

Planning Development Management Committee

AUCHENFROE, 267 NORTH DEESIDE ROAD,
MILLTIMBER

PROPOSED NEW DWELLINGHOUSE WITHIN
THE CURTILAGE

For: Mr Frank Selbie

Application Type : Detailed Planning Permission
Application Ref. : P140148
Application Date: 10/02/2014
Officer: Gavin Evans
Ward : Lower Deeside (M Boulton/A Malone/M Malik)

Advert : Can't notify neighbour(s)
Advertised on: 26/02/2014
Committee Date: 24 April 2014
Community Council : No response received



RECOMMENDATION:

Refuse

DESCRIPTION

The application site, which extends to approximately 4500sq/0.45ha, is located on the southern side of North Deeside Road, Milltimber, near to its junction with Contlaw Road, and forms part of the extensive residential curtilage pertaining to number 267, also known as 'Auchenfroe'. To the south of the site is the disused Deeside railway line, now a popular public recreational route known as the Deeside Way, while to the east and west are the donor property and the residential plot of 265a North Deeside Road, respectively. Auchenfroe is currently accessed via North Deeside Road, with a driveway leading from the north-western corner of the plot to form a loop in front of the house. The area to the east of that driveway features a number of large mature trees, both deciduous and evergreen, which allow only occasional and partial glimpses of the existing house at Auchenfroe from North Deeside Road, even when deciduous trees are not in leaf. The boundary between Auchenfroe and 265B is defined by a beech hedge which, although deciduous, retains leaves in winter months to provide screening.

The surrounding area to the north, east and west is predominantly residential in character. To the south, beyond the Deeside Way, the land towards the River Dee is in agricultural use.

The application site is within a wider area covered by a Tree Preservation Order (TPO), which requires that works to any existing trees must be approved by the planning authority in advance.

RELEVANT HISTORY

Most recently, an application (ref.P120033) sought detailed planning permission for the construction of a single dwellinghouse on a different site from that currently proposed, within a plot to be formed using parts of the rear gardens of nos. 267/Auchenfroe and 265a North Deeside Road. That application was refused in accordance with officer recommendation at the Planning Development Management Sub-committee meeting of 19th July 2012. Reasons stated made reference to the proposed development's 'inappropriate siting and relationship with its surroundings' failing to demonstrate due regard for its context and the general settlement pattern of the surrounding area. The risk of setting an undesirable precedent was also cited as a reason for refusal. A subsequent planning appeal was dismissed in January 2013, with the reporter appointed by the Directorate for Planning and Environmental Appeals finding that the proposal did not accord with the provisions of the development plan (specifically Policies D1 and H1 of the Aberdeen Local Development Plan) and that no other material considerations warranted approval despite the provisions of the development plan.

An earlier application, seeking Outline Planning Permission for the construction of a new house on a site largely similar to that currently proposed was refused in August 2007 (ref.A6/1699), citing reasons of over-development, tree loss and

adverse impact on surrounding landscape and the residential character of the area. An associated appeal (ref. P/PPA/100/0388) was dismissed in January 2008, with the appointed reporter making reference to the uncharacteristically close spacing of the house to those immediately adjacent, and also concluding that the tree loss necessary at that time would result in an adverse impact on the landscape character of the area. This decision concluded that the proposal at that time would not accord with the provisions of the development plan, and that there were no material considerations which the reporter considered would warrant approval. It is noted that consideration of that proposal took place against a different development plan context, with the 1991 Aberdeen City District-Wide Local Plan still in force, and the 2008 Aberdeen Local Plan at Finalised stage.

PROPOSAL

This application seeks detailed planning permission for the construction of a single detached dwellinghouse in a new plot, to be formed via the sub-division of the existing plot at Auchenfroe, 267 North Deeside Road.

The proposed new dwelling would be sited approximately 68m back from the site frontage onto North Deeside Road, with its north-facing elevation broadly in line with that of Auchenfroe. It would be constructed across 2 storeys, incorporating a double-width integral garage and featuring twin gables on both front and rear elevations. Elevations would be finished with a combination of natural granite and smooth white render, while the roof would be finished in natural slate. Windows and doors would be formed with aluminium-clad timber frames.

The existing access point from North Deeside Road would be shared with Auchenfroe, however a separate driveway would branch off from around 5m along the existing drive to provide a segregated route to the new dwelling.

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?140148>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because it has attracted more than 5 letters of objection. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objection.

Environmental Health – No observations.

Enterprise, Planning & Infrastructure (Flooding) – Further information requested in relation to means of surface water drainage and the watercourse in the northern end of the site.

