

## Planning Development Management Committee

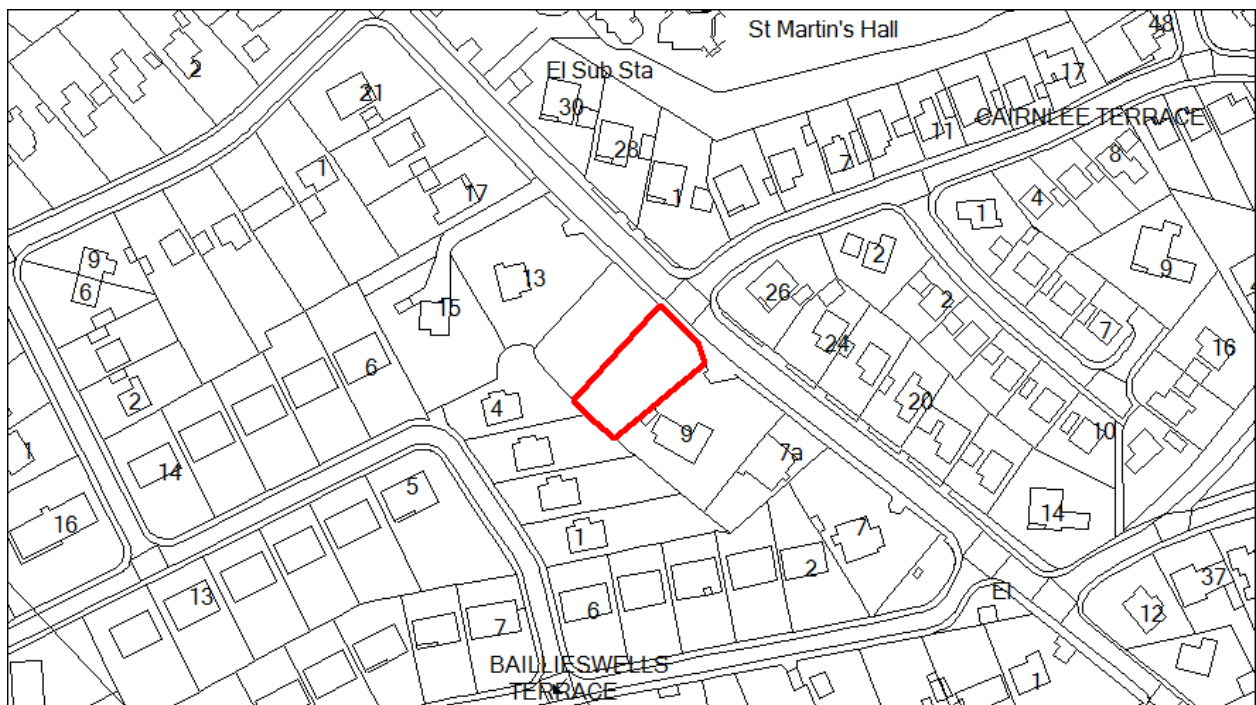
STRATHISLA, 11 BAILLIESWELLS ROAD,  
BIELDSIDE

PROPOSED NEW HOUSE.

For: Hot Property Developments Ltd.

Application Type: Detailed Planning Permission  
Application Ref.: P140940  
Application Date: 02/07/2014  
Officer: Andrew Miller  
Ward: Lower Deeside (M Boulton/A Malone/M  
Malik)

Advert: None  
Advertised on: N/A  
Committee Date: 25/09/2014  
Community Council : Comments



### RECOMMENDATION:

**Approve subject to conditions**

## **DESCRIPTION**

The application site forms a vacant site covering an area of 874 square metres, once housing a single storey detached dwelling which was demolished several years ago. It is situated within a residential area on the eastern side of Baillieswells Road, adjacent to the junction with Cairnlee Terrace. An established beech hedge forms the boundary of the site with Baillieswells Road, whilst the remainder of the site is bounded by mutual boundaries with neighbouring houses formed by a mix of timber fencing, hedges and trees.

The surrounding area is formed of a mix of dwellings dating from the 1970-80s, characterised by detached houses set within relatively large gardens with a degree of separation between each dwelling.

## **RELEVANT HISTORY**

P091403 – Demolition of existing house and erection of 2 detached dwellings at 11 Baillieswells Road, Bielside refused detailed planning permission by the Planning Development Management Committee 7 January 2010. Subsequent appeal to Scottish Government Directorate for Planning and Environmental Appeals (DPEA) dismissed 12 July 2010 (DPEA Case Ref: PPA-100-2010).

