

Planning Development Management Committee

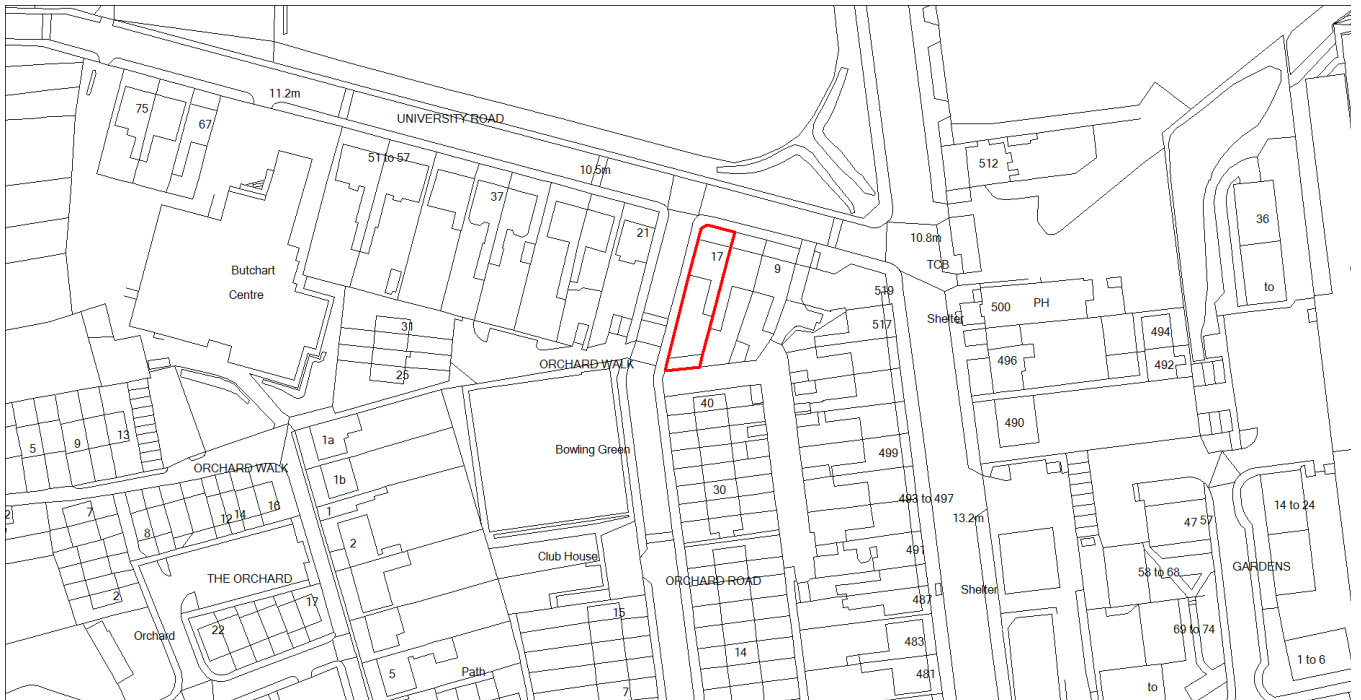
17 UNIVERSITY ROAD, ABERDEEN

SUBDIVISION AND ERECTION OF 3
BEDROOM DWELLING.

For: Miss Kerry Clark

Application Type : Detailed Planning Permission
Application Ref. : P151150
Application Date: 21/07/2015
Officer: Gavin Evans
Ward : Tillydrone/Seaton/Old Aberdeen (J
Noble/R Milne/R Grant)

Advert : Section 60/65 - Dev aff
LB/CA
Advertised on: 19/08/2015
Committee Date: 11th February 2016
Community Council : Comments



RECOMMENDATION: Approve Conditionally

DESCRIPTION

The site comprises an existing end-terrace dwelling of traditional granite style, set within an elongated plot, located on the corner of University Road and Orchard Road. The site lies immediately to the west of King Street and to the south of the sports pitches which form part of Aberdeen University's King's College campus. A flat-roofed single garage sits on the southern boundary of the site, beyond which lies an unsurfaced rear lane. Following changes to its boundaries last year, the site now lies within the Old Aberdeen Conservation Area.

RELEVANT HISTORY

No planning history of relevance.

PROPOSAL

This application seeks detailed planning permission for the sub-division of the existing residential plot and the construction of a 1 ½ storey, pitched roof dwelling of contemporary design. The dwelling would front directly onto Orchard Road, with an off-street car parking space provided to the rear, accessed via the existing lane.

