

Planning Development Management Committee

66 TILLYDRONE AVENUE, TILLYDRONE

REMOVE SINGLE STOREY EXTENSION,
ERECT SINGLE AND TWO STOREY
EXTENSION TO SIDE AND REAR AND
CHANGE OF USE FROM DWELLING (CLASS 9)
TO HMO (SUI GENERIS)

For: SHC Developments LLP

Application Type : Detailed Planning Permission	Advert : Section 60/65 - Dev aff
Application Ref. : P150402	LB/CA
Application Date: 26/03/2015	Advertised on: 29/04/2015
Officer: Dineke Brasier	Committee Date: 18 June 2015
Ward : Tillydrone/Seaton/Old Aberdeen (J Noble/R Milne/R Grant)	Community Council : Comments



RECOMMENDATION:

Refuse

DESCRIPTION

66 Tillydrone Road is a two storey semi-detached dwelling dating from the 1920s. The property has cream harled walls and a slated hipped roof. The front elevation has a hipped gabled projection with ground floor bay window. The dwelling has been extended previously with a single storey rear and side extension. It is currently in use as a House of Multiple Occupation (HMO) with five bedrooms. The property is not classified as a HMO (in planning terms) as no more than 5 unrelated persons reside at the property. More than this figure requires a change of use.

The existing front garden is informally covered in gravel chips and used as a parking area. An access lane, leading to a garage court runs along the south boundary, and a gate provides pedestrian access from this lane to the rear garden, which is also covered in gravel chips.

The site is located in an identified residential area, and is within the Old Aberdeen Conservation Area. Surrounding properties include: a row of terraced granite built two storey dwellings, constructed in the 1950s by the University, immediately to the south; four storey flats opposite; and large two storey detached dwellings to the north and east.

The property is within walking distance to the University of Aberdeen, and Tillydrone Avenue (the route to the Third Don Crossing) sees various bus stops nearby.

RELEVANT HISTORY

The existing single storey rear and side extension was approved in 1995 through planning application ref: 950767.

PROPOSAL

Planning permission is sought for the erection of a two storey side and rear extension, a single storey rear extension and a change of use of the property from a private dwelling (Class 9) to an HMO (Sui Generis) with 9 bedrooms.

The side extension would project 3m south and 4m out from the rear elevation. The width of the two storey element would be 7.5m and would cover most of the rear elevation leaving a gap of 5.5m to the boundary with the adjoining property of 68 Tillydrone Avenue. A further single storey rear extension would project 3m out from the existing rear elevation, and would fill the 5.5m gap between the two storey extension and the boundary with 68 Tillydrone Avenue, where the single storey element would be located. A 1 metre gap would be left between the two storey extension and the boundary with the lane.

Three windows would be set across the ground and first floor of the two storey extension and a full height window and set of double doors in the single storey extension.

The two storey extension would be clad in white smooth render and two sections of grey timber cladding, between the ground floor windows. The roof would be hipped, clad in slate and would incorporate a large flat area. The single storey extension would be fully clad in grey timber, and would have a flat metal roof.

The internal layout of the dwelling would be altered to incorporate: a large living/kitchen area, against the party wall with 68 Tillydrone Avenue; four bedrooms and two shower rooms on the ground floor; and five further bedrooms and three shower rooms on the first floor.

The front garden would incorporate three parking spaces, whilst the rear garden would be landscaped to provide outdoor amenity space.

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=150402>

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 Old Aberdeen Community Council has objected and 7 letters of representation, including a petition and an objection from the Old Aberdeen Heritage Society have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – *(Initial comments)* Sought a plan showing how many vehicle parking spaces were proposed and that four secure cycle parking spaces were provided

(Further comments following revised site plan) Only three parking spaces are proposed in the front garden area. Emerging parking standards require 4.5 spaces, although given the site's close proximity to Aberdeen University, 4 parking spaces would be accepted.

Additionally, particularly given the changing status of Tillydrone Avenue from a Local Distributor Road to a District Distributor Road, it is imperative for road safety reasons that vehicles are able to enter and exit the car park area in a forward gear, the layout submitted does not facilitate this.

