

Planning Development Management Committee

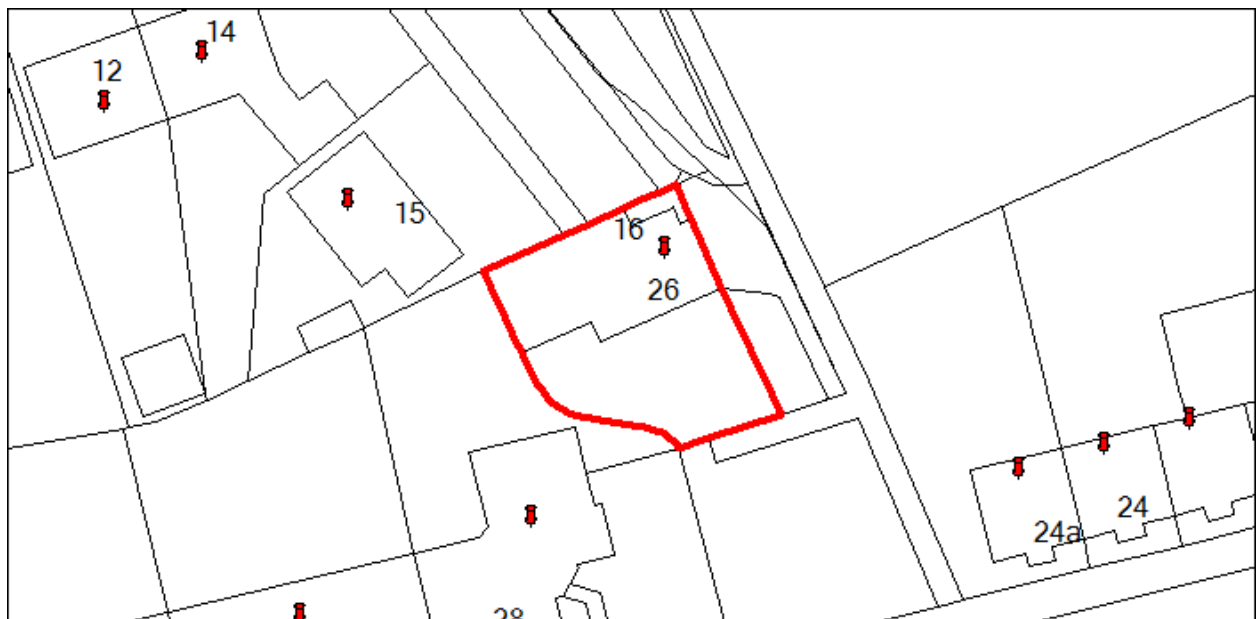
26 SUNNYBANK ROAD AND 16 SUNNYSIDE
TERRACE, ABERDEEN

SUBDIVISION OF HOUSE TO FORM 2
DWELLINGS AND ASSOCIATED
ALTERATIONS INCLUDING: ALTERATION AND
CONVERSION OF GARAGE; ERECTION OF
SINGLE STOREY EXTENSION TO REAR;
CREATION OF LIGHT WELLS AND
FORMATION OF TWO ASSOCIATED WINDOW
OPENINGS TO FRONT OF BASEMENT [ALL
RETROSPECTIVE].

For: Michael McFadyen Property Leasing

Application Type : Detailed Planning Permission
Application Ref. : P160306
Application Date: 11/03/2016
Officer: Dineke Brasier
Ward : Tillydrone/Seaton/Old Aberdeen (J
Noble/R Milne/R Grant)

Advert : Can't notify neighbour(s)
Advertised on: 23/03/2016
Committee Date: 01/06/2016
Community Council : Comments



RECOMMENDATION:

Approve Unconditionally

DESCRIPTION

The application property is a traditional one and a half storey dwelling that has been significantly extended and altered from its original form. It is located at the end of Sunnyside Terrace, adjacent to a footpath that runs between Sunnyside Road and the University of Aberdeen, through Sunnybank Park. It is located in an existing residential area, outside the Old Aberdeen Conservation Area.

RELEVANT HISTORY

A planning application (Ref: 160177) for the retrospective subdivision of the dwelling was withdrawn in March 2016, as it did not seek to address the alterations to the dwellinghouse – which are intertwined with the change of use.

PROPOSAL

Retrospective planning permission now is sought for the subdivision into two flats, one four bedroom and one three bedroom, and external alterations facilitating the subdivision. The external works comprise the alteration and conversion of a single garage, erection of a single storey rear extension, creation of lightwells and the formation of two window openings in the basement to the front of the building.

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=160306>

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 the Froghall, Powis and Sunnybank Community Council object. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No objection. No off-street parking spaces could be provided. Each household could apply for 2 parking permits. This would not create a situation where demand for on-street parking would exceed capacity. The creation of a turning area at the end of Sunnyside Terrace has been explored, but this is not a viable option due to the presence of nearby mature trees.

