

## Planning Development Management Committee

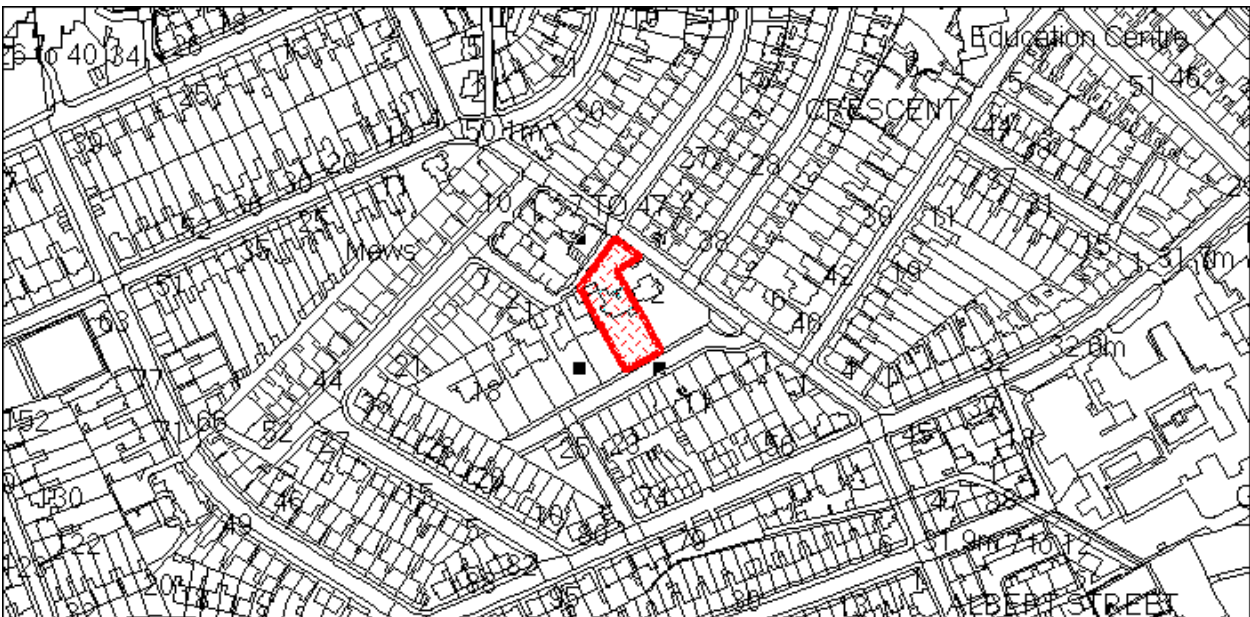
4 WESTFIELD TERRACE, ABERDEEN

ERECTION OF 2 STOREY DWELLINGHOUSE  
WITHIN GARDEN GROUND AND  
ALTERATIONS TO BOUNDARY WALL

For: Mr Tom Mason

Application Type : Detailed Planning Permission  
Application Ref. : P131777  
Application Date: 13/12/2013  
Officer: Paul Williamson  
Ward : Hazlehead/Ashley/Queen's Cross(M  
Greig/J Stewart/R Thomson/J Corall)

Advert : Section 60/65 - Dev aff  
LB/CA  
Advertised on: 16/04/2014  
Committee Date: 28 May 2014  
Community Council : Comments



**RECOMMENDATION:**  
Refuse

## **DESCRIPTION**

The application site is to the west of Craigie Loanings and forms part of the wider 'garden' ground of the residential property 4 Westfield Terrace, Rosemount. The site is also located within the boundary of the Rosemount/Westburn Conservation Area.

The northern side of Westfield Terrace is characterised by a mix of (eight) large detached and semi-detached dwellinghouses (of two storeys) set within generous plots, most with mature planting and trees contained therein.

The application site itself extends to approximately 400 square metres, while the currently extent of the curtilage associated with 4 Westfield Terrace extends to some 1730 square metres. The existing dwelling at No. 4 covers a footprint of 275 square metres, with a further detached garage/outhouse of 50 square metres to the north west corner of the curtilage. The existing dwelling, as with many of the neighbouring properties, is a two storey traditional dwellinghouse fronting onto Westfield Terrace.

