

Planning Development Management Committee

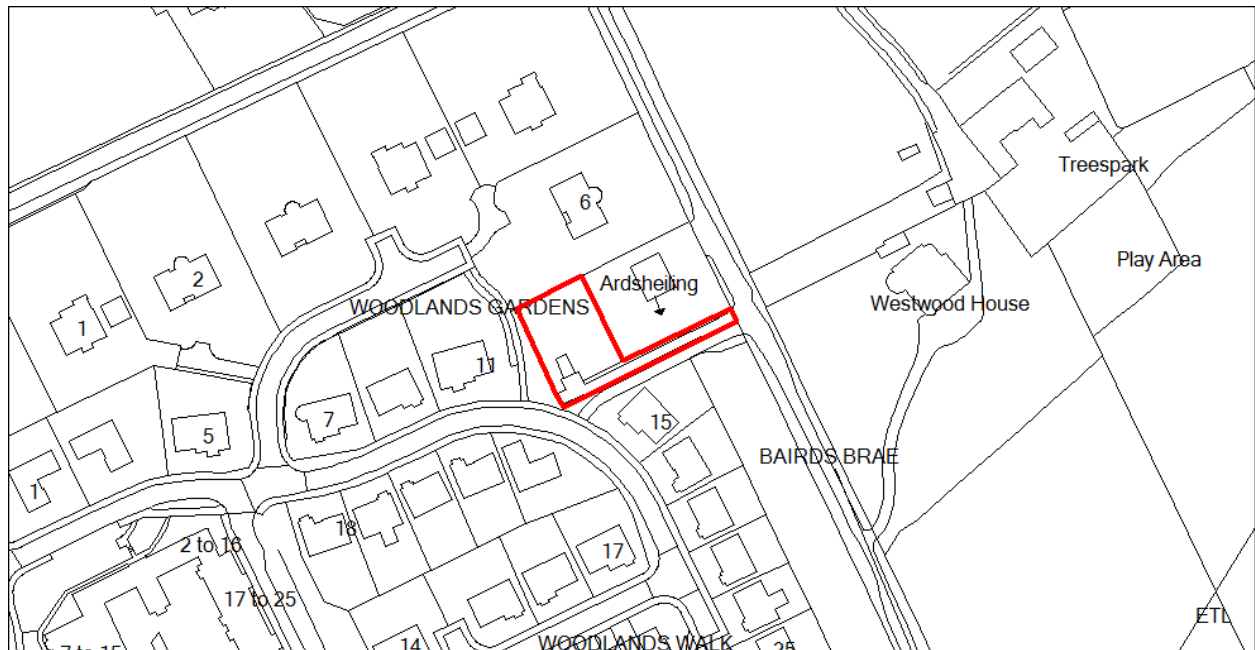
ARDSHEILING, BAIRDS BRAE, CULTS

SUBDIVISION OF RESIDENTIAL CURTILAGE
AND ERECTION OF NEW RESIDENTIAL
DWELLING

For: Mr And Mrs Dolby

Application Type: Detailed Planning Permission
Application Ref.: P150988
Application Date: 22/06/2015
Officer: Andrew Miller
Ward: Lower Deeside (M Boulton/A Malone/M
Maik)

Advert: Section 60/65 - Dev aff LB/CA
Advertised on: 08/07/2015
Committee Date: 17/09/2015
Community Council : Comments



RECOMMENDATION:

Refuse

DESCRIPTION

The application site comprises an area of garden ground extending to approximately 820 sq metres to the rear of 'Ardsheiling', Bairds Brae. The garden contains a small corrugated tin garage in its southern corner and is bounded by mature trees to the north and west of the application site. A driveway leading from the garage to Bairds Brae along the southern side of 'Ardsheiling' is also included in the application site.

'Ardsheiling' itself is a large detached one and a half storey dwelling fronting to Bairds Brae and set in relatively large garden ground (including the application site). It is bounded to the sides and rear by the housing development on the former Woodlands Hospital and falls within the Pitfodels Conservation Area.

