

Planning Development Management Committee

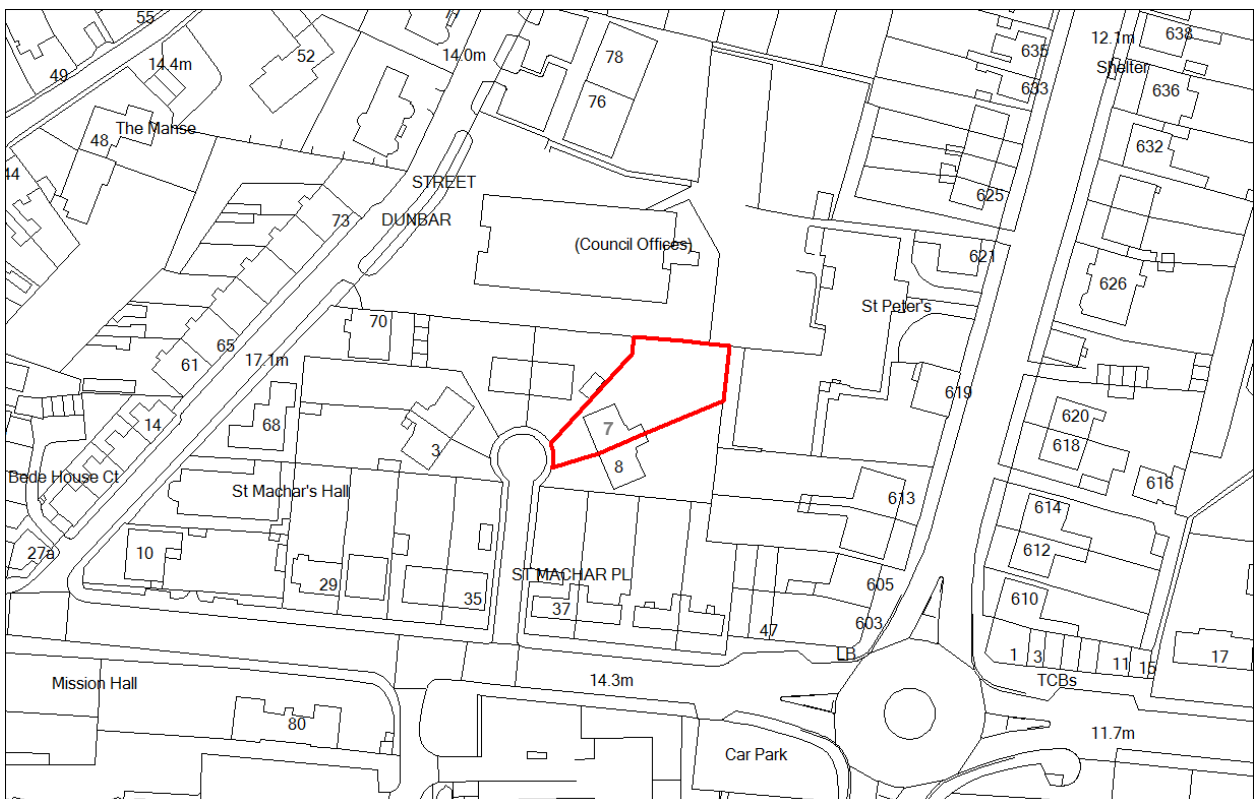
7 ST MACHAR PLACE, ABERDEEN

REMOVAL OF REAR CHIMNEY, FIT SLATE VENTS, NEW ROOFLIGHT, REPLACE REAR DORMER WINDOWS, REPLACE KITCHEN DOOR AND KITCHEN WINDOW, BRICK UP COAL BUNKER DOOR, SMALL WINDOW AND LARGE WINDOW IN KITCHEN.

For: Mr Warren Burgess

Application Type : Detailed Planning Permission
Application Ref. : P160026
Application Date: 08/01/2016
Officer: Ross McMahon
Ward : Tillydrone/Seaton/Old Aberdeen (J Noble/R Milne/R Grant)

Advert : Section 60/65 - Dev aff
LB/CA
Advertised on: 20/01/2016
Committee Date: 17/03/2016
Community Council :



RECOMMENDATION:

Approve Unconditionally

DESCRIPTION

The application site is located on St Machar Place, a short cul-de-sac to the northern side of St Machar Drive, and lies approximately 100 to the west of the junction of St Machar Drive and King Street. The existing property comprises a traditional one-and-a-half storey semi-detached cottage. The site lies within the Old Aberdeen Conservation Area, and is zoned within a Residential Area in the adopted Aberdeen Local Development Plan 2012.