Education, Culture & Sport (Archaeology) – No response.

Community Council – No response.

REPRESENTATIONS

10 letters of representation have been received. Of these 6 expressed objections, with 4 in support of the proposal. These representations raise the following matters –

Support

1. General support for the application.
2. The proposal would provide further housing in the area without spoiling the its setting.
3. The proposal is in keeping with the area.

Objection

1. Adverse impact on privacy, amenity and sunlight to 265A, with overshadowing in the afternoons, and windows overlooking the property.
2. 'Borrowing amenity' from 265A.
3. Proposal is motivated by financial gain, to the detriment of local residents.
4. Excessive and disproportionate loss of protected trees (covered by a Tree Preservation Order).
5. Previous refusal(s), which made reference to removal of trees, are highlighted.
6. Visual impact arising from the presence of the new building and the loss of trees.
7. The proposed house would not fit comfortably within this plot, being uncharacteristically close to neighbouring houses.
8. The proposal is not consistent with the Council's criteria for residential development, relating to size, proximity to adjoining properties and impact on the amenity of those properties.
9. The style and size of the house is too big, particularly in terms of the plot width, being 'shoehorned' in to the available land.
10. Traffic on North Deeside Road would be increased, with a corresponding increase in the number of vehicles slowing to turn in at this access.
11. Highlights the amount of trees assessed as dead or dying, and suggests that better care and maintenance could have enabled their retention.
12. Notes that an existing burn running across the north of the site is not shown on all plans.
13. Materials used do not reflect the style of the houses on either side.
14. Notes conflict with policies D1, D2, NE5 and H1 of the Aberdeen Local Development Plan (ALDP).
15. Notes conflict with the Council's Supplementary Guidance on 'The Sub-division and Redevelopment of Residential Curtilages'.

16. Highlights the arrangement of 265A, which has communal living space and bedrooms at first floor level, facing towards the proposed new house.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

SPP indicates that infill sites within existing settlements can often make a useful contribution to the supply of housing land. It further states that proposals for infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community. The Individual and cumulative effects of infill development should be sustainable in relation to social, economic, transport and other relevant physical infrastructure and should not lead to over development.

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 – States that to ensure high standards of design, new development must be designed with due consideration for its context, and should make a positive contribution to its setting. 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

This policy outlines a series of criteria for new residential development, with the aim of ensuring an acceptable level of amenity for residents of new development and those residents of existing adjacent dwellings. These relate to such issues as privacy, the incorporation of both a street frontage and a private frontage, access to gardens/balconies/other amenity areas, restricting the over-dominance of car parking etc.

Policy D6: Landscape

Development will not be acceptable unless it avoids... significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct sense of place which points to being either in or around Aberdeen or a particular part of it.

Policy H1: Residential Areas

Within existing residential areas, proposals for new residential development will be acceptable in principle, provided 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 (entitled '*The sub-division and redevelopment of residential curtilages*')

Policy H3: Density

The City Council will seek an appropriate density of development on all housing allocations and windfall sites.

Policy NE5: Trees and Woodlands

States that 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 measure should be taken for the protection and long-term management of existing trees and new planting both during and after construction. Native trees and woodlands should be planted in new development.

Policy R7: Low and Zero Carbon Buildings

All new buildings must install low and zero carbon generating technologies to reduce the predicted carbon dioxide emissions by at least 15% below the level set by 2007 building standards.

Supplementary Guidance

The Council's supplementary planning guidance documents relating to 'The Sub-division and Redevelopment of Residential Curtilages' and 'Low and Zero Carbon Buildings' are of relevance to the assessment of this application.

Other Relevant Material Considerations

The matters raised in representations, where raising legitimate planning considerations, are material to the assessment of this 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.

Zoning

The application site lies within a predominantly residential area, which is reflected in its 'H1 Residential' zoning the Aberdeen Local Development Plan (ALDP),

where policy H1 shall apply. Within such areas, the principle of further residential development will be accepted, provided those criteria set out in policy H1 can be satisfied. These criteria are set out in the 'Planning Policy' section of this report, above.

The question of whether the proposal represents 'over-development' for the purposes of assessment against policy H1 will be addressed in the 'density' section of this report, below.

The proposal relates to the sub-division of an existing residential curtilage and so, for the purposes of assessment against policy H1 (Residential) of the ALDP, it is established that the proposal does not involve the loss of any open space as defined in the Aberdeen Open Space Audit 2010.

