

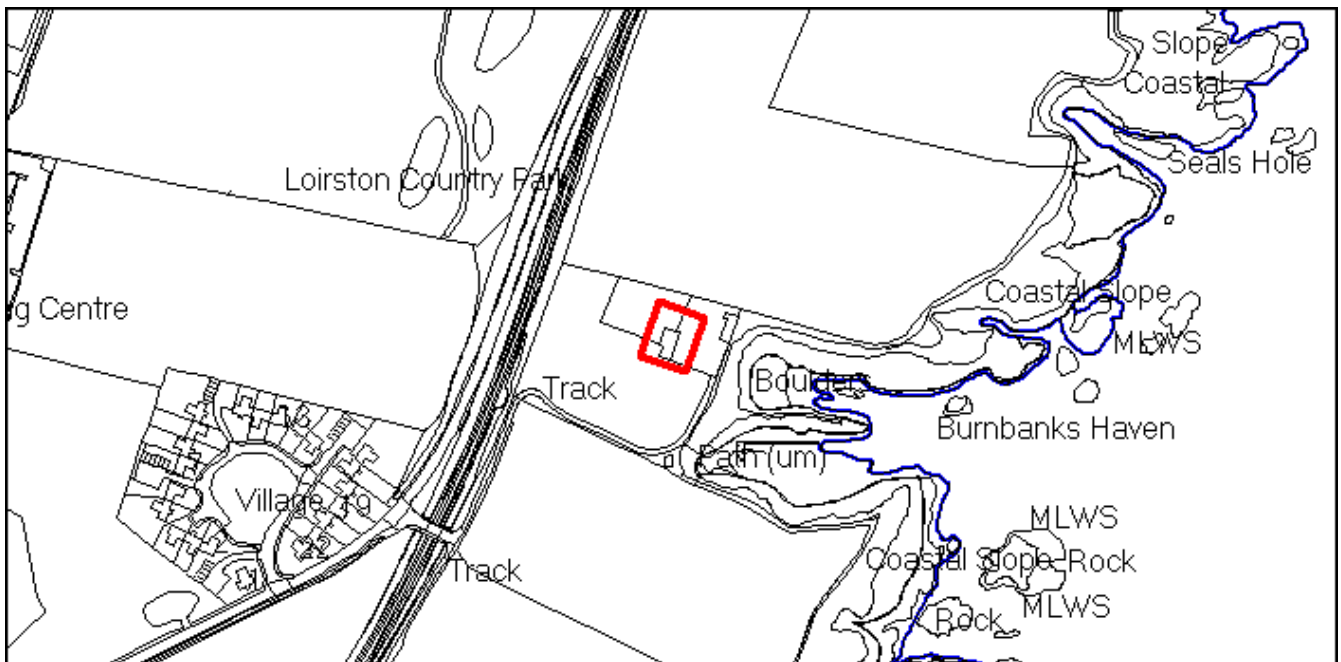
FISHING STATION HOUSE, BURNBANKS  
VILLAGE, COVE

EXTENSION TO DWELLING AND RELATED  
EXTERNAL WORKS

For: Mr & Mrs Gardiner

Application Type : Detailed Planning Permission  
Application Ref. : P120931  
Application Date: 27/06/2012  
Officer: Jane Forbes  
Ward : Kincorth/Loirston (N Cooney/C Mccaig/A  
Finlayson)

Advert :  
Advertised on:  
Committee Date: 21 March 2013  
Community Council : Comments