RELEVANT HISTORY

A6/1929 – Detailed Planning Permission for the erection of a one and half storey dwelling with integral double garage refused by the Planning Committee on 24 May 2007.

PROPOSAL

Detailed Planning Permission is sought for the erection of a two and a half storey house in an L-shape footprint with integral double garage. The length and width would both be approximately 16.5 metres, reaching a height of 5.5 metres to the eaves, 9.5 metres to the ridge.

Its design would be a suburban house style, similar to the housing in the surrounding area. The house would have a hipped roof, although the north eastern elevation will have a feature gable protruding forward by approximately . No material finishes have been specified as part of the submission, though the design statement provided with the application states that external finishes "will be chosen to match in with the surrounding development in consultation with the planning department."

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=150988>

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 timeous letters of objection have been received (six in this instance) and Cults, Bielside and Milltimber Community Council have objected. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No objections as adequate parking and turning provided within curtilage of proposed new house. Refuse arrangement will be similar to that of 'Ardsheiling'.

Environmental Health – No observations.

Communities, Housing and Infrastructure (Flooding) – No response received.

Cults, Bielside and Milltimber Community Council – Objects to the development on the following grounds:

1. Loss of privacy to neighbouring properties.
2. Access to the property not suitable.
3. Impact of construction on roads and paths.
4. A different orientation of the house may help alleviate some concerns.
5. Proposed access should be examined closely, with consideration given to possible access onto Woodlands Crescent should permission be granted.

REPRESENTATIONS

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

1. House seems inappropriate for size of plot and would be close to 'Ardsheiling', resulting in a high density of development on the plot. The larger houses in Woodlands Gardens are spaced apart and the proposed development would be out of keeping with this.
2. If approved, development will set a precedent for development of housing in larger gardens. Over time, the philosophy of the Conservation Area would be lost due to back garden developments.
3. Proposal does not comply with policies in the Aberdeen Local Development Plan 2012 nor the associated "Subdivision and Redevelopment of Residential Curtilages" Supplementary Guidance.
4. Design Statement makes reference to design of house being in keeping with Woodlands development but the development itself makes no contribution to its amenity or pattern of development.
5. Percentage of plot to be developed per site plan provided with application states 26.28%, however this includes the site access which forms a quarter of the site, thus the percentage has been understated.
6. Proposed house plot would be out of keeping with plots in Woodlands development (large houses with generous plots).

7. Would spoil the look of the street.
8. Proposals represent overdevelopment of the site.
9. House would have back to Woodlands Crescent.
10. House would block light and result in overshadowing of neighbouring houses/gardens.
11. Loss of privacy to neighbouring gardens (front and back).
12. Increase in traffic on Bairds Brae, which is currently closed to through traffic and used by children to play and dog walkers. Subsequent adverse impact on road safety.
13. Bairds Brae is in poor condition and not capable of accommodating any additional traffic.
14. Access proposed is communal walk way and has never been used by cars.
15. A number of trees have been felled in the garden, this will result in further felling.
16. Construction vehicles will represent a hazard to vulnerable road users (e.g. children) by using and parking on Woodlands Crescent.
17. Noise from construction will impact on residential amenity.
18. Potential damage to drystone dyke on lane.
19. Community Council have not had a chance to comment on the application.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy

Development within Conservation Areas should preserve or enhance the character and appearance of the Conservation Area.

Scottish Historic Environment Policy (SHEP)

Development should not adversely affect the special interest and character of Conservation Areas.

Aberdeen Local Development Plan

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.

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.