RELEVANT HISTORY

An application for Planning permission for the formation of a driveway, replacement windows and external alterations to the property was refused by the Planning Development Management Committee in July 2015, contrary to officer recommendation (ref. P150785). The applicant lodged an appeal against that decision with the Scottish Government in August 2015 (appeal ref. PPA-100-2064). The appeal was subsequently dismissed by the reporter and planning permission was refused.

PROPOSAL

Planning permission is sought for the following external alterations to the property:

- Installation of 11no. slate vents to the existing roof;
- Replacement rooflight to the side (north-west) elevation of the existing roof;
- Raise height of existing rear dormer roof and replace existing timber framed dormer windows with uPVC tilt and turn windows;
- Removal of rear chimney stack (retrospective);
- Formation of replacement door and window, block up existing coal bunker and re-render existing rear annex.

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=160026>

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 a formal objection to the proposal has been received from the Old Aberdeen Community Council. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No observations.

Environmental Health – No observations.

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

Community Council – Object to the proposal on the following grounds:

- development was subject to a previous application refused by Planning Committee and appeal dismissed by a Scottish Government Reporter;
- use of uPVC windows and doors to the rear of the property; and
- loss of rear chimney.

REPRESENTATIONS

Two letters of representation have been received in connection with the application, and relate to the following matters:

1. An application for these same works was refused by Aberdeen City Council previously;
2. The refusal to grant permission was upheld by the Scottish Government Reporter on the grounds that it would be detrimental to the Old Aberdeen Conservation Area and its amenity;
3. The applicant makes no new submission which would support an application which is virtually unchanged from that made previously;
4. No change of circumstance has taken place since the original refusal and the refusal being upheld.

PLANNING POLICY

National Policy and Guidance

- Scottish Planning Policy (SPP)
- Scottish Historic Environment Policy (SHEP)

Aberdeen Local Development Plan

- Policy D1 – Architecture and Placemaking
- Policy H1 – Residential Areas
- Policy D5 – Built Heritage

Supplementary Guidance

- Householder Development Guide

Other Material Considerations

- Historic Environment Scotland (HES): 'Managing Change in the Historic Environment – Windows'
- Historic Environment Scotland (HES): 'Managing Change in the Historic Environment – Roofs'

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted local development plan as summarised above:

- D1 – Quality Placemaking by Design (*D1 – Architecture and Placemaking in adopted LDP*);
- H1 – Residential Areas (*H1 – Residential Areas in adopted LDP*);
- D4 – Historic Environment (*D5 – Built Heritage in adopted LDP*).

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

Replacement Windows and Doors

Historic Environment Scotland's guidance 'Managing Change in the Historic Environment – Windows' and the Council's Technical Advice Note: The Repair and Replacement of Windows and Doors state that maintenance and appropriate repair is the best means of safeguarding the historic character of a listed building, and that the contribution of windows and doors in listed/historic buildings to their character must be understood before considering alteration.

The 'Managing Change in the Historic Environment – Windows' guidance uses the term "historic window" in reference to both original and historic windows. It is not considered that the principle of replacement in this instance is subject to this guidance as the existing rear dormers are later additions to the property, and as such do not form part of its original historic fabric. Furthermore, it is evident that the existing timber framed rear dormer windows, annexe windows and doors are currently in a state of disrepair, showing signs of rot and decay to their cills and surrounding frames.

The Council's Technical Advice Note: The Repair and Replacement of Windows and Doors states *'on traditional buildings in Conservations Areas, modern window designs will generally be inappropriate on elevations of the building which are visible from public areas'*. The rear elevation of the property is not viewable from any public roads or footpaths, given the length of the rear garden and level of existing screening provided in the form of trees and hedges to rear boundaries.