Additionally the requested cycle parking is still not shown.

Due to the issues stated above, and based on the information submitted, the Roads Development Management Team is not able to support this application.

Environmental Health – No observations.

Communities, Housing and Infrastructure (Flooding) – No observations.

Old Aberdeen Community Council – Objects to the scheme on the following grounds:

1. The major asymmetrical alteration to this semi-detached dwelling does not have regard to the preservation or enhancement of a building within a conservation area;
2. The development, including the removal of the chimney is not in keeping with the character and amenity of the house or the terrace, resulting in a negative visual impact on the area;
3. The proposed extension would mean that the building could only be used for intensive commercial occupation in the future;
4. The proposal represents overdevelopment of the site due to the proposed major increase in footprint of the structure;
5. Insufficient parking for the number of residents;
6. Additional parking to the front of the building could result in major pedestrian and vehicular traffic hazards, further aggravated by the high capacity carriageway currently created on Tillydrone Avenue;
7. The locality already has a high number of HMO's and further proliferation should be stopped until a reasonable policy is adopted by Aberdeen City Council;
8. The application would result in a more intensive occupancy, with added comings and goings, increased visitor numbers and higher intensity occupation of the rooms, which would give rise to increased noise disturbance. The limited outdoor amenity space would have the potential to generate noise and disturbance during good weather. This could result in unacceptable levels of anti-social events and disturbance to the neighbourhood;
9. The proposal would set a precedent for similar applications.

REPRESENTATIONS

Seven letters of representation, including one petition signed by 32 local residents, have been received. The objections raised relate to the following matters –

1. Increase in noise disturbance due to the increase in the number of bedrooms
2. Insufficient car parking to serve the residents and visitors to the property, resulting in displacement of existing car spaces for local residents;
3. Balance might change from a community characterised by families to an area dominated by students;

4. The extension would destroy the symmetry between 66 and 68 Tillydrone Avenue;
5. The proposal would be an overdevelopment of the site;
6. The proposal would result in a loss of light to 68 Tillydrone Avenue;
7. The proposal would set a precedent for similar applications, resulting in altering the composition of the community, with a significant increase in the number of students.

PLANNING POLICY

National Policy:

Scottish Planning Series – Planning Circular 2/2012 (Houses in Multiple Occupation: Guidance on Planning Control and Licensing):

States that planning authorities should be mindful of the potential impact that concentrations of HMO properties may have on the amenity of the area. Essentially, it encourages policies being put in place in order to ensure there is not an over-concentration of HMO properties in particular locations.

Scottish Planning Policy: Paragraphs 135 to 144:

Sets out the Scottish Government's approach to development within the Historic Environment. This sets out that the planning system should enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use.

SHEP (Scottish Historic Environment Policy)

Sets out Scottish Ministers' direction in relation to the Historic Environment: Scotland's historic environment should be managed in a sustainable way, recognising that it is a social, cultural, economic and environmental resource of great value. Where change is proposed, it should be appropriate, carefully considered, authoritatively based, properly planned and executed. It is important that new developments are sensitive to historic character and attain high standards in design and construction, while recognising the portfolio of original building materials.

Aberdeen Local Development Plan

Policy T2: Managing the Transport Impact of Development:

Maximum car parking standards for all types of development are set out in Supplementary Guidance on Transport and Accessibility.

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.

Policy D5: Built Heritage:

Proposals affecting Conservation Areas will only be permitted if they comply with Scottish Planning Policy.

Policy H1: Residential Areas

Proposals for new residential development and householder development will be approved in principle if it:

- Does not constitute overdevelopment;
- Does not have an unacceptable impact on the character or amenity of the surrounding area;
- Does not result in the loss of valuable and valued areas of open space;
- Complies with Supplementary Guidance on Curtilage Splits and/or Householder Development.