D5 – Built Heritage

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

NE5 – Trees and Woodlands

There is a presumption against development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Supplementary Guidance

The Council's Supplementary Guidance – The Subdivision and Redevelopment of Residential Curtilages is a material consideration in this instance. With the following sections pertinent to this application:

- 3 (Privacy, Residential Amenity, Daylight and Sunlight)
- 4 (Design and Materials)
- 5 (Density, Pattern and Scale of Development)
- 6 (Trees and Garden Ground)

Proposed Aberdeen Local Development Plan

H1 – Residential Areas

Within existing residential areas (designated H1), 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; and
4. complies with Supplementary Guidance.

D1 – Quality Placemaking by Design

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.

D4 – Historic Environment

The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP, its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan.

NE5 – Trees and Woodlands

There is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.

Other Relevant Material Considerations

None

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

The main considerations in this instance relate to the principle of the house, its design and siting, impacts on privacy/amenity, access/parking, drainage and impact on trees.

Principle of House

The site falls within a residential area, as designated in the Aberdeen Local Development Plan 2012 (ALDP). Associated policy H1 creates a presumption in favour of residential uses subject to compliance with a number of criteria as outlined above. In this instance the house proposed is a sub-division of an existing residential curtilage, therefore the requirements of the Council's Supplementary Guidance on the Subdivision and Redevelopment of Residential Curtilages (SG). In its broad terms, the SG states that in the majority of cases the general pattern of residential development is a frontage to a public road, with rear

gardens providing private amenity space. Where this is the pattern of development, development of dwellings within rear gardens (commonly referred to as “backland” development) constitutes a form of development that is alien to the established density, character and pattern of the area.

In this instance the proposed house would be sited within the rear garden of ‘Ardsheiling’ and would front to the existing driveway to the side of the house. This layout fails to provide a public frontage, resulting in backland development and out of keeping with the established pattern of the surrounding area.

The SG also states as a general rule that no more than a third of the total site area for each individual curtilage should be built on, though this figure can be lower or higher dependant on the character of the area. In this case, the surrounding area can surrounding residential development can be split into two broad areas, with the divide forming Woodlands Crescent and its path to Bairds Brae. The area to the north contains housing plots with a density in the region of 6 – 15%, including ‘Ardsheiling’ itself with a current plot density of approximately 6%. The area to the south has a much larger density at around 20 – 30 %.

The proposed house would have a plot density of 26%, whilst the resultant plot density of ‘Ardsheiling’ would 11%. ‘Ardsheiling’ is readily relatable to the houses to the north of the divide. At 26%, the proposed plot density is considered to be out of keeping with the lower densities of the neighbouring houses to the north.

Taking account of the foregoing considerations, the principle of the subdivision of the residential curtilage is not acceptable, failing to comply with the requirements of the SG and subsequently policy H1 of the ALDP.

Design and Siting

Policy D1 of the ALDP states that all new development should be designed with due consideration for its context, whilst the SG states that the design and finishes of any new dwellings should complement those of the surrounding area. Scottish Planning Policy (SPP) and Scottish Historic Environment Policy (SHEP) both state that all new development should respect the character and special interest of conservation areas, whilst policy D5 of the ALDP echoes these requirements.

In this instance, the house would be a relatively large two storey house in an L-shape footprint with integral double garage with hipped roof. The style of the house would be in keeping with the modern housing in the surrounding area. The scale of the dwelling, particularly its height, would be similar to those of the newer housing in the former Woodlands Hospital site, but would be greater than that of ‘Ardsheiling’ (which is one and half storey in height). The resultant house would represent a large mass of built form that would over dominate the appearance of ‘Ardsheiling’ and would ultimately detract from the character of the Pitfodels Conservation Area. Accordingly, it is considered the proposed house has not been designed with due consideration for its context and fails to comply with the requirements of SPP, SHEP and policies D1 and D5.

Privacy/Amenity

The SG states that new housing should not result in any loss of privacy enjoyed by existing neighbouring properties, with suitable separation required between windows and privacy of private amenity areas (e.g. back gardens). The proposed siting of the house coupled with its height and window arrangement would result in overlooking of the rear garden of 15 Woodlands Crescent to the south west, as well as a loss of privacy within the garden of 'Ardsheiling' itself, contrary to the privacy requirements of the SG.

