

Planning Development Management Committee

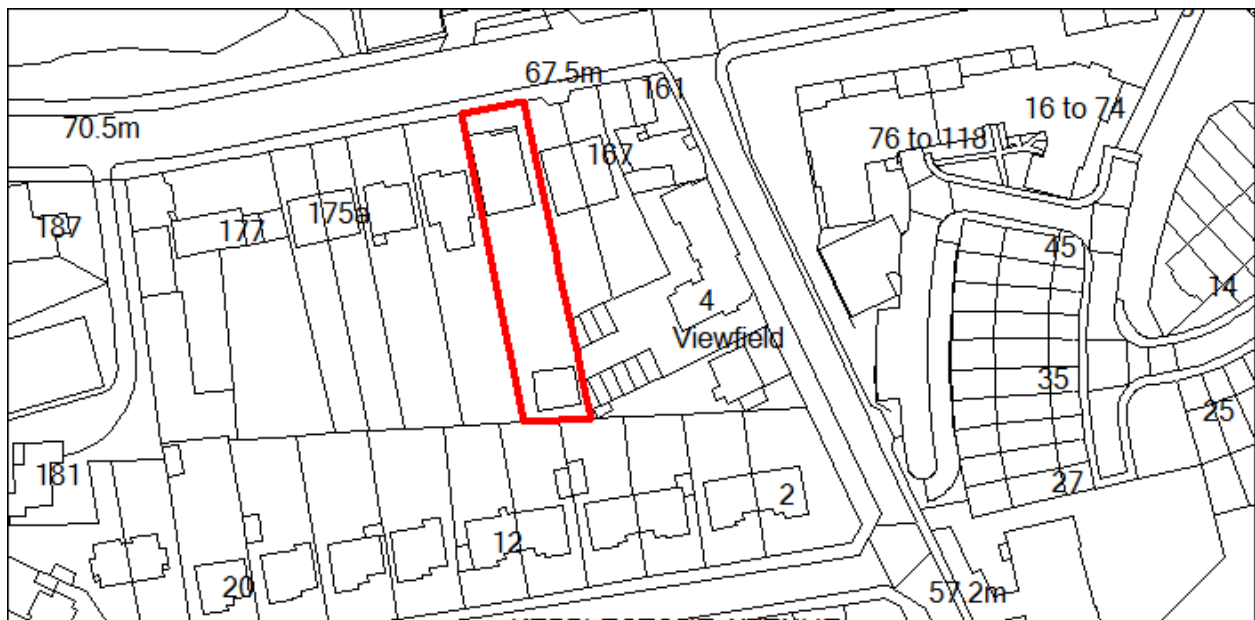
LAND ADJACENT TO, 169 QUEEN'S ROAD,
ABERDEEN

CONVERSION OF ANCILLARY
ACCOMMODATION TO FORM SINGLE
DWELLINGHOUSE

For: Mr Russell Duthie

Application Type : Detailed Planning Permission
Application Ref. : P141815
Application Date: 08/12/2014
Officer: Dineke Brasier
Ward : Hazlehead/Ashley/Queen's Cross(M
Greig/J Stewart/R Thomson/J Corall)

Advert :
Advertised on:
Committee Date: 19 March 2015
Community Council : No response
received



RECOMMENDATION:

Refuse

DESCRIPTION

The property subject of this application is a small detached building set in the rear garden of 169 Queen's Road. The building is single storey with rooflights to provide natural light to the first floor accommodation. The front elevation is clad in ashlar granite with the other walls covered in drydash render. The roof is covered in slate and contains three rooflights in the front roof slope. The building comprises a living room, dining room, kitchen, sun lounge and toilet downstairs with two bedrooms, a bathroom and a shower room upstairs.

RELEVANT HISTORY

The building was constructed under planning permission 97/1857 which was for the construction of a double garage and games room. It has subsequently been altered under permitted development rights to its existing layout and has been used as ancillary accommodation.

Planning application P020856 for the change of use of the garage/ games room to a dwelling house was refused in 2002. The proposal was refused on the following grounds:

1. The proposal would result in detrimental impact on residential amenity, as it would be located close to neighbouring properties, and it would result in backland development;
2. The proposal would be accessed through the existing drive serving 169 Queens Road, which was considered too narrow to accommodate additional traffic.
3. The proposal would set an undesirable precedent for similar applications, which incrementally could result in an adverse impact on the character of the surrounding area.

