

Planning Development Management Committee

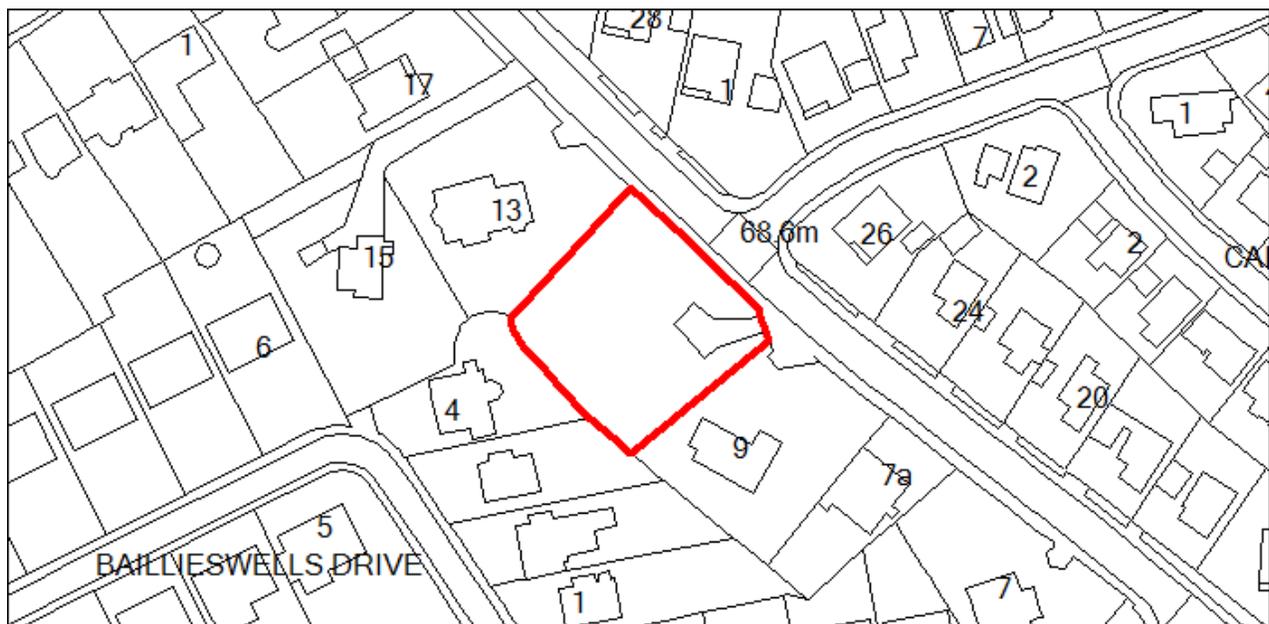
11 BAILLIESWELLS ROAD, BIELDSIDE

ERECTION OF 2 NO. 5-BEDROOM DETACHED
HOUSES, ASSOCIATED ACCESS AND
LANDSCAPING

For: Bonhurst Ltd.

Application Type: Detailed Planning Permission
Application Ref.: P151858
Application Date: 30/11/2015
Officer: Andrew Miller
Ward: Lower Deeside (M Boulton/A Malone/M
Maik)

Advert: N/A
Advertised on: None
Committee Date: 21/04/2016
Community Council : Comments



RECOMMENDATION:

Refuse

DESCRIPTION

The application site forms a vacant site covering an area of 1720 square metres, once housing a single storey detached dwelling that was demolished several years ago. It is situated within a residential area on the eastern side of Baillieswells Road, adjacent to the junction with Cairnlee Terrace. An established beech hedge forms the boundary of the site with Baillieswells Road, whilst the remainder of the site is bounded by mutual boundaries with neighbouring houses formed by a mix of timber fencing, hedges and trees.

The surrounding area is formed of a mix of dwellings dating from the 1970-80s, characterised by detached houses set within relatively large gardens with a degree of separation between each dwelling.

RELEVANT HISTORY

P091403 – Demolition of existing house and erection of 2 detached dwellings at 11 Baillieswells Road, Bieldside refused detailed planning permission by the Planning Development Management Committee 7 January 2010. Subsequent appeal to Scottish Government Directorate for Planning and Environmental Appeals (DPEA) dismissed 12 July 2010 (DPEA Case Ref: PPA-100-2010).

P101484 – Proposed new house and associated site works at site at Baillieswells Road refused detailed planning permission by the Planning Development Management Committee 26 November 2010. Subsequent appeal to DPEA allowed subject to conditions 20 June 2011 (DPEA Case Ref: PPA-100-2026). The appeal was allowed on the basis that the proposal was supported by the terms of then local plan policy 40 (Aberdeen Local Development Plan 2008) for new residential development, and other aspects including privacy, residential amenity, daylight and sunlight, design and materials and density, pattern and scale of development. The application site formed the southern half of the plot subject to this application.

