

William Lippe Architects Ltd
Job No: 5022

Proposed Demolition of existing dwelling at
and erection of 2 Dwellings at Harecraig,
Culter House Road, Milltimber, Aberdeen,
AB13 0EN

Statement of Reasons for Review

July 2015 Rev A



Statement of Reasons for Review

Executive Summary

The first reason for refusal states that 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 Tree Preservation Order. While the trees within the neighbouring feu to the east are within 5 metres of the site boundary and the planning officer states it is “very likely” their roots will be affected by the development and that no tree protection is shown on the drawings, this is not an accurate statement. The presence of a retaining dyke wall, area of topsoil and the potential for roots to have already been affected by the previous driveway upgrade mean the roots will not extend into the site. In addition, the trees are at a higher level behind the retaining dyke wall. Further detail in regard to this point can be found in the remainder of the Review document.

The second reason for refusal states that “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 contrary to Policy H1 (Residential Areas) and Policy D1 (Architecture and Placemaking) and Supplementary Guidance Sub-Division 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”.

Careful attention to detail in pre-application and application discussions as well as in developing the proposal for the site entirely assesses and reflects the sites context. This is expanded in the remainder of the Review document, however, the following points of detail should be carefully taken into account in determining the appeal.

The planning officer acknowledges in his report that the percentage coverage is acceptable despite being under some others on Culter House Road. In addition, the position of the houses and the relationship of these to adjacent properties means that the development does reflect the general pattern of development on Culter House Road, again as acknowledged by the planning officer in his report. The report appears to be contradictory in the respect that it seeks a variety of housing being an important characteristic but does not take into account the four almost identical three-storey houses at 46-48 Culter House Road which gained planning permission. Those designs are not sufficiently different, however, as identified in the remainder of this Review document, the proposed houses are sufficiently different to each other to make a complimentary addition to the area.

In terms of scale, massing and height, the proposed eaves height of Plot 1 is only around 1 metre higher than the existing house. The eaves level of both houses is also around 0.5 metre to 1 metre lower than that of the neighbour at 36 Culter House Road to the west. Neither house is more than 1.5m higher than the ridge of the existing house and although the overall ridge height of both houses is higher than the existing house by a maximum of around 2 metres, they are both between 0.5m and less lower than the neighbouring house at 36 Culter House Road. The configuration of both roof designs lessens any impact with the house Mosshall to the east being far enough away and at a lower level in any case and the roof design of Plot 1 being acceptable.

The existing house is 11m x 15m wide with two 6m wide single storey extensions on each side. The effective frontage of the existing house, could therefore be read as being 27m (including garage and sunroom). Plot 1 at 13.8m x 13.2m, albeit as an overall two storey property, is not as wide and Plot 2 is only slightly wider by 1m at 12m x 15m. It would be unreasonable to expect the

dimensions of the new houses to match the original house and in any case, the increases in size are marginal.

The basement garages are so well set into the site there is no detrimental effect created by these and the floor levels of the effective ground floor of the two houses is at a similar height to the original house.

The new houses at 46-48 Culter House Road may well be set back within the plots with trees to the front but those are truly three storey houses and there is no less of a landscape context for the two proposed new houses with trees to the rear and walling and hedging to the front. It could also be argued there are examples of more prominent, higher density and more 'squeezed in' houses on the street.

In conclusion, the precedent set by the development at 46-48 Culter House road is an important consideration in assessing the appeal but so is the variety of houses, sizes, plots and density and designs on Culter House Road. That all said, the proposal must stand alone on its merits and it has been clearly explained throughout the process of the negotiations on the planning application what alterations have been made to the proposal to satisfy planning policy and requirements. However, we have more importantly demonstrated in detail why the proposal does take account of its context. We have also addressed why the scale and position of the houses by virtue of their height and massing are not unduly prominent in the streetscene. The designs are complimentary to the street and to each other. It has therefore been demonstrated that the site is not being overdeveloped and does not have an unacceptable impact on the character or amenity of the surrounding area in compliance with Policy H1 Residential Areas. It also therefore complies with the Supplementary Guidance on curtilage splits as it does not unacceptably disrupt the relationship between the buildings and their spaces. It does not, therefore, create an undesirable precedent. The proposal will also make a positive contribution to its setting in compliance with Policy D1 Architecture and Placemaking.

Background

The Full Planning application P141735 was registered on 08/12/14 and proposed the demolition of the existing dwelling at Harecraig and erection of two dwellings on the site with detached garages at the site frontage. During the course of the application the proposals were revised in accordance with pre-application advice from the Planning Officer, relocating the garages from the front of the site and amending the dimensions of the dwelling on Plot 2. The garages were relocated as a partial basement storey below the houses utilising the vast change in level on site.

