instance is the Council's 'Householder Development Guidance', which outlines general principles for householder developments. Proposals should be architecturally compatible in scale and design with the original house and its surrounding area, materials should be complementary to the original building and any alteration should not serve to overwhelm or dominate the original form or appearance of the dwelling and be visually subservient in terms of height, mass and scale.

The Householder Development Guide also outlines specific criteria to be addressed when considering outbuildings which are relevant to this proposal, including that they must be subordinate in scale to the original dwelling house, should not have a negative impact on the character of the surrounding area, will not usually be acceptable in front gardens due to the damaging impact development forward of a front building line can have on the visual character of an area and any proposal will be assessed on their impact on the amenity of an area, e.g. loss of daylight/privacy, in the same way as extensions.

With regard to the matter of whether the proposed constitutes overdevelopment, the Householder Development Guide states that no more than 50% of the front or rear curtilage shall be covered by development. When considering the dwelling's total rear and side curtilage as extended (including additional 100sqm to side taken as designated rear garden ground) this gives a rear curtilage of 335sqm. The log cabin would occupy a footprint of 26sqm and therefore after development it is calculated that 14% of the rear curtilage (as extended) would be developed (excluding paved areas) and therefore remains within the 50% of development allowed in terms of the Householder Development Guide. Considering the originally designated rear curtilage and the addition of 26sqm ancillary accommodation would result in a plot coverage of 38% which is still within the 50% limit. The proposed log cabin is therefore not considered to represent overdevelopment of the plot in technical terms and a buffer area of side curtilage (fronting Lochside Drive) will remain after development.

Considering the log cabin in isolation, its design is domestic in nature, with timber materials being consistent with similar garden structures ensuring it is architecturally compatible with the existing dwelling. However, when assessing design and scale of the log cabin in context of the existing dwelling there is some tension with Policy D1 (Quality Placemaking and Design) and the Householder Development Guide.

Policy D1 recognises that not all development will be of a scale that makes a significant placemaking impact, it outlines that good design and detail adds to the attractiveness of the built environment. Furthermore, under Policy D1, the design of the proposed development is considered within the context of the site and surrounding area, with factors such as siting, scale, massing, materials, design detail, proportions and the established pattern of development all deemed to be relevant in assessing its contribution and impact. Taking this into account, it is considered that the proposal has failed to adequately consider the context of the site and the surrounding area. The log cabin creates an additional 26sqm footprint which is larger than the existing conservatory extension (16 sqm) albeit it is also recognised that 10sqm of the log cabin consists of an overhang external porch area – overall structure is not considered to be wholly subservient in scale to that of the existing dwelling. Undertaking an analysis of the surrounding area, also indicates that this scale of garden structure is large for the character of the street and surrounding area.

The log cabin occupies a prominent location to the side elevation of the existing dwelling, which has an open aspect, by virtue of its corner plot and being situated on a sweeping curve in the road upon which it fronts – thus making the log cabin a highly visible structure in the streetscape. This area of ground to the side where the cabin is located is bounded by a 900mm high composite panel fence to the side of the dwelling, with grassed area and 2 trees, neither of which offer substantial screening. The remainder of the front and side of the plot is principally grassed with some small shrub planting to the south boundary and a driveway. Whilst it is acknowledged the proposal has not been completed and landscaping opportunities are proposed and highlighted in the supporting statement, due to the size, height, scale and positioning of the log cabin, this is not considered to alleviate the prominence and negative visual impact of the log cabin in context of the surrounding streetscape and area. The supporting statement submitted notes that no regular building lines exist for other properties in Lochside Drive, however regardless of no consistently linear building lines for the built form, there is still an inherent and established pattern of front and rear feus, with generous open landscaped areas to the front and sides of properties. The log cabin is situated beyond the side elevation of the existing dwelling, which is also fronting a road and therefore is considered to be outside and forward of the predominate building line of the application dwelling. Furthermore, the positioning of the log cabin extending beyond the side elevation/building line of the existing dwelling, in combination with the size and scale of the cabin is considered to have an overbearing impact on the neighbouring property at 9 Lochside Drive and thus the outlook afforded to the surrounding area.

In summary, while the development would not typically be considered over development due to the size of the plot, the overall siting, form and scale of the log cabin has failed to take an adequate account of its location, thereby having a negative impact on the visual character of the surrounding area and adversely affecting the built environment. As such, the proposal would be contrary to the requirements of Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) and would fail to address the expectations of the Householder Development Guide.

Impact on Residential Amenity

In respect of residential amenity, Policy H1 (Residential Areas) and the Council's Householder Development Guide outlines that no extension or alteration should result in a situation where the amenity of any neighbouring property would be adversely affected with regard to impact on privacy, daylight and general amenity.

Appendix 2 of the guidance outlines respective calculations, which are required to determine the impact of proposals on daylight / sunlight receipt and overshadowing relative to habitable rooms or garden ground of neighbouring properties. Undertaking the relevant calculations (45° method) on the proposed log cabin, which would lie south-east of the neighbouring property at 9 Lochside Drive, determines that there would be no adverse impact on overshadowing or sunlight receipt to this property. With regard to internal daylight receipt, again undertaking the calculation (45°

method) determines there would be no impact to any neighbouring windows. The other neighbouring property 5 Lochside Drive is located a sufficient distance away from the extension that there would be no impacts with regard to daylight / sunlight receipt or overshadowing.