P101484 – Proposed new house and associated site works at site at Baillieswells Road refused detailed planning permission by the Planning Development Management Committee 26 November 2010. Subsequent appeal to DPEA allowed subject to conditions 20 June 2011 (DPEA Case Ref: PPA-100-2026). The appeal was allowed on the basis that the proposal was supported by the terms of then local plan policy 40 (Aberdeen Local Development Plan 2008) for new residential development, and other aspects including privacy, residential amenity, daylight and sunlight, design and materials and density, pattern and scale of development. This site forms the south western part of the vacant plot which is the site subject to this application.

P131698 – Proposed New House on site at 11 Baillieswells Road, Bielside. Application on site to north west of application site (other half of former vacant plot). Application pending consideration.

## **PROPOSAL**

Detailed planning permission is sought for the erection of a detached house on part of the vacant plot of land which once contained the house of Strathisla, 11 Baillieswells Road. The dwelling would be relatively large measuring 17 x 12 metres, reaching a height of 9.4 metres in height to ridge (Approximate measurements). Externally, the walls would be finished in a white render, with the right hand side gable on the principle elevation clad in granite. The windows

and doors would be timber framed and the roof natural slate. The proposal is identical to the scheme granted permission under application reference P101484/DPEA appeal reference PPA-100-2026.

## **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?ref=140940>

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 more than five in time letters of objection have been received, as well as an objection from Cults, Bielside and Milltimber Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Roads Projects Team** – No objections. Informative note relating to footway crossings recommended for inclusion with any grant of consent.

**Environmental Health** – No observations.

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

**Community Council** – Object on basis that:

1. This application should be refused until an acceptable plan for the development of the overall plot has been submitted.
2. The proposed development is essentially a curtilage split which would be contrary to the requirements of policies D1 and D2 of the ALDP and the Council's Supplementary Planning Guidance on the Subdivision and Redevelopment of Residential Curtilages.
3. The proposals would have a negative impact on the surrounding area, contrary to the requirements of policy H1 of the ALDP.
4. The approval of the application would set an undesirable precedent for future application of a similar nature for the erection of houses in plots in the nearby area.

## **REPRESENTATIONS**

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

- 1) Design/Siting
  - a) The density of the overall building proposed on site is far greater than the surrounding area.
  - b) One house existed previously on the site and remains suitable for only one house, not two.
  - c) House takes up more than 24% of site area as stated on plans/supporting statement – this figure is more like 33%, over 50% of the site would be built over when driveways and paths are included.
  - d) The house is outwith the established building line.
- 2) Amenity
  - a) Development will compromise the privacy of adjoining and nearby houses.
  - b) Over dominance of the neighbouring dwellings due to scale and size of dwellings.
  - c) Loss of light for neighbouring dwellings.
  - d) Fence with 9 Baillieswells Road stops at Beech hedge, this should be reinstated to full length of previous fence on site.
- 3) Road Safety
  - a) Baillieswells Road is a busy road, creation of new accesses and potential for parking on the road itself
  - b) Roads issues should be investigated for two houses rather than one.
  - c) Impact on children walking or cycling to school.
- 4) Trees
  - a) Site originally contained mature trees, that were felled and in the process the protected trees within the feu of the neighbouring dwelling (no 13 Baillieswells Road) were damaged, which resulted in their felling for health and safety reasons. Suitable replacement planting should be put in place.
  - b) No information on protection of tree roots from 3 Baillieswells Drive, therefore this application cannot be complete and therefore must be refused.
- 5) Implication for Remainder of Site
  - a) Application cannot be considered unless both parts of the site are under a single application.
  - b) Possibility that there will be an undevelopable plot of land on remainder of site.
  - c) Should other half of the site be undeveloped then there will be an imbalance in the appearance of the site.
- 6) Supporting Statement
  - a) Dismissive nature against concerns of community within supporting statement.
  - b) Claim within Supporting Statement that dwelling was “Badly located to the rear of the site” is a matter of opinion rather than fact.
  - c) Site was well kept by the previous property owner and became poorly maintained when the site came into the applicant’s ownership.

7) Precedent

- a) Would set an undesirable precedent leading to deterioration of character of the area.

## **PLANNING POLICY**

### **Aberdeen Local Development Plan (ALDP)**

#### D1 – Architecture and Placemaking

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, proportions, coupled with the physical characteristics of the surrounding area, will be considered in assessing that contribution.

#### H1 – Residential Areas

Within existing residential areas (designated R1), 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. Open space is defined in the Aberdeen Open Space Audit 2010;
4. complies with Supplementary Guidance on Curtilage Splits; and
5. complies with Supplementary Guidance on House Extensions.

### **Supplementary Guidance**

The Council's Supplementary Guidance "The Sub-division and Redevelopment of Residential Curtilages" is a material consideration in this instance.

### **Other Relevant Material Considerations**

Site history, in particular the appeal decision.

## **EVALUATION**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

The main considerations in this instance relate to the principle of the proposed house, the design and siting of the dwelling, the impact on the amenity of the surrounding area and the servicing provision.