It is our opinion that the final application proposals submitted complies with all current Aberdeen Local Development Plan policies, Supplementary Guidance, Planning Advice and the pre-application advice provided. The justifications relating to these can all be found in the Supporting Statement submitted in support of the application.

Response to Delegated Report dated 30th March 2015

Communities, Housing & Infrastructure (Flooding)

The initial consultation dated 30/01/15 was forwarded by the Planning Officer 04/02/15 and a response sent to the Planning Officer by email on 17/02/15. A further consultation dated 01/04/15 was never forwarded to us to address. By this date the Planning Officer had already commenced the decision process and we were not made aware of any further issues to address on this matter.

Principle of Development

This paragraph makes reference to “...*the demolition of an existing residential dwelling and the construction of two detached houses, of much larger proportions....*” The existing house measures around 11 x 15m with two 6m wide extensions either side accommodating a sun lounge and garage. The proposed houses are approximately 13.8 x 13.2m on Plot 1 and 12 x 15m on Plot 2 with double garages set below within the overall house width. The dimensions of Plot 1 were amended in accordance with comments from the Planning Officer in his pre-application advice. The proposed houses are 2 storey with a basement garage to one side, however the original 2 storey house floor level is set some 2.5m higher than the road level, effectively raising it almost a storey higher. We would therefore disagree with this statement regarding proportions.

Density and Pattern of Development

This was deemed acceptable by the Planning Officer.

Design, Scale, Massing and Visual Impact of Development

This paragraph states that the houses would be unduly prominent in the streetscene and makes several references which we would disagree with.

The Planning Officer states “...*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...*” It is clear that any development, regardless of its size or design, proposed in an undeveloped area of a site will have a visual impact compared to the existing situation. The principle of an additional dwelling in this area was accepted and this is therefore irrelevant. The house proposed in the undeveloped part of the site has been designed to be sympathetic to the adjacent dwelling to the west and in keeping with the existing dwelling on the

site. Harecraig has an eaves height of around 5.8m above its immediate ground level which is around 2m higher than the road level. The proposed houses have an eaves height of approximately 5.5m above their adjacent ground level with the garage portion around 2.9m lower than this set to relate to road level. This equates to an eaves level on Plot 1 of only around 1m higher than that of the existing house with the eaves level of both plots around ½m and 1m lower than that of the neighbouring property to the west. The adjacent house to the east is significantly further away from the site for the eaves height of Plot 2 to affect it and is also positioned at a lower ground level due to the natural ground levels falling west to east.

The existing neighbouring house to the west, although two storey, is significantly built up from drive level to address the substantial change in level common over all sites in the vicinity. A raised terrace to the west is evident giving the house an elevated platform and the eastern part of the front elevation continues down to the drive level and therefore appears greater than two storey in this section. A similar approach has been taken in the application proposals.



Elevated positions houses in the vicinity illustrated by neighbouring house to the west and the application site

The neighbouring dwelling to the east is located some 20m from the site and is also set high on an elevated platform. We would disagree that existing house to the east “...is less prominent in the streetscene...” and that the proposed houses “...would be closer to the road than these properties...” The proposed houses at around 18m and 22m from the site frontage, with the exception of the small lower garage portion, do not sit any further forward on the site than the existing house at Harecraig or the dwelling to the east. They are positioned to follow the approximate building line created between the two existing dwellings either side. Furthermore, the mature landscaping referred to by the Planning Officer does not actually screen the eastern dwelling from the road either, as demonstrated in the photographs below.



36, 34 & 8a Culter House Road



8a (Mosshall) Culter House Road

We would disagree with the statement that “...are effectively 3-storeys...” They are partially 3 storeys. Only the garage section is 3 storey, however this is split in elevation at ground floor level where it projects out from the house at basement level, reducing its scale and mass. Also, the garage will effectively sit at road level which is significantly lower than the ground level of the existing house. It is also worth noting that the houses under construction on the same side of the road at 46/48 Culter House Road in application numbers P091006 & P131828 were approved as 3 storey, see below (these are incorrectly referred to as 2 storey in the Delegated Report) The Planning Officer referred us to these and other relevant applications for guidance in his pre-application advice dated 12/11/14.