**RECOMMENDATION:**

**Approve subject to conditions**

## **DESCRIPTION**

The application site, which extends to some 910m<sup>2</sup>, lies within the Green Belt and occupies a relatively remote location on the coast at a distance of approximately 170 metres north-east of Burnbanks Village. The residential property is accessed via a gravel track which extends east off the Coast Road, and over the railway bridge adjacent to Burnbanks Village, and then continues down through agricultural fields to an open area of land adjacent to a narrow inlet from which fishing boats were formerly launched, known as Burnbanks Haven. The property consists of a single storey dwelling which was granted conditional approval in 1990 for residential use by any worker involved directly in off-shore fishing activities, with this restriction in use being subsequently lifted in 2001. The property, which is visible from the Coast Road, lies adjacent to an open area of grass which would have previously been used for drying fishing nets and incorporates a wing which was used as a fishing bothy, but has since been used by the applicant as ancillary accommodation to the main dwellinghouse. To the north-east of the dwellinghouse and adjacent to the coastal slope is located a shed of portal frame construction which was previously used for the storage of fishing equipment, but is now being used as business premises by the applicant. This shed, which comprises a rendered blockwork base and metal cladding, lies outwith the boundary of the application site relevant to this proposal, but within land owned by the applicant.

## **RELEVANT HISTORY**

Planning application (Ref: 90/1651) for the erection of a house and bothy for use in coastal salmon fishing operations was approved conditionally on 6 December 1990. Conditions restricted the occupation of the dwellinghouse to a person solely or mainly employed or last employed at the adjoining fishing station; removed permitted development rights; and restricted the house and bothy to use as one single planning unit.

Planning application (Ref: 91/0343) for the erection of a storage building to replace the existing building was approved conditionally on 10 April 1991. A condition restricted the building to use for storage purposes ancillary to the adjoining fishing station.

Planning application (Ref A1/1313) for the relaxation of restrictive conditions attached to planning permission reference No 90/1651 was approved conditionally on 10 October 2001. Conditions restricted the house and bothy to use as one single planning unit; and removed permitted development rights.

## **PROPOSAL**

The application seeks full planning permission for the erection of a 2½ storey extension to the front (east) elevation of the property. The proposed extension would create an angled front building line and incorporate glazing the full length of the front elevation. The extension would project a maximum of 7.8 metres from the existing front elevation, at a width of 7.6 metres, and its roof ridge 100mm below the existing ridge level.

Due to the varying ground level on site, with a drop of some 2 metres between the existing front elevation and that of the proposed extension, the proposed development is seeking to create additional accommodation over 2½ levels, with the proposed basement incorporating living accommodation and a single garage and store, and a mezzanine level created above the ground floor living area. The proposed garage would be located towards the northern elevation of the property and would accommodate a raised open decked area above, accessed by external stairs. Likewise, as a result of the varying ground levels it is proposed to introduce a decked area towards the southern elevation of the property, again accessible from the front of the property via external stairs. Both decked areas would be partially enclosed by steel and glass balustrades.

Following concerns raised in relation to the height and massing of the original proposal, amended plans were submitted which removed dormer window extensions on both the north and south elevations of the extension; dropped the ridge level to below that of the existing dwelling; and removed a double garage originally proposed for the basement level of the extension.

The resulting footprint of the extension would be 87m<sup>2</sup> of living/garage accommodation, with an additional footprint of some 42m<sup>2</sup> of decking. All proposed materials would match or complement the existing dwelling, including a rendered blockwork finish and tiled roof.

### **Supporting Documents**

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at:

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=120931>

On accepting the disclaimer, enter the application reference quoted on the first page of this report.

### **REASON FOR REFERRAL TO SUB-COMMITTEE**

The application has been referred to the Development Management Sub-committee because the proposal has attracted an objection from the Cove and Altens Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

### **CONSULTATIONS**

**Roads Project Team** – Response received – no observations.

**Environmental Health** – No response received.

**Community Council** – Issues raised in a letter of representation received from Cove and Altens Community Council can be summarised as follows:

- As a result of previous conditions attached to the original development, the proposal may be out of keeping with the original concept of the property;
- There may be local plan policy implications in terms of the modern style of the proposed development on a property which lies within a sensitive site adjacent to the coastal path;
- Clarification was sought regarding disposal of sewage from the property;
- Querying the use of the premises as a business.

## **REPRESENTATIONS**

No further representation was received other than the letter of objection submitted by Cove and Altens Community Council, as detailed above.

