



Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	81 Gray Street, Aberdeen, AB10 6JD
Application Description:	Installation of replacement single storey extension to rear
Application Ref:	240798/DPP
Application Type:	Detailed Planning Permission
Application Date:	26 June 2024
Applicant:	Mr Martin Livingstone
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Ashley and Broomhill

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to a traditional style mid-terraced dwelling, situated to the south-west of Aberdeen City Centre. The application property has a south-west facing principal elevation, which is one and a half storeys and looks onto a small front curtilage, bounded with a low lying granite wall with Gray Street beyond. The rear, north-east elevation, which is a storey and three-quarters has an existing single storey outshot and extension, both of which project into the enclosed rear curtilage finished with a mixture of hard surface and grass. A single storey garden shed is located to the south-east corner of the rear curtilage, where a pedestrian gate, situated to the north-east corner of the rear curtilage gives access onto a pathway which is shared with neighbouring 71-79 Gray Street, allowing access onto a laneway located to the north-west of the site. Due to the plot layout, the rear curtilage is angled northwards. The existing boundary projects in a straight line for approximately 5.5 metres on the north-west boundary and approximately 5.1 metres on the south-east boundary, and then both boundary walls angle northward by approximately 6 degrees.

The application site is bound by neighbouring 79 Gray street to the north-west, 83 Gray Street to the south-east and 162 Broomhill Road is located to the north-east.

Relevant Planning History

- 231519/DPP – Detailed planning permission for the installation of replacement of single storey extension to rear; Refused, 29/05/2024.
- 240739/DPP – Detailed planning permission for the erection of single storey extension to rear of 79 Gray Street; Approved Conditionally, 13/08/2024

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a single storey extension which would replace the existing rear outshot and extension, which currently project 5.4 metres along the south-east boundary and 4.4 metres along the north-west boundary respectively.

The extension proposed would span 6.9 metres, which is the entire width of the rear elevation, however given the stepped design part of the north-west elevation has been taken off the boundary, reducing the width to 4.3 metres. This results in different projections along the mutual boundaries with the south-east elevation measuring 8.1 metres along the shared boundary with neighbouring 83 Gray Street and the north-west elevation would project 6.5 metres along the shared boundary with 79 Gray Street. The proposed extension would have a total built footprint of c. 51 sqm.

The single storey extension would have an asymmetrical pitched roof. The ridge would sit at an approximate height of 3.7 metres. The eaves height would vary, in that the north-west elevation would sit 2.42 metres above ground level and the south-east elevation would measure approximately 3.2 metres in height. The rear (east) elevation of the proposal would be finished in vertical thermopine cladding, to be mid grey in colour and the north-west and south-east elevation would be finished in smooth render, white in colour. Roof lights are proposed for the north-west and south-east elevations where the roof would be finished in standing seam cladding, anthracite grey in colour. Finally, aluclad double glazed windows and doors are proposed for the east elevation, allowing access into the enclosed rear curtilage.

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=SFOS0EBZH2O00>

- Supporting Statement - Letter

CONSULTATIONS

Ashley and Broomhill Community Council – No comments received

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the

Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4 (NPF4)

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)

Aberdeen Planning Guidance

- Householder Development Guide

Other National Policy and Guidance

- The Equality Act 2010

EVALUATION

Background

A previous application submitted for the installation of a replacement single storey extension to the rear, under application 231519/DPP, was refused due to the overbearing nature and adverse impact the proposal would have on neighbouring 79 Gray Street, specifically in terms of the existing bedroom window, located on the north-east (rear) elevation of the neighbouring dwelling.

The current proposal for a single storey extension is almost identical to the previous application in terms of the design, scale and material finish. The difference between both applications relates to the north-west elevation of the proposed extension, which, in the previous application, was shown on some of the submitted drawings to splay slightly northward, following the line of the boundary wall, whereas for this proposal, the north-west elevation would project in a linear fashion, so that it would not follow the existing kink in the boundary wall. The impact of this change will be considered and discussed below.