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=151150>

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 (i) the local Community Council has expressed its objection to the proposal; and (ii) more than 5 letters of objection have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No objection. Note a shortfall of one car parking space from current standards, but recognises that the property would be entitled to two parking permits.

Environmental Health – No observations.

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

Community Council – Old Aberdeen Community Council states its objection to the application on the following grounds:

- The site lies within Old Aberdeen Conservation Area, though this has not been recognised by the applicant and therefore statutory notification has not been undertaken;
- Failure to comply with the Council's 'sub-division and redevelopment of residential curtilages' supplementary guidance;
- Queries the accuracy of density figures quoted in the submitted Design Statement;
- Poor visibility at vehicular access (based on original proposal, before amendment);
- Materials proposed are not appropriate for a conservation area or consistent with their surroundings;
- Inadequate garden retained by the donor property;
- Setting of a precedent for further curtilage splits in the area.

REPRESENTATIONS

18 letters of representation have been received. The objections raised relate to the following matters –

- Development does not demonstrate due consideration for its context
- Overdevelopment of the site
- Garden areas are insufficient
- No public face to the street
- Would be harmful to the character of the Conservation Area
- Precedent for backland development
- Potential overlooking
- Potential for impact to tree within adjoining feu
- Loss of on-street parking due to new driveway
- Does not respect the building line on Orchard Street

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

Aberdeen City and Shire Strategic Development Plan (SDP)

Paragraph 3.9 recognises Aberdeen City as a strategic growth area and states a preference for development on brownfield sites.

Paragraph 3.20 emphasises the need for improvement of environmental quality and high quality design.

Aberdeen Local Development Plan

Policy T2: Managing the Transport Impact of Development

Policy D1: Architecture and Placemaking

Policy D2: Design and Amenity
Policy D3: Sustainable Travel
Policy D5 - Built Heritage
Policy H1 - Residential Areas
Policy H3: Density
Policy R2 - Degraded and Contaminated Land
Policy R6 - Waste Management Requirements for New Development
Policy R7: Low and Zero Carbon Buildings

Proposed Aberdeen Local Development Plan

Policy D1 – Quality Placemaking by Design
Policy T2 – Managing the Transport Impact of Development
Policy T3 – Sustainable and Active Travel
Policy H1 - Residential Areas
Policy H3 – Density
Policy D4 – Historic Environment
Policy R6 - Waste Management Requirements for New Development
Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency

Supplementary Guidance

The Subdivision and Redevelopment of Residential Curtilages
Transport and Accessibility
Low and Zero Carbon Buildings

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

The application site lies within a predominantly residential area, which is reflected in its 'H1 Residential' zoning the Aberdeen Local Development Plan (ALDP), where policy H1 shall apply. Within such areas, the principle of further residential development will be accepted, provided those criteria set out in policy H1 can be satisfied. These criteria are set out in the 'Planning Policy' section of this report, above.

The question of whether the proposal represents 'over-development' for the purposes of assessment against policy H1 will be addressed in the 'density' section of this report, below.

The proposal relates to the sub-division of an existing residential curtilage and so, for the purposes of assessment against policy H1 (Residential) of the ALDP, it is established that the proposal does not involve the loss of any open space as defined in the Aberdeen Open Space Audit 2010.

Policy H1 also requires that new development does not result in an unacceptable impact on the character or amenity of the surrounding area. The area surrounding the application site incorporates a degree of variety in the built form, with traditional granite properties of between 2 and 2.5 storeys, containing an upper and a lower flat, arranged along University Road; 2 storey terraced houses along the mid-section of Orchard Road; and stepping up to 3-storey tenements fronting onto Orchard Street. Properties on this section of King Street are generally of 2 or 2.5 storeys. The application site is located at a transitional point in the streetscape, with the donor property facing onto University Road and presenting a blank gable and granite rubble boundary wall to Orchard Street

Impact on Amenity

The proposed new house would be sited in such a way as to present a clear 'public face' onto Orchard Street, with a private face onto its enclosed garden grounds. Provision for off-street car parking would be made to the rear of the house, accessed via the existing rear lane. With respect to privacy, the proposed new dwelling is appropriately enclosed in order that ground floor windows would not result in a loss of privacy to adjacent premises. At first-floor level, the internal layout has been arranged in order that the main windows will front onto Orchard Street, with a single bedroom window in the south-facing gable, which is adequately separated from adjacent properties by the rear lane. There would be 2 no rooflights in the eastern slope of the roof, however these are both to non-habitable rooms. Taking account of these points, it is considered that there would be no adverse impact on privacy as a result of the proposal, nor would the privacy of existing rear gardens be affected, as required by the Council's supplementary guidance on the Sub-division and Redevelopment of Residential Curtilages.