In respect of topography, the site is slightly higher (approximately 1.75 metres) than the adjacent properties on Westfield Terrace. The adjacent 3 storey flats at Craigie Park Place (developed in the mid-eighties) are again higher as levels continue to rise up towards Rosemount Place at the crest of the hill.

The north western and north eastern boundaries of the site are formed by an existing granite boundary wall which varies from 1.8m to 2.2m on Craigie Loanings, and approximately 2 metres along the boundary with Craigie Park Place. Beyond the application site, the land also falls away to the south, before levelling out at Albert Street/Whitehall Place.

Within the site boundaries are a total of 16 individual trees. These trees are between 5 – 16m in height; with an average of approximately 8.5 metres. The remaining boundary to the south is formed by a 1.2 metre high granite rubble wall towards 2 Westfield Terrace, while the boundary to No. 4 is partially open, and part 1 metre high vertically boarded fence, while the remainder is formed by the rear wall of the garage/outbuilding of 4 Westfield Terrace.

## **RELEVANT HISTORY**

While not specific planning applications, two applications (Ref; 130288 and 101611) for works to trees in a Conservation Area were previously approved unconditionally. These related to the removal of six trees and pruning of seven trees; and, removal of two trees, and further pruning, respectively.

## **PROPOSAL**

It is proposed to erect a two storey detached dwellinghouse on the site, which would subdivide the existing curtilage relating to the existing dwelling 4 Westfield

Terrace. The feu split would see the new curtilage extending to some 400 square metres, with the reduced curtilage for 4 Westfield Terrace being approximately 1330 square metres. The new dwelling would face towards Craigie Loanings.

The dwelling would include accommodation over two levels, and would feature two car parking spaces and a turning area in the rear garden ground. At ground level, the accommodation would include a shared kitchen/fining area, two bedrooms and a bathroom. The first floor accommodation comprises: a master bedroom with en-suite, and a large open space lounge, with associated balcony to the rear.

Externally the dwelling would be finished with granite to the frontage, and return quoins to the side elevations. Granite would also be used on the balcony edge screens. Other elevations would utilise a white 'k' render, while a small area would also utilise dark grey lead cladding. The balcony itself would be formed by a glass balustrade. It is proposed that the roof would be formed in slate, while windows and doors would be powder coated aluminium. A chimney is also proposed on the north west facing roof plane.

The dwelling house would have its own driveway accessed off Craigie Park Place (a one way street in the section towards Craigie Loanings), in a position that was previously the subject of an opening, and has since been built up in a combination of granite rubble, brick, and blockwork. A total of 6 no. trees have been identified as requiring removal to allow development. Additional planting is shown to the north west boundary along Craigie Park Place to provide a screen between the application site, and the adjacent flatted properties. Pedestrian access to the site would be formed through a new slapping onto the footway at Craigie Loanings. It would include new granite piers, and a dark grey painted timber gate.

Foul drainage and water would be connected to the public mains.

A design statement and tree report have been submitted in support of the application.

### **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?131777>

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 the proposal has been the subject of six or more letters of

representations expressing objection or concern about the proposal. Furthermore, the proposal has also been the subject of concerns from the Rosemount and Mile End Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Roads Projects Team** – No objection. Initially identified that 3 car parking spaces should be provided within the site (as there were originally 4 bedrooms proposed). The application was subsequently revised to 3 bedrooms, therefore 2 spaces was deemed as being appropriate. Further concern was also raised with regard to the proposed visibility splay, although a condition could be used to secure this. Clarification over the proposed site drainage was also requested, although again, this can be conditioned.

**Environmental Health** – No observations.

**Enterprise, Planning & Infrastructure (Flooding)** - Requested clarification over the method of discharge of all surface water relating to the development, and identification of the receiving sewer/watercourse.

**Rosemount and Mile End Community Council** – Indicated the following observations;

- It appears the main site entrance is onto Craigie Loanings. As this is a busy bus route and thoroughfare, this could be a traffic hazard/safety problem;
- The one-way lane adjacent to the site, which is also used by flat owners, should not be used for access to the site;
- The proposed dwelling would block the view of some flat owners;
- The proposed plan is over-development and of an inappropriate design for this area, and not in keeping with Westfield Terrace; and
- Request that the Planning (Development Management) Committee undertake a site visit to fully appreciate the points they have raised.