In terms of amenity provision, the SG states that houses greater than 2 storey in height should provide at least 11 metres of garden space from the rear boundary to rear wall of the house. The figure in this instance stands at 9 metres, falling short of the requirements of the SG.

Access and Parking

Access to the proposed house would be via the existing driveway to the south of 'Ardsheiling'. Parking provision is made within the integral double garage and an area of driveway to the front of the house. Space for turning vehicles has also been provided for. It is noted the Council's Roads Development Management Team raised no objections to the development.

Drainage

No details of drainage have been provided with the application, though the application form indicates that SuDS will be utilised in drainage of surface water, whilst foul drainage will be discharge to the public sewers. In principle, these methods are acceptable and the lack of detail on SuDS could be dealt with by a condition requiring information to be submitted.

Impact on Trees

Policy NE5 – Trees and Woodland of the ALDP creates a presumption against development that results in a loss of or damage to established trees that contribute significantly to nature conservation, landscape character or local amenity. The SG also states that the loss of significant trees that make a valuable contribution to the landscape setting of urban areas is valid reason for refusal of planning permission. The site contains mature trees though a number of trees felled in recent years. However those remaining contribute to the woodland setting of the wider area, which itself forms part of the Pitfodels Conservation Area. Although requested, no tree survey identifying the impact of the development on trees was provided. Accordingly, the impact of the development on existing trees is unknown and the proposal fails to comply with the requirements of NE5 and the SG.

Matters Raised by Community Council

In respect of the matters raised by Cults, Bieldside and Milltimber Community Council, responses to matters raised are provided as follows:

1. Loss of privacy to neighbouring properties.

The loss of privacy to neighbouring properties forms a reason for the refusal of this application (see privacy/amenity section) above.

2. Access to the property not suitable.

The development would utilise an existing driveway and it is noted that Roads Development Management raised no objections to the development.

3. Impact of construction on roads and paths.

There will be some impact on the local road network from construction traffic, however the extent of this would be limited to the construction phase. It would be unreasonable to refuse the application on this basis.

4. A different orientation of the house may help alleviate some concerns.

The orientation of the house may alleviate some concerns in respect of impacts of privacy, however there are a number of issues that cannot be resolved by reorientation of the proposed house such as plot density, backland development.

5. Proposed access should be examined closely, with consideration given to possible access onto Woodlands Crescent should permission be granted.

The proposed access is to Bairds Brae, which is considered acceptable in this instance. The practicalities of accessing the proposed site from Woodlands Crescent may not be achievable, particularly due to the proximity to the path leading from Bairds Brae to Woodlands Crescent. There would also be difficulties relating to land ownership, as the applicant has no control over part of the land required to achieve this.

Matters Raised in Representations

In respect of the matters raised within the representations received, responses to matters raised are provided as follows:

- 1. House seems inappropriate for size of plot and would be close to 'Ardshelling', resulting in a high density of development on the plot. The larger houses in Woodlands Gardens are spaced apart and the proposed development would be out of keeping with this.*
- 2. If approved, development will set a precedent for development of housing in larger gardens. Over time, the philosophy of the Conservation Area would be lost due to back garden developments.*

3. *Proposal does not comply with policies in the Aberdeen Local Development Plan 2012 nor the associated "Subdivision and Redevelopment of Residential Curtilages" Supplementary Guidance.*
4. *Design Statement makes reference to design of house being in keeping with Woodlands development but the development itself makes no contribution to its amenity or pattern of development.*
5. *Percentage of plot to be developed per site plan provided with application states 26.28%, however this includes the site access which forms a quarter of the site, thus the percentage has been understated.*
6. *Proposed house plot would be out of keeping with plots in Woodlands development (large houses with generous plots).*
7. *Would spoil the look of the street.*
8. *Proposals represent overdevelopment of the site.*
9. *House would have back to Woodlands Crescent.*

In respect of the matters raised in points 1 to 9, the following matters raised relate to the principle of the house and its siting and design. The house is considered to be unacceptable in this instance per the evaluation under the headings of Principle and Design and Siting above.

