

53 WOODCROFT AVENUE, BRIDGE OF DON

SUB-DIVISION OF CURTILAGE AND
ERECTION OF SINGLE DWELLING HOUSE
ADJACENT TO EXISTING HOUSE AND
ERECTION OF REPLACEMENT GARAGE
(RENEWAL OF PLANNING PERMISSION REF :
P100813)

For: Mr Ian Douglas

Application Type : Detailed PP
Renewal/Retention
Application Ref. : P130824
Application Date: 04/06/2013
Officer: Matthew Easton
Ward : Bridge of Don (M Jaffrey/J Reynolds/S
Stuart/W Young)

Advert : Can't notify neighbour(s)
Advertised on: 19/06/2013
Committee Date: 22/08/13
Community Council : Comments



RECOMMENDATION: Approve Subject to Conditions

DESCRIPTION

The site is part of the garden of 53 Woodcroft Avenue, approximately 403sqm in size. The house itself is a modern two storey dwellinghouse in a plot of approximately 800sqm, including the non-adopted access road at the front of the property.

There is a single storey detached garage which was erected at the same time as the house and there is parking space for 3 cars at the property (1 in the garage and two in the space at the front of the property). The property forms the edge of the urban area and to the immediate north of the site is a stretch of large mature trees known as the 'North Belt' which includes informal public paths.

To the immediate south of the house is 51 Woodcroft Avenue. To the east of the site across the access road is the garden of 55 Woodcroft Avenue. To the south west of the property is the garden of 49 Woodcroft Avenue. All neighbouring properties are variations on the same style of 2 storey house and are enclosed by 1.8m high timber fencing.

RELEVANT HISTORY

Planning permission (100813) for an identical proposal for a curtilage split and new house was approved by delegated powers in August 2010. This permission expired on 6th August 2013.

PROPOSAL

It is proposed to split the curtilage of 53 Woodcroft Avenue in order to allow the construction of a new two storey dwellinghouse. The new dwelling would be situated to the immediate north of the existing house on the site of no.53's garage which would be demolished.

The house would have an internal garage and be similar in style to the surrounding properties in the area, being finished in brownish red brick, areas of white render and dark brown timber boarding. The roof would be finished in brown concrete roof tiles.

On the ground floor there would be garage, hall, dining room, shower room, kitchen and living room which would include a single storey projecting section within the rear garden. On the first floor there would be a bathroom, master bedroom with en-suite and 2 further bedrooms.

The useable garden ground at the rear of the property would vary in length between 12.5m and 14m. There would also be garden ground at the front of the property and a further parking space on front of the internal garage.

To compensate for the loss of garage at 53 Woodcroft Avenue, a new single storey garage would be built at the end of the access road which could accommodate one vehicle. Two further spaces would be created on front of existing house.

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?130824>. 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 Sub-committee because Bridge of Don Community Council have raised concerns with the application. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Project Team – With the relocation of the garage, three parking spaces would be retained for the existing property. Two parking spaces would be provided for the proposed house, in line with the requirements of the residential parking guidance for a three bedroom house.

Access to the property would be from the existing access point, from which there appears to be adequate visibility. There appears to be adequate space for a vehicle to manoeuvre in order to emerge onto the public road in a forward gear.

In light of the comments above there is no objection to this planning application.

Environmental Health – No observations.

Enterprise, Planning & Infrastructure (Flooding) – No observations.

Community Council – The Community Council have been contacted by neighbours and residents with regards to this renewal. The last time there were four people contacted about the build and all four objected which misses the objection threshold. This time more people know about it and want to object.

- The property overlooks another property
- The land is for sale and planning permission was granted as it was to be a home for a member of the owners family.
- There are worries about parking and access.
- Concern is expressed at the length of time since the previous approval and the apparent lack of any effort to move matters forward.

REPRESENTATIONS

Five letters of objection have been received from neighbouring properties (47, 49, 51, 55, and 97 Woodcroft Avenue). The objections raised relate to the following matters –

- Privacy would be compromised in the gardens and homes of adjacent properties (47, 49 and 51 Woodcroft Avenue)
- There is insufficient parking provision and visitors may park on front of neighbouring properties.
- There is no pavement in the cul-de-sac – children play in the vicinity and extra cars would cause a hazard to pedestrians and children.
- Concern that a new house would be built here when one was not approved here as part of the original development.
- Suggestion that Council tax should be reduced for those in the area as a result of the new house.
- A precedent would be created for similar proposals through the local area.
- Three years have lapsed since the previous approval.
- Impact upon amenity in terms of noise from additional traffic.

