

Planning Development Management Committee

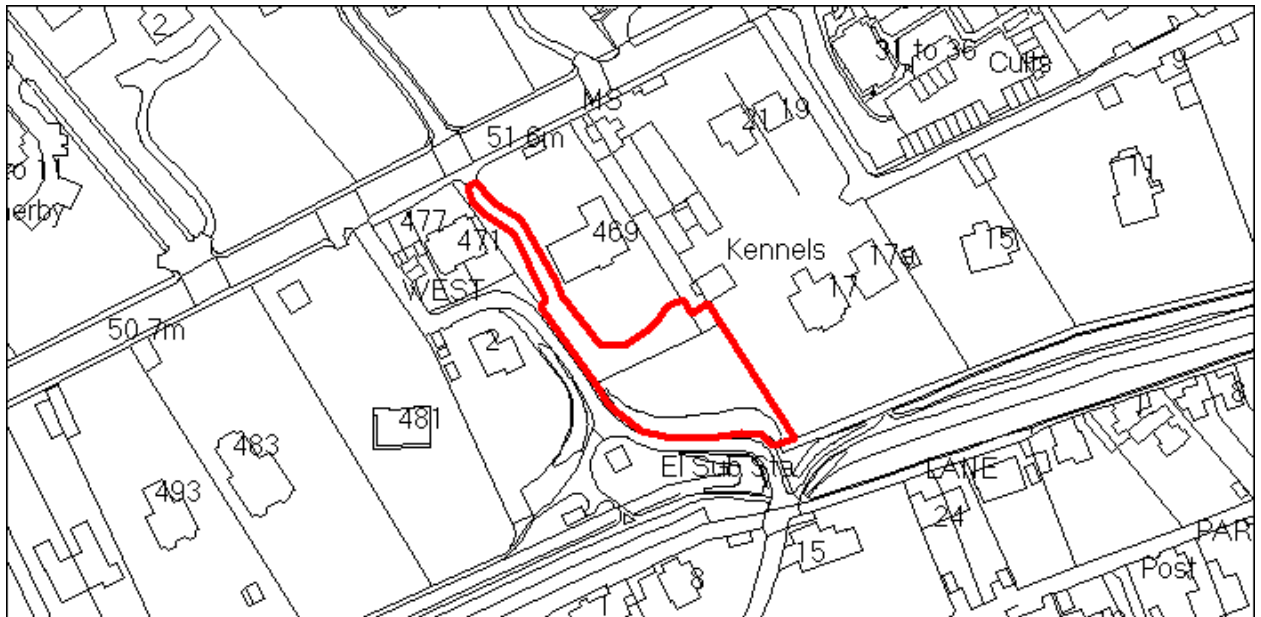
CROMER DENE, 469 NORTH DEESIDE ROAD,
CULTS

ERECTION OF NEW HOUSE

For: Mr Alex Cameron

Application Type : Detailed Planning Permission
Application Ref. : P131266
Application Date: 27/08/2013
Officer: Garfield Prentice
Ward : Lower Deeside (M Boulton/A Malone/M Malik)

Advert :
Advertised on:
Committee Date: 16 January 2014
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The site is within the grounds of the house at 469 North Deeside Road, which is located on the south site of the street, close to its junction with West Cults Road. No. 469 is a detached bungalow set within generous grounds, which generally slope down from North Deeside Road to the rear of the site, the gradient steepening considerably towards the rear boundary. There is an overall drop in levels of some 14 metres. The existing house sits in the northern third of the plot. There are numerous trees along the west boundary and near to the southern boundary. The trees are protected by Tree Preservation Order No.142. The existing access is located in the north west corner of the plot and leads to a driveway running close to the west boundary.

The application site is bounded to the west and south by West Cults Road. To the west are 2 and 3 storey blocks of flats fronting North Deeside Road and a large detached house fronting West Cults Road. To the south and across West Cults Road is the former Deeside Railway Line, which is now a public footpath and cycleway and a designated Local Nature Conservation Site. To the east are boarding kennels and the associated house, accessed from Cults Avenue. To the north and across North Deeside Road are residential properties.

RELEVANT HISTORY

Planning permission for a house on the site (application A2/1066) was refused in 2002 on the grounds of the adverse impact on amenity, being contrary to the relevant guidelines due to the eventual thinning or removal of prominent mature trees to the detriment of the area and the setting of an undesirable precedent. However, that decision was overturned at appeal in March 2003. Thus planning permission was granted for the house. Some works were carried out on forming the extended driveway prior to the planning permission expiring and thus the permission now remains valid indefinitely.

