

Signed (authorised Officer(s)):

FOGGIE COTTAGE, BAILLIESWELLS
ROAD, BIELDSIDE

ERECTION OF 1.5 STOREY EXTENSION
TO SIDE AND REAR OF EXISTING
DWELLINGHOUSE, FORMATION OF NEW
VEHICULAR ACCESS AND
RETROSPECTIVE CHANGE OF USE OF
AGRICULTURAL LAND TO PRIVATE
GARDEN GROUND

For: Mr Michael Wilson

Application Type : Detailed Planning
Permission

Application Ref. : P151542

Application Date : 23/09/2015

Advert :

Advertised on :

Officer : Alex Ferguson

Creation Date : 23 November 2015

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

Community Council: No comments

RECOMMENDATION:

Refuse

DESCRIPTION

This application relates to the curtilage of Foggie Cottage, a single storey detached dwellinghouse situated in a rural setting, on the western side of Baillieswells Road, approximately 800m northwest of the suburban northern side of Bielside. Foggie Cottage sits to the west of Baillieswells Road and immediately to the south of a small access road that serves two other residential properties situated approximately 130m to the west. Agricultural farmland surrounds Foggie Cottage's southern and western boundaries.

The application site encompasses the full 700sqm curtilage of Foggie Cottage as well as a surrounding buffer of land to the south and west which has at some stage in recent years been incorporated into the residential curtilage of Foggie Cottage, without receiving consent for change of use. The additional area of land which has been incorporated into the garden ground of the property equates to

circa 820sqm, giving the application site a footprint of approximately approximately 1520sqm.

The single storey cottage is constructed from granite rubble walls and a slate roof, although the walls are coated with a white harl. The c. 55sqm cottage has had numerous single storey extensions added to it at some point, with a 29sqm flat-roofed side extension to the west, an 18sqm flat-roofed extension built off the southern gable end and a 40sqm monopitch-roofed garage extension built on the eastern side of the rear extension. The dwellinghouse, including the various extensions, has a total built footprint of approximately 142sqm.

At present, the cottage is accessed by vehicles from the adjacent access road to the north, which serves a driveway and garage situated between the cottage and Baillieswells Road to the east.

The application site is zoned as Green Belt land in the Adopted Aberdeen Local Development Plan and the area of previously agricultural land that has been incorporated into the curtilage of the property is also zoned as Green Space Network.

RELEVANT HISTORY

No relevant history.

PROPOSAL

Detailed planning permission is sought for the refurbishment of the existing cottage, the erection of two extensions to the dwelling and for the retrospective change of use of an area of agricultural land to private garden ground.

Cottage refurbishment

As part of the works, it is proposed to remove all of the existing single storey extensions and to refurbish the original cottage building, removing the white harled external wall finish to reveal the granite rubble walls in the process. The proposed alterations to the cottage do not require consent as they constitute Permitted Development.

Extensions

It is proposed to erect a 1½ storey garage extension that would be connected to the southern gable end of the original cottage via a single storey glazed link. The double garage extension would have a rectangular footprint of 65sqm and a pitched roof design with a ridge height 800mm higher than that of the original cottage and a slightly lower eaves height. The garage would sit perpendicular to the cottage, with its gable ends on an east-west axis, rather than the cottage's

north-south axis. The extension would be finished with larch timber cladding and dark grey metal sheet roofing.

An extension is also proposed to the west of the northern end of the cottage. The extension would be similar in footprint (68sqm) and scale to the garage extension and would also be adjoined to the cottage via a single storey glazed link. The extension would have a pitched roof with a similar ridge height to that of the garage, approximately 800mm above that of the cottage. Half of the extension's eastern gable end would project north beyond the northern gable end of the existing cottage. The extension would be finished with a smooth grey cement render and natural roof slates. The extension would incorporate 3no pitched roof, larch-clad dormers on its south-facing elevation and 2no rooflights on its northern elevation.

Formation of new driveway and access onto Baillieswells Road

It is proposed to form a new vehicular access onto Baillieswells Road in the southeastern corner of the site. The access would lead to an area of hardstanding to the south of the proposed garage extension, which would allow for additional off-street parking outwith the garage, as well as ample turning space for cars to exit the property in a forward gear.

