

**PI**

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 24 February 2014 10:19  
**To:** PI  
**Subject:** Planning Comment for 140148

Comment for Planning Application 140148

Name : Karen Johnston  
Address : 269A North Deeside Road,  
Milltimber AB130HD

Telephone :

Email : [REDACTED]

type :

Comment : We are supportive of the proposed development, it appears to be in keeping with the area.

PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 24 February 2014 12:10  
**To:** PI  
**Subject:** Planning Comment for 140148

Comment for Planning Application 140148  
Name : Alasdair Cowie  
Address : 194 North Deeside Road, Milltimber  
AB13 0HJ

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I fully support this planing application as it make sense for the use of such a large section of land by the owners and provides further housing in the area without spoiling the setting or purpose of the area.

**PI**

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 23 February 2014 17:51  
**To:** PI  
**Subject:** Planning Comment for 140148

Comment for Planning Application 140148

Name : James Gilbert  
Address : 269, North Deeside Road,  
Milltimber,  
ABERDEEN  
AB13 0HD

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : We have no objections to this planning application.

J G

PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 20 February 2014 14:03  
**To:** PI  
**Subject:** Planning Comment for 140148

Comment for Planning Application 140148

Name : Bobbie Lilley  
Address : 214 North Deeside Road,  
Milltimber, Aberdeen, AB13 OHJ

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I have received a neighbour notification notice and I am supportive of this application.

**Robert Vickers**

GEE

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 05 March 2014 11:29  
**To:** PI  
**Subject:** Planning Comment for 140148

Comment for Planning Application 140148

Name : Hamish Milne  
Address : 265 North Deeside Road  
Milltimber  
Aberdeen  
AB13 0HD

Telephone : [REDACTED]  
Email : [REDACTED]  
type :

Comment : I wish to lodge objection to the application on the following grounds

1. That the proposed development is not consistent with the neighbourhood development criteria set by the council in terms of size, proximity and loss of amenity to adjoining properties.
2. The style and size of the proposed house is too big particularly in context of the width of the proposed feu.
3. The proposed new drive will radically change and result in loss of character and natural habitat of the existing garden and neighbourhood amenity.
4. If development approval is granted a better access solution including updated standards to sightline access and egress and less adverse impact on the existing habitat should be found.

GEE

PI

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 11 March 2014 15:46  
**To:** PI  
**Subject:** Planning Comment for 140148

Comment for Planning Application 140148

Name : Arron Finnie  
Address : 12 Devanha Gardens West  
Aberdeen

Telephone : [REDACTED]  
Email : [REDACTED]  
type :

Comment : I would like to object to this application. I believe the proposed development is wholly inappropriate for the area. As someone who regularly visits the neighbouring house at 265a it is clear that the proposal will have a terrible effect on the privacy, amenity and indeed sunlight currently enjoyed by that property.

The proposed development will borrow a significant amount of amenity from the surrounding properties, with particular detriment to no. 265a. It seems extremely unreasonable that the owner of No. 267 should benefit financially, almost entirely at the expense of their neighbours who will be left with direct views of a large dwelling house only a few metres away. Indeed the living accommodation at 1st floor level at 265a looks directly onto the proposed dwelling.

The value, but more importantly desirability, of 265a will be effected significantly by this proposal and it just seems wrong that this could happen in order to benefit one party who will sell the plot for a significant profit if it gets planning.

9EE

PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 03 March 2014 21:01  
**To:** PI  
**Subject:** Planning Comment for 140148

Comment for Planning Application 140148  
Name : Angela Harmel  
Address : 210 North Deeside Road, Milltimber

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : We object to the proposed development for the following reasons:

1. The development would increase traffic on North Deeside Road & intensify the number of cars slowing down and turning off - pulling out onto the road.
2. The development would require the removal of several protected trees.
3. Approval of the development would profit the applicant but the resulting house will overshadow the neighbour to the east, particularly in the afternoon.
4. The kitchen and bedroom windows will overlook the property to the East.