## **REPRESENTATIONS**

Seven letters of objection has been received. The objections raised relate to the following matters –

1. The proposed vehicular access from to Craigie Park Place would create a potential hazard to residents and schoolchildren;
2. The plans have been poorly drawn up and do not accurately represent the true situation of the area;
3. The site would be over-developed and is of an inappropriate density;
4. The proposed balcony would intrude on the privacy of adjacent flatted properties;
5. Repairs to Craigie Park Place would require agreement between owners, whom have not been identified albeit residents have been paying for the upkeep of the landscaped verge;
6. Household waste would not be able to be collected from the Craigie Park Place as indicated as refuse vehicles do not use that part of the lane;
7. Potential damage to roads by construction vehicles;

8. The one way system should be retained for safety purposes;
9. The proposal would present an inappropriate development of green space land containing mature soft landscape features and habitats;
10. The proposal may impact on natural light whether it be by the building itself, or the proposed planting towards Craigie Park Place;
11. The proposed screening may obstruct emergency service vehicles;
12. The proposal would result in the loss of part of an existing traditionally constructed wall, typical of the irreplaceable architectural heritage of Aberdeen;
13. The pedestrian access to Craigie Loanings could be potentially unsafe for egress;
14. Increased traffic would be a safety issue;
15. Loss of long established trees;
16. The proposal could have health implications on adjacent residents; and
17. Potential impact on adjacent property values.

## **PLANNING POLICY**

### **Aberdeen Local Development Plan**

Policy H1 (Residential Areas): states that within existing residential areas, proposals for new residential development and householder 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;
4. Complies with supplementary guidance on Curtilage Splits.

Policy D1 (Architecture and Placemaking) – To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D2 (Design and Amenity) – Privacy shall be designed into higher density housing, residential development will have a public face to the street and private face to an enclosed garden or court, residents shall have access to sitting out areas, car parking should not dominate, opportunities should be made of views and sunlight, measures should be included to design out crime and external lighting shall take into account amenity and the effects of light spillage.

Policy D4 (Aberdeen's Granite Heritage) – Consent will not be given for the demolition of granite built garden or other boundary walls in conservation areas.

Policy D5 (Built Heritage) – Proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

Policy NE5 (Trees and Woodland) – 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.

Policy NE6 (Flooding and Drainage) – Surface water drainage associated with development must be the most appropriate available in terms of SUDS and avoid flooding and pollution both during and after construction.

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.

### **Supplementary Guidance**

The Sub-division and Redevelopment of Residential Curtilages

- Guidance is provided on specific topic areas including: Privacy, residential amenity, daylight and sunlight; Design and materials; Density, pattern and scale of development; Trees and garden ground; Pedestrian/vehicular safety and car parking; and, Precedent.

Transport and Accessibility

### **Other Relevant Material Considerations**

None relevant to 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas

### **Principle of Residential Development**

The application site is located within an area covered by a residential zoning, as such the general principle of residential development can be accepted subject to

compliance with the criteria set out within policy H1, and the associated Supplementary Guidance on the Sub-division and redevelopment of Residential Curtilages.

It is acknowledged that the extent and shape of garden ground associated with 4 Westfield Terrace, is irregular and therefore the portion of rear garden ground which is the subject of this application is different to the general form of the curtilages of properties along the northern side of Westfield Terrace. However, that in itself does not permit the principle of development. In general the curtilage size of properties on the north side of the street is around 950 square metres, with a development footprint of approximately 240 square metres. This equates to around 25% of the respective site areas. In the case of No. 4 at present, the site, due to the irregular shaped garden, and width of the feu, extends to 1730 square metres, with a development footprint of 325 square metres. This is 18.8%. As a result of the development, the developed area of the retained dwelling at No. 4 would become 24.4% thus reflecting neighbouring properties. However, the proposed new dwelling, would be of a substantially smaller curtilage size that adjacent properties, notwithstanding the fact that it would front Craigie Loanings.

In respect of the latter, very few individual buildings front onto Craigie Loanings itself. Beyond the southern side of Westfield Terrace, a small property at 1 Craigie Loanings, has a curtilage size of 280 square metres. The single storey cottage, with hipped and slated roof, results in a site coverage of 35.7%. In that instance, there is no rear garden ground, and the front garden is largely dominated by hard-standing. Such a development would not be appropriate by todays current planning policies. The only other front facing buildings onto Craigie Loanings are the adjacent flatted blocks to the north west, which would not necessarily set a precedent for the development as proposed, as that site related to the brownfield redevelopment of a former filling station site.