PROPOSAL

Planning consent is sought for the conversion of the existing building at the rear of 169 Queen's Road to an independent single dwelling. The proposal does not include any alterations to the building itself. The proposed access would be via the garage court serving the flats at Viewfield Mews. The garage adjacent to the curtilage of 169 Queen's Road has been included within the application site. The site is separated from the garage court through a high boundary wall and sliding gate. Alterations to the site layout comprise blocking up an existing access in the garden wall between the original dwelling at 169 Queen's Road and the building subject of this application. An existing parking space will be removed from the area to the front of the building, and a parking space/ driveway would be retained immediately to the front. The ramp leading up to the garage court would be re-graded to a 1:11 slope.

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=141815>

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 7 letters of representation have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management Team – Current parking guidelines recommend 2 parking spaces for this type of development. The supporting statement sets out that one of the garages in Viewfield Mews belong to 169 Queen's Road and will be used for the proposal. Another parking space is provided to the front of the building. This is satisfactory.

Vehicles should not exit in a reverse gear to avoid any safety issues due to the steep slope of the access ramp. A turning area is provided.

Vehicular access will be taken from a garage court which is not adopted by Aberdeen City Council. The width of the proposed access is more than 2.5m. It should be demonstrated that vehicles existing the site should have adequate vehicular visibility.

Refuse will be collected from Viewfield Road. A refuse collection point should be identified up to where residents would be required to walk.

Environmental Health – No observations

Enterprise, Planning & Infrastructure (Flooding) - No observations

Community Council – None

REPRESENTATIONS

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

1. Access through garage court:

The proposal would increase traffic levels through the garage court. Viewfield Mews is a private access road, and only serves the Viewfield Mews garages.

The owner of 169 Queen's Road does not have a right of access across it. Access should be onto Queen's Road along the side of the original dwelling.

2. Road safety and parking:

Adverse impact on pedestrian safety as there is no footpath running along the garages. Absence of visitor parking might result in road safety as cars might need to reverse out into Viewfield Road. Proposal would result in even more pressure on parking on Viewfield Road.

3. Residential amenity:

The proposal would result in a loss of privacy to 8 Kepplestone Avenue as the building is very close (1m) to the rear boundary of the plot. Proposal would result in increased levels of overlooking for Viewfield Mews.

4. Application is at odds with the Subdivision and Redevelopment of Residential Curtilages SG as it:

Does not have a public face;

The use of rear lanes is not considered as a suitable access;

There is a presumption against a second building line in rear gardens where it does not face the public road.

5. Other matters:

Works to the building have been completed and a sliding gate has been installed in the boundary wall. The property is currently used regularly by commercial vehicles.

PLANNING POLICY

Aberdeen Local Development Plan

D1 – Architecture and Placemaking: New development must be designed with due consideration for its context and make a positive contribution to its setting.

D2 – Design and Amenity: In order to ensure the provision of appropriate levels of amenity, the following principles will be applied:

- Residential development shall have a public face to a street and a private face to an enclosed garden or court.;
- All residents shall have access to sitting-out areas;
- Parking must not dominate the space, and no more than 50% of any court should be taken up by car parking.

H1 – Residential Areas: New residential development will be approved in principle in residential areas provided it:

- Does not constitute overdevelopment;
- Does not have an unacceptable impact on the character or amenity of the surrounding area;
- Complies with the Subdivision and Redevelopment of Residential Curtilages SG.

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted local development plan as summarised above:

D1 – Quality Placemaking by Design (*D1 – Architecture and Placemaking and D2 – Design and Amenity*)

H1 – Residential Areas (*H1 – Residential Areas*)

Supplementary Guidance (SG)

Subdivision and Redevelopment of Residential Curtilages SG – Provides guidance in relation to subdivision of residential curtilages with regards to design, siting and provision of amenity.

Transport and Accessibility SG – Provides guidance in relation to parking provision for residential development.

EVALUATION

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

Principle of development:

The site is located within a residential area where, in principle, residential development will be acceptable provided it does not constitute overdevelopment, does not have an adverse impact on residential amenities of neighbouring properties and complies with all other relevant policies and Supplementary Guidance. In this case, the Supplementary Guidance 'The Subdivision and Redevelopment of Residential Curtilages' is relevant. The proposal requires to be assessed primarily against the criteria contained in that document.

Impact of the proposed development on the surrounding area:

The proposal would involve splitting the curtilage of 169 Queen's Road to provide an individual residential curtilage to the existing ancillary building on the site. Access would be provided through the existing sliding gate onto the garage court of Viewfield Mews.

The surrounding area is characterised through development of large detached and semi-detached dwellings fronting Queen's Road with substantial rear gardens generally around 40m in length. The gardens back onto the rear gardens of properties on Kepplestone Avenue. These dwellings are generally one and a half storey traditional granite semi-detached properties, many of which have been extended or altered. The rear gardens of these dwellings are significantly shorter, around 20m in length. Parking is in the front gardens of the properties fronting onto Queen's Road and Kepplestone Avenue. Viewfield Mews to the east of the site is a more modern two storey flatted development fronting directly onto Viewfield Road. The residents of this development have access and ownership of

the garages and parking court immediately to the east of the site, where access to the proposed dwelling would be taken from.

