

Signed (authorised Officer(s)):

HARECRAIG, CULTER HOUSE ROAD,  
MILLTIMBER

DEMOLITION OF EXISTING DWELLING /  
GARAGE AND ERECTION OF 2  
DWELLINGS (SUB-DIVISION OF  
RESIDENTIAL CURTILAGE)

For: Mr & Mrs Ron & Loretta Davie

Application Type : Detailed Planning  
Permission

Application Ref. : P141735

Application Date : 08/12/2014

Advert : Can't notify

neighbour(s)

Advertised on :

Officer : Tommy Hart

Creation Date : 30 March 2015

Ward: Lower Deeside (M Boulton/A  
Malone/M Malik)

Community Council: No comments

## **RECOMMENDATION: Refuse**

### **DESCRIPTION**

The site is located on the north side of Culter House Road, approximately 50m to the east of the junction with Robertson Place and comprises a 2-storey dwellinghouse set in a site of around 0.3ha in size, with the house being positioned towards the front of the plot on a similar building line to 8a Culterhouse Road to the east. The application plot rises up slightly from the road towards the rear boundary where there is currently a tennis court set in the extensive landscaped garden with the existing house sitting around 1.5m above road level. To the west, the house at 36 Culterhouse Road sits slightly further back into that plot and with a south-west orientation. To the east of the site, the houses (no's 8a, 8b and 8c) are laid out in a cul-de-sac arrangement, whereas the houses to the west are generally set towards the back of the plots with substantial front gardens. On the south side of the road, the pattern of development is significantly different, with detached houses being set in smaller plots unlike a suburban housing estate. In terms of style and size of property, this varies throughout the immediate area. To the immediate north of the site lies a large area of mature forest. To the east (abutting the application site) the trees are covered by a Tree Preservation Order (TPO No. 62). Along the frontage of

the site there is a row of mature landscaping (hedge and trees) which continues along the east and west boundaries. There are also a number of trees within the application site.

## **RELEVANT HISTORY**

None

## **PROPOSAL**

Detailed planning permission is sought for the construction of two detached 2-storey 5-bedroom houses. Each plot would comprise an area of around 0.15ha in size.

The houses take a traditional approach to design. The main part of the house proposed at Plot 1 would measure around 12.5m wide x 12.0m, whilst Plot 2 would be 15.0m wide and 12.0m deep. Both have bay window features either side of the entrance which project 1.5m from the front building line and are 4.0m wide. These bays continue to the first floor where they include balconies. To the rear, the houses have a single-storey sun lounge attached, which is predominantly glazed with a traditional cupola roof, and measure around 5.0m x 5.0m in size. Garages are shown at basement level which is an amendment to the initial proposals whereby garages were shown adjacent to the road. The houses measure 5.5m to eaves level when taken from ground floor although this increases to around 8.5m from basement (garage) level, whilst the ridge height is around 12.0m above basement level. The roof design differs between the two plots, with Plot 1 having a dual hipped roof and Plot 2 proposing two gable-ends to the front and hipped to the rear and sides. The main part of the house on Plot 1 is set around 20m back from the site frontage, whilst the main part of the house on Plot 2 is set back around 16m. The garages in both cases project a further 3.0m.

In terms of external finishing materials, these are proposed as slate roofs, timber windows and doors painted dark grey, off-white smooth render to the external walls and grey granite to the bays, margins and quoins.

The proposals were updated from the original submission in which the house on Plot 1 was reduced in width and moved slightly further back into the site.

## **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.=141735>

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

## **CONSULTATIONS**

**Roads Development Management-** Parking provision on-site is acceptable. On submission of additional information relating to visibility splays, there are no objections forthcoming.

**Environmental Health** – no observations

**Communities, Housing and Infrastructure (Flooding)** – the information provided is not sufficient and not clear enough to assess the drainage design. There are outstanding issues relative to flow control and surface water treatment.

**Community Council** – no comments received

## **REPRESENTATIONS**

No letters of representation/objection/support have been received.

## **PLANNING POLICY**

### **Aberdeen Local Development Plan**

#### Policy H1 – Residential Areas

Proposals for new residential development will be favourably considered subject to applications being satisfactory in terms of the siting, design and external appearance of the buildings, the means of access thereto, the landscaping of the site and on the further considerations of amenity, public safety and drainage.