GTE

PI

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 03 March 2014 20:04  
**To:** PI  
**Subject:** Planning Comment for 140148

Comment for Planning Application 140148

Name : Steve Horton  
Address : Woodburn House  
263C North Deeside Road  
Milltimber  
Aberdeen  
AB13 0HD

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Objection to Proposed Development at 267 North Deeside Road, Milltimber Planning Application 140148

I have reviewed the documents associated with the proposed development and wish to formally notify Aberdeen City Council Planning Team that I object to it for the following reasons.

The proposed property is adjacent to the Deeside Railway Line. The railway line, described as the disused Deeside Railway line, is not disused; on the contrary, it is used now more than it ever was, now by walkers and cyclists, primarily recreational, people enjoying the open countryside. This development will effect their enjoyment of the environment for those walkers and cyclists, both during construction, and afterwards.

The entire site is covered by a tree preservation order. There are more than 100 protected trees on and around the site, including some prime mature specimen firs Noble and Douglas varieties, several of which it is proposed would be sacrificed for this development. The plans suggest that they will chop down more than thirty trees, of which I think eleven are assessed as being diseased or dead. I am amazed that the arboricultural planner would be of the opinion that the rules would allow such destruction for a planning application for a very large single dwelling new development.

I am disappointed to read that several of the trees in the curtilage are assessed as dead or dying, and wonder why these trees have not been properly maintained in the past. As homeowners, we all have the responsibility to look after trees on our land for the enjoyment of everyone who uses the local environment. I note the interesting language used to describe the way to mitigate the risk of future removal of trees that would shade the proposed new property though I do not understand it; I have to ask if the strategy is therefore to chop them down now;!

I note that the location plan in the design statement does not show the large burn that runs across the north of the curtilage, and in fact forms the northern boundary of my property. It is however shown in one of the other layout drawings, and the proposed development seems to presume that the burn need not be moved or piped, though it does regularly burst its banks and it floods; I am not sure if or how it would affect the proposed development, but on our land flooding has occurred three or more times this winter.

In my view, the house does not fit within the plot in an aesthetically pleasing way. It is jammed in between two already substantial houses, very severely affecting the house immediately to the east. The granite/harling combination will not fit well with the general area, and is quite different from the houses on either side. Despite what is written in the design statement, the house will be visible and prominent from the railway line and in particular from the South Deeside Road as well as Milltimber Brae and the bridge over the River Dee. In my view, the



new house and the loss of the trees will seriously detract from the special character of Milltimber seen by tourists, travellers and local people using these facilities.

The house is as I have said jammed into a relatively small space between two substantial houses. We have already had to deal with several applications on the land belonging to 267 North Deeside Road, we had hoped to new owners would have bought their property to enjoy its special character and location. This is perhaps the &quot;least worst&quot; proposal I have reviewed in the last fifteen years, but I do not understand why anything which would spoil this special place has to be built here at all. Unfortunately for the owners of 265A, if this proposed house is built, it will destroy their enjoyment of their property &#8211; access to light, removal of trees, light pollution, privacy, views over the river valley, overlooking windows, possibly noise and very significant loss of amenity.

I note the suggestion that this property due to its nature and scale will provide something not provided elsewhere in the local development plan. It will indeed &#8211; it provides another very large new house in the garden of a major house that is a local landmark, which requires several magnificent trees to be destroyed, severely impacting the amenity of its near neighbour.

P&SD Letters of Representation		
Application Number: 140148		
RECEIVED - 4 MAR 2014		
Ncr	Sou	MAp
Case Officer Initials: GEE		
Date Acknowledged: 6-3-14		

CHE

Bridgestone House  
263B North Deeside Road  
Milltimber  
Aberdeen  
AB13 OHD

4 February 2014

Dear Sirs

**Planning Application 140148 - Objection to Proposed Development at 267 North Deeside Road, Milltimber, Aberdeen.**

I would like to raise an objection to the above planning application for the following reasons.