Principle of Development

The site falls within a “Residential Area” designation on the Aberdeen Local Development Plan 2023 (ALDP) Proposals Map, to which Policy H1 (Residential Areas) in the ALDP applies. Policy H1 supports householder development within such areas providing it satisfies the following criteria:

1. *Does not constitute “overdevelopment”;*

2. *Does not have an adverse impact to residential amenity and the character and appearance of an area; or*
3. *Does not result in the loss of open space.*

Overdevelopment and loss of open space

As per the general principles of the Council's Householder Development Guide Aberdeen Planning Guidance (HDG), to ensure the proposal does not constitute "overdevelopment", the built footprint of a dwellinghouse as extended should not exceed twice that of the original dwelling and no more than 50% of the rear curtilage of a dwelling should be covered by development.

The original footprint of the dwellinghouse is approximately 81 sqm, which includes the existing outshot on the south-east boundary. The proposed extension would add c. 38 sqm to the existing dwelling, therefore the overall footprint would be increased by c. 47%. As such, the proposal would not double the original footprint of the dwelling.

Due to the extent of the rear curtilage, measuring approximately 120 sqm in size, the proposed extension, along with the proposed patio and pathway, would result in approximately 66% of the rear curtilage being covered by development. However, of this, approximately 43% would account for the proposed extension, leaving approximately 68 sqm of useable amenity space within the rear curtilage (both hard and soft landscaped). As such, this aspect is also acceptable and the proposal would not result in the overdevelopment of the site.

The proposal would also not give rise to the loss of any open space as it would be contained within the existing residential curtilage of the dwelling.

Impact on the character and amenity of the surrounding area

Policy 16 (Quality Homes), section g), of National Planning Framework 4 (NPF4) advises that householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials. In addition, Policy 14 (Design, Quality and Place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP both expect development to be designed to be consistent with the six qualities of successful places and to be of an appropriate design for its context.

Furthermore, the APG states that proposals for extensions should be architecturally compatible in design and scale with the original house and surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale. Good quality design, careful siting and due consideration of scale, context and design of the main dwelling are key to ensuring that development does not erode the character and appearance of residential areas.

In terms of the design and material finish, the proposal would be single storey in height and would span the width of the rear elevation. The proposal would be subservient to the existing dwelling and has been designed to create a clearly contemporary addition to the dwellinghouse. Consideration to the existing dwelling and surrounding area is evident in the proposed materials, which would create a positive contrast with the application dwelling. Therefore, the design and material finish are not deemed to be a concern in relation to their compatibility with the existing dwelling.

In terms of the scale, whilst the proposed extension would be single storey in height, it would project to a significant length along the mutual boundaries. Section 2.3 of the APG states that

single storey extensions to terraced dwellings will be restricted to 3 metres in projection along a mutual boundary. Whilst adjustments in terms of the north-west projection are evident, the principal of the proposal remains the same, whereby the proposed extension would measure approximately 8.1 metres along the south-east boundary and 6.5 metres in length along the north-west boundary. As such, the proposal far exceeds the guidelines as detailed within the APG. Nonetheless, consideration in terms of what is currently in place is required and it is accepted that the existing extension and outshot currently project approximately 4.4 metres and 5.1 metres respectively along the shared boundaries. Therefore, in its current form the application dwelling does not comply with these guidelines, but this in itself is not suitable or adequate justification to deviate even further from the APG, especially considering the degree of change proposed. Further consideration of this aspect, as well as the existing context and overall impact on the wider area is required.

The south-east elevation would project 8.1 metres from the rear elevation, surpassing the existing outshot of 83 Gray Street by approximately 3 metres. In respect to the existing context along this boundary, the rear outshot of No. 83 has no windows on its rear elevation, and given the extent of the projection past the rear elevation, there is deemed to be no overshadowing or daylighting impact on this property or its rear curtilage. Despite the conflict with the APG in terms of the length of this projection, given that there would be no harm to the amenity of the neighbouring property, this aspect can be accepted.