PROPOSAL

Detailed planning permission is sought for the construction of a four bedroom detached house within the grounds of the property at 469 North Deeside Road. The proposed house would be located to the rear of and approximately 27 metres from the existing house and would be constructed close to the east boundary. The house would be on two levels taking advantage of the slope on the site. The north elevation would be single storey in appearance and the south elevation would be two storey. The house would be of contemporary design. The walls would be finished predominantly in a mix of granite and smooth concrete render, with small areas of cedar cladding on the south elevation. There would be extensive areas of glazing on the south and west elevations. The pitched roof would be finished in plain concrete tiles. A flat roofed garage would be attached to the north side of the house. A large balcony would be provided on the south elevation.

Access would be via the existing driveway, which would be extended southwards and then eastwards to the new garage.

The proposal requires six trees to be felled, these being of a variety of species including Hazel, Holly and Whitebeam. The trees are generally 7-9 metres high and are located in the centre of the plot in the area where the extended driveway would be constructed. The large, mature trees close to the site boundaries would be retained. Details of tree protection measures have been provided by the applicant. These are contained in the Tree Report.

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?131266>

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

Tree Report

Drainage proposals

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the the Planning Development Management Committee because adverse comments have been made by Cults, Bielside and Milltimber Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objection to the proposal. Adequate parking would be provided. It is noted that vehicular access would be taken from an existing access. The driveway must be internally drained with no surface water discharging to the public road.

Environmental Health – No observations

Enterprise, Planning & Infrastructure (Flooding) - Full surface water drainage proposals are required. Any proposed SUDS techniques should include design calculations and drawings. Subsequent details provided by the applicant are satisfactory.

Community Council – Cults Bielside and Milltimber Community Council has no objection to a house being built on the site as the proposal appears to meet the guidelines set out in the supplementary guidance The Subdivision and Redevelopment of Residential Curtilages. However, the Community Council expresses concern about the setting of a precedent and emphasises that this application should be reviewed solely on its specific merits. There are also concerns with the proposal, which the Community Council requests are addressed through conditions – retention of trees, construction being via the main driveway and the access to the house utilising the existing driveway.

REPRESENTATIONS

Two of letters objection have been received. The objections raised relate to the following matters –

1. A previous refusal of planning permission on the site
2. The impact on amenity of neighbours (sunlight and shadowing)
3. The design, size and height of the house
4. The impact of the proposal on trees
5. Although the site has a Tree Preservation Order on it, several trees have been removed and topped
6. Proximity to the boundary
7. The impact on the character of the area
8. No information has been provided with regard to excavation works necessary due to the substantial drop in site levels and the impact on the driveway
9. Insufficient details on drawings to establish the height of the house
10. Concerns regarding the neighbour notification process, specifically the timing of the issue of notices
11. The proposed house would be next to boarding kennels that would affect the residents, which could result in complaints that would impact on the business
12. Issues regarding title restriction against development of the site

PLANNING POLICY

Aberdeen Local Development Plan

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.

Policy H1 – Residential Areas

Within existing residential areas proposals for new residential development will be approved in principle if it (1) does not constitute over development; (2) does not have an unacceptable impact on the character or amenity of the surrounding area; (3) does not result in the loss of valuable and valued areas of open space; and (4) complies with supplementary guidance on curtilage splits.

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 that contribute significantly to nature conservation, landscape character or local amenity.

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.

Supplementary Guidance

The supplementary guidance The Subdivision and Redevelopment of Residential Curtilages, Low and Zero Carbon Buildings, and Trees and Woodlands are relevant material considerations.

Other Relevant Material Considerations

The previous planning permission, which was granted on appeal and remains valid indefinitely, is a relevant material consideration in the determination of the application.

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.

Principle of the development

The site is located within an area designated as 'Residential' in the local development plan wherein proposals for new residential development will be approved in principle provided the criteria specified in Policy H1 are satisfactorily met. Importantly in this case is the previous planning permission granted on appeal for a house on the site, which remains valid indefinitely. This has arisen because works commenced on forming the extension to the existing driveway prior to the expiry of the planning permission. As a result, that original permission could still be implemented whether or not the current proposal is approved. The principle of a house on the site has therefore been established. Accordingly, the application falls to be considered in terms of the details of the proposal with particular regard to the criteria specified in Policy H1 and the supplementary guidance The Subdivision and Redevelopment of Residential Curtilages (density and pattern of development, design, amenity space, privacy, daylight/sunlight, trees, access and car parking).

Density and Pattern of Development

The construction of a new dwelling within an established area would potentially affect the overall density and pattern of development of the surrounding area, the acceptability of which will be dependent on the general form of development in the locality. Consideration must also be given to the effect the dwelling may have on the character of the area formed by the intricate relationship between buildings and their surrounding spaces created by gardens and other features. New dwellings should be designed to respect this relationship.