## **Principle**

As outlined above, the site was originally occupied by a bungalow that was demolished in 2010. The area of the vacant plot on which the application is subject was consented for the erection of a dwelling identical to that proposed under this application (Application Ref: P101484, DPEA Appeal Reference: PPA-100-2026) though this expired in June 2014.

In relation to the principle of a dwelling on this site, the area in which the site is located is zoned as residential within the ALDP. Associated ALDP policy H1 creates a presumption in favour of residential uses within residential areas (subject to a number of considerations). Accordingly, the principle of the site being developed for residential uses is acceptable in principle.

## **Siting and Design**

The site is located in a residential area with a mix of house types and sizes, though the size and layout (dwelling fronting to road) of the plots are in large similar but with a 6 – 8 metre separation between the buildings (on average). Policy D1 of the ALDP states that new development should be designed with due consideration for its context and make a positive contribution to the surrounding area. The objections received (see section 1 of Representations above) stating that the scale and density of the development is unsuitable for the surrounding area are noted. In this case, the proposed house would be large, though the plot size is only just sufficient to accommodate a dwelling of this size without harm to the appearance of the surrounding area when compared to the housing in the surrounding area. However, any enlargements to the proposed dwelling could result in over development of the site, as such a condition removing permitted development rights for house extensions and alterations is recommended for inclusion in order that further consideration by the Planning Authority can be given to any potential alterations. The material finishes of the dwelling would be suitable for their location, in keeping with the surrounding area, which consist generally of light coloured rendered walls with darker coloured roofs.

One representation made comment that the proposed dwelling would be out of keeping with the established building line of the surrounding area (point 1(d)). It is considered that the western side of Baillieswells Road does not have an specifically defined building line, though it is broadly in line with the pattern of development on this side of the road. As such, it is considered that the dwelling is designed at a level appropriate for its context and would have a neutral impact on the character of the locality, in accordance with the requirements of policy D1.

In relation to the siting of the dwelling, policy H1 states that all new residential development should comply with the requirements of the Council's Supplementary Guidance on the Subdivision and Redevelopment of Residential

Curtilages (SG). Relating to the pattern of development, the SG states that any new dwelling should respect the established pattern of development in the surrounding area, have a frontage to the public and a private rear garden of at least 9 metres in length. In addition, the footprint of new dwellings should occupy no more than a third of the total site area as a general rule. But should the pattern of development in the surrounding area generally have a site coverage greater or less than this, then this figure would be applicable rather than 33%. 24% of the site would be occupied by the dwelling in this instance, and the plot size proposed is comparable to that of the dwellings to the south west (Baillieswells Drive), and slightly larger than those on Baillieswells Road where 20 to 30% (approximately) of the site area is built upon, though there are a few properties with densities less than this. As for the layout, the house would front on to the road, with sufficient enclosed garden space to the rear.

### **Amenity**

The SG also contains criteria for new dwellings to be assessed against in relation to the impact of the development on the amenity of neighbouring dwellings in respect of privacy, daylight and sunlight. In relation to privacy, a number of the representations made reference to the loss of privacy of neighbouring dwellings (outlined in Section 2 of Representations). Sufficient separation has been provided between windows of the proposed and neighbouring dwellings, though a condition is recommended so that further consideration by the Planning Authority can be given to the use of the flat roofed breakfast room to the rear of the dwelling as a balcony if necessary, which could overlook neighbouring gardens. Planting to the rear boundary would also aid in providing privacy to the neighbouring dwelling, as well as the occupants of the proposals.

Relating to the impact of the dwelling on the loss of sunlight and daylight, the orientation and siting of the closest house (9 Baillieswells Road to the south) is such that it would not result in any loss of sunlight/daylight to its occupants, nor would it have any significant over dominance on their amenity. Sufficient separation is provided between the other neighbouring dwellings and the proposed dwelling, noting that the closest dwelling to the south west has been assessed against the Building Research Establishment 25 degree approach in relation to daylight and sunlight, which states that if an obstructing building creates an angle of greater than 25 degrees from the horizontal, measured from the centre of the lowest window, then a more detailed check is required. In this instance the degree is far lower (10.1 degrees).

Consideration must also be give to trees, within or immediately adjacent to the site. In this instance tree root protection areas, with protective fencing for construction are provided in line with the requirements of BS 5837, the British Standard for trees in relation to design, demolition and construction. It is considered that insufficient information has been provided in support of this, and a suspensive condition is recommended requiring this to be submitted prior to development commencing.

The proposals are therefore considered to satisfy the requirements of the SG and policy H1.

### **Roads Access**

Concerns relating to the impact of the proposals on road safety raised in the objections are noted (section 3 of Representations). It is considered the previous use of the site access for one dwelling and no intensification of its use is acceptable, with sufficient parking provided on site. As such, it is considered that the development will not have an adverse impact on the road safety to pedestrians, cyclists and vehicles using Baillieswells Road, including children going to and from school as raised in point 3(c) of the objections. The Council's Roads Projects Team raised no objections to the proposals.