The application makes reference to the removal of a significant number of trees. The entire site is covered by a tree preservation order. I am surprised that a single house planning application would merit or allow the removal of so many trees particularly those of the mature Douglas and Noble Furs. Any removal of trees would go against the purpose of having a tree preservation order. I would also mention that planning permission has already been refused for development in this area on the grounds of the impact of the removal of trees.

Further the view of the site and area from the South Deeside Road, Milltimber Brae and very possibly the old Deeside railway line will be changed as a result of the loss of this number of trees coupled with the erection of a new building.

I am of the view that the proposed house does not fit within the plot in an aesthetically pleasing manner, as it will be situated in between two already substantial houses, significantly affecting the house to the east and totally out of character with this area of Milltimber. This area of the city has been enjoyed by the local residents and the building of a new property in such a confined space would be detrimental to the ambience and enjoyment of the neighbourhood as a whole.

For these reason I feel that this application should be refused.

Yours faithfully

■

David Henderson

GEE

Mr & Mrs D. Walker  
265a North Deeside Road  
Milltimber  
AB13 0HD  
3 March 2014

Head of Planning & Sustainable Development  
Enterprise, Planning and Infrastructure  
Aberdeen City Council  
Business Hub 4  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Dear Sirs,

**Planning Application ref: 140148 for a Proposed Dwellinghouse within the Curtilage of Auchenfroee, 267 North Deeside Road, Milltimber**

We strongly object to the above application to develop an additional dwellinghouse on a speculative basis within the curtilage of no. 267 North Deeside Road. The proposal shows a complete disregard for the amenity of our home, compromising our privacy, amenity and daylight through the proposal of a two-storey 5-6 bedroomed-dwellinghouse 7m to the south-west of our house – a density which is uncharacteristic for the area. This is in addition to the loss of 19 protected trees, of which 18 'appear sound and healthy'. The proposal is at odds with policies D1, D2, NE5 and H1 of the *Aberdeen Local Development Plan (2012)*, in addition to its supplementary guidance *The Subdivision and Redevelopment of Residential Curtilages*; compliance with which is a criterion for compliance with policy H1.

There have been several proposals for dwellinghouses on land within the curtilage of no. 267 North Deeside Road, all of which have been refused for the above reasons and subsequently dismissed at appeal, or have been withdrawn following advice to this effect; each one has considered development in this location to be overdevelopment which is uncharacteristic and damaging to the amenity of the neighbouring properties.

**Application P120033: Erection of a dwellinghouse and garage at 265a/267 North Deeside Road**

The two reasons for refusal of this application were:

1. The proposed development, by way of its inappropriate siting and relationship with its surroundings, fails to demonstrate due regard for its context and the general settlement pattern

of the surrounding area. It is considered that the proposal would be contrary to paragraph 82 of SPP, policies D1 (architecture and placemaking), and H1 (residential areas) of the Aberdeen Local Development Plan, and the City Council's supplementary planning guidance on the 'Sub-division and Re-development of Residential Curtilages'.

2. The proposed development, if approved, would risk further eroding the character of this area and setting an undesirable precedent for speculative development in areas characterised by detached dwellings located within large plots, leading to a cumulative erosion of character and amenity.

#### **Application A6/1699: Erection of new dwellinghouse at 267 North Deeside Road, Milltimber**

This application was an outline proposal which included a site plan for determination. The application was in an almost identical location to the proposal under consideration. Whilst considered under the policies of the Aberdeen Local Plan 1991 and Finalised Aberdeen Local Plan 2004, the principles behind the reason for refusal and subsequent dismissal of the appeal remain the same.

The reasons for refusal were, that the proposal, if implemented:

1. would be contrary to Policy R3 - Residential (Lower Deeside) of the adopted Aberdeen City District-Wide Local Plan (1991) and supplementary planning guidelines – Splitting of Residential Feus (1990) due to its detrimental impact on protected trees and residential amenity by way of over-development.
2. would be contrary to Policy 31 – Protecting Trees and Woodlands and Policy 36 – Residential Areas of the Finalised Aberdeen Local Plan (2004) due to the detrimental impact upon existing residential character and amenity and the loss of established trees that make a contribution to their setting.
3. would result in the loss of mature trees covered by Tree Preservation Order 57 to the detriment of the surrounding landscape and the residential character of the area.