North Deeside Road is generally characterised by detached houses of a variety of styles and sizes set within quite generous plots. To the west of West Cults Road, houses tend to be located well back from North Deeside Road, forming a regular pattern. The properties are orientated to face to south. The pattern of development to the east of West Cults Road differs in that there is no discernable pattern. There are a couple of houses, a boarding kennels business and a number of 3 storey blocks of flats located close to North Deeside Road with large detached houses to the south of these. Whilst the proposed plot size for the new house would be smaller than for the majority of other houses in the vicinity of the

site, as noted above, the principle of a house on the site has been established. Notwithstanding, given the character of the area to the east of West Cults Road, a house on this site would not be detrimental to the character and visual amenity of the area. The proposal would not represent an overdevelopment of the site. Thus, in terms of resultant density and the pattern of development, the proposal is acceptable and in this regard complies with Policy H1 and the supplementary guidance on subdividing residential curtilages.

Design, Scale and Form of Development

The proposed house would be of contemporary design and would include granite on part of the walls. Whilst the prevailing character in the area is one of granite houses, there are a number of properties finished in other materials, such as Fyfestone and render. The proposed house, which would be partly screened by mature trees and vegetation within the site, would not adversely affect the character of the area. Indeed, the quality of the design is such that there would be a positive impact. The design has been influenced by the contours of the site and would sit comfortably in that context. It also makes most of the southerly aspect of the site by including large areas of glazing on the south elevation, in particular at the south west corner of the building. The scale and height of the house would not be unduly high or large and would be appropriate for the site and the surrounding area. Although the amount of usable garden ground would be compromised to some extent by the gradient and the presence of the large trees, this would be compensated for by the provision of a large balcony on the south elevation. It is considered that in this regard the proposal complies with Policy D1 of the local development plan.

No details have been provided in relation to the incorporation of low and zero carbon generating technologies, as required by Policy R7 and the associated supplementary guidance. However, this matter can be satisfactorily addressed through the application of a condition to the planning permission.

Visual Impact of the Development

Given the characteristics of the site, the existence of numerous large trees along the boundary and the relationship to adjacent properties and to West Cults Road, the visual impact of the proposed house on the surrounding area would be limited. In this regard there would be no adverse impact.

Impact on Residential Amenity

The design of the proposed house, its position and orientation on the site and the presence of trees and other vegetation along the boundaries mean that there would be no loss of privacy for any nearby residents. The location of the house would be such that the impact on sunlight reaching adjacent properties would not be compromised to any significant extent. A shadow would cast across part of the garden of the property to the east during the afternoon and thus there would be some impact on the amenity of the residents of that property. A shadow would also be cast across part of the garden of the existing house at No.469 for part of the morning. However, weight needs to be given to fact that the existing planning

permission on the site could be implemented with a similar impact occurring and thus it would not be reasonable or justifiable to refuse this application for that reason. There would be no measurable impact the amount of daylight reaching any adjacent houses. The level of activity and noise associated with one house would be such that there would be a negligible impact on the amenity of the neighbours. In this regard the proposal complies with Policy H1 and the supplementary guidance on subdividing residential curtilages.

Access Arrangements and Car Parking

It is proposed to use the existing access from North Deeside Road that serves the existing house at No.469. The driveway would be extended to serve the new house. This arrangement is acceptable. Garaging for two cars would be provided together with additional parking space next to the house. This would be sufficient for a development of the scale proposed. In this regard the proposal complies with the supplementary guidance on subdividing residential curtilages.

Impact on Trees and Ecology

The proposed development would require six trees to be felled. The trees are located in the central part of the site and are typically 7-9 metres high. The large mature trees close to the periphery of the site would be retained. It is those trees that are important to the character and amenity of the area. The house would be positioned to avoid impacting on the large trees. However, given the height and size of those trees and the proximity of the house to them, there would be the potential for pressure to have the trees pruned to allow more sunlight into the house and site once the house is occupied. Notwithstanding, that relationship and potential impact was accepted by the Reporter in granting the appeal in 2003 and thus it would not be reasonable to refuse the application on that basis. Furthermore, the trees are subject to a Tree Preservation Order and accordingly works to the trees, in terms of pruning, topping or felling would require the written consent of the Council. An acceptable scheme for the protection of the trees during construction has been provided by the applicant. The proposal is considered to comply with Policy NE5 of the local development plan and associated supplementary guidance.

Although the site lies within an area, centred on the former Deeside Line, that is identified as a potential bat habitat, the proposal does not involve the removal or alteration of any buildings or the felling of any of the significant trees on the site. Further, there are no recorded sightings of bats on or in the vicinity of this site. As a result there is unlikely to be an impact on bats or their habitat. Accordingly, it was considered not to be necessary in this case to require the submission of a bat survey.