## **PLANNING POLICY**

Aberdeen Local Development Plan: Policy NE1 (Green Space Network) – proposals for development that is likely to destroy or erode the character or function of the Green Space Network will not be permitted.

Aberdeen Local Development Plan: Policy NE2 (Green Belt) – all proposals for development associated with existing activities in the green belt are permitted if the development is within the boundary of the existing activity; the development is small-scale; the intensity of activity is not increased; and any built construction is ancillary to what exists.

Aberdeen Local Development Plan 2012: Policy NE7 (Coastal Planning) – states that development will only be permitted in undeveloped coastal areas if it can be demonstrated that: 1) there is no other suitable site including the re-use of brownfield land; 2) it respects the character, natural and historic environment, plus the recreational value in the surrounding area; or 3) there is an overriding environmental benefit. Development is not permitted in areas at risk from coastal erosion and flooding and public access to and along the coast must be protected and promoted wherever possible.

Aberdeen Local Development Plan 2012: Policy NE8 (Natural Heritage) – states that development which has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy.

Aberdeen Local Development Plan 2012: Policy D1 (Architecture and Placemaking) – states that to ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials and orientation will be considered in assessing that contribution.

Supplementary Planning Guidance – Applications of this nature are assessed in accordance with the Council's Supplementary Guidance on 'Householder Development'.

## **EVALUATION**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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

Tesco Stores Ltd has submitted an appeal to the Supreme Court against the decision of the Inner House of the Court of Session to refuse its application to quash the Aberdeen Local Development Plan. Tesco has been unsuccessful regarding both an interim suspension and a full appeal in front of three judges in the Inner House and the Council has received robust advice from Counsel that

the reasoning of the Inner House is sound and there are strong grounds to resist the appeal.

Planning applications continue to be determined in line with the Aberdeen Local Development Plan but the appeal is a material consideration and the Council has to take into account the basis for the legal challenge when determining applications. It should also be pointed out that the Court indicated that, even if Tesco's arguments had found favour, it would have been inclined to quash the plan only in so far as it related to Issue 64 (Allocated Sites: Woodend...Summerhill... etc.) and that it would be disproportionate to quash the whole plan.

This evaluation has had regard to and taken into account the legal challenge. None of the policies or material considerations which apply to this application would be affected by the terms of Tesco's challenge. The recommendation would be the same if the application were to be considered in terms of the 2008 Aberdeen Local Plan.

### **Policy NE1 (Green Space Network)**

The proposed extension would not conflict with Policy NE1 (Green Space Network) in the Aberdeen Local Development Plan. The application site lies to the west of a path which provides pedestrian access along the coast and extends south of the site towards Cove Bay. Whilst the proposed development would be to the front (east) elevation of the existing dwelling and would therefore be visible from the path, it is considered that this would have no adverse impact on either the character or function of the Green Space Network, given that the development would remain within the existing residential curtilage, and a separation distance of over 20 metres would remain between the front elevation of the extended property and a post and wire fence which delineates the line of the coastal path to the east.

### **Policy NE2 (Green Belt)**

The proposal would comply with Policy NE2 (Green Belt) in the Aberdeen Local Development Plan. The proposed development would lie within the boundary of the application site, and whilst it would not be accurate to describe the proposed extension as small-scale relative to the existing dwelling, given that it would provide additional living accommodation over 2½ levels, it is nevertheless considered that the scale of development is appropriate given the context of the site and the residential nature of the proposal. The resulting ridge level of the proposed development would remain below that of the existing dwelling, and the location of the extension to the eastern elevation of the dwelling would ensure the development would have minimal visual impact from beyond the site. The additional levels of accommodation within the proposed basement and mezzanine would be accommodated as a result of the drop in ground level on site from west to east, and therefore whilst the development may not be particularly small-scale in terms of its overall height when viewed against the front elevation of the property, the resulting ridge level of the proposed extension would nevertheless remain below that of the existing dwelling. Furthermore, as a result of the inclusion of a high level of glazing to the main elevation of the

development, the overall visual impact of the proposed extension would be reduced, thus allowing the development to successfully complement the original building, both in terms of its scale and design. The proposed extension would be deemed as ancillary to the existing dwelling, with no resulting intensification in the current residential use.