Policy H1 also requires that new development does not result in an unacceptable impact on the character or amenity of the surrounding area. The area surrounding the application site is characterised by large detached residential properties, set within generous long curtilages, stretching back from North Deeside Road. It is understood that there has been significant change in the formerly very regular arrangement of properties over time. The earliest properties were set in plots which stretched from North Deeside Road to the edge of the Deeside Way (the former Deeside Railway line), and Auchenfroe is arguably the best-preserved example of that arrangement. Over time, a series of 'curtilage splits' has gradually eroded the size of the respective curtilages and somewhat altered the character of the area. Nevertheless, whilst the arrangement of plots has become less regular over time, the immediate context of the development site remains characterised by detached houses set within large plots in mature woodlands. Issues relating to the proposal's impact on character and amenity will be considered in turn, before a conclusion is reached later in this report.

Impact on amenity

The proposed new house would be sited in such a way as to present a clear 'public face' towards North Deeside Road, with a private face looking south onto extensive rear garden grounds. Provision for car parking and turning areas would not dominate the site. With respect to privacy, the proposed new dwelling initially included two east-facing bedroom windows at first-floor level, looking towards 265A North Deeside Road (at a distance of approx. 11.5m) and over the rear garden of that property. These have since been removed from the proposal. There remains a first-floor bedroom window in the western elevation, facing towards Auchenfroe, at a distance of approximately 12.5m from the eastern face of its northern wing. That elevation includes several windows which, according to the plans approved in 2008 for the construction of the extension to Auchenfroe, look out from an upper hallway, a bathroom and a bedroom respectively. The applicant's agent has confirmed that the northernmost window in that elevation relates to a bedroom. The distance between the respective bedroom windows is estimated at 15m, and whilst they are offset at an angle of around 35 degrees, the side elevations of the respective dwellings would directly face one another. The Council's adopted Supplementary Guidance on 'The Sub-division and Redevelopment of Residential Curtilages' recommends a minimum separation of

18m between the windows of existing and proposed habitable rooms. Reduced distances will apply where the elevations of buildings are offset at an angle to one another, however the guidance makes no allowance for windows being offset in directly facing elevations. As a result, the proposal is not fully compliant with the guidance relating to privacy in the Council's 'Sub-division and Redevelopment of Residential Curtilages' Supplementary Guidance, however it is considered that there is a reasonable case that a shorter window-to-window distance may be appropriate given the 35 degree offset between the windows concerned.

The Council's Supplementary Guidance on this topic also states that windows to habitable rooms should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings. In this case, any overlooking to private gardens has been addressed through the removal of windows in the east-facing elevation of the house. West-facing windows in the new house would overlook less-private areas of the plot, immediately in front of the house and including space for the parking of cars.

Garden grounds afforded to Auchenfroe and the new dwelling as a result of the proposed development would remain of an appropriate size, comfortably exceeding the minimum specifications set out in the Council's supplementary guidance.

The separation between the dwellings is considered sufficient to ensure that new and existing houses will be afforded good levels of daylight and sunlight, with no undue obstruction.

Density

As noted in the 'zoning' section of this report, the local area is characterised by detached dwellings set within large plots. The current plot of Auchenfroe, at 10,000sqm/1.0ha is amongst the largest in the immediate area, and the subdivision of the plot in the manner proposed would result in both Auchenfroe and the proposed new house benefitting from extensive plots of 0.45ha and 0.55ha respectively, which would remain favourably comparable in size to those seen in the surrounding area. On a straightforward assessment of the size of the resultant plots, and the proportion of those plots which would remain undeveloped, it is clear that the proposal does not represent overdevelopment for the purposes of assessment against policies H1(Residential Areas) and H3 (Density) of the Aberdeen Local Development Plan. It should be noted that consideration of the more complex relationship between the proposed new house, its associated curtilage and the surrounding buildings and spaces is given in later sections of this report.

Design/siting

The Council's adopted Supplementary Guidance on 'The Sub-division and Redevelopment of Residential Curtilages' sets out key considerations in the assessment of development proposals of this type. This document notes that the construction of new dwellings within established areas will affect the overall density and pattern of development in the surrounding area, and that the

acceptability of proposals will be dependent on the general form of development in the locality. Consideration must 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.

The frontage of the proposed dwelling is broadly in line with that of the adjacent Auchenfroe and, whilst there has been a degree of variation in siting due to incremental development of individual new houses, the proposal is considered to be appropriately sited with regards to the notional 'building line', such as it is.