PLANNING POLICY

Aberdeen Local Development Plan

Policy T2 – Managing the Transport Impact of Development – New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Policy D1 – Architecture and Placemaking – 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, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D2 – Design and Amenity – In order to ensure the provision of appropriate levels of amenity the following principles will be applied:

- Privacy shall be designed into higher density housing.
- Residential development shall have a public face to a street and a private face to an enclosed garden or court.
- All residents shall have access to sitting-out areas. This can be provided by balconies, private gardens, terraces or communal gardens or other means acceptable to the Council.
- Individual flats or houses within a development shall be designed to make the most of opportunities offered by the site for views and sunlight. Repeated standard units laid out with no regard for location or orientation are not acceptable.
- Development proposals shall include measures to design out crime and design in safety.

Policy H1 – Residential Areas – Within existing residential areas (H1 on the proposals maps) and within new residential developments, proposals for new residential development and householder development will be approved in principle if it:

- does not constitute over development;
- does not have an unacceptable impact on the character or amenity of the surrounding area;
- 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;
- complies with Supplementary Guidance on Curtilage Splits; and
- complies with Supplementary Guidance on House Extensions.

Policy NE5 - Trees and Woodlands

There is a presumption against all activities and development that will result in the loss of, or damage to, established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Appropriate measures should be taken for the protection and long term management of existing trees and new planting both during and after construction. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover.

Native trees and woodlands should be planted in new development.

Where trees are affected by a development proposal the City Council may make Tree Preservation Orders.

A tree protection plan for the long term retention of trees should be submitted and agreed with the Council before development commences on site.

See Supplementary Guidance on both protecting trees and woodlands and the trees and woodland strategy for Aberdeen for more information.

Policy NE6 - Flooding and Drainage – Surface water drainage associated with development must:

- be the most appropriate available in terms of SUDS; and
- avoid flooding and pollution both during and after construction.

Connection to the public sewer will be a pre-requisite of all development where this is not already provided.

Policy R7 - Low and Zero Carbon Buildings – All new buildings, in meeting building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards. This percentage requirement will be increased as specified in Supplementary Guidance.

- This requirement does not apply to:
- Alterations and extensions to buildings;
- Change of use or conversion of buildings;
- Ancillary buildings that are stand-alone having an area less than 50 square metres;
- Buildings which will not be heated or cooled, other than by heating provided solely for the purpose of frost protection; or
- Buildings which have an intended life of less than 2 years.

Compliance with this requirement will be demonstrated by the submission of a low carbon development statement. Further guidance is contained in Supplementary Guidance on [Low and Zero Carbon Buildings](#).

Supplementary Guidance

The Sub-division and Redevelopment of Residential Curtilages – Explains the criteria for assessing such developments in terms of privacy, amenity, daylight, sunlight, density, pattern and scale of development.

Trees and Woodland – Provides guidance on how existing trees can be incorporated into new development and protected during construction.

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.

The application site lies within an area zoned as residential within the Aberdeen Local Development Plan. This policy supports the principle of constructing a new house within residential areas; however any proposals must be satisfy the criteria listed in the Policy H1 (Residential Areas) and any other relevant local plan policies as well as the supplementary guidance. Only in these circumstances should a new house be supported.

The proposal is identical to the previous planning permission granted for a house at the site in 2010. There has been no change in relevant planning policy or any

other relevant circumstances and therefore the previous approval is a strong material consideration.

Density / Pattern of Development

The surrounding area represents typical late 20th century suburbia with predominately detached dwellinghouses, in a variety of plot sizes and located relatively close together. It is considered that the position of the dwellinghouse and size of plot proposed would be in accordance with the predominant pattern of development with the area and would not result in overdevelopment of the site. The new house would be no closer to the existing house than is the case in many existing situations in the area.

The property has a public face to the access road and a private face to the rear garden, which varies between 12.5m and 14m in length, which is in excess of the 9m recommended for two storey properties and is considered sufficient. There would also be soft landscaping at the front of the property.