Retrospective change of use of agricultural land to private garden ground

The change of use retrospectively being applied for relates to a c. 10-15m wide 'buffer' to the south and west of the previous curtilage of the dwelling which equates to approximately 820sqm. This area of land was previously in use as agricultural farmland, part of a much larger surrounding field and archive images show that the land has been incorporated into the residential curtilage of the property at some point in recent years (since September 2011).

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.=151542>

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

- Design Statement

CONSULTATIONS

Roads Development Management – Stated that the proposals for the new vehicular access onto Baillieswells Road were discussed at pre-application stage

and the access complies with the required visibility splays and would therefore not have a detrimental impact on road safety.

Environmental Health – No observations

Communities, Housing and Infrastructure (Flooding) – Comments were received from the Flooding team on 24 November 2015 requesting the total increase in hardstanding area. As the application is being recommended for refusal however, it is not considered necessary to request such information.

Community Council – No comments

REPRESENTATIONS

Two letters of representation were received. The concerns raised in the letters can be summarised as follows:

- The proposed western extension would project too far north and could have a detrimental impact on road safety on both the adjacent access road and at the junction of the access road and Baillieswells Road;
- Access and visibility at the junction could be compromised by any new boundary walls;
- There is a telegraph pole situated adjacent to the proposed new build;
- The application site includes land not owned by the applicant.

PLANNING POLICY

Aberdeen Local Development Plan

Policy D1 - Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. 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 space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D4 - Aberdeen's Granite Heritage

The City Council will encourage the retention of granite buildings throughout the City, even if not listed or in a conservation area. Conversion and adaptation of redundant granite buildings will be favoured.

Policy NE1 – Green Space Network

The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.

Policy NE2 – Green Belt

No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

The following exceptions apply to this policy:

- Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:
 - a) the development is within the boundary of the existing activity.
 - b) the development is small-scale.
 - c) the intensity of activity is not significantly increased.
 - d) any proposed built construction is ancillary to what exists.

- Proposals for extensions of existing buildings as part of a conversion or rehabilitation scheme will be permitted in the green belt provided:
 - a) the original building remains visually dominant;
 - b) the design of the extension is sympathetic to the original building in terms of massing, detailing and materials; and
 - c) the siting of the extension relates well to the setting of the original building.

Proposed Aberdeen Local Development Plan

The following policies of the Proposed ALDP substantively reiterate the above corresponding policies of the Adopted Local Development Plan:

- Policy D1 – Quality Placemaking by Design
- Policy D5 – Our Granite Heritage
- Policy NE1 – Green Space Network

Policy NE2 (Green Belt) of the Proposed Local Plan also substantively reiterates the corresponding policy of the Adopted Local Plan, but includes the provision for replacement dwellings on a one-for-one basis as well as stating that:

All proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials. All developments in the Green Belt should have regard to other policies of the Local Development Plan in respect of landscape, trees and woodlands, natural heritage and pipelines and control of major accident hazards.

Supplementary Guidance – Householder Development Guide

General principles

- Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling.
- The built footprint of a dwelling house as extended should not exceed twice that of the original dwelling.

Single storey extensions to detached dwellings

- The maximum dimensions of any single-storey extension will be determined on a site-specific basis.

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 – Retrospective change of use

As part of the application, the applicant is applying for the retrospective change of use of a section of the neighbouring agricultural farmland for incorporation into the property's private garden ground. It is unknown when this c. 820sqm section of the adjacent field was incorporated into the property's rear garden area, although archive images show that the previous, smaller boundary was still in place in September 2011.

The section of land that has been incorporated into the garden of Foggie Cottage was previously used as agricultural land and the entirety of the application site is zoned in the Aberdeen Local Development Plan (ALDP) as Green Belt (Policy NE2) land and also as part of the Green Space Network (Policy NE1).