Within existing residential areas, proposals for non-residential uses will be refused unless:

- They are considered complementary to residential use; or
- It can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

Proposed Aberdeen Local Development Plan

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

T2 – Managing the Transport Impact of Development (*T2 – Managing the Transport Impact of Development*)

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

D4 – Historic Environment (*D5 – Built Heritage*)

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

Supplementary Guidance

Householder Development Guide:

This document sets the thresholds at which a house or flat will no longer be considered to be in domestic use and will thus be treated as a HMO for planning purposes. Having identified where such changes of use take place, it is then necessary to set out the factors which will be considered in assessing any such application. These include, but are not limited to:

1. Any adverse impact upon pedestrian or road traffic safety as a result of increased pressure on car parking;
2. Significantly adverse impact upon residential amenity for any reason. This may include, but not be limited to, adequate provision of refuse storage space, appropriate provision of garden ground/ amenity space, and an appropriate level of car parking; and
3. An excessive concentration of HMOs in a given locality, cumulatively resulting in a material change in the character of that area. Where it is not practicable for dedicated car parking to be provided alongside the development, a proposal must not exacerbate existing parking problems in the area.

Transport and Accessibility Supplementary Guidance:

Provides parking standards for all types of development. However, this document does not provide set parking standards for HMO's and these are individually assessed on their merits.

Other Relevant Material Considerations

Old Aberdeen Conservation Area Appraisal (Draft):

Provides a background as to the types of development within and history of the Old Aberdeen Conservation Area. This document sets out that 66 Tillydrone Avenue is part of a pair of semi-detached dwellings constructed in 1924.

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 development:

The proposal is for the extension of the dwelling and a change of use from a private dwelling to an HMO with 9 bedrooms. Even though the intensity of the use is such that it cannot be considered to be of a domestic scale, within the context of the surroundings, and is neither a dwellinghouse (Class 9) nor a flat (sui generis), rather quasi-residential in nature. It is still considered appropriate to assess the proposal against the criteria set out in policy H1, given that surrounding context.

In this case, the existing dwelling would be significantly extended, with a part single storey and part two storey rear and side extension. The plot has a substantial garden particularly to the rear. The extension would roughly double the footprint of the building from 66.25m² to 123.05m². Though large, due to the large plot size, this footprint is not considered to be an overdevelopment and could be accommodated.

Issues of amenity, both for occupants of the HMO and neighbouring properties, need careful assessment. Additionally the impact of the proposal on the character and appearance of the Old Aberdeen Conservation Area are considered in detail below.

Policy H1 states that proposals for non-residential development within an existing residential area are generally refused unless they are considered complimentary to the existing residential use, or it can be demonstrated that the use would cause no conflict with, or any nuisance to the enjoyment of existing residential amenity.

Impact on the character and appearance of the surrounding area, including the Old Aberdeen Conservation Area:

The scale of the extension has been reduced during the application process. In the original submission, the side extension was roughly level with the existing front elevation of the property, but set back 2.5m from the gabled projection. This 'flush' arrangement was considered to have a dominating impact on the existing property, and would significantly unbalance the appearance of the semi-detached dwellings, when viewed from Tillydrone Avenue. All so as to result in an adverse impact on the character and appearance of the Conservation Area. Following discussions, the side extension was set back by 3.5m, leaving a gap of 6m from the front projection and off set from the existing principle elevation. Furthermore, the extension would now be well behind the front elevation of the neighbouring row of terraced housing. As such in longer views along Tillydrone Avenue, the extension would not be as clearly visible, reducing its impact on the character and appearance of the Conservation Area.

The design of the extension itself is rather bland utilitarian, being influenced by its accommodation requirements, rather than any design quality. It incorporates a large section of blank wall in the side elevation, facing the side access lane. Furthermore, it contains a section of flat roof indicating that the size of the extension is too large for the existing building, and to an extent dominating the existing architecture. Materials are indicated as white smooth render for the majority of the walls, but should match the existing property. This could be conditioned.

Impact on the residential amenities of occupants and neighbouring properties:

A significant issue in relation to this application is its impact on the residential amenities of neighbouring properties. The building is currently in use as an HMO with five bedrooms, which does not require planning permission. However, under the current proposal, the number of bedrooms would be increased to 9. Due to its proximity to the University of Aberdeen, it is likely that the target market for the HMO would be students. The proposal would result in a significantly more intensive occupancy (9 'flatlets') than at present and when compared to surrounding properties, with more comings and goings to and from the property and an increased number of visitors and vehicle movements. In addition, there would be an increased potential for the generation of noise within the building from radios, televisions or music players, which could adversely affect neighbouring properties, in particular the adjoining dwelling at 68 Tillydrone Avenue, especially when windows are open.