The separation between the dwellings is considered sufficient to ensure that new and existing houses will be afforded good levels of daylight and sunlight, with no undue obstruction. The reorientation of the house has allowed for it to be brought off the boundary with 11/13 University Road, and its impact has been significantly reduced as a result.

Whilst there would be a reduction in the available garden grounds of the donor property, it would nevertheless retain an adequate area of private amenity space. The arrangement of the new property and its garden differs from the standard suburban front and rear garden envisaged by the Council's supplementary guidance, however a single block of useable and private garden would be made available, along with a smaller sun-terrace formed off the southern elevation to take advantage of its aspect. Whilst this arrangement differs from the prescriptive format of the supplementary guidance, it would nevertheless achieve a good

standard of provision and result in a dwelling with an appropriate frontage to the street.

Density

As noted in the 'principle' section of this report, the local area is characterised by a range of different residential built forms. The current plot of 17 University Road is larger than its neighbours to the east, due to the angle of the rear lane. The Design Statement submitted by the applicant highlights that plot coverage in the surrounding area is generally at or above the 33% suggested by the Council's Supplementary Guidance, reflecting its built-up nature. Sub-division of the plot in the manner proposed would result in the existing property being afforded a smaller plot of 222sqm, with plot coverage of 56%, whilst the new dwelling would enjoy a plot of 140sqm, with plot coverage of 43%. There is a degree of variation in plot coverages in the immediately surrounding area, however these fall within the higher end of that range, and are considered to be generally representative of the area. On that basis, and having regard to the degree of separation between the new dwelling and its nearest neighbours, it is considered that the siting of a new house in this location would not appear unduly confined and that an appropriate density of development has been achieved, in accordance with policy H3 (Density) of the ALDP.

It should be noted that consideration of the more complex relationship between the proposed new house, its associated curtilage and the surrounding buildings and spaces is given in later sections of this report.

Design and context

The Council's adopted Supplementary Guidance on 'The Sub-division and Redevelopment of Residential Curtilages' sets out key considerations in the assessment of development proposals of this type. It notes that the construction of new dwellings within established areas will affect the overall density and pattern of development in the surrounding area, and that the acceptability of proposals will be dependent on the general form of development in the locality. Consideration must be given to the effect the dwelling 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.

The frontage of the proposed dwelling is directly onto Orchard Street, and follows the line formed by the gable 15/17 University Road and its boundary wall. This sits forward of the more formal building line formed by the terraced dwellings to the south, however the existing garage establishes the presence of a structure at this point, and the rear lane serves to separate the application site from the adjacent terraces, which read as a different section of the street. On that basis, it is considered that the siting of this dwelling demonstrates due regard for its context and would not appear incongruous or uncharacteristic in the local context.

The design of the proposed new house is clearly influenced by the proportions of the site with its internal layout arranged so as to avoid overlooking or loss of privacy. The single off-street car parking space serves to separate the dwelling

from the adjacent plot, reducing the impact of the proposal as a result. At ground floor level, the layout would allow for a pleasant outlook over the private garden, with the bathroom and stair positioned closest to the northern boundary (and adjacent pavement), which serves to distance habitable rooms from potential noise.

In addition to being positioned abutting the pavement, which is considered appropriate in this context, the new dwelling would be relatively close to its southern and western boundaries. As this row of properties (onto University Road) is served by long gardens with garages accessed via a rear lane, the lane itself serves to separate the dwelling from the terraces to the south, whilst the siting of a structure at the rear of the feu is consistent with the siting of existing garages, and therefore the relationship with the property at 15/17 is not significantly altered. The size and scale of this dwelling are consistent with its context, and whilst contemporary materials are utilised, this would complement rather than clash with the surrounding granite buildings. Again, the degree of separation from its immediate neighbours is such that the new building would not appear incongruous in relation to its immediate surroundings.

Separate from the siting of the house in relation to its surroundings is the design and finish of the house itself. The site lies within a character area described in the Old Aberdeen Conservation Area Character Appraisal as being typified by a wide range of architecture, with no one overriding typical built form. The proposed dwelling's design is based on a modest 1.5-storey, pitched roof form, with dormer windows of contemporary detailing on its front/western elevation. The dwelling is essentially a contemporary building which uses traditional design cues. The use of a grey brick and zinc cladding does not seek to mimic a traditional building, but is considered to be an appropriate contemporary response to the site's context, consistent with policy D1 (Architecture and Placemaking) of the ALDP.