The design of the proposed new house is clearly influenced by the proportions of the site which, though large, is very long and relatively narrow in relative terms. As a result, there are large areas of undeveloped space to the front and rear of the proposed house, but the new house would be very close to its boundaries on either side. Whilst there are several previous instances of residential plots being sub-divided in the surrounding area, and in those cases the siting of any new buildings has allowed for an appropriate separation between buildings, ensuring that the open low-density woodland character of the area could be retained.

The proposed new house would be positioned approximately 7.5m from 265A and 6m from Auchenfroe at its closest points. Currently, Auchenfroe is separated from its nearest neighbours by approximately 11.5m to the west and 30.5m to the east. Whilst properties at Station Road East are more closely sited, those properties are set within shorter, narrower plots, and are seen in a different context by being accessed off Station Road East. The close proximity of these three properties (Auchenfroe, the new house and 265A) would be uncharacteristic in this immediate context, and raises

Whilst there is no right to a 'view' as such, the general aspect afforded to a property is a relevant consideration, and it is considered that orientation of the existing house at 265A is such that the new house would be placed in a very prominent position, in close proximity to the mutual boundary. This would exacerbate the uncharacteristically close siting of these houses, as the south-western face of 265A is its most extensively glazed elevation.

It is apparent that a new house on this site would be unable to simultaneously respect the notional 'building line' formed by the positioning of houses within their respective plots whilst also maintaining an appropriate separation from those same neighbouring dwellings.

Separate from the siting of the house in relation to its surroundings is the design and finish of the house itself. The composition and styling of the proposed dwelling, which features double gables on both front and rear elevations, are reflective of Auchenfroe, which itself features a double gable arrangement on its south-facing elevation. The use of a natural slate roof and natural granite is used at ground floor level on front and rear elevations, and is also used to help break up the elongated side elevations. The use of natural slate would similarly mirror the finishing of Auchenfroe, and the style of the roof is consistent with those commonly seen in the surrounding area.

Trees/Landscape

The submitted tree survey identifies a total of 80 trees either within the application site or immediately adjacent. The accompanying report recommends the removal of a total of 33 trees, of which 19 (11 category-C and 8 category-B) would be removed to directly facilitate the development. 14 further trees are recommended for removal on the basis of their current condition, with many either dead or diseased. There are 8 category-A trees within the site, all of which would be retained. These trees are all covered by a Tree Preservation Order (TPO). For the avoidance of doubt, the effect of a TPO is to require any works to trees, including removals, to be first authorised by the planning authority.

As noted previously, the Auchenfroe site is well screened from North Deeside Road due to the existing tree cover, and those existing trees make a significant contribution to the local landscape character. That new driveway, though constructed using a 'no-dig' technique to minimise impact on tree root systems, would require the removal of a 7 existing trees, of which 6 are category-C and one is category-B. The Council's Environmental Planner advises that, even with the use of a no-dig methodology, the maturity of the trees affected is such that they are less resilient to the impact of development within their Root Protection Zones (RPZs).

Whilst replacement planting can be an option where tree loss is considered acceptable, a number of concerns have been raised by the Council's Environmental Planner in relation to the replacement planting proposed in this instance. It is understood that much of the proposed new planting to the north of the house would be heavily shaded by the remaining tree stock, likely leading to low establishment rates and poor quality growth where specimens do manage to establish themselves. The prevalence of Holly in replacement planting is not considered to be appropriate, as it would not adequately compensate for the loss of mature trees of varying species. It is noted also that proposed new planting to the south of the property would, as trees mature, restrict light levels internally, thereby leading to increased risk of their removal in future. Furthermore, the spacing of new trees to be planted to the south of the property would likely lead to thinning-out as specimens mature.

Taking these factors into account, it is clear that the proposed development would result in the loss of a substantial number of trees which, though not including any exceptional individual specimens, collectively make a significant contribution to local landscape character. The proposals for replacement planting would not adequately mitigate for the loss of these trees, and it is further noted that the retention of trees 724 (Wellingtonia, category A) & 725 (Western Hemlock, category A) in close proximity to the new house would be likely to increase the threat of their removal in future. It is acknowledged that much of the tree loss would take place on and around the site of the house itself, with removals towards the northern end of the site, and its frontage onto North Deeside Road, less severe, however the extent of tree loss remains unacceptable, particularly given the limited prospects of good quality replacement planting. Such extensive tree loss is not consistent with the aims of policy NE5

(Trees and Woodlands) of the Aberdeen Local Development Plan, however it is arguable that the impact on wider landscape character, as perceived from public areas at North Deeside Road and the Deeside Way, would not be 'significantly adversely affected' as set out in policy D6 (Landscape).