As the property is not listed, the pertinent planning consideration is whether or not the removal and replacement of windows and doors would detract from the character and appearance of the Conservation Area. It is considered that, in this instance, the removal of these elements, to both the rear annex and rear dormers, and replacement with uPVC would not detract from the character and appearance of the Conservation Area. Accordingly, the use of uPVC framed windows and uPVC door is considered to be acceptable in this instance.

Other Alterations

All remaining external alterations – including the proposed slate vents, replacement roof light and dormer alterations – are considered to be acceptable in relation to the existing property and surrounding area and would not have a detrimental impact on the character or appearance of the Conservation Area given that they are relatively minor in nature and located to non-public, non-visible elevations of the property. It is permissible to use standard 'non-conservation' style rooflights on the non-public elevations of unlisted buildings in Conservation Areas. In this instance, a modern replacement rooflight is proposed to the properties north-west elevation, and would not be readily visible from St Machar Place.

It should be noted that the existing rear chimney was removed in 2015 and as such, retrospective permission is sought for its removal. Historic Environment Scotland's 'Managing Change in the Historic Environment – Roofs' states that *'historic chimneys can make an important contribution to the character of a roof and should be retained'*. Photographs show that only a very small section of the rear chimney pot was viewable from St Machar Place and as such, it is not considered that its removal has impacted on the streetscape or on the character and appearance of the wider Conservation generally. While it is noted that the cottages of St Machar Place are characterised by chimney stacks to both their principal and rear elevations, providing a degree of visual balance – the removal of a single rear chimney stack would not compromise this quality as all front and

side chimneys to the property would remain, maintaining the overall character of the property in the wider streetscape.

Other Material Considerations

Planning permission (application ref. P150785) was refused by the Planning Development Management Committee in July 2015, contrary to officer recommendation. The decision was appealed to the Scottish Government in August 2015. Following an accompanied site visit, the Reporter concluded the following: 1) the loss of original and feature timber windows and replacement with uPVC would significantly detract from the character of the original cottage and therefore would not preserve or enhance the character or appearance of the conservation area, contrary to SHEP guidance, SPP and ALDP policies D1 (Architecture & Placemaking) and D5 (Built Heritage), 2) the proposed front driveway would compromise the front garden of the property, the parking of a vehicle on which would largely obscure the front elevation of the dwelling which would have an unacceptable impact on the character and amenity of the surrounding area, contrary to ALDP policies D1 (Architecture & Placemaking), D5 (Built Heritage) and H1 (Residential Areas). It was also noted by the Reporter that the formation of a driveway in close proximity to two existing copper beech trees would threaten their survival and that their subsequent loss would also be detrimental to the conservation area. Accordingly, the Reporter dismissed the appeal and refused planning permission.

A number of contentious elements identified by the Reporter have been omitted from this current application. Namely, the formation of a front driveway and the replacement of original ground floor rear windows, including the V-shaped and half oriel bay window. As such, the amount of development is significantly less than previously proposed and elements of the proposal carried through in the re-submission are not those which contributed significantly to that earlier appeal decision. When assessed on their own merits, these proposed works are considered to comply with both national and local planning policy and associated guidance for the aforementioned reasons.

Matters Raised in Representations

The matters raised by the Old Aberdeen Community Council and in representations have been addressed in the evaluation section of this report, however for the avoidance of doubt it is reiterated that this proposal is not the same as that which was previously considered by the planning authority or the appointed Scottish Government Reporter.

Full regard has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify refusal of 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, proposed policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D5 (Built Heritage) substantively reiterate policies, D1 (Architecture and Placemaking), H1 (Residential Areas) and D4 (Historic Environment) of the adopted Aberdeen Local Development Plan and therefore raise no additional material considerations.

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION

The proposal would have a neutral impact on the residential amenity of the locality and the character of the Old Aberdeen Conservation Area. All elements of the proposal comply with the relevant policies of Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking), D5 (Built Heritage) and H1 (Residential Areas) in addition to the Council's Supplementary Guidance: Transport and Accessibility and Technical Advice Note: The Repair and Replacement of Windows and Doors; and would preserve the character and amenity of the Conservation Area in line with the principles of Historic Scotland's SHEP and associated guidance. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations that would warrant refusal of the application. Full regard has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify refusal of the application.