Turning to the north-west elevation, with regards to the existing situation and context of 79 Gray Street, the rear extension of that property sits 1.8 metres from the mutual boundary. The neighbouring extension is staggered, with a total projection of approximately 6.5 metres, 5.1 metres of which accounts for the main extension and a bay window projects a further 1.4 metres from the rear of the extension. Due to the nature of its design, the bay window is stepped in and sits approximately 3 metres from the mutual boundary. Based on plans available to the Planning Service, the layout of the neighbouring property is known, and the window situated on the original rear elevation of No. 79 serves a bedroom, with a second window on the south-east elevation of the extension facing the shared boundary, serving a kitchen. The existing extension on the application site projects 4.4 metres along that boundary, which is slightly less than the projection of neighbouring property's extension. However, the proposed extension would increase the projection along the mutual boundary by a further 2.1 metres, to a total of 6.5 metres, therefore exceeding the neighbouring extension's projection by 1.4 metres. Whilst it is accepted that the current situation is not ideal in terms of amenity, especially for No. 79, it is existing and what must be considered is whether the proposal would exacerbate the existing adverse impacts on the amenity of the neighbouring property to a significant degree.

The reduction in height from 3 metres on the boundary as existing, to a proposed height of approximately 2.4 metres, would benefit the neighbouring property in terms of daylight receipt. However, whilst this would slightly improve the amenity of the neighbouring property in terms of daylight receipt, this benefit would be outweighed by the proposed increase in projection along the shared boundary. The minor amendment to this proposal, compared to that refused previously under 231519/DPP, is that the north-west elevation would project in a linear fashion for its full length, and so would not follow the existing kink in the boundary wall. Whilst this is noted, the minor nature of this adjustment is such that it does not alleviate the principal concern relating to the increase in projection, to a total length of 6.5 metres on the mutual boundary, and the overbearing impact and unacceptable tunnelling effect on the rear elevation window of No. 79, which serves a bedroom, all of which is evident in the proposed renders provided by the applicant.

In terms of privacy, the proposal would see the installation of windows and doors on the north-west and north-east elevations, allowing access into, and visibility over, the enclosed rear curtilage. The rear curtilage is bound to the north, east and south by existing boundary walls,

fencing and trees/foliage, ensuring that the proposed windows and doors would not adversely impact upon the privacy of any neighbouring properties. The proposed rooflights, to be situated on the north-west and south-east elevation, would be positioned at such a height that they could not be used as a means to look outward, but instead, as a means for natural light to enter the internal space. As such, there would be no adverse impact in terms of privacy.

Whilst the minor amendment to the proposal since the previously refused application, in terms of the north-west projection, is noted, it does not address the overall concern relating to the impact the proposal would have on the existing bedroom window of 79 Gray Street. The Planning Service outlined, under the previous application, amendments to the proposal which would alleviate these concerns, namely to reduce the projection of the north-west elevation by 1.4 metres so that it would sit in line with the rear elevation of the neighbouring extension. By means of compromise, the outmost section of the proposed extension (the 1.4 metres which projects beyond the neighbouring extension) could be stepped away from the shared boundary, reducing the overbearing impact on the neighbouring bedroom window, whilst still allowing ample internal floorspace. However, what is currently proposed does not address the concerns raised by the Planning Service. Therefore, whilst it is noted that the reduction in height from the existing situation would benefit the neighbouring property in terms of daylight, and clarity on the projection of the north-west elevation has been provided, this is outweighed by the excessive projection of the north-west elevation which would significantly exceed the guideline amount set out in the APG, would exceed that of the neighbouring property's extension, and would exacerbate existing adverse amenity impacts on the neighbouring property.

On review of the supporting statement, it is acknowledged that the design of the proposal is to adapt and future-proof the application dwelling for prolonged use, thus complying with elements of Policy 14 and 16 of NPF4 in term of adaptability and continued use of the dwelling. Reference to Building Standard 3.11 is also noted, which requires sufficient space within the kitchen/living area to safely manoeuvre. Discussions with Building Standards have established that there are, or could be, alternative designs and layouts that would alleviate the amenity issued caused by the projection along the boundary shared with No.79, and which would still allow ample internal manoeuvring space to comply with the Building Regulations requirements. Thus, this matter is not a determining issue with regard to the acceptability of the current proposal.