10. *House would block light and result in overshadowing of neighbouring houses/gardens.*

The house will have some impact in terms of overshadowing of neighbouring garden ground to the north, this would be not be significant given the current extent of tree planting within the local area, particularly the site in question.

11. *Loss of privacy to neighbouring gardens (front and back).*

The loss of privacy to neighbouring gardens is a reason of recommendation of refusal of the application.

12. *Increase in traffic on Bairds Brae, which is currently closed to through traffic and used by children to play and dog walkers. Subsequent adverse impact on road safety.*

The increase in traffic associated with one house is not considered to have a significant impact on road safety. The Council's Roads Development Management team raised no objections to the development.

13. *Bairds Brae is in poor condition and not capable of accommodating any additional traffic.*

Bairds Brae is not an adopted road, therefore the Council has no responsibility for its maintenance. Whilst the road surface is relatively rough, it is considered that the addition of one household utilising the road is acceptable in this instance.

14. *Access proposed is communal walk way and has never been used by cars.*

The access to the site would be via an existing driveway to the south of 'Ardsheiling'. The footpath to the south of this would remain unaffected.

15. A number of trees have been felled in the garden, this will result in further felling.

A tree survey was requested as part of the application, however this was not forthcoming. As such the proposed development fails to demonstrate its impact on trees and is a reason for refusal of the application.

16. Construction vehicles will represent a hazard to vulnerable road users (e.g. children) by using and parking on Woodlands Crescent.

Should construction vehicles utilise Woodlands Crescent for parking, they will have to obey parking restrictions, etc, which is enforced by either the police or City Wardens.

17. Noise from construction will impact on residential amenity.

It is inevitable there will be some noise from construction sites, however this will be limited to the construction phase. Any noise complaints should be directed to Environmental Health, as they enforce legislation relative to this separate from the planning process.

18. Potential damage to drystone dyke on lane.

This is not a material planning consideration.

19. Community Council have not had a chance to comment on the application.

Cults, Bielside and Milltimber Community Council requested an extension to provide comments due to their summer recess. This was allowed and an objection was subsequently submitted.

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 relevant policies within the proposed plan are substantively similar to those of the adopted plan, therefore no further evaluation is required in respect of the proposed plan.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1. The proposed house fails to comply with policy H1 – Residential Areas of the Aberdeen Local Development Plan 2012 and associated Supplementary Guidance on the Sub-division and Redevelopment of Residential Curtilages whereby the proposals: constitute “backland” development, failing to have a public frontage to a street; result in a higher plot density than the plots to the north of the site; and would result in the loss of privacy to neighbouring properties, detrimental to their established residential amenity.
2. The scale and design of the house, coupled with its siting would have an adverse impact on the setting of ‘Ardshelling’ and the wider Pitfodels Conservation Area, contrary to the requirements of policy D1 – Architecture and Placemaking of the Aberdeen Local Development Plan 2012, as well as Scottish Planning Policy, Scottish Historic Environment Policy and subsequently policy D5 – Built Heritage of the Aberdeen Local Development Plan 2012.
3. The impact of the development on established trees within the garden that contribute to the character of the local area has not be demonstrated and subsequently fails to comply with the requirements of policy NE5 – Trees and Woodland of the Aberdeen Local Development Plan 2012 and Sub-division and Redevelopment of Residential Curtilages Supplementary Guidance.

In light of the above reasons, the proposals also fail to comply with the requirements of policies H1 – Residential Areas, D1 – Quality Placemaking by Design, D4 – Historic Environment and NE5 – Trees and Woodlands of the Proposed Aberdeen Local Development Plan 2015.