#### **Policy NE7 (Coastal Planning) & Policy NE8 (Natural Heritage)**

It is considered that the proposal does not conflict with Policy NE7 (Coastal Planning) which seeks to ensure that any development proposal within an area of undeveloped coast respects the character of that area, and retains its recreational value. The policy also states that proposed development must not take place in areas at risk from coastal erosion and flooding; and that public access to and along the coast should be protected and promoted. In all regards the proposed extension is deemed to comply with Policy NE7, with development taking place immediately forward of the existing front building line of the dwelling within an area of hardstanding currently used for vehicle parking which does not contribute to the character of the surrounding coastal area. Public access is currently available along a coastal path which lies outwith the application site, and to the east of the dwelling, and the proposal would have no impact on such access nor would it affect any existing recreational use. Taking the above into account, the proposed development would not be considered contrary to Policy NE8 (Natural Heritage). An area of some 315m<sup>2</sup> along the eastern section of the application site currently forms part of a wider local nature conservation site. However, given that the area of proposed development to the front elevation of the dwelling would lie within an area currently utilised for accessing the property and for the parking of vehicles, it is deemed that the proposal would have no negative ecological impact and thereby not affect the natural heritage value of the conservation site.

#### **Policy D1 (Architecture and Placemaking)**

Local Development Plan Policy D1 (Architecture and Placemaking) states that to ensure high standards of design new development must be designed with due consideration for its context and make a positive contribution to its setting. Whilst the existing dwelling is of no significant architectural merit, it nevertheless benefits from a particularly impressive open outlook to the east towards the coast and beyond to the North Sea. As such, the relatively contemporary design of the proposed extension, and in particular the high level of glazing proposed on the eastern (front) elevation which faces out to sea, is considered to be appropriate in this instance, providing a less 'solid' elevation than the existing property but with no risk of raising issues in terms of overlooking, given that there are no properties lying close proximity to the application site, and with the nearest likely be located to the west of the site within Burnbanks Village. Whilst the proposed extension would be visible to pedestrians using the coastal path which lies to the east of the application site, the development would not be particularly evident from the more public (rear) elevation of the property which sits some 80 metres east of the Coast Road, and as such it is considered that the proposal would have no negative impact on the overall setting of the property.

The proposed extension is considered to be of an acceptable scale, resulting in an increase of 87m<sup>2</sup> to the footprint of the dwelling, with the additional living and garage accommodation remaining ancillary to that of the existing dwelling and not resulting in any intensification of residential use. As a result of the proposed extension, the footprint of the dwelling would increase from 135m<sup>2</sup> to 222m<sup>2</sup>, on a site which extends to some 915m<sup>2</sup>, resulting in a rise in plot ratio from 15% to 24%. This level of development on site would be considered acceptable, given the context of the surrounding area within which the dwelling is located, and taking into account the relatively open nature of the land which surrounds the application site.

The design and finish of the proposed extension are seen to be appropriate, and in-keeping with the style of the dwelling, with materials matching those of the existing property, and the more contemporary elements introduced, through the use of full length glazing to the front (east) elevation and steel and glass balustrades to the decked areas, providing less of a solid front to the property, and minimising the overall massing of the proposed extension.