The proposal as submitted would have a curtilage size of approximately 400 square metres, and a development footprint of approximately 100 square metres. Although this would result in a comparable developed area to properties on Westfield Terrace at around 25%, therefore while not over-development per se, the curtilage size is considerably smaller therefore not reflecting the general character of the area.

The application site, by virtue of its irregular shape, does not readily lend itself to development. The tapering of the site towards the west does not create a particularly useable rear garden area for the proposed dwelling, and it would in essence be separated from the dwelling by the two car parking spaces, and turning head. Furthermore, the site also has other characteristics which shall be discussed in turn.

Accordingly, the proposal is considered to conflict with at least one of the defined criteria within policy H1 of the Adopted Local Development Plan. However, it is also appropriate to consider the proposal against each of the topic areas within

the Supplementary Guidance (SG) on the Sub-division and Redevelopment of Residential Curtilages.

### **Privacy, residential amenity, daylight and sunlight**

The proposal, in light of its positioning could in theory have a direct privacy impact on two adjacent properties. Firstly the direct distance to the adjacent flatted properties of Cragie Park Place would be approximately 6.5 metres. However, as part of the design review, the applicant amended the submission to introduce a solid screen at the side of the balcony feature. This would effectively reduce the ability for intrusion into the adjacent properties in light of the acute angle involved.

However, the proposal would only be two metres from the boundary with the retained dwelling at 4 Westfield Terrace. There would therefore be opportunities to directly overlook the associated garden ground. Distances to rear windows of the existing property would also be as low as 12 metres, therefore contravening the minimum requirement of 18 metres within the SG.

In respect of potential impacts on amenity, daylight and sunlight, the most likely potential impacts would again be towards the existing flatted development to the north. Having highlighted this as a potential issue to the applicant, their agent has submitted plans which illustrate that the proposal would not interfere with the adjacent daylight, through the use of the 25 degree approach (i.e. the development would not intrude upon the area where good daylight is achieved within a room. Notwithstanding, the presence of existing trees is considered to have more of an impact on the existing properties.

### **Design and materials**

It is acknowledged that the surrounding area contains a relatively wide variety of dwelling types and scale. This includes: traditional dwellings and tenements constructed of granite and slate; and, modern flatted properties with render and tiled roofs. As such, the general approach in using quality materials in the form of granite, smooth render, and slate would generally be welcomed. In respect of design, the general form of the dwelling has good proportions, and illustrates a relatively contemporary yet respectful design. However as noted above, the general principle of development on site cannot be established.

### **Density, pattern and scale of development**

As noted above, while the general site development would be comparable to surrounding percentages, the pattern of development shows dwellings having much larger curtilages. The irregular shape of site results in the dwelling being shoe-horned into the site to an extent, and would result in a layout where useable areas of garden ground would be limited in light of the shape of the site, location of parking, and the presence of the retained trees which add substantially to the character of the area.



## **Trees and garden ground**

The site currently contains a total of 16 trees within the application site. As noted in the history section, 8 trees have already been removed from the site previously, together with a significant level of pruning, thus substantially reducing the tree cover on site. The proposal, if implemented, would see the loss of a further 6 trees which include specimens ranging from 5 metres to 16 metres in height. This would significantly dilute the quality of the retained trees, and the impact that they have upon the character of the area and particularly Westfield Terrace, which has a significant level of tree cover within each of the curtilages.

While the submitted tree survey notes the loss of 6 trees, there are a further 3 trees which are close (within 4.5 metres), and therefore the footprint of development could impact significant on the root systems of those trees thus jeopardising their long term retention. As such, the proposal would be considered to be contrary to policy NE5 of the Adopted Local Development Plan.

In respect of garden ground, while the applicant has identified the provision of around 40% of the site area as garden ground, much of said areas would be restricted in use by the existing trees, and would largely be in shadow. Furthermore, the tapering of the site at the west end would hamper any effective or meaningful use.