The property has a large front and rear garden. The front garden would be primarily laid out as a parking area, but the rear garden would be landscaped to provide outdoor amenity space. This rear garden is surrounded by the gardens of 64, 68 and 88 Tillydrone Avenue, all of which are family houses. The use of this rear garden by a large number of people, particularly during good weather and in the evening, could result in a loss of amenity due to noise disturbance arising from voices and music, beyond that which would be expected of a dwellinghouse. It is therefore considered that the creation of such a large HMO would be likely to conflict with the enjoyment of the existing residential amenity of neighbouring properties, changing the character of the property and would be contrary to policy

H1 of the Aberdeen Local Development Plan and the Householder Development Guide.

Research has shown that there are no planning permissions for HMOs in the immediate vicinity of the site. As such, only smaller HMOs with a maximum number of five bedrooms could be located nearby, these are considered to be dwellinghouses in planning terms. It is therefore not considered that approval of this application would result in a change of character to the area as it would still be dominated by family housing/ dwellinghouses.

The single storey extension would be constructed up to the boundary with 68 Tillydrone Avenue. This property has a ground floor window at a distance of 1.4m from the boundary. A line drawn at a 45° angle in both a plan and a section view from the corner of the proposed extension would either go through or very near the centre of the affected window. Also the proposed extension would be located to the south of 68 Tillydrone Avenue. As such, on balance, it is considered that the proposed extension would result in a significant loss of light to this ground floor window to the detriment of the residential amenity of 68 Tillydrone Avenue, contrary to the requirements of policy H1 (Residential Areas) of the Aberdeen Local Development Plan and the Householder Development Guide.

Impact on public highways, especially in relation to parking and access:

The proposed site plan indicates three parking spaces in the front garden of the building. The Council's Transport and Accessibility Supplementary Guidance does not contain any parking standards for HMO's and each application is assessed on merit. As a general guide, 0.5 space per bedroom is used, which would equate to 4.5 spaces for this proposal. Given the proximity of the building to the University of Aberdeen, which is within easy walking distance, and various bus stops, a lower provision of four parking spaces for nine bedrooms would be considered acceptable. However, the proposed site plan incorporates only three parking spaces, a deficit of one. Furthermore, the proposed layout of the parking area would not allow cars to enter and exit the site in a forward gear. Following completion of the Third Don Crossing, traffic levels on Tillydrone Avenue will rise. As such, it is considered essential for road safety reasons that cars enter and exit the site in a forward gear. Therefore the proposal is considered not to comply with the requirements of policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan.

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 use of the building as a House of Multiple Occupation for nine unrelated persons would intensify the existing use to an unacceptable level whereby there would be an adverse impact on the residential amenity of the area, mainly due to an increased level of noise and movements. The proposal is therefore contrary to Scottish Planning Series – Planning Circular 2/2012 (Houses in Multiple Occupation: Guidance on Planning Control and Licensing), policy H1 (Residential Areas) of the Aberdeen Local Development Plan, policy H1 (Residential Areas) of the Proposed Local Development Plan and the Householder Development Guide.
- (2.) The proposed car parking layout would result in inadequate provision of car parking spaces required for the size of the proposed development. Furthermore, the proposed layout would not allow cars to enter and exit Tillydrone Avenue in a forward gear as required due to the increased traffic levels following completion of the Third Don Crossing. The proposal is therefore contrary to policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan and policy T2 (Managing the Transport Impact of Development) of the Proposed Local Development Plan.
- (3.) The proposal would result in a significant loss of light to the ground floor window of 68 Tillydrone Avenue to the detriment of their residential amenity. The proposal is therefore contrary to policy H1 (Residential Areas) of the Aberdeen Local Development Plan, policy H1 (Residential Areas) of the Proposed Local Development Plan and the Householder Development Guide.

Dr Margaret Bochel

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