The committee report determines the following in its evaluation of the proposal:

The proposal would detract from this established pattern by substantially reducing the setting of the existing house not only by its proximity (6 metres) but also by the loss of mature trees that are covered by a tree preservation order. Furthermore, the presence of a new property on this site would be within 12 metres of an existing dwelling to the east that is separated by no more than a small hedge. The implications of such siting could, subject to final design, be that the privacy of existing residents is compromised.

Relationship of new house to the existing dwelling and those immediately adjacent It is generally accepted that a separation distance of 18 metres between the windows of habitable rooms of separate properties is acceptable. Should this proposal be approved, there would be a separation

distance of 5 metres with Auchenfroe and 12 metres with 265a North Deeside Road, therefore there is a possibility that such separation cannot be achieved but this cannot be determined at this stage. Furthermore, 265a is orientated to be south-west facing, which is directly in line with the proposed dwelling. By replacing existing trees with a permanent building there is potential for there to be a detrimental impact upon 265a in the way of invasion of privacy and a loss of daylight exposure.

#### Density

The building form in Lower Deeside is generally detached properties contained within generous garden ground, although this form has not been followed strictly in the sites immediately adjacent to Auchenfroe. The proposal would benefit from sizeable garden ground to the front and rear but would be quite narrow, a situation that would be replicated for Auchenfroe. Therefore, the setting of the existing dwelling is somewhat compromised.

#### Precedent

Due to the generous nature of building plots in the Lower Deeside area, approval of this proposal could set an undesirable precedent and have consequences for the character of the Deeside villages and traffic generation. In addition, the potential precedent set for the loss of protected trees should be avoided in the interest of residential amenity and the character setting that Aberdeen enjoys from tree provision.

#### **Application A5/1630: erection of dwellinghouse within garden area and new vehicular access to existing dwellinghouse at Auchenfroe (Site A) 267 NDR**

This application was for a single dwellinghouse in a similar position to the one currently applied for; following advice from the planning department the application was withdrawn prior to determination in September 2009.

#### **Aberdeen City Council Policy**

The development proposal does not comply with *Aberdeen Local Development Plan* policies:

**Policy D1: Architecture and Placemaking** ensures high standards of design, new development must be designed with due consideration for its context, and should make a positive contribution to its setting. Factors such as siting, scale, massing, materials, orientation, details, the proportions of building elements, landscaping and boundary treatments, will be considered in assessing that contribution.

The committee report for planning application ref: P120033 notes that this policy applies not only to the external appearance of a development, but also to its siting in relation to existing buildings and the relationship between buildings and their surrounding spaces.

Policy **D2: Design and Amenity** outlines criteria for ensuring new residential development maintains and provides quality amenity for existing and future residents. These criteria include designing privacy into higher density housing and access to gardens and other amenity areas.

Policy **NE5: Trees and Woodlands** presumes 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.

Under policy **H1: Residential Areas**, a proposal(s) for new residential development within existing residential areas are acceptable where it: does not constitute over-development; does not have an unacceptable impact on the character or amenity of the surrounding area; complies with supplementary guidance on curtilage splits.

The Council's Supplementary Guidance on the **Sub-division of Residential Curtilages** notes that:

- New residential development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development in terms of privacy, overlooking, daylighting or sunlighting (para. 3.4.1).
- The relationship of new residential development to existing dwellings is an important factor to be considered in assessing whether the privacy, amenity, sunlight and daylight of residents of both existing and proposed dwellings would be adversely affected (para. 3.4.2).
- To ensure privacy, as a general guideline, there should be a minimum separation of 18 metres between the windows of existing and proposed habitable rooms. This distance can be reduced if the angle between the windows of the existing and proposed residential properties is offset, if effective screening exists this can be reduced as specified (para. 3.4.3).
- Any windows to habitable rooms should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings (para. 3.6.4).
- The width of a curtilage may allow for a dwelling to be built alongside an existing dwelling. The distance between proposed dwellings, and between proposed and existing dwellings should be similar to that predominating on the street (para. 3.6.4).