## **Pedestrian/vehicular safety and car parking**

The traffic generated by the proposed dwellinghouse would be quite minor, and sufficient parking has been provided within the site. The Roads Officer has previously indicated the restricted nature of visibility from the site onto the one way system exiting Craigie Park Place. A technical solution could in theory be conditioned. No specific objection on roads safety grounds was raised

## **Precedent.**

As noted above, there is a further property at 1 Craigie Loanings which fronts onto the street. If submitted at the current time, such a site would have been unlikely to be viewed favourably. Its existence however, does not warrant allowing further development which would be detrimental to the wider character of the area.

While it is acknowledged that the curtilage of this site is relatively unique in light of its shape, allowing the sub-division of garden ground in this locale would dilute the character of the area, which is something that development plan policy seeks to resist.

## **Other relevant policies and planning considerations:**

### **Drainage**

In terms of drainage, while both consultation responses from Roads and Flooding identified the need for further information relating to the disposal of surface water from the site, the applicant has not been pressed to submit such information at this time. In light of the principle of development having not been established, it is considered unreasonable to ask the applicant to go to the expense of producing a design solution for a technical matter, which could ultimately be controlled by a suspensive planning condition.

### **Conservation Area**

The site is located within the Rosemount/Westburn Conservation Area. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas. In this instance, the proposal would introduce a pattern of development which could be considered alien to the surrounding character, in that the general pattern of development is for much larger curtilages. Its development for a dwelling would neither preserve or enhance the character of the Conservation Area, and would further dilute the level of tree cover on site, which would also be a loss to the appreciation of the surrounding tree-lined streets and policies.

The provision of new openings into boundary walls is also considered to contradict the requirement of policy D4 of the Adopted Local Development Plan. While it is acknowledged that the boundary walls have been rebuilt in the past, are of various ages, and have previously been the subject of openings, the new openings would impact on the appreciation of the solid traditional boundary features which enclose the characterful garden ground beyond, which has effectively been like a small orchard.

### **Letters of representation**

The following matters were raised within the letter of representation, which have not already been addressed above:

- 2. The plans have been poorly drawn up and do not accurately represent the true situation of the area – no issues have been identified with the submitted plans;
- 6. Household waste would not be able to be collected from the Craigie Park Place as indicated as refuse vehicles do not use that part of the lane – the applicant would be responsible for ensuring that adequate arrangements are in place for the collection of waste;
- 7. Potential damage to roads by construction vehicles – this is a private legal matter;

- 8. The one way system should be retained for safety purposes – no change is proposed to the existing arrangement apart from the formation of a new access/egress onto that section of Craigie Park Place;
- 11. The proposed screening may obstruct emergency service vehicles – no objection was raised from Roads Officers from a road safety perspective;

The following matters are not material planning considerations:

- 5. Repairs to Craigie Park Place would require agreement between owners, whom have not been identified albeit residents have been paying for the upkeep of the landscaped verge – this is a private legal matter between the respective owners;
- 16. The proposal could have health implications on adjacent residents; and,
- 17. Potential impact on adjacent property values.

## **Summary**

In summary, the proposal to sub divide the existing residential curtilage to provide an additional dwellinghouse is considered to be contrary to the principles of policy H1, in that the proposal would result in the loss of character of the area, and could lead to a precedent for similar development proposals which cumulatively would be to the detriment of the character of the surrounding area, which is also a Conservation Area. Furthermore, the loss of additional trees would be to the detriment of the visual character of the area.

## **RECOMMENDATION**

### **Refuse**

## **REASONS FOR RECOMMENDATION**

(1) That the site lies within garden ground associated with an existing dwelling house. As the proposal is considered to have an unacceptable impact on the character of the surrounding area which comprises large dwellings set within generous curtilages, the proposed development does not comply with Policy H1 Residential Areas of the Aberdeen Local Development Plan, nor the associated Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages. If permitted, this application would create a precedent for more, similar developments to the further detriment of the character of the surrounding area.

(2) That the proposal, by nature of its form and siting, relationship to other buildings, and the loss of trees, would not protect and enhance the character and appearance of the Rosemount/Westburn Conservation area, and would therefore be contrary to Policy D5 of the Aberdeen Local Development Plan.

(3) That the proposal would result in the loss of a number of existing trees which add to the character and amenity of the area, therefore being contrary to policy NE5 of the Aberdeen Local Development Plan.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.