#### Policy D1 – Architecture and Placemaking

Seeks to ensure high standards of design in all new developments, requiring all development to be designed with due consideration for its context and to 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 spaces, landscaping and boundary treatments, will be considered in assessing that contribution.

#### 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 have a natural heritage value or contribute to the character or amenity of a particular locality.

### Policy NE8 – Natural Heritage

Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species or an area designated because of its natural heritage value. Applicants should submit supporting evidence relative to protected species.

### **Supplementary Guidance**

The Council's supplementary guidance on 'The Sub-division and Redevelopment of Residential Curtilages' and 'Bats and Development' are relevant material considerations.

### **Proposed Aberdeen Local Development Plan**

The following policies substantively reiterate policies in the Adopted Local Development Plan as summarised above;

- Policy D1 – Quality Placemaking by Design
- Policy H1 – Residential Areas
- Policy NE8 – Natural Heritage

### **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 application is for the demolition of an existing residential dwelling and the construction of two detached houses, of much larger proportions, with an area designated for residential purposes. Policy H1 of the local development plan supports new residential development in areas designated as 'H1 Residential' on the Proposals Map. Therefore, the principle of development is acceptable subject to evaluation against the criteria contained in Policy H1 and other relevant policies and guidance as set out below. On the basis of principle alone, the application conforms to Policy H1.

### **Density and Pattern of Development**

The construction of new dwellings within an established area will potentially affect the overall density and pattern of development of the surrounding area, the acceptability of which will be dependent on the general form of development in

the locality. Consideration must be given to the effect the dwellings 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. New dwellings must be designed to respect this relationship.

Culter House Road is characterised by detached house of a variety of styles and sizes, generally set well back from the road behind mature landscaping. This is particularly apparent on the north side of the road. The majority of houses are set within quite generous gardens. Culter House Road generally has approximate densities of around 8 to 11%. The application site is larger than the plots immediately to either side, being wider at some 46 metres compared to around 25-35 metres for the adjacent properties. However, the resultant site coverage would be 14% for each plot which would be higher than other properties on the north side of the road. Notwithstanding, there would still be a substantial area of garden ground available and the houses would have a sense of spacious grounds surrounding it. The position of the proposed houses on the site would, in terms of their relationship to the adjacent properties, reflect the general pattern on Culter House Road, albeit further forward in the plots than the majority of houses on the north side of the street. It is therefore considered that the proposal would be generally in keeping with the prevailing character and pattern of development in the immediate area.

### **Design, Scale, Massing and Visual Impact of Development**

In relation to pattern of development, the new houses would sit roughly on the same building line as the existing house and would have a similar north-south orientation which does not cause any immediate concerns in that it would not have a substantial negative impact on that current pattern of development of the wider area.

By virtue of the scale and position of the proposed houses, they would be unduly prominent in the streetscene being that, with the inclusion of the basement garage, the houses are effectively 3-storeys (around 12m in height above road level) and within 13-17m of that road. Although the existing house sits around 16m back from the road frontage, it is around 2m lower than the ridge level of the proposed houses and is hidden behind substantial mature landscaping along the southern boundary. The massing of the two houses also contributes to the prominence on site to a material degree when compared to the existing and neighbouring properties. The existing house sits adjacent to the east boundary, facing south, with the western half of the curtilage currently not built on. The house to the east faces gable-on to the street and is set back by around 20m behind mature landscaping so it is less prominent in the streetscene. The house to the west sits around 30m back from the street and faces in a south-westerly direction but has a fairly open aspect from the street. The proposed houses would be 1-2m taller than the existing and adjacent houses and would be closer

to the road than these properties. Also, bearing in mind that the existing front boundary landscaping would be reduced in scale, and that there would be substantial ground removal to allow for the basement garages, the houses would be significantly more prominent than the existing house on site and the houses adjacent. Cumulatively, the position, scale and massing of the new houses would have a significant visual impact on the streetscene. It is accepted that the application site could accommodate two site-specific houses but the proposals for the two “off the shelf” dwellings proposed is not appropriate in this circumstance.