Policy NE1 (Green Space Network) states that: *The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.*

Although the retrospective works have resulted in the loss of an area designated as Green Space Network, the section of land in question was previously in use as the corner of a large agricultural field. Whilst the section of land did not offer any significant contribution in itself toward the wider Green Space Network in terms of wildlife, recreational, landscape or access value, it did form part of a larger, valuable area of the Green Space Network. Therefore, it is considered that the change of use of the land and its incorporation into the curtilage of

Foggie Cottage has had a slight detrimental impact on the character, if not the function, of the Green Space Network. However, it is not considered that the impact on the Green Space Network is significant enough to warrant the refusal of the application.

However, Policy NE2 (Green Belt) of the ALDP states that:

Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:

- a) the development is within the boundary of the existing activity.*
- b) the development is small-scale.*
- c) the intensity of activity is not significantly increased.*
- d) any proposed built construction is ancillary to what exists.*

The incorporation of the land into the curtilage of Foggie Cottage constitutes a material change in the use of the land, which is considered to be development in accordance with Section 26 of The Town and Country Planning (Scotland) Act 1997. As such, the retrospective works are contrary to Policy NE2 (Green Belt), as they involve development that is not within the boundary of the existing activity, or the previously existing activity in this case as the works have already been carried out.

The retrospective works involve the incorporation of a relatively large proportion of ground into the curtilage of Foggie Cottage. The previous curtilage of the property was approximately 700sqm and with the addition of the adjacent c. 820sqm section of farmland, the curtilage has more than doubled in size to approximately 1520sqm.

The increased curtilage of the cottage has caused some harm to the Green Belt by virtue of its impact on the rural character of the area. The landscaping of the original curtilage was complementary to the rural setting of this part of Baillieswells Road, which is surrounded by agricultural land to the north, south and west. The proximity of the property to Baillieswells Road also means that alterations are readily noticeable from public view and the increased curtilage of the property has given the site a more standard, suburban character whilst also resulting in the loss of a portion of valuable agricultural land, which it is desirable to preserve.

Were the retrospective increase in the curtilage of the dwelling to be permitted, this would set an undesirable precedent for similar developments to take place elsewhere within the city boundary and could lead to the incremental erosion of the green belt, an area of land which is protected by both national and local policy.

Principle of development – extension of the dwellinghouse

The application site is zoned as Green Belt land in the ALDP and Policy NE2 (Green Belt) therefore applies. Although the Green Belt policy predominantly aims to protect such land for purposes related to agriculture, woodland and forestry and recreational uses compatible with an agricultural or natural setting, it is noted that there are some exceptions. One of these exceptions is as follows:

Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:

- a) the development is within the boundary of the existing activity.*
- b) the development is small-scale.*
- c) the intensity of activity is not significantly increased.*
- d) any proposed built construction is ancillary to what exists.*

The proposed extensions to the dwelling would be wholly contained within the previously existing curtilage of the dwellinghouse, prior to the unauthorised enlargement of said curtilage. The new off-street car parking area and vehicular access onto Baillieswells Road proposed to be formed would, however, be located within the additional area of the site which does not have consent for a change of use. These elements of the proposals are therefore contrary to Policy NE2 as they would be situated outwith the boundary of the existing activity.

Although the policy refers to the extensions of existing buildings as part of a conversion or rehabilitation scheme (aimed predominantly at steading conversions for residential use), given the context of the site and the overarching aims of the policy, it is considered appropriate to assess the proposed extensions to the existing dwelling against this section of the policy in this instance, even though the works do not form part of a conversion. The relevant section of the policy states that:

Proposals for extensions of existing buildings as part of a conversion or rehabilitation scheme will be permitted in the green belt provided:

- a) the original building remains visually dominant;*
- b) the design of the extension is sympathetic to the original building in terms of massing, detailing and materials; and*
- c) the siting of the extension relates well to the setting of the original building.*

In assessing the compliance or otherwise of the proposed works against the above section of Policy NE2 relating to extensions to existing buildings, it is necessary to assess the design and scale of the proposed extensions:

a) The original building shall remain visually dominant

Both the southern and western extensions to the dwelling would have pitched roofs with ridge heights higher than that of the original cottage which is proposed

to remain. The existing cottage has a roof ridge height of 5.2m, whilst it is proposed for the extensions to have ridge heights of 6m, a relatively substantial 800mm increase. The western and southern extensions, not including the two glazed links, would have footprints of 68sqm and 65sqm respectively, in comparison to the 55sqm original cottage. Considering the increased ridge heights of the extensions, their relatively large massing and footprints and also their siting to either side of the cottage, the proposed works would clearly dominate the original building in a visual sense, which is contrary to criterion a) of the above section of Policy NE2 (Green Belt).

b) The design of the extension shall be sympathetic to the original building in terms of massing, detailing and materials

The ridge heights of both the extensions are considered to be too high in relation to the original dwellinghouse, as covered in the foregoing analysis. For this reason, it is considered that the massing of the extensions would not be sympathetic to that of the original cottage.