Reference to Policy 23 (Health and Safety) of NPF4 is also noted within the supporting letter. Policy 23 has a stated policy intent: *"To protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing"* and has limited weight with regard to this proposal. Whilst the supporting statement states the extension is required for the promotion of health and wellbeing, by means of adapting the property for future use, this could be achieved through moving the outermost section (minimum of 1.4 metres) of the north-west projection away from the shared boundary, thus reducing the aforementioned adverse amenity impact on the neighbouring property.

As noted in the 'Relevant Planning History' section above, planning permission was granted for an extension to the rear of neighbouring 79 Gray Street, which would involve the construction of a single storey extension to be located to the south-east (side) of the existing extension. The approval of the neighbouring extension cannot be used as justification to warrant the approval of this application. Whilst it is approved, is not currently being constructed and may never be constructed, therefore, this is not a material consideration.

Whilst this proposal has been amended slightly compared to the previously refused scheme, as detailed throughout this assessment, the overall proposal is almost identical to what was previously submitted. The concerns previously raised relating to the impact on amenity afforded to

neighbouring 79 Gray Street have not been addressed within this application and so, it remains the case that the proposal would have a detrimental impact on the amenity afforded to 79 Gray Street, and the proposal does not comply with Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4, as well as causing a direct conflict with criteria 2 of Policy H1 (Residential Areas) as well as Policies D1 (Quality Placemaking) and D2 (Amenity) of the ALDP.

Equality Considerations

Section 149 of the Equality Act 2010 requires the planning authority, in the exercise of its functions, to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons disabilities. Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

Whilst not specifically referred to within this application, the applicant identified in the previous application (231519/DPP), that the proposal could impact on a person or persons with a relevant protected characteristic, disability, and thus it is appropriate and necessary to again consider this matter in terms of the duty under section 149 of the Equality Act 2010. It has been noted that the need for the proposed extension to provide a ground floor bedroom, bathroom and living area to meet the future needs of the applicant. The Planning Service recognise the needs of the applicant, however, it is worth noting that the concern lies with the proposed projection along the north west boundary and the impact this will have on neighbouring 79 Gray Street and not with the extension in itself, or the accommodation contained therein. The applicant has previously demonstrated that amendments can be made which would still provide and address the accommodation needs identified, whilst alleviating the amenity concerns raised by the Planning Service, who consider this to be a minor but important, amendment to render this development acceptable. However, these plans have not been brought forward for consideration. Further to this, the Council's Building Standards team have confirmed that the amended plans previously provided and discussed with the applicant, would still allow ample internal space for manoeuvring and would comply with current standards. Therefore, the Planning Service, having due regard to the relevant protected characteristic, are unable to support the application due to the impact the north west elevation would have on the neighbouring property.

Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and

sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change.

The proposed householder development would be sufficiently small-scale such that it would not make any material difference to the global climate and nature crises, nor to climate mitigation and adaptation. The proposals are thus acceptable and do not conflict with the aims and requirements of Policies 1 and 2 of NPF4.

DECISION

Refuse

REASON FOR DECISION

The proposed single storey extension, due to its projection on the north-west elevation, would far exceed the criteria outlined in the Council's Householder Development Guide Aberdeen Planning Guidance for the projection of extensions along mutual boundaries in terraced properties. The projection of the extension would result in an overbearing impact and unacceptable tunnelling effect on the neighbouring property at 79 Gray Street, whilst also creating further overshadowing of that property, therefore the works do not comply with the criteria set out in Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4). Due to the significant adverse impact on the amenity of the neighbouring property, the proposal also conflicts with the criteria detailed within Policy H1 (Residential Areas), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the Aberdeen Local Development Plan 2023.