Within the area surrounding the application site, there is a variety of detached house designs and sizes including traditional 1 ½-storey, 1970's single-storey, 1990's 2-storey and contemporary 2-storey (currently under construction) which gives a flavour of the varied nature of the area where there is no predominant house design. The variety of house designs is a defining and important characteristic of Culter House Road, in particular on its north side. Any new development must not undermine that defining characteristic, but instead should complement and reinforce it. The current proposal does not complement the character of the area. Rather it would be detrimental to the character due to the similarity of the house designs. Apart from the roof design, they are identical which is uncommon in this area save for the houses being built at 46/48 Culterhouse Road although those houses have an entirely different context being set towards the rear of the large plots, behind mature trees. According to the supporting information, the houses seek to resemble the traditional ‘west end villas’ of Aberdeen which are popular within Rubislaw Den South and with that in mind details such as feature gables, projecting bays and slate hipped roofs have been incorporated into the proposals. Notwithstanding, Policy D1 seeks for development to take account of its context and by seeking to resemble houses which are located some 6 miles to the east does not fit in with policy requirements. Further, it is considered that introducing two houses of a similar design into a streetscape with no predominant house design is not acceptable in terms of Policy D1 in that respect. Lastly, taking account of the position on site, the scale and massing of the houses, the proposals further contradict the requirements of Policy D1. Based on this, the application also fails to adhere to the principles of Policy H1.

The proposed development is acceptable in terms of the ‘feu split’ SG in relation to privacy and orientation to make the most of natural sunlight. The application is for two houses on a site which currently is occupied by one. This site is sufficiently large to be occupied by two houses of an appropriate scale, design and massing however, as indicated above, the specific houses proposed are not acceptable. The pattern of development would generally be in keeping with the immediate area.

The site currently has a density of around 8% which is low but is comparable to some of the properties nearby. The introduction of an additional property on the

site would change the density of the site to around 14% on each plot. Again, this is quite low in general terms although is acceptable in terms of the 'feu split' SG being typical of the surrounding area.

### **Impact on residential amenity**

The house on Plot 2 would be set sufficiently distant (around 26m) from the neighbouring property at 8a Culter House Road to the east. That, in addition to the orientation of the house on that plot means there is unlikely to be any negative impact on the residential amenity of the residents of 8a Culter House Road.

With respect to 36 Culter House Road to the west of the application site, it is considered that the scale of the 2-storey house positioned within 5m of the that mutual boundary would have a negative impact on the residential amenity of that house when taking account of the kitchen window which is around 3m off said boundary and faces directly towards the application site. It is clear that there would be a change in the outlook afforded to that property which itself is likely to impact on the amenity afforded. Notwithstanding, it is not considered that the impact of the new house on the adjacent property would be of a degree that would warrant refusal given that the east facing window is not the only window within the kitchen.

Overall, it is considered that the development would not have any significant negative impact on the residential amenity of the immediate area.

### **Trees**

To the immediate east of the application site, the area is covered by Tree Preservation Order - TPO 62. A tree survey was submitted with the application. A total of 42 trees were surveyed (including 8 within the adjoining site to the east) which include Cherry, Sitka Spruce, Scots Pine, Cypress, Beech, Sycamore, Douglas Fir, Beech and Beech Hedge. The report indicates that a total of 31 trees should be felled, 18 of which for health and safety reasons. The trees proposed for felling are between 7 and 28m in height and a mix of 'U' and 'C' class trees. No trees within the TPO area are proposed to be felled.

Notwithstanding, there is a significant concern that the proposed development would require the removal of trees outwith the application site which are covered by TPO. The trees within the neighbouring feu to the east are within 5m of the site boundary and as such it is likely that the roots of those trees would be present within the application site. Given this and the height of those trees which are up to around 20m in height, the proposed cut and fill proposed within the application site so close to the boundary to facilitate the amended plans incorporating the basement garage of Plot 2 would be very likely to negatively impact on root system of those trees and subsequently lead to the need for their

removal. The removal of the trees would be detrimental to the character of the area. Additional information was requested in relation to roots and tree protection measures given the close proximity of development and also the amount of 'cut' proposed on site however no information was forthcoming to alleviate concerns in that respect. Further, it should be borne in mind that as the trees are out-with the application site, there would be an undue burden put on the owner of the adjacent site to remove the trees should they be damaged as a result of the proposed development. Lastly, it is worth noting that the submitted tree protection plan does not propose any tree or root protection for the trees covered by TPO in the adjacent site which further adds to the concern.