The single storey glazed link extensions are considered to be an appropriately scaled, visually attractive contemporary method of linking the original building with the new extensions. These elements are considered to have been designed with sufficient sympathy and regard to the context of the existing cottage. Furthermore, aside from the issue of the increased ridge height, it is considered that the proposed southern extension which would incorporate a double garage at ground floor level, has been successfully designed as a high quality, contemporary addition to the dwelling. The extension would have a similar, although slightly larger, footprint and pitched roof design to that of the original cottage. The lack of any dormers on the extension's roof would respect the single storey character of the original building and the use of external finishing materials such as Siberian Larch wall cladding and a dark grey metal roof covering would help to clearly define the extension as a contemporary addition to the dwellinghouse that would respect and not visually dominate the original, traditional cottage.

The proposed western extension to the dwellinghouse, however, is not considered to have been designed with as much sympathy for the original building as its southern counterpart. The western extension's northern elevation would project 3m beyond the existing northern gable end and building line of the existing cottage, which fronts onto an adjacent access road serving two other residential properties to the west. The projection of the extension beyond the established building line would increase its visual dominance and serve to overwhelm the appearance of the existing cottage. Furthermore, the extension with its slate pitched roof, smooth grey wall render and 3no dormer extensions on its southern elevation, would have the appearance of a standard suburban 1½ storey dwelling, with its design, massing, siting and materials having little sympathy for the rural vernacular design and scale of the traditional single storey granite rubble cottage to which it would adjoin.

c) The siting of the extension shall relate well to the setting of the original building

Whilst it is recognised that any worthwhile extension to the original dwelling would likely have an impact on its visual dominance given the small-scale nature of the cottage, it is also considered that the proposed extensions are not particularly well sited with regard to minimising their impact on the original building. The contemporary garage extension proposed to be built off the southern gable end of the cottage would block off any views of the cottage when approaching from the south, yet the views of the cottage would be relatively unaltered from the north and east. However, the extension to the west would be constructed with approximately half of its eastern gable end projecting beyond the northern gable end of the original cottage. This would result in an unnatural relationship between the two buildings and the projection of the extension beyond the established northern building line which fronts onto the adjacent access road, would only further serve to visually dominate the existing building. As a result, it is considered that the siting of the proposed western extension would not relate well to the setting of the original building, which is contrary to criterion c) of the section of Policy NE2 relating to extensions to existing buildings in the Green Belt.

The proposed works are considered to be contrary to the above applicable section of Policy NE2, given that the original building would not remain visually dominant and the proposed extensions are not considered to have been designed or sited sympathetically in relation to the existing cottage.

Assessment against Policy D1 (Architecture and Placemaking) and the Householder Development Guide

The proposals are also considered to be contrary to Policy D1 (Architecture and Placemaking) of the ALDP and the relevant supplementary guidance as contained in the Council's Householder Development Guide, given that the extensions would not be architecturally compatible - particularly in terms of scale and siting, but also in relation to design - with the original house and its rural setting. The general principles section of the Householder Development Guide states that:

- *Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling; and*
- *The built footprint of a dwelling house as extended should not exceed twice that of the original dwelling.*

For the aforementioned reasons, the proposed works are considered to be contrary to these principles of the Householder Development Guide, as well as Policy D1 (Architecture and Placemaking), which requires new development to be designed with due consideration for its context and make a positive contribution to its setting.

Design Statement

A design statement has been submitted as part of the application. The statement makes reference to three precedent examples of extensions and alterations to other rural cottages where the ridge height and massing of the extensions are greater than that of the original building. It should be noted that these examples all relate to addresses in Aberdeenshire and are therefore outwith the Aberdeen City Council boundary.