## **Discussion**

The above supplementary guidance considers the aspects of amenity discussed in policy D1 and policy H1. Contrary to policy, the proposed house borrows a significant amount of amenity from

neighbouring properties both in terms of compromising privacy, loss of afternoon and evening sunlight and loss of amenity through the unduly close proximity of the property, which does not respect the character and amenity of the area which is acknowledged as characterised by large villas situated in substantial plots.

No. 265a is orientated south-west, with its communal living room and bedrooms on the first floor. The Design Statement mentions that there is a boundary hedge, however this is not of sufficient height to prevent overlooking into the living space within the property and into the garden from the first floor of the proposed property. Conversely, being on the first floor, the living room of 265a would directly overlook the garden, kitchen and bedrooms for the proposed property. The angle between the proposed house at 267 and 265a is  $54^{\circ}$ , the prescribed minimum 8m distance between windows at this angle is not met; furthermore the minimum distance required between 267 and the proposed dwellinghouse is 18m, with is not met.

As the living room is on the first floor, the afternoon and evening sunlight light into this well-used room is currently unimpeded and would be adversely affected by the proposed property.

In addition to its non-compliance with the minimum distance in respect of privacy, the proposed dwellinghouse does not comply with the density of surrounding development. Whilst it is on the same building line and the plot is a regular shape, the proposal is 6m to the east of no. 267 and 7m to the west of no. 265a. As a comparison, the distance between the distance between nos. 265a and 267 is 30m; between nos. 267 and 269 is 13m; and the distance between nos. 271 and 269 is 17m – all of which are double or triple the distances between neighbouring properties.

As regards the previous applications for the development of a dwellinghouse within the curtilage of 267, the proposed loss of 19 trees, 18 of which are reported as appearing sound and healthy, is nearly double that of A6/1699 in the same location, for which the loss of mature trees was a reason for refusal.

Whilst the position of the dwellinghouse applied for in the current application is in line with the traditional villa at no. 267 and has a north-south-orientated plot, the proposed house is a 2-storey 5/6 bedroomed house and continues to demonstrate a clear lack of regard for its surroundings. The previous concerns in relation to overdevelopment, size and position of the house in relation to neighbouring privacy and amenity are highly relevant issues.

Whilst A6/1699 was considered under the previous local plan, its reasons for refusal remain valid, particularly as the location of the proposed dwellinghouse is the same and the tree loss, proximity, sunlight and overlooking issues are greater. Whilst located further south, the reasons for refusal of P120033 are also applicable. The second reason in particular is applicable in its entirety, given that this is a speculative development proposal and does not accord with the character of the area, being "detached dwellings located within large plots", particularly due to the density, which results in the new proposal being 'shoehorned' into the site.

The proposal will adversely affect the distinctive character of the local area through uncharacteristic overdevelopment of the plot. The proposed house would be within 6m of no. 267 and within 7m of no. 265a – out of character with the building pattern in the area. No. 265a was built in the grounds of no. 265 over a decade ago, in the land between nos. 265 and 267. This proposal for further development in the gap between 265a and 267 will result in overdevelopment of the site.

The proposed dwellinghouse adversely affects neighbouring amenity through direct overlooking from the kitchen and bedroom windows on the east elevation, particularly as the main living room for no. 265a is on the first floor. With such a small distance between the properties, no. 265a will overlook the accommodation and private gardens related to the proposed house. The house is a substantial two-storey, 5-6 bedroomed property and will affect sunlight into the house and garden at no 265a in the afternoon and evening. The minimum distances to adjacent property set out in supplementary guidance are not met and the proposed dwellinghouse is a substantial size and would require the removal of 19 protected trees, 18 of which are recorded in the tree survey as appearing sound and healthy.

On the basis of the foregoing we object to planning application ref: 140148 for a proposed dwellinghouse within the curtilage of Auchenfroe, 267 North Deeside Road, Milltimber; and respectfully request that the application for planning permission is refused.