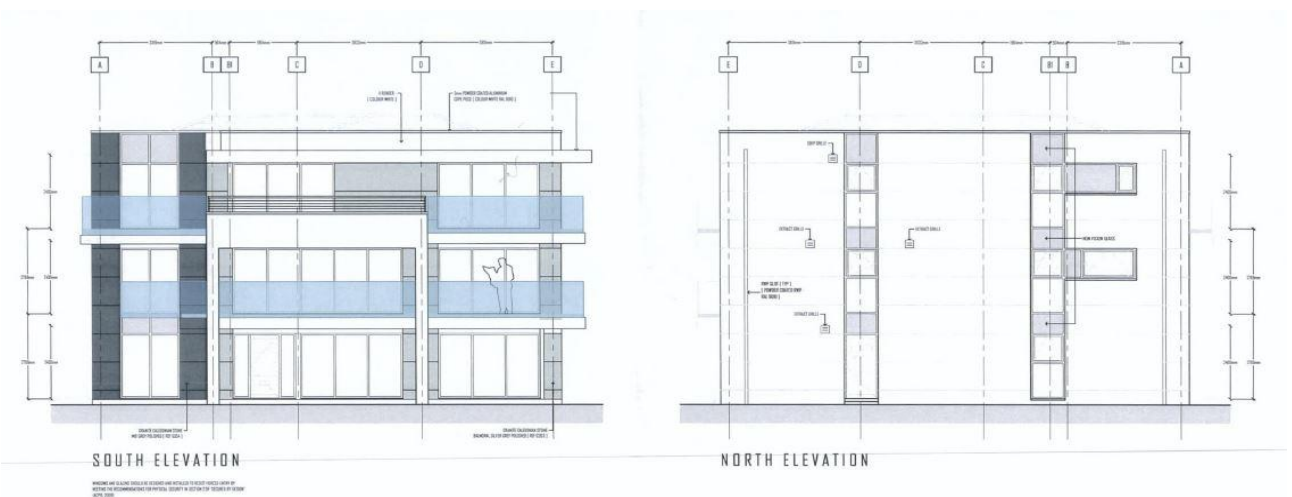
Plot 1 – 46/48 Culter House Road



Plots 3 & 4 – 46/48 Culter House Road



Plot 4 as completed - 46/48 Culter House Road



P0910076 Approved Elevations – Plots 3 & 4 - 46/48 Culter House Road

The Planning Officer states that the existing house “...is hidden behind substantial mature landscaping along the southern boundary...” The proposed houses will also sit behind the same mature landscaping and no alterations to this are proposed other than the vehicular access points.

We would also wish to highlight that during the application process we were encouraged and prepared to amend the original proposals to address the Planning Officer’s concerns regarding the location of the garages to the front of the site and the similarity in design. Prior to commencing with this redesign our suggested proposals to relocate the garages below the houses was discussed with the Planning Officer on 11/02/15 to ensure this was acceptable in principle. This was accepted by the Officer “like a townhouse style” but he wished to see the final design before commenting further. He was advised that the existing ground would be graded back up to the ground floor level of the house to reduce its impact and scale on site. No further comment was made on this aspect by the Planning Officer once the amended proposals were submitted, the only issue raised was that there was still “*little difference between the house designs*” in his email dated 18/02/15. We made a further suggestion that a change in materials and colour could be used on Plot 1 to assist in this but this was not accepted as sufficient either.

During the course of the application we were referred back by the Planning Officer to his pre-application advice dated 12/11/14. The proposed house on Plot 1 was subsequently revised in line with his advice which states in order to address the design issues he had “...*Taking account of the above, my initial thoughts are that the western house at least should be amended by way of making it narrower onto Culter House Road and therefore longer into the north of the site.....*” This was subsequently not accepted as sufficient to meet his requirements.

Again, we would like to further highlight that the pre-application advice referred us to other applications on the same side of Culter House Road, including those at 46/48 Culter House Road which were initially approved in P091006 with exactly the same housetype on each plot, please refer to earlier drawings. This principle has therefore already been established and accepted previously, therefore there should be no requirement for each plot in this application to have a mix of housetypes.

The Planning Officer has made reference to the roof heights. It is worth highlighting that the existing topography of the area generally slopes down from west to east and therefore the roof level of the existing dwelling to the west will naturally sit lower than that of Plot 2. The ridge level of Plot 1 is slightly higher than the neighbouring dwelling to the east however its hipped design significantly reduces its height and mass in comparison. Reference is also made to the existing front boundary landscaping and that it would be reduced in scale. It will not be reduced in scale, only the two drive openings will be created and any existing open areas replanted. The ground removal referred to for the garages will be redistributed below the houses and used to grade back up to existing levels where required.

Reference has also been made by the Planning Officer to the proposal of two “off the shelf” dwellings. We wish to make clear that these are not “off the shelf” housetypes. They have been specifically designed to suit the site, its orientation, views, topography, surrounding character and built environment. The fact that the layouts are very similar only substantiates this i.e. this is one site being divided into two and therefore what works for one will also work for the other as both have the same site context. They are also similar to those of the existing dwelling at Harecraig, again further validating these are a site specific design.