There appears to be no other sites in the local area where a curtilage split would likely be acceptable and satisfy criteria such as providing a frontage to a road and suitable garden size. Nonetheless, any application for another site would be assessed on its own merits and it is not considered that an approval for a new house at this site would necessarily result in an approval at another site.

It is noteworthy that since planning permission was granted in 2010, the planning authority have received no planning applications for new houses at other sites within the Woodcroft or Ashwood areas, it is therefore apparent that the granting of planning permission at this site has not encourage similar proposals.

Therefore the proposal is considered to comply with the supplementary guidance and Policy D1 (Architecture and Placemaking) and H1 (Residential Areas) in terms of how it would fit in with the existing pattern of development and the resultant size of both plots, which would remain typical of the area.

Design and Amenity

The design of the house and materials proposed are in keeping with the character of the area and are acceptable. The house would have a public face to the private cul-de-sac and a private face to a rear garden. The position of the property would not result in any overshadowing or reduction in daylight to any neighbouring properties.

The proposed garage would be adjacent to the boundary of 55 Woodcroft Avenue. The garage would have a pitched roof a maximum height of 4.6m with a 35° roof pitch. Concern is raised that it would have an impact upon daylight on the garden of no.55. However given that the garage would only be 1.9m in height at the boundary, it is highly unlikely to affect the garden in terms of available daylight or overshadowing.

There would be adequate outdoor space in the form of a private garden to the rear which is considered to be of a commensurate size when compared to the

house and the surrounding pattern of development. Although not shown on the plans it is understood that a standard timber fence would be provided around the rear garden to provide privacy and security. A condition has been attached requiring details to be submitted prior to development commencing.

In summary the proposal has been designed with due consideration for its context and would provide a suitable level of amenity for potential occupiers, in accordance with Policy D2 (Design and Amenity) and the supplementary guidance.

Privacy and Amenity

Concern has been raised by several neighbours with the potential for overlooking from the proposed new house. However, given the suburban nature of the area, many of the properties are already overlooked by neighbouring properties. Taking each of the potentially affected properties in turn –

- The back garden of 49 Woodcroft Avenue is located at the immediate rear of the site and would share the boundary fence with the garden of the new house. The garden and conservatory are already overlooked by the existing house (53 Woodcroft Avenue) and to a lesser degree by 51 Woodcroft Avenue. Two first floor windows (bedrooms) within the new house would look towards the rear portion of the garden from a distance of approximately 15m. Due to the orientation of the new house in relation to no.49, it would be highly unlikely that anyone could look directly into bedroom windows. Given the distance involved, the lack of direct overlooking and the existing situation, it is considered any impact upon privacy would be insignificant.
- 47 Woodcroft Avenue is located on the opposite side of 49 Woodcroft Avenue, to the south of the application site. Two first floor windows (bedrooms) within the new house would look towards the garden, albeit indirectly. The garden and conservatory would be some 30m away from the proposed house which is considered acceptable. Due to the curve of Woodcroft Avenue and the orientation of no.47 it is likely to be impossible to look into the first floor windows of the property from the new house.
- 51 Woodcroft Avenue is adjacent to 53 Woodcroft Avenue which would separate it from the proposed house. There would be no adverse impact upon privacy for this property as no windows would look towards it. The additional number of vehicle movements would be insignificant and therefore it is not considered that this aspect of the proposal would have any impact upon privacy.
- 55 Woodcroft Avenue is located across the access road from the proposed new house. The rear garden of the property would be opposite the front elevation of the new property. The master bedroom and bathroom window would look towards the garden, from a distance of 15m. The bathroom window is likely to be obscure glazing and it is considered that the bedroom window is sufficient distance away to be deemed acceptable.

- Any noise from additional traffic would be insignificant due to the very low number of additional vehicles in the area.

In summary, given the suburban context of the site it is considered that there would be no unacceptably adverse impact upon the privacy of any neighbouring property and that the proposal would comply with this aspect of the supplementary guidance and Policy H1 (Residential Areas).

Access / Parking

The access to the new property would be via the existing access road which serves 51 and 53 Woodcroft Avenue. The level of traffic generated from a single additional dwellinghouse would be minor and the concerns raised in terms of road safety by neighbours are considered to be unsubstantiated.