Yours Sincerely,

■

Mr & Mrs D. Walker

Cc. Cllr. M. Boulton  
Cllr. A. Malone  
Cllr. M.T. Malik



GEE

PI

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 07 March 2014 13:54  
**To:** PI  
**Subject:** Planning Comment for 140148

Comment for Planning Application 140148

Name : Dean Walker  
 Address : 265a North Deeside Road  
 Milltimber

Telephone : [REDACTED]  
 Email : [REDACTED]  
 type :

Comment : Dear Sirs,

Planning Application ref: 140148 for a Proposed Dwellinghouse within the Curtilage of Auchenfroe, 267 North Deeside Road, Milltimber

We strongly object to the above application to develop an additional dwellinghouse on a speculative basis within the curtilage of no. 267 North Deeside Road. The proposal shows a complete disregard for the amenity of our home, compromising our privacy, amenity and daylight through the proposal of a two-storey 5-6 bedroomed-dwellinghouse 7m to the south-west of our house; a density which is uncharacteristic for the area. This is in addition to the loss of 19 protected trees, of which 18 appear sound and healthy;. The proposal is at odds with policies D1, D2, NE5 and H1 of the Aberdeen Local Development Plan (2012), in addition to its supplementary guidance The Subdivision and Redevelopment of Residential Curtilages; compliance with which is a criterion for compliance with policy H1.

There have been several proposals for dwellinghouses on land within the curtilage of no. 267 North Deeside Road, all of which have been refused for the above reasons and subsequently dismissed at appeal, or have been withdrawn following advice to this effect; each one has considered development in this location to be overdevelopment which is uncharacteristic and damaging to the amenity of the neighbouring properties.

Application P120033: Erection of a dwellinghouse and garage at 265a/267 North Deeside Road

The two reasons for refusal of this application were:

1. The proposed development, by way of its inappropriate siting and relationship with its surroundings, fails to demonstrate due regard for its context and the general settlement pattern of the surrounding area. It is considered that the proposal would be contrary to paragraph 82 of SPP, policies D1 (architecture and placemaking), and H1 (residential areas) of the Aberdeen Local Development Plan, and the City Council's supplementary planning guidance on the 'Sub-division and Re-development of Residential Curtilages'.
2. The proposed development, if approved, would risk further eroding the character of this area and setting an undesirable precedent for speculative development in areas characterised by detached dwellings located within large plots, leading to a cumulative erosion of character and amenity.

Application A6/1699: Erection of new dwellinghouse at 267 North Deeside Road, Milltimber This application was an outline proposal which included a site plan for determination. The application was in an almost identical location to the proposal under consideration. Whilst considered under the policies of the Aberdeen Local Plan 1991 and Finalised

Aberdeen Local Plan 2004, the principles behind the reason for refusal and subsequent dismissal of the appeal remain the same.

The reasons for refusal were, that the proposal, if implemented:

1. would be contrary to Policy R3 - Residential (Lower Deeside) of the adopted Aberdeen City District-Wide Local Plan (1991) and supplementary planning guidelines &#8211; Splitting of Residential Feus (1990) due to its detrimental impact on protected trees and residential amenity by way of over-development.
2. would be contrary to Policy 31 &#8211; Protecting Trees and Woodlands and Policy 36 &#8211; Residential Areas of the Finalised Aberdeen Local Plan (2004) due to the detrimental impact upon existing residential character and amenity and the loss of established trees that make a contribution to their setting.
3. would result in the loss of mature trees covered by Tree Preservation Order 57 to the detriment of the surrounding landscape and the residential character of the area.

The committee report determines the following in its evaluation of the proposal:

The proposal would detract from this established pattern by substantially reducing the setting of the existing house not only by its proximity (6 metres) but also by the loss of mature trees that are covered by a tree preservation order.

Furthermore, the presence of a new property on this site would be within 12 metres of an existing dwelling to the east that is separated by no more than a small hedge. The implications of such siting could, subject to final design, be that the privacy of existing residents is compromised.