Access/Parking

Notwithstanding consideration of its impact on existing trees, which will be addressed elsewhere in this report, the proposal includes access being taken via the existing access point onto North Deeside Road, with a new driveway then branching off from the existing driveway to Auchenfroe. This arrangement has been accepted by colleagues in the Council's Roads Projects Team. Appropriate provision has been made for the parking of vehicles within the application site, in accordance with the Council's 'Transport and Accessibility' supplementary guidance. The proposal is considered to accord with the requirements of policy T2 (Managing the Transport Impact of Development) of the ALDP.

Drainage

The comments made by the Council's Flooding team are noted. Further discussion has established that a detailed scheme of Sustainable Urban Drainage to serve the site could be provided via condition in the event of approval.

Low and Zero Carbon Generating Technologies

The proposal makes no reference to the incorporation of Low and Zero Carbon Generating Technologies within the development. Policy R6 requires development to make such provision, however details of such arrangements are commonly obtained via the use of a condition attached to any consent. It is noted also that 'deemed compliance' with the Council's adopted supplementary guidance on Low and Zero Carbon Buildings can be achieved by exceeding CO₂ reductions required by current building standards, whether that saving is achieved via LZC generating technologies or 'fabric first' solutions.

Matters raised in representations

Support for the proposal is noted. Issues relating to privacy, sunlight, amenity, impact on trees, and the relationship of the dwelling to its surroundings have been addressed in the respective sections of this report. The applicant's motivations in making a planning application are not relevant to the planning authority's consideration. Whilst previous instances of planning permission being refused are relevant, it is noted that one of these proposals related to a different site and the other was considered against a different development plan. In all cases, planning applications will be considered on their own merits, having due regard for the provisions of the development plan and any other material planning considerations. Earlier decisions, while relevant, will not preclude due consideration of a current proposal. Any increase on traffic along North Deeside Road as a result of a single dwellinghouse would be negligible, and the current access has been accepted as sufficient to serve an additional house in this location following due consideration by officers in the Council's Roads Projects Team. Points made regarding preventative works for the care and maintenance of trees potentially avoiding removal on health grounds are noted, however are

not relevant to this assessment, which is based on the condition of the trees and their value at the present time. It is noted that the burn across the northern part of the site was not shown on all drawings, however the watercourse was identified in submissions, and has been taken into account by the Council's Flooding team.

Summary

Whilst the development proposal is not without merit, and the design and finishing of the house in isolation is considered to be acceptable, it represents an uncharacteristically tight fit relative to the neighbouring buildings, and is not considered to be reflective of the pattern of development in the immediately surrounding area, which is characterised by detached dwellings, set in large plots and benefitting from proportionate separation from other buildings. The siting of the house and the formation of a new driveway would result in an unacceptable level of tree loss, and proposals for replacement planting would not compensate adequately for those trees to be removed. Whilst alternative access and driveway arrangements may reduce the likely impact in terms of trees to be removed, this would not address the central issue of the siting of a new house relative to its immediate neighbours and the established character and pattern of development in the surrounding area. Whilst not in strict compliance with the Council's supplementary guidance, any concern arising from the proximity of bedroom windows in the new house relative to those in Auchenfroe is mitigated by the angle at which the respective windows are offset. It is therefore concluded that the proposal fails to demonstrate accordance with the development plan in a number of areas, detailed in the 'reasons for recommendation', below. Matters raised in representations have been taken into account, and it is concluded that no matters have been raised that would warrant determination other than in accordance with the provisions of the development plan.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1. The proposal is considered to be contrary to the guidance set out in the Council's adopted 'Sub-division and Redevelopment of Residential Curtilages' Supplementary Guidance, so far as it relates to the appropriate siting of dwellings with due regard to any established pattern of development. By virtue of its siting uncharacteristically close to its own plot boundaries and adjacent dwellings, the proposal fails to demonstrate due regard for its context or make a positive contribution to its setting, and is therefore contrary to policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan and the relevant paragraph 82 of Scottish Planning Policy (SPP). The proposal would also, as a result of its failure to demonstrate accordance with the aforementioned supplementary guidance and its impact on the character of the surrounding area,

be contrary to policy H1 (Residential Areas) of the Aberdeen Local Development Plan.

2. The proposal would result in the removal of a significant number of protected trees which, though generally not of particular quality individually, collectively contribute to landscape character and local amenity. The proposal is therefore considered to be contrary to the aims of policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

Dr Margaret Bochel

Head of Planning and Sustainable Development.