### **Supplementary Planning Guidance on 'Householder Development'**

In assessing the proposed development against the Council's Supplementary Guidance on 'Householder Development', it is necessary to take into consideration the general principles for house extensions. It is recognised that the proposed extension may not entirely comply with the general principles of the guidance on householder development in terms of the scale of development being sought in this instance. The proposed extension would be relatively prominent along the front elevation of the dwellinghouse, however, in this instance it is considered that the proposal would be acceptable, given that the existing property has no distinctive architectural merit, is located in a relatively isolated location with no immediate neighbours, and has its front (main) elevation facing out towards the coast. As a result of this orientation, the proposed extension to the front elevation would not be clearly visible from any public viewpoint to the west of the site, from where the property is accessed, given that the varying ground levels on site have allowed for the scale of development proposed to be accommodated without the ridge level of the extension rising above that of the existing property. As previously outlined, the footprint of the proposed development would rise from 135m<sup>2</sup> to 222m<sup>2</sup>, and therefore not exceed twice that of the original dwelling, whilst the resulting coverage of the front curtilage would remain well below the maximum 50%, as required by the guidance.

### **Relevant Planning Matters Raised by the Community Council**

Cove and Altens Community Council have raised several issues relating to the proposed development. They raised concerns in terms of conditions which were applied to the original application, and how these may affect the existing proposed development, however as outlined above under 'Relevant History', conditions have been removed (Planning Application Ref A1/1313) which allow for the property to be occupied as a domestic dwellinghouse with no restriction on occupation. As such, the principle of submitting an application for an extension to the domestic dwelling is considered acceptable. In terms of the

concerns raised by the Community Council regarding the acceptability of the style of development being proposed within this specific location, and whether the proposal would comply with relevant local plan policy, it has been demonstrated above how the more contemporary style of the proposed extension would be appropriate in this instance.

Clarification was sought in terms of how sewage disposal would be treated as a result of the proposed development. It should be noted that this proposal comprises an extension to an existing dwelling for which such arrangements are already in place. Any additional demand on the existing facilities would be dealt with at building warrant stage.

Finally, the Community Council raised a query regarding the use of the premises as a business. Although the existing dwelling is in residential use, a steel portal frame shed located to the north-east of the dwelling but which lies outwith the actual application site would appear to be in use for business purposes. This is currently being investigated by the Development Management Enforcement Team in order to establish the type and extent of business activity.

## **RECOMMENDATION**

**Approve subject to conditions**

## **REASONS FOR RECOMMENDATION**

The proposal is compliant with Policy NE1 (Green Space Network) in the Aberdeen Local Development Plan. Although the site forms part of the Green Space Network, it is considered that that the proposed development would not result in any erosion or loss of this function with full access remaining available to the surrounding areas of the Network.

The proposal is considered to be compliant with Policy NE2 (Green Belt) with the design of the proposed dwelling extension considered acceptable and appropriate for the setting within which it lies; and the proposed development remaining ancillary to the existing property and located within the existing boundary of the site. Although the proposed extension may not appear particularly small in scale, it is nevertheless considered acceptable given the context of the site, the design and finish of the extension, and that the proposed location of the development would minimise its visual impact from beyond the site.

The proposal complies with local development plan policies NE7 (Coastal Planning) and NE8 (Natural Heritage). Taking into account the context of the application site, with its existing residential use and little natural heritage value, it is considered that the proposed development would have no adverse impact on the surrounding natural environment, nor in any way affect existing public access or recreational value.

The proposed development is compliant with Policy D1 (Design and Architecture), with full consideration having been given to the context of the site and its setting and this resulting in an extension deemed to be of an appropriate scale, design



and finish for this particular site. The proposal does not strictly comply with one of the principles outlined in the Council's Supplementary Guidance on Householder Development, which states that 'extensions should not dominate the original form or appearance of the dwelling'. It is accepted that the proposed extension is relatively prominent along the front (east) elevation of the dwelling, however, given that the existing property has no distinctive architectural merit, is located in a relatively isolated location with no immediate neighbours, and has its front (main) elevation facing out towards the coast, it is considered that the proposed development would provide a more attractive and distinctive frontage to the property, and therefore its prominence in this instance would not be inappropriate.

## **CONDITIONS**

**it is recommended that approval is granted subject to the following conditions:-**

(1) that no development shall take place unless samples of all external finishing materials to the roof and walls of the development hereby approved have been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.