Relationship of new house to the existing dwelling and those immediately adjacent It is generally accepted that a separation distance of 18 metres between the windows of habitable rooms of separate properties is acceptable. Should this proposal be approved, there would be a separation distance of 5 metres with Auchenfroe and 12 metres with 265a North Deeside Road, therefore there is a possibility that such separation cannot be achieved but this cannot be determined at this stage. Furthermore, 265a is orientated to be south-west facing, which is directly in line with the proposed dwelling. By replacing existing trees with a permanent building there is potential for there to be a detrimental impact upon 265a in the way of invasion of privacy and a loss of daylight exposure.

#### Density

The building form in Lower Deeside is generally detached properties contained within generous garden ground, although this form has not been followed strictly in the sites immediately adjacent to Auchenfroe. The proposal would benefit from sizeable garden ground to the front and rear but would be quite narrow, a situation that would be replicated for Auchenfroe. Therefore, the setting of the existing dwelling is somewhat compromised.

#### Precedent

Due to the generous nature of building plots in the Lower Deeside area, approval of this proposal could set an undesirable precedent and have consequences for the character of the Deeside villages and traffic generation. In addition, the potential precedent set for the loss of protected trees should be avoided in the interest of residential amenity and the character setting that Aberdeen enjoys from tree provision.

Application A5/1630: erection of dwellinghouse within garden area and new vehicular access to existing dwellinghouse at Auchenfroe (Site A) 267 NDR This application was for a single dwellinghouse in a similar position to the one currently applied for; following advice from the planning department the application was withdrawn prior to determination in September 2009.

#### Aberdeen City Council Policy

The development proposal does not comply with Aberdeen Local Development Plan policies:

Policy D1: Architecture and Placemaking ensures high standards of design, new development must be designed with due consideration for its context, and should make a positive contribution to its setting. Factors such as siting, scale, massing, materials, orientation, details, the proportions of building elements, landscaping and boundary treatments, will be considered in assessing that contribution.

The committee report for planning application ref: P120033 notes that this policy applies not only to the external appearance of a development, but also to its siting in relation to existing buildings and the relationship between buildings and their surrounding spaces.

P&SD Letters of Representation		
Application Number: 140148		
RECEIVED 08 MAR 2014		
Ncr	Sou ✓	MAp
Case Officer initials: GE		
Date Acknowledged: 14/03/14		

Policy D2: Design and Amenity outlines criteria for ensuring new residential development maintains and provides quality amenity for existing and future residents. These criteria include designing privacy into higher density housing and access to gardens and other amenity areas.

Policy NE5: Trees and Woodlands presumes 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.

Under policy H1: Residential Areas, a proposal(s) for new residential development within existing residential areas are acceptable where it: does not constitute over-development; does not have an unacceptable impact on the character or amenity of the surrounding area; complies with supplementary guidance on curtilage splits.

The Council's Supplementary Guidance on the Sub-division of Residential Curtilages notes that:

&#8226; New residential development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development in terms of privacy, overlooking, daylighting or sunlighting (para. 3.4.1).

&#8226; The relationship of new residential development to existing dwellings is an important factor to be considered in assessing whether the privacy, amenity, sunlight and daylight of residents of both existing and proposed dwellings would be adversely affected (para. 3.4.2).

&#8226; To ensure privacy, as a general guideline, there should be a minimum separation of 18 metres between the windows of existing and proposed habitable rooms. This distance can be reduced if the angle between the windows of the existing and proposed residential properties is offset, if effective screening exists this can be reduced as specified (para. 3.4.3).

&#8226; Any windows to habitable rooms should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings (para. 3.6.4).

&#8226; The width of a curtilage may allow for a dwelling to be built alongside an existing dwelling. The distance between proposed dwellings, and between proposed and existing dwellings should be similar to that predominating on the street (para. 3.6.4).