### **Matters Raised by Community Council**

Cults, Bielside and Milltimber Community Council have objected to the proposals (as outlined in Consultations section above). In relation to point 1, the Council has a duty to consider each application as submitted and as such it would be unreasonable to refuse the application on this basis. Regarding points 2 and 3 of the response, as outlined above, it is considered that the proposals accord with the requirements of relevant development plan policies, as well as the SG. The concerns in point 4 regarding an undesirable precedent are not relevant in this instance, as the proposals are considered to comply with policy.

### **Matters Raised in Objections**

Point 2(d) of the representations made reference to the fact that the fence stops at the beech hedge, whereas it previously ran the full length of the boundary. The boundary as proposed is considered to be acceptable as submitted, with the existing beech hedge providing a suitable, softer boundary compared to a timber fence. Issues regarding damage to boundaries/private property are not a material consideration.

In relation to the concerns raised regarding trees (section 4 of representations), the application site contains no trees, though there are trees adjacent to the boundary in neighbouring gardens. Tree protection barriers have been proposed. New boundary planting has been proposed to the rear of the site.

In relation to the concerns raised relating to the remainder of the site (section 5), whilst there potentially could be a vacant site within the other half of the plot, each application has to be considered on its own merits and this application must be and can legitimately and properly be assessed and determined as submitted. It is considered that the possibility of the site being partly developed and partly undeveloped would not warrant a refusal of this application.

The matters raised in respect of the Supporting Statement (point 6 (a)) is not a material consideration. Points 6(b) and (c) refute the claims made in the Supporting Statement. The matters stated being a statement by the applicant in



support of their application and not necessarily a statement of fact rather their opinion and/or interpretation of policy or the situation and are considered as such. The concerns regarding an undesirable precedent (section 7) are not relevant in this instance, as the proposals are considered to comply with policy.

## **RECOMMENDATION**

**Approve subject to conditions**

## **REASONS FOR RECOMMENDATION**

Although now expired, the precedent for a house on the site is already established through the previous appeal decision on the site. The proposed dwelling would be sited and designed appropriately for its location, whilst having no adverse impact on the amenity dwellings within the surrounding area in terms of loss of sunlight, daylight or privacy, nor would it have an overbearing presence on neighbours. Sufficient landscape and protection to existing trees is afforded, whilst the dwelling would be served by suitable infrastructure, either existing or proposed. Accordingly it is considered the proposals satisfy the requirements of policies H1 – Residential Areas and D1 – Architecture and Placemaking of the Aberdeen Local Development Plan 2012, as well as guidance contained within The Council's Supplementary Guidance "The sub-division and redevelopment of residential curtilages".

## **CONDITIONS**

1. All planting, seeding and turfing comprised in drawing nos. D(0-)20 A and D(0-)21 shall be carried out in the first planting season following the completion of the development, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing by the planning authority - In the interests of the amenity of the area.
2. No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority, and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks – in order to ensure adequate protection for trees adjacent to the site during the construction of the development.
3. Any tree work which appears to be necessary during the implementation of the development shall not be undertaken without the prior written consent of the planning authority; any damage caused to trees growing on land adjacent to the

site shall be remedied in accordance with British Standard 3998: 1989 'Recommendation for Tree Works' before the buildings hereby approved are first occupied. Reason: In order to preserve the character and visual amenity of the area.

4. The development shall not be occupied unless the driveway hereby granted planning permission has been constructed, drained and laid out in accordance with the plans hereby approved, or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such area shall not thereafter be used for any purpose other than the purpose of the parking/turning of vehicles ancillary to the development and use thereby granted approval. Reason: In the interests of public safety and the free flow of traffic.

5. That notwithstanding the provisions of Article 2(4), Schedule 1, Part 1, Classes 1A, 1B, 1C, 1D, 3A and 3B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended by the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, no extensions, alterations or improvements which materially affect the external appearance of the dwellinghouse, nor any means of enclosure shall be erected or carried out either on, or in the curtilage, of the dwellinghouse hereby approved without a further grant of planning permission from the planning authority - in the interests of visual amenity.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no doors shall be inserted at first floor level in the rear elevation of the house hereby permitted. The proposed handrail around the perimeter of the roof over the ground floor breakfast room shall be omitted - to prevent the roof from being used as a balcony, which would be to the detriment of the privacy of the properties to the rear.

7. No development shall take place unless a plan showing a scheme for the protection of all trees to be retained adjacent to the site during construction works has been submitted to, and approved in writing by, the planning authority and any such scheme as may be approved has been implemented - in order to ensure adequate protection for trees adjacent to the site during the construction of the development.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.