The 'feu split' supplementary guidance is clear that where trees make a valuable contribution to the landscape setting of the urban area, there will be a presumption in favour of retaining them and the loss of any significant trees is a valid reason for refusal. It goes one step further by stating that care should be taken to position new buildings so as to minimise potential disturbance to the root system. Policy NE5 reiterates this position in terms of retaining trees which contribute to the character and amenity of the locality.

The trees are the subject of a TPO and it is judged that they provide a positive contribution to the local amenity. The potential future loss or damage to these trees through inappropriate tree works will significantly impact on the tree's character of Culter House Road. It is considered that a house cannot be built on Plot 2 of the proposed plans without having an adverse impact on the trees, which are protected by a TPO. The loss or damage to protected trees is contrary to Policy NE 5 Trees and Woodland of the Aberdeen Local Development Plan.

Replacement planting is proposed on-site in the form of;

- 2no crateagus paul scarlet (2.1-2.5m)
- 2no malnus john downie (2.1-2.5m)
- 2no prunus accolade (2.1-2.5m)
- 2no prunus avium (2.1-2.5m)
- 4no prunus avium plena (2.1-2.5m)

Along the western boundary of each plot, beech hedging is proposed, to be planted at 0.6 – 0.8m in height and planted in two staggered rows, rows being 0.5m apart and plants being 1.0m apart. No plan has been submitted showing the proposed landscaping. The replacement planting is not considered sufficient to mitigate the potential loss of the mature trees on the adjacent site.

## **Ecology**

Page 7 of the Council's Supplementary Guidance '*Bats and Development*' states that where it is suspected that a bat roost is present, the local authority should request a bat survey to establish the impacts on bats, before determining the



application. It goes on to say that a bat survey cannot be included as a condition of planning approval as this is a requirement of the European Protected Species (EPS) Legislation.

A bat survey was submitted with the application. In addition to this, discussions took place between the Council's Environmental Policy team and the agent to clarify the situation relative to bats due to the proposed tree removal. The trees proposed for removal are Sitka spruce, Scots pine and Cypress. In general these species of trees are less likely to support roosting bats because they have fairly dense, coarse foliage while bats prefer an open approach to roosting areas such as those offered by broadleaf trees. While Scots pine may be more suitable, the arboriculturalist has not suggested that there are any significant cracks or holes in these trees. Comment was made on a crack in a Cypress but again this species of tree is not a preferred roosting site for bats. With that in mind, there are no concerns regarding bats and as such there is no conflict with Policy NE8 or the SG on bats.

### **Access and car parking**

Access to the plots would be from Culterhouse Road via the two access points. Submitted plans show that the visibility splays can be achieved in line with requirements for the road type. Further, car parking for 3no cars would be provided on-site which is acceptable. No objections have been received from the Roads Development Management team.

### 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, the policies listed below are of relevance;

- Policy D1 – Quality Placemaking by Design
- Policy H1 – Residential Areas
- Policy NE8 - Natural Heritage

These policies substantively reiterate policies in the adopted local plan. In addition, for the same reasons that the proposal contravenes the adopted local development plan, the proposals conflict with Policies D1 and H1 of the Proposed Plan.

## **RECOMMENDATION**

**Refuse**

## **REASONS FOR RECOMMENDATION**

1.) The proposal is contrary to Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan, the Council's Supplementary Guidance: *Trees and Woodlands*, and *The Sub-division and Redevelopment of Residential Curtilages*. There is a presumption against all activities and development that will result in the loss of or damage to established trees that contribute significantly to nature conservation, landscape character or local amenity. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover. The proposal fails to provide an adequate separation distance from the beech, sycamore and douglas fir trees on the adjacent site to the east which are protected by a group Tree Preservation Order (TPO No. 62).

2.) By virtue of the proposed position of the houses on the site and their scale, massing and design, it is considered that the proposal fails to take account of its context and is therefore contrary to Policy H1 (Residential Areas) and Policy D1 (Architecture and Placemaking), and the Council's Supplementary Guidance *The Sub-division and Redevelopment of Residential Curtilages* all of which seek to ensure that the siting and design of new housing takes account of its setting, the surrounding landscape character, the topography of the site and the character and appearance of the area.