Parking standards require two parking spaces to be provided for the new property and three spaces for the existing house. The required number of spaces has been provided for the existing house in the form of two parking spaces in the front garden and a garage at the end of the access road. The new house would have an internal garage and parking space on front of garage. This arrangement is acceptable to roads officers and no objection has been raised. The proposal is considered to comply with Policy T2 (Managing the Transport Impact of Development).

Trees

There are large mature trees to the north of the property. A tree survey has been submitted which recommended that tree protection fencing is erected for the duration of the development around the root protection zones of trees which encroach into the garden ground for the new house. A condition has been attached to ensure this is carried out. Although several small trees would be removed within the garden of the property these trees are not protected and do not contribute to the streetscape of the area. The proposal is considered to comply with Policy NE5 (Trees and Woodland) and the relevant supplementary guidance.

Drainage

It is proposed to connect to the public sewer to dispose of foul drainage which is acceptable. No details of surface water drainage have been submitted however a condition has been attached which requires submission of details prior to development commencing in order to comply with Policy NE6 (Flooding and Drainage).

Relevant Planning matters raised by the Community Council

- Matters raised by the Community Council relating to privacy and parking & access have been addressed in the respective section of the report.
- The Community Council also express concern with the repeat nature of the application and appear to suggest that no further applications should be

entertained. However a previous grant of planning permission and lack of action to implement it does not create a barrier to a further planning permission being granted. The planning authority has a legal duty to determine applications before them and each application must be assessed on its own merits.

- The potential occupier, whether related to the applicant or not is not a material planning consideration and irrelevant to the determination of the application.

Relevant Planning Matter Raised in Written Representations

- Concern has been raised that a new house would be built at the site when one was not approved here as part of the original development. However the proposal must be assessed as it stands at this point in time.
- It has been suggested that council tax should be reduced for those in the area as a result of the new house. This is not a relevant planning consideration and the matters relating to which council tax band a properties fall within comes under the remit of the Scottish Assessors Association.
- All other matters relating to privacy, parking & access, pedestrian safety, precedent and amenity have been dealt with in the relevant part of the report.

RECOMMENDATION

Approve Subject to Conditions

REASONS FOR RECOMMENDATION

It is considered that the proposed new house would integrate satisfactorily with the surrounding pattern and type of development found in the area. Any impact or perceived impact upon neighbouring properties in terms of privacy or general amenity would be insignificant and is regarded as acceptable for a suburban area. The proposal is in accordance with Policy D1 (Design and Architecture), Policy D2 (Design and Amenity), Policy H1 (Residential Areas) and the supplementary guidance on the sub-division of residential curtilages.

The proposed means of access is acceptable and sufficient parking has been provided to the satisfaction of the Council's roads officers and in accordance with Policy T2 (Minimising the Transport Impact of Development).

Adequate tree protection measures have been proposed to protect trees during construction in accordance with Policy NE5 (Trees and Woodland) and a condition has been attached with regards to drainage in terms of Policy NE6 (Flooding and Drainage).

CONDITIONS

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

(1) that no development pursuant to this planning permission shall take place unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of permanent site boundary enclosures for the dwellinghouse hereby granted planning permission. The dwellinghouse shall not be occupied unless the said scheme has been implemented in its entirety - in order to ensure adequate privacy for the gardens of the existing and proposed dwellings.

(2) that no development shall take place unless a scheme of all drainage works has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(3) that no development pursuant to this planning permission shall take place unless tree protection fencing has been erected around the root protection zones of Rowans 3598, 3599 and 3600 in accordance with the recommendation in the Tree Survey Report dated March 2010 and submitted by Straun Dalgleish Arboriculture (a copy of which is attached to this permission). Thereafter the protection fencing shall remain in place for the duration of the construction work and no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees adjacent to the site during the construction of the development.

(4) that the dwellinghouse hereby approved shall not be occupied unless the parking spaces, turning area and detached garage which will serve the new dwellinghouse and 53 Woodcroft Avenue have been provided in complete accordance with drawing FBD.458/201 (Rev.A) or such other scheme as may be subsequently approved in writing by the planning authority - in the interests of road safety and the free flow of traffic.

(5) that the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

Dr Margaret Bochel

Head of Planning and Sustainable Development.