As set out above, the pattern of development in this area consists of rows of houses facing on to the street with long rear private gardens between. The dwellings have a public face to a street, and a private face to an enclosed garden. This proposal would not conform to this general pattern of development, as it would not have a public face fronting a street. As such, the proposal would result in the creation of a second building line between Queen's Road and Kepplestone Avenue, i.e. backland or tandem development with no direct access onto a public street. This type of development would go against the general character and appearance of the surrounding area and would result in an alien form of development. The Council's Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages clearly sets out that there is a general presumption against the construction of new dwellings in rear gardens where the new dwellings do not front onto a public road.

Furthermore, access to the dwelling would be taken from the private garage court serving Viewfield Mews. The proposal would not result in separated pedestrian and vehicular access as there is no footpath. This type of access is not considered acceptable in the Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages as it would result in the creation of a pedestrian safety hazard. The garage court is private, and it is noted that the applicant would need permission from the owners for a right of access.

For the reasons outlined above, the proposal is clearly contrary to the requirements and criteria as set out in the Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance and policies H1 (Residential Areas) and D2 (Design and Amenity) of the Aberdeen Local Development Plan.

Impact on residential amenities of neighbouring properties:

8 Kepplestone Avenue raises concerns that the proposed dwelling would result in an increase of overlooking. The rear elevation of the building includes a large window serving the kitchen and the side elevation contains a fully glazed conservatory. These windows would look out towards the rear boundary shared with 8 and 10 Kepplestone Avenue. There is a distance of 3m from the nearest window to the rear boundary. The distance between the rear elevations of the building and 8 and 10 Kepplestone Avenue is 20m, which exceeds the recommended minimum distance of 18m between facing windows. However, the rear gardens of 8 and 10 Kepplestone Avenue are currently enclosed private spaces. The proposal would have the potential to significantly overlook this rear garden, as the building is located very close to these rear boundaries. As a result, it is considered that the proposal would result in a significant loss of privacy to 8 and 10 Kepplestone Avenue to the detriment of their residential amenity. This would be contrary to the requirements of policy H1 (Residential Areas)

The rear gardens of 167, 169 and 171 Queen's Road all measure over 40m in length. As such, the window-to-window distance between the proposed dwelling

and these properties all exceed 18m. Levels slope down from Queen's Road to the building. This means that the building sits at a significantly lower level than these three properties. As a result, any views from the building towards these private gardens are restricted.

The distance between the side elevation of the building and the flats on Viewfield Mews exceed the minimum window-to-window distance of 18m. As such, the proposal would not result in a significant loss of privacy caused by overlooking of these properties.

Impact on local highway conditions especially in relation to parking and access:

The Subdivision and Redevelopment of Residential Curtilages SG sets out that the provision of pedestrian and vehicular access from and to the proposed dwelling should be safe and convenient. In this case, there would be no dedicated footpath through the garage court from the proposed dwelling to Viewfield Road. The garage court is not a private driveway and as such it would not be acceptable for pedestrians to share the surface with vehicles. It should also be noted that the garage court serves 8 flats. On these grounds, this access solution would not be acceptable, and would be contrary to criteria set out in the Subdivision and Redevelopment of Residential Curtilages SG.

The site is located in the Outer City where a two bedroom property should have a maximum of two off-street parking spaces as set out in the Transport and Accessibility SG. The proposal would allow for two off-street parking spaces: one to the front of the building and one in the garage adjacent to the existing residential curtilage.

The site plan shows a turning area, which allows cars to leave the site in a forward gear.

Other matters raised in written representations:

A number of letters of objections raised issues related to rights of access and ownership of the garage court serving 4-6 Viewfield Mews. These are civil matters, and are not considered in this planning report.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application no new issues were raised.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1. The proposed development would constitute backland development in the rear garden of 169 Queens Road. It would not have a public face to a street, would create a second building line behind an existing formal building line, and would suffer from a contrived access solution without adequate pedestrian access. The proposal would result in a form of development that is alien to the established density, character and pattern of development. It is considered to be contrary to the requirements of Policies D1 (Architecture and Placemaking), D2 (Design and Amenity) and H1 (Residential Areas) of the Aberdeen Local Development Plan, Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Proposed Local Development Plan and the Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance.
2. Due to the proximity of the building to the rear boundary with 8 and 10 Kepplestone Avenue, the proposal could result in excessive overlooking of the private rear garden of these properties to the detriment of their residential amenity. This is contrary to the requirements of Policy H1 (Residential Areas) and the Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance.

Dr Margaret Bochel

Head of Planning and Sustainable Development.