The houses are not identical as stated in the Delegated Report. Plot 1 is narrower and longer than Plot 2, as requested by the Planning Officer, and therefore has slightly different internal layouts, particularly on the first floor. Plot 1 has double doors onto the first floor terraces above the bay windows and Plot 2 has triple doors. Plot 1 has a hipped roof with an alternative roof pitch and Plot 2 has front facing gables on a hipped roof with a steeper roof pitch to suit. Our suggested variety of

colours and materials would have further assisted in meeting the Planning Officer's insistence on reducing the similarity in design but was not accepted.

Some of the photographic examples of traditional house styles and typical features referred to as surrounding context in the Supporting Statement are actually taken from No's 38 & 40 Culter House Road around 50m and 80m west of the site, 200m south west of the site on North Deeside Road and 300m south west on Milltimber Brae, not Rubislaw Den South some 6 miles away, as stated by the Planning Officer so are actually entirely relevant in informing the design and fitting with policy. Please refer to the following photographs.



Culter House Road



Milltimber Brae



North Deeside Road

We would therefore conclude that there is no policy requirement for the two houses to be of different design as accepted at 46/48 Culter House Road, however in an effort to meet the Planning Officer's concerns sufficient differences were created between the houses whilst retaining some design consistency between them, the reasons for which are expanded on in the Supporting Statement submitted with the application. The housetypes were designed to take account of their context. There may not originally have been a predominant house design on the north side of Culter House Road however this has been contradicted by the original approval of three identical housetypes on Plots 2, 3 and 4 at 46/48 Culter House Road in application P091006.

In consideration of the preceding information we would conclude that the Design, Scale, Massing and Visual Impact of the proposed development is acceptable. Privacy, orientation, natural sunlight, pattern of development and plot ratio were all deemed acceptable by the Planning Officer.

Impact on Residential Amenity

The Planning Officer concluded that the development would not have any significant negative impact on the residential amenity of the immediate area.

Trees

The Planning Officer correctly identifies that 31 trees are proposed to be felled, 18 of which are for health & safety reasons. However it should be noted that the remaining 13 trees are not proposed to be felled for development but purely because of their poor condition, as noted in the Tree Report submitted in support of the application.

The Delegated Report makes reference to concerns *"...that the proposed development would require the removal of the trees within the neighbouring feu to the east outwith the application site which are covered by a TPO.....it is likely their roots will be present within the application site..."*

The Tree Report clearly states on Page 4 *"The existing garage has a tarred driveway running to it from Culter House Road. This driveway was renovated recently, and new sub-soil installed and the driveway tarred. The root protection area of trees 73 and 74 extend over the area of the garage. However, these trees are on elevated ground behind a retaining dyke. The roots of these trees will not extend into the area of the garage for Plot 2 due to the retaining wall, area of topsoil, and roots having been cut in the previous driveway upgrading."* Hence why no tree or root protection for the neighbouring trees is indicated on the drawings. However, their canopy spread is indicated for reference.

In addition to this, the redesign of the dwellings and site during the course of the application ensures that no built development would take place within the "potential" root area indicated as canopy spread on the Tree Survey drawing for the aforementioned trees. Therefore, in compliance with Policy care has been taken to position new buildings so as to minimise potential disturbance to the root system.

The Planning Officer states *"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."* The request asked if there would be any change of level proposed along the frontage of the site, particularly in the location of the garage on Plot 2. This information was requested on the basis of the original application drawings which proposed a garage in the area concerned and therefore the redesign relocating the garage addressed this concern. The query on the frontage of the site was answered in an email on 17/02/15 stating that the revised proposals would not affect the ground level along the frontage of the site.

The Tree Report also goes on to state “*Where excavation is required within the Root Protection Area, this will be undertaken by hand, from within the foot print of the plot and should be overseen by the appointed arboricultural consultant.*” It is also worth noting that if in the unlikely event that roots were found to be present in the area of the drive during this excavation the small hammerhead indicated to the drive is not actually required and the development could still proceed. There would be no cut required within the “potential” root / canopy area for the construction of the dwelling as indicated on the proposals.

The proposed replacement planting is therefore not required “*to mitigate the potential loss of the mature trees on the adjacent site*” as stated by the Planning Officer, the amended proposals have addressed this concern. The proposed replacement planting should therefore be sufficient to enhance the two plots within their surrounding landscape.

Taking account of the above it is considered that there should be no damage to the neighbouring trees covered by the TPO and consequently no requirement to remove them. We therefore conclude that the application meets the requirements of Policy NE5 and that this is not a valid reason for refusal.

Ecology

The Delegated Report concludes that there are no concerns regarding bats and therefore no conflict with Policy NE8 or Supplementary Guidance on bats.

Access and Car Parking

It was demonstrated that the required visibility splays and car parking could be provided and therefore no objections were received from the Roads Development Management Team.

Conclusion

We do not consider the reasons for refusal under Policies NE5, H1 and D1 to be valid and would therefore respectfully request that the decision is overturned.