The proposal would have no impact on the nearby Local Nature Conservation Site.

Relevant Planning matters raised by the Community Council

The setting of a precedent – All planning applications are required to be assessed

and determined on their individual planning merits. Approval of this application would not set a precedent for other proposals in the surrounding area.

Concerns relating the retention of trees, construction being via the main driveway and the access to the house utilising the existing driveway, all of which should be subject to conditions- It is not necessary to apply a condition for the retention of trees given that the trees are subject to a Tree Preservation Order and thus the removal of any of the trees, other than those identified as part of this application, would require the written consent of the Council. Those trees to be retained would be protected during construction works. Construction vehicles would by necessity need to use the existing access and driveway. Given the topography of the site, the almost continuous line of trees on the boundary next to West Cults Cults and the difference in levels between the site and that road there is no other viable or realistic option. The same constraints would apply after the house would be occupied. In addition, given the changes of levels that would be required to form an access from West Cults Road, a further planning permission would be needed for such works. For these reasons, it is considered not to be necessary to apply conditions to the planning permission.

Relevant Planning Matters Raised in Written Representations

A previous refusal of planning permission on the site – as stated earlier in this report there is valid planning permission for a house on the site, which was granted on appeal.

The impact on amenity of neighbours (sunlight and shadowing) – This issue has been addressed under the relevant section above.

The design, size and height of the house – These issues have been addressed under the relevant section above.

The impact of the proposal on trees – This issue has been addressed under the relevant section above.

Although the site has a Tree Preservation Order on it, several trees have been removed and topped – Consent to carry out tree works on the site was approved in 2009. The approved works involved removing branches and/or crown thinning of a number of trees (applications P091185 and P091186).

Proximity to the boundary – the position of the proposed house on the site is acceptable in terms of protecting the large trees, the limited impact character and visual amenity of the area and the small impact on residential amenity

The impact on the character of the area – This issue has been addressed in the evaluation above.

No information has been provided with regard to excavation works necessary due to the substantial drop in site levels and the impact on the driveway – A condition is recommended requiring details of the routing of services to be provided in order to ensure that adequate protection would be afforded to the

trees on the site. It is not normal practice to require specific and precise construction details as part of a planning permission. The construction of the house would require to meet the all relevant Buildings Regulations.

Insufficient details on drawings to establish the height of the house – The drawings submitted in support of the application are accurately scaled drawings with sufficient details to fully describe the development.

Concerns regarding the neighbour notification process, specifically the timing of the issue of notices – Neighbour notification was carried out in complete accordance with legislative procedures.

The proposed house would be next to boarding kennels that would affect the residents, which could result in complaints that would impact on the business - The principle of a house on the site has already been established. The original consent could be implemented and thus a house occupied on the site whether or not the current proposal is approved. The business appears to operate and coexist comfortably with residential use, given that there are existing residential properties in close proximity to the kennels.

Issues regarding title restriction against development of the site – This is not a relevant planning consideration.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposed development complies with the Aberdeen Local Development Plan, in particular Policy H1 (Residential Areas), in that it satisfies the criteria listed in the policy, Policy D1 (Architectural and Placemaking) due to the quality of the design of the house and Policy NE5 (Trees and Woodlands) in that the important, protected trees on the site would be retained. The proposal also satisfies the criteria listed in the Council's supplementary guidance The Subdivision and Redevelopment of Residential Curtilages. Furthermore, the principle of a house on the site has already been established through the previous grant of planning permission. The house plot would be of sufficient size to accommodate the proposed dwelling. The general character, density and pattern of development in the area would be respected and maintained. There would be no significant impact on residential amenity. The proposal does not raise any road safety or public safety concerns.

CONDITIONS

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

(1) that no development shall take place unless the scheme for the protection of all trees to be retained on the site during construction works as described in the

Tree Report by Astell Associates dated 24 October 2013 (reference NDR4-1310-TR) and shown on the drawing appended to the report (drawing no. NDR4-1310-TP) has been implemented in full and thereafter shall remain in place for the duration of the construction works - in order to ensure adequate protection for the trees on site during the construction of the development.

(2) that any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.

(3) that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection 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 on site during the construction of the development.

(4) that all trees shown on drawing no. NDR4-1310-LS appended to the Tree Report by Astell Associates dated 24 October 2013 (reference NDR4-1310-TR) shall be planted in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(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'.

(6) that no development shall take place unless there has been submitted to and agreed in writing by the planning authority a detailed scheme for the provision of services for the house, including the routing of the services – in order to afford adequate protection for the protected trees on the site.

Dr Margaret Bochel

Head of Planning and Sustainable Development.