## Discussion

The above supplementary guidance considers the aspects of amenity discussed in policy D1 and policy H1. Contrary to policy, the proposed house borrows a significant amount of amenity from neighbouring properties both in terms of compromising privacy, loss of afternoon and evening sunlight and loss of amenity through the unduly close proximity of the property, which does not respect the character and amenity of the area which is acknowledged as characterised by large villas situated in substantial plots.

No. 265a is orientated south-west, with its communal living room and bedrooms on the first floor. The Design Statement mentions that there is a boundary hedge, however this is not of sufficient height to prevent overlooking into the living space within the property and into the garden from the first floor of the proposed property. Conversely, being on the first floor, the living room of 265a would directly overlook the garden, kitchen and bedrooms for the proposed property. The angle between the proposed house at 267 and 265a is 54o, the prescribed minimum 8m distance between windows at this angle is not met; furthermore the minimum distance required between 267 and the proposed dwellinghouse is 18m, with is not met.

As the living room is on the first floor, the afternoon and evening sunlight light into this well-used room is currently unimpeded and would be adversely affected by the proposed property.

In addition to its non-compliance with the minimum distance in respect of privacy, the proposed dwellinghouse does not comply with the density of surrounding development. Whilst it is on the same building line and the plot is a regular shape, the proposal is 6m to the east of no. 267 and 7m to the west of no. 265a. As a comparison, the distance between the distance between nos. 265a and 267 is 30m; between nos. 267 and 269 is 13m; and the distance between nos. 271 and 269 is 17m &#8211; all of which are double or triple the distances between neighbouring properties.

As regards the previous applications for the development of a dwellinghouse within the curtilage of 267, the proposed loss of 19 trees, 18 of which are reported as appearing sound and healthy, is nearly double that of A6/1699 in the same location, for which the loss of mature trees was a reason for refusal.

Whilst the position of the dwellinghouse applied for in the current application is in line with the traditional villa at no. 267 and has a north-south-orientated plot, the proposed house is a 2-storey 5/6 bed roomed house and continues to demonstrate a clear lack of regard for its surroundings. The previous concerns in relation to overdevelopment, size and position of the house in relation to neighbouring privacy and amenity are highly relevant issues.

Whilst A6/1699 was considered under the previous local plan, its reasons for refusal remain valid, particularly as the location of the proposed dwellinghouse is the same and the tree loss, proximity, sunlight and overlooking issues are greater. Whilst located further south, the reasons for refusal of P120033 are also applicable. The second reason in particular is applicable in its entirety, given that this is a speculative development proposal and does not accord with the character of the area, being detached dwellings located within large plots, particularly due to the density, which results in the new proposal being shoehorned into the site.

The proposal will adversely affect the distinctive character of the local area through uncharacteristic overdevelopment of the plot. The proposed house would be within 6m of no. 267 and within 7m of no. 265a; out of character with the building pattern in the area. No. 265a was built in the grounds of no. 265 over a decade ago, in the land between nos. 265 and 267. This proposal for further development in the gap between 265a and 267 will result in overdevelopment of the site.

The proposed dwellinghouse adversely affects neighbouring amenity through direct overlooking from the kitchen and bedroom windows on the east elevation, particularly as the main living room for no. 265a is on the first floor. With such a small distance between the properties, no. 265a will overlook the accommodation and private gardens related to the proposed house. The house is a substantial two-storey, 5-6 bed roomed property and will affect sunlight into the house and garden at no 265a in the afternoon and evening. The minimum distances to adjacent property set out in supplementary guidance are not met and the proposed dwellinghouse is a substantial size and would require the removal of 19 protected trees, 18 of which are recorded in the tree survey as appearing sound and healthy.

On the basis of the foregoing we object to planning application ref: 140148 for a proposed dwellinghouse within the curtilage of Auchenfrore, 267 North Deeside Road, Milltimber; and respectfully request that the application for planning permission is refused.

Yours Sincerely,

Mr & Mrs D. Walker

P&SD Letters of Representation		
Application Number: 140148		
RECEIVED 10 MAR 2014		
Nor	Sou	MAp
Case Officer Initials: GK		
Date Acknowledged: 10-3-14		