Retention and refurbishment of the existing granite cottage

There is no issue with the removal of the existing, non-original single storey extensions to the cottage and although the refurbishment of the cottage does not, in itself, require consent, the retention of the cottage is welcomed and in accordance with Policy D4 (Aberdeen's Granite Heritage) of the ALDP, which states that: *'The City Council will encourage the retention of granite buildings throughout the City, even if not listed or in a conservation area. Conversion and adaptation of redundant granite buildings will be favoured.'*

Impact on amenity

The application site is situated in the countryside, approximately 120m from the nearest dwellinghouse. The rural context of the site and the large separation distance to the nearest neighbouring property is sufficient to ensure that the proposed works would not have any impact on the existing amenity of any nearby properties, in accordance with the Householder Development Guide.

New vehicular access onto Baillieswells Road and boundary walls

The Roads Development Management Team were consulted on the application and they did not raise any concerns regarding the proposed new access onto Baillieswells Road. Although new boundary walls are proposed, these would not exceed 1m in height and as a result, they do not require planning permission and would not have any impact on the required visibility splays to both the north and south of the access. Therefore, it is considered that the proposed works would not have any impact on vehicular safety.

Concerns raised in letters of objection

The following concerns raised in the letters of representation received can be addressed as follows:

- The proposed western extension would project too far north and could have a detrimental impact on road safety on both the adjacent access road and at the junction of the access road and Baillieswells Road

The Council's Roads Development Management Team were consulted on the application and did not make any comment on the positioning of the western extension adjacent to the access road to the north. The proposed extension would be contained within the application site, would not project

directly up to the adjacent access road and this element of the proposals is therefore not considered to pose a risk to road safety.

- Access and visibility at the junction could be compromised by any new boundary walls

The agent for the application has confirmed that any new boundary walls would not exceed 1m in height and they would therefore not require planning consent. Furthermore, the Roads Development Management Team are satisfied that sufficient visibility splays would be in place for the new access onto Baillieswells Road to ensure that there would not be any detrimental impact on road safety.

- There is a telegraph pole situated adjacent to the proposed new build

This is not a material planning consideration and it cannot be taken into consideration in the determination of the application.

- The application site includes land not owned by the applicant

The agent for the application was informed of this and the application site boundary was subsequently revised and the neighbours re-notified.

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 is regarded as an unresolved issue 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 D1, D5 and NE1 of the Proposed Local Development Plan substantively reiterate the relevant corresponding policies of

the Adopted Local Plan. However, whilst Policy NE2 (Green Belt) also predominantly reiterates that of Policy NE2 of the current Local Plan, it is also worth noting that it includes an additional paragraph which states that:

‘All proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials.’

The proposed works are considered to be contrary to the relevant policies of the Adopted Local Development Plan for the reasons given in the foregoing evaluation and there are no other material considerations – including the provisions of the Proposed Local Plan – that would otherwise warrant the approval of the application. Indeed, the additional caveat in Policy NE2 (Green Belt) of the Proposed Local Plan only serves to further reiterate the requirement for development in the Green Belt to be of the highest quality.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The change of use of the previously agricultural land that has been incorporated into the curtilage of the existing dwelling is contrary to Policy NE2 (Green Belt) of the Aberdeen Local Development Plan as it is not within the boundary of the existing activity and the approval of such a change of use could set an undesirable precedent for further such developments in the future, which could lead to the incremental erosion of the Green Belt.

The proposed extensions are not considered to relate well to, or be designed with due consideration for, the existing single storey cottage to which they would adjoin. The extensions combined would have a significantly larger footprint than the original building, with higher roof ridge heights and a siting that would serve to visually dominate and overwhelm the cottage. Furthermore, the design and materials of the proposed western extension would not be sympathetic to the character of the original building and its traditional rural vernacular. As such the proposals are considered to be contrary to Policies NE2 (Green Belt) and D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan and the relevant supplementary guidance as contained within the Householder Development Guide. The proposals are also considered to be contrary to the relevant corresponding policies of the Proposed Aberdeen Local Development Plan.