P140940 – Proposed new house at 11 Baillieswells Road granted detailed planning permission by the Planning Development Management Committee 25 September 2014. The submission was identical to that consented under application P101484 via DPEA Case Ref: PPA-100-2026 which had expired prior to submission of the application.

P131698 – Proposed new house at 11 Baillieswells Road refused detailed planning permission by the Planning Development Management Committee 6 November 2014. Subsequent appeal to Scottish Government Directorate for Planning and Environmental Appeals (DPEA) dismissed 30 June 2015 (DPEA Case Ref: PPA-100-2059) on basis that the proposals would have an unacceptable impact on the protected trees to the north of the site and privacy of rear garden of 4 Baillieswells Drive.

PROPOSAL

Detailed planning permission is sought for the erection of two detached houses. The houses would be 2 storey with integral double garage. The houses would be finished in rendered walls with grey tiled roof. Each house would have an access to Baillieswells Road.

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=151858>

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 in time 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 objections.

Environmental Health – No observations.

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

Community Council – Do not object as houses are smaller than previous schemes for the site. Request that houses should not get any bigger than those shown on the plans submitted.

REPRESENTATIONS

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

1. Loss of privacy to neighbouring properties
2. Loss of light/overshadowing to neighbouring properties.
3. Scale and density of development out of keeping with surrounding area.
4. Adverse impact on road safety due to additional traffic and proximity to junction of Cairnlee Avenue with Baillieswells Road.
5. Adverse impact on existing protected trees.
6. Overdevelopment of the site going from one bungalow to two houses.
7. No information on surface water drainage for the site.
8. Should the application be approved, a suitable tree protection zone should be placed around the area identified for safeguarding the tree roots in order to ensure construction work does not interfere with their roots.

9. Trees that previously existed on site contributed to the amenity of the surrounding area but have since been lost.
10. A suitable re-planting scheme should be put in place than is being proposed.
11. Building line on Baillieswells Road is disrupted by the positioning of the two buildings.
12. Inadequate parking and turning area within curtilage of houses. This will lead to vehicles parking on Baillieswells Road.
13. Site would be better suited to a single house rather than two.
14. Tree planting to provide screening to neighbouring gardens fails to overcome the issues highlighted by the Reporter during the most recent appeal for the site.
15. If planting to provide screening between the two houses was accepted, there would be no guarantee that it would remain.

The following matters are not material considerations and cannot be taken into account in the determination of this application.

- The house that previously existed on site was not unkempt or overgrown, it was occupied and well maintained until the developer took it over in 2009.

PLANNING POLICY

Aberdeen Local Development Plan (ALDP)

H1 – Residential Areas

D1 – Architecture and Placemaking

NE5 – Trees and Woodland

Supplementary Guidance

The Sub-division and Redevelopment of Residential Curtilages (SG)

Proposed Aberdeen Local Development Plan

H1 – Residential Areas

D1 – Quality Placemaking by Design

NE5 – Trees and Woodland

Other Relevant Material Considerations

Site history (as outlined above) with associated DPEA appeal decisions.

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.

The main considerations in this instance relate to the principle of the proposed houses, their design and siting of the dwelling, the impact on the amenity of the surrounding area and the servicing provision.

Principle

As outlined above, the site was originally occupied by a bungalow that was demolished in 2010. The area in which the site is located is zoned as residential within the ALDP. Associated ALDP Policy H1 creates a presumption in favour of residential uses within residential areas (subject to a number of considerations).

Relative to the number of houses, it is noted that there is consent for one house on the southern part of the site under P140940. A previous appeal for two houses on the site (Ref. PPA-100-2010) was dismissed on the basis of the impact of the development on protected trees and overlooking, however in dismissing the appeal the report noted that the site was capable of accommodating two dwellings.

Taking account of the above considerations, the principle of the site being redeveloped for housing is considered acceptable in this instance, though further consideration is given to design and siting below.

Design and Siting

The site is located in a residential area with a mix of house types and sizes, though the size and layout (dwelling fronting to road) of the plots are in large similar but generally with a 6 – 8 metre separation between the buildings (on average). Policy D1 of the ALDP states that new development should be designed with due consideration for its context and make a positive contribution to the surrounding area.

The houses in this instance would provide a plot density of 21% in the southern half of the site and 16% in the northern half. This density would be in keeping with the average plot density of the surrounding area, which is in the region of 20 – 30%, though some dwellings are less than this. Relative to their design, the houses proposed are much smaller than those either consented or proposed in previous schemes. Their design and overall massing, including material finishes, are considered to be suitable for the amenity of the surrounding area. The houses would front to the road and would have sufficient rear garden space.

Taking account of the above considerations, the proposals are considered to accord with the requirements of Policy D1 and the SG in respect of their design. The siting of the houses is considered acceptable in terms of the impact upon the

character of the area, though consideration must also be given to their siting impacts on amenity of the surrounding area.