Amenity Afforded to Occupants of Proposed Development

It is considered that residents of the proposed new dwelling would be afforded adequate privacy, that the new house would present an appropriate frontage to the street, and that a private face would open onto an area of private garden ground, as required by policy D2 (Design and Amenity) of the Aberdeen Local Development Plan.

Traffic Impacts, Access Arrangements and Car Parking

The proposed development provides a single off-street car parking space to the front of the new dwelling. The Council's Roads Projects team have accepted this level of provision, and stated no objection to the proposal. This demonstrates accordance with policy T2 (Managing the Transport Impact of Development) and the associated Transport and Accessibility supplementary guidance.

'Low and Zero Carbon Buildings' Supplementary Guidance

The Council's supplementary planning guidance 'Low and Zero Carbon Buildings' is a relevant material consideration. No details of the incorporation of Low and Zero Carbon generating technologies have been provided in support of the application, and it will therefore be necessary to attach a condition to any

consent in order to obtain such details and to ensure installation of equipment prior to occupation, should members resolve to approve the application.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. 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 representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis.

In relation to this particular application, policies relating to design, residential areas and others of relevance to the proposal have not been subject to fundamental change, however there remain unresolved issues which may lead to further change in applicable policies, with the weight that those policies can be afforded diminished as a result. The site remains allocated within a residential area, where residential development is supported in principle, and it is not considered that the Proposed Plan raises any material considerations warranting determination other than in accordance with the extant Aberdeen Local Development Plan.

Matters raised in representations and by Community Council

The issues raised in relation to: car parking and access; scale, density and form of development; impact on the Old Aberdeen Conservation Area; and impact on existing amenity are addressed in the preceding sections of this report. Notwithstanding the content of the submitted design statement, it is acknowledged that the site now lies within Old Aberdeen Conservation Area, and the planning authority's assessment has been undertaken accordingly. Concerns relating to visibility at the proposed driveway were based on the original proposal, which has since been amended to include a parking space accessed off the existing lane, which is to the satisfaction of Roads Development Management colleagues. As regards the setting of a precedent for curtilage splits, it is a well-established principle of the planning system that each application will be considered on its own merits. Privacy concerns expressed in representations also relate to the original scheme, and it is considered that the revised proposal addresses those issues. The presence of a tree in the adjoining feu is noted, however the extent of encroachment into its root protection area is not considered to be excessive or to require its removal.

Conclusion

It is concluded that, though the proposed development differs in some regards from that which is envisaged by the relevant supplementary guidance document, it would nevertheless provide the requisite standard of amenity for prospective residents, with access to an enclosed private garden of a size consistent with its urban setting. The proposed dwelling would not result in any undue adverse impact on the amenity afforded to existing dwellings and, whilst of a contemporary design, has been sensitively detailed and proportioned so as to make a positive addition to its context. In summary, it is considered that the proposal demonstrates its compliance with the relevant provisions of the Development Plan, and no material considerations have been identified that would warrant its refusal.

RECOMMENDATION

Approve Conditionally

REASONS FOR RECOMMENDATION

The proposal demonstrates due regard for its context, and makes a positive contribution to its setting, as required by policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan (ALDP). The use would not result in any undue conflict with the adjacent land use and amenity, and represents an appropriate density of development in this urban location, as required by policies H1 (Residential Areas) and H3 (Density) of the ALDP respectively. The development makes appropriate provision for off-street car parking, along with appropriate means of access, as required by policy T2 (Managing the Transport Impact of Development) and the associated 'Transport and Accessibility' supplementary guidance. The site is highly accessible by sustainable means of travel, in accordance with policy D3 (Sustainable and Active Travel). An appropriate level of amenity would be created for residents of the development, as stated in policy D2 (Design and Amenity) of the ALDP, and compliance with policy R7 (Low and Zero Carbon Building) of the ALDP and the associated supplementary guidance can be secured through condition. No material considerations, including the issues raised in representations or the content of the Proposed Aberdeen Local Development Plan, have been identified which warrant determination other than in accordance with the Development Plan.

CONDITIONS

It is recommended that approval is given subject to the following conditions:-

(1) that the dwellinghouse hereby approved shall not be occupied unless provision has been made within the site for the off-street parking of motor vehicles in complete accordance with Plan No. 1786-PL002-revD or such other scheme as may be subsequently approved in writing by the planning authority - in the interests of road safety, the free flow of traffic and visual amenity.

(2) that the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(3) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. The dwelling hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

(4) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

INFORMATIVE

It is recommended that no construction or demolition work take place:

- (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
- (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or
- (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary - in the interests of residential amenity and preventing noise nuisance.