With respect of privacy, it is recognised that the non-habitable nature of an ancillary garden log cabin would ordinarily provide limited privacy concerns, however given the location of the log cabin and its relative position to the neighbouring property at 9 Lochside Drive, it is likely that there would be some limited opportunities for indirect overlooking to this property. The inclusion of an obscured 'perspex' privacy screen along the northern boundary where the porch overhang element of the cabin is situated adjacent to the front garden ground of 9 Lochside Drive does indicate where there may be some tension with regard to privacy matters. However, given the obscure nature of the privacy screen, only slight shadows and movements are likely to be discernible from the neighbouring front garden, the cabin is ancillary accommodation so would not be in continuous use and the rear garden are separated by a 2m high boundary fence ensuring adequate privacy to the rear is maintained. Furthermore, the window-to-porch overhang distance is around 3.6m distance which is above the 2m minimum (for windows at 90°) as per Appendix 1 of Householder Development Guide SG. It is acknowledged that this scenario would be somewhat different than the existing window-to-window distances characteristic of the surrounding area and context of the site, however the proposed privacy screen should ensure adequate privacy for neighbouring properties is maintained to suitably comply with the guidance contained in Policy H1 (Residential Areas) and the Householder Development Guide.

Matters Raised in Letters of Representation

1. *No clear dimensions of the log cabin or distances to neighbouring properties on plans.*
Submitted plans are appropriately scaled to ensure appropriate calculations and measurements can be taken.
2. *Loss of day/sunlight receipt to neighbouring property (9 Lochside Drive).*
Matters in respect of day/sunlight receipt have been discussed in the foregoing evaluation under 'Impact on Residential Amenity'.
3. *Loss of view/outlook from 9 Lochside Drive.*
Loss of a view is not a material planning consideration, however, matters in respect of outlook and impact on the surrounding area and residential amenity have been discussed in the foregoing evaluation under 'Scale, Design and Impact on Surrounding Area' and 'Impact on Residential Amenity'.
4. *Overlooking and loss of privacy to bedroom window of adjacent property (9 Lochside Drive).*
Matters in respect of privacy have been discussed in the foregoing evaluation under 'Impact on Residential Amenity'.
5. *Noise disturbance from social use of the log cabin.*
Due to the domestic nature and use of the log cabin noise disturbances as a result of any social use are not considered to be different than is currently possible within the rear garden and it therefore considered to be of negligible impact.
6. *Size and scale of log cabin.*
The design, size and scale of the log cabin have been discussed in the foregoing evaluation under 'Scale, Design and Impact on Surrounding Area'.
7. *Cabin is outside and extends beyond the original building line of the street.*

The design, size and scale of the log cabin have been discussed in the foregoing evaluation under 'Scale, Design and Impact on Surrounding Area'.

8. *Not in keeping with open plan ethos of the Denmore Estate and gives negative impression.*
The design, size and scale of the log cabin have been discussed in the foregoing evaluation under 'Scale, Design and Impact on Surrounding Area'.
9. Eyesore, spoils outlook, especially when entering the street and for properties overlooking 7 Lochside Drive.
The design, size and scale of the log cabin have been discussed in the foregoing evaluation under 'Scale, Design and Impact on Surrounding Area'.
10. *Sets precedence for similar structures to be erected without obtaining planning permission.*
Each planning application is assessment on its own merits regardless of the outcome of this particular application.
11. *Concerns regarding drainage of the structure and excess water impacting neighbouring property.*
Given the domestic nature of the structure and its position within an area which is principally grassed and permeable, drainage is not considered to be a matter of concern.
12. *No effort made to blend the building in.*
The design and screening of the log cabin have been discussed in the foregoing evaluation under 'Scale, Design and Impact on Surrounding Area'. It is acknowledged that the development is not completed and should this application be approved additional landscaping and details of exterior finishes / colour will be required.
13. *Impact on future property resale values.*
Future property valuation is not a material planning consideration.
14. *Concern how something so large could have been erected without consent.*
The application has been considered as part retrospective as the applicant was seemingly unaware that planning permission was required.
15. *Area is not part of the original curtilage and the surrounding fence was erected initially too high without consent.*
The foregoing evaluation has acknowledged that an additional area of ground to the side of the property has been designated rear garden ground, however this area of land is understood to belong to the applicant as part of the title deeds of the property and is not identified as communal / amenity ground within the wider estate. By virtue of the land being located to the side of the dwelling which fronts a road this does mean that relevant permissions are required for development.
16. *Some well-established trees were removed to accommodate the log cabin.*
It is unknown when the 2 trees were removed and whilst it's appreciated the loss of these trees would have impacted on the established streetscape, they were positioned within the residential curtilage and land belonging to 7 Lochside Drive and were removed prior to an application being submitted. Therefore, this matter is outwith the control of the Planning Service and has no bearing on the outcome of the application given they no longer exist.

Proposed Aberdeen Local Development Plan

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

In conclusion, while the development would not typically be considered over development due to the size of the plot, the overall siting, form and scale of the log cabin is considered to be inappropriate and has failed to take an adequate account of its location, thereby having an overbearing and negative impact on the outlook and amenity of the surrounding area. Thus concluding, that the proposal would be contrary to the requirements of Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) and would fail to address the expectations of the Householder Development Guide.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposal, its scale and design has failed to consider the context of the site and its surrounding area, and on the basis that the log cabin would occupy a prominent location within the rear curtilage to the side elevation of the existing property it is considered to have an overbearing and negative visual impact on the surrounding area. The proposal is therefore considered to be contrary to the requirements of Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the adopted Aberdeen Local Development Plan 2017; the 'Householder Development Guide' Supplementary Guidance and Policies H1, D1 and D2 of the Proposed Aberdeen Local Development Plan 2020.