Amenity

The SG contains a number of criteria relative to overshadowing/loss of sunlight and overlooking, whilst policy H1 states that development should not have an adverse impact on the amenity of the surrounding area. In this instance the proposed development is not considered to result in a significant loss of light to the detriment of neighbouring amenity.

Relating to privacy, it is noted that the Reporter in determining the appeal of a house on the northern half of the site (ref: PPA-100-2059) dismissed the appeal partly on the loss of privacy to the garden of 4 Baillieswells Drive to the south west from the rear windows of the house.

In addressing this concern, the proposal in this instance proposes planting along the boundary between 4 Baillieswells Drive and the dwelling to the north of the site. The planting would be relatively high at 6 and 7 metres. In determining the previous appeal, the reporter noted the difference in levels between the two properties, coupled with immature planting would fail to give sufficient privacy to the garden of number 4 compared with the previous single storey house and significant screening that existed.

Whilst the proposed screening would be relatively large for new planting, it still would be relatively immature in comparison to the previous planting that existed, and coupled with the elevated position of the house on the site compared to the single storey house that previously existed to close to the western boundary, the proposed arrangement would still result in overlooking and a loss of privacy. The proposed development would not comply with the requirement of the SG or policy H1 in respect of the impact upon the amenity of neighbouring properties.

Trees

The trees to the north of the site within the curtilage of 13 Baillieswells Road are protected trees, covered by a Tree Preservation Order. The positioning of the northern house has left a 9.3 metre separation between the boundary of the site and the house itself. The application was also accompanied by a tree survey. The works required in large avoid works within the root protection areas of the protected trees. A condition requiring a scheme for tree protection fencing to be agreed with the Council and erected on site would be recommended with any approval.

Access and Parking

Sufficient parking and turning areas have been provided within the curtilage of the site. The southern house would utilise the existing access arrangements to the site whilst an new access would be formed for the northern house. Roads Development Management raised no objections to the development.

Matters Raised in Representations

1. *Loss of privacy to neighbouring properties*
This is considered above and is the reason for a recommendation of refusal of this application.
2. *Loss of light/overshadowing to neighbouring properties.*
The impact of the development on the loss of light and overshadowing is not significant in this instance.
3. *Scale and density of development out of keeping with surrounding area.*
4. *Overdevelopment of the site going from one bungalow to two houses.*
In response to points 3 and 4, the scale and density of the houses are considered suitable in this instance, as outlined above under Siting and Design.
5. *Adverse impact on road safety due to additional traffic and proximity to junction of Cairnlee Avenue with Baillieswells Road.*
The additional traffic and additional access is not considered to result in a significant increase in traffic, nor have an adverse impact on road safety.
6. *Adverse impact on existing protected trees.*
The tree survey provided shows there will be no significant impact on trees, and suitable protective measures can be provided by condition if necessary during the construction phase.
7. *No information on surface water drainage for the site.*
Although not provided, this information could be dealt with by suspensive condition to any approval.
8. *Should the application be approved, a suitable tree protection zone should be placed around the area identified for safeguarding the tree roots in order to ensure construction work does not interfere with their roots.*
A condition to this effect could be applied to any approval.
9. *Trees that previously existed on site contributed to the amenity of the surrounding area but have since been lost.*
The trees were not protected and as such are not a consideration for this application.
10. *A suitable re-planting scheme should be put in place than is being proposed.*
A condition requiring a landscaping scheme would be recommended with any grant of consent.
11. *Building line on Baillieswells Road is disrupted by the positioning of the two buildings.*
There is no distinct building line within this area of Baillieswells Road, though the positioning of the northern most house and the subsequent overlooking is not acceptable in this instance.
12. *Inadequate parking and turning area within curtilage of houses. This will lead to vehicles parking on Baillieswells Road.*
There is sufficient parking and turning area provided within the curtilage of both houses.
13. *Site would be better suited to a single house rather than two.*
The application as submitted must be determined and no consideration can be given to alternative schemes.

14. Tree planting to provide screening to neighbouring gardens fails to overcome the issues highlighted by the Reporter during the most recent appeal for the site.

This point is agreed and is the reason for the recommendation to refuse planning permission.

15. If planting to provide screening between the two houses was accepted, there would be no guarantee that it would remain.

A condition requiring the planting to be retained could be placed, however as noted above the planting is considered insufficient in this instance.

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 this instance the relevant policies substantively reiterate those of the adopted ALDP and as such no further evaluation is considered necessary in this instance.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The siting of the northern house, coupled with the immaturity of proposed screening on the boundary with 4 Baillieswells Road would result in overlooking to the garden of 4 Baillieswells Road, to the detriment of the existing amenity enjoyed by the residents. Accordingly the proposals are considered to be contrary to the requirements of policy H1 – Residential Areas of the Aberdeen Local Development Plan 2012 and associated Supplementary Guidance – The Sub-division and Redevelopment of Residential Curtilages.

The proposals also fail to comply with the requirements of policy H1 – Residential Areas of the Proposed Aberdeen Local Development Plan 2015 and its associated Supplementary Guidance.