Environmental Health – No observations

Communities, Housing and Infrastructure (Flooding) - No observations

Community Council – Objection based on the following matters:

1. Overdevelopment of the plot;
2. The character of the original dwelling has been significantly diluted due to the alterations;
3. Some residents are using the area to the rear for socialising, which has an adverse impact on the residential amenity of neighbouring dwellings;
4. The contemporary design of the lightwells is out of keeping in the surrounding area.

REPRESENTATIONS

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

1. No provision for car parking;
2. Retrospective application as the work has already been carried out;
3. Overprovision of HMO's in this area;
4. Insufficient garden space, especially a lack of a rear garden;
5. Dwelling does not have a public face to the street and a private face to a garden;
6. Proposal represents overdevelopment;
7. Proposal has an unacceptable impact on the character and amenity of the surrounding area due to the disproportionate intensification of the use;
8. The proposal would represent an unacceptable precedent, especially in relation to the excavation and creation of lightwells in front gardens.

PLANNING POLICY

Aberdeen Local Development Plan

D1 – Architecture and Placemaking

D2 – Design and Amenity

D3 – Active and Sustainable Travel

T2 – Managing the Transport Impact of Development

H1 – Residential Areas

Proposed Aberdeen Local Development Plan

D1 – Quality Placemaking by Design

T2 – Managing the Transport Impact of Development

T3 – Active and Sustainable Travel

H1 – Residential Areas

Supplementary Guidance

- Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance; and
- Transport and Accessibility Supplementary Guidance.

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:

The site is located in an existing residential area, where residential development is accepted subject to the following:

- The proposal does not constitute overdevelopment;
- It does not have an unacceptable impact on the character or amenity of the surrounding area;
- It does not result in the loss of valuable and valued areas of open space;
- Complies with Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

Each of these points are discussed below.

Impact on the character and appearance of the surrounding area and the original dwelling:

The original dwelling was a traditional one and a half storey detached property with dormers in the front and rear roof slope, providing additional accommodation in the loft. The building only had a very small rear garden, with the main outdoor amenity space being to the front. It is located on a plot adjacent to a footpath running between Sunnybank Road and Sunnyside Park. Sunnybank Road is to the front, whilst Sunnyside Terrace is immediately to the rear. There is an 18m deep grassed amenity area dividing the front garden and Sunnybank Road. The garden boundary treatment to the front and the side consists of a stone wall just over 1m in height.

The main aspect to the dwelling is to Sunnybank Road. Whereas although clearly visible from Sunnyside Terrace, the rear extension is modest and in keeping with the scale and design of the original dwelling, and does not detract from its character.

Due to the setback from Sunnybank Road, the alterations to the front have limited public visibility. Although the top of the railings surrounding the lightwells can be seen, these do not detract significantly from the general appearance of the property. Whilst walking along the footpath that runs along the side of the dwelling, the alterations become more apparent, but are seen in context with the three storey flatted blocks immediately to the west rather than with the more traditional dwellings along Sunnyside Terrace. Whilst accessed at the end of Sunnyside Terrace, the building faces south away from this road, it is not generally read as part of this streetscape, nor that of Sunnybank Road. As such, due to its location and orientation, the dwelling can be considered unique and in some isolation within the street, not becoming apparent until in close proximity.

Overall it is not considered that the design of the resultant building or its positioning in the two relevant streets has any significant negative impacts.

The proposal is not considered to represent overdevelopment as the only increase in the footprint of the building is the modest single storey rear extension, with a large front garden remaining, giving a more than reasonable plot ration in

the context. The remainder of the additional accommodation created to facilitate the subdivision of the dwelling is located in the original shell of the building.

The Council's Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages (SG) sets out that a dwelling should have a public face to a street and a private face to a garden. In this case, the proposal would face two streets, Sunnybank Road to the south and Sunnyside Terrace to the north. However, this is an existing situation, which is not altered through the subdivision of the dwelling. As such, in this case, this is acceptable.

Impact on residential amenity

SG further sets out that any properties created through subdivision should have a private rear garden of at least 9m in length. In this case, the context is somewhat different, with the rear only formally comprising a driveway, rather than garden ground and only really used as an access to the garage. It was not of a sufficient size or orientation to provide a good quality outdoor amenity space. This element of the guidance thus has no particular relevance in this case.

To all extents and purposes the front garden serves as the garden. Due to the setback from Sunnybank Road, it provides a pleasant, semi-private space with a southerly orientation at a distance from Sunnybank Road. The depth exceeds 10m, is considered adequate. It is landscaped to ensure that residents have adequate space to sit out, to dry their laundry etc. The proposal is therefore considered sufficient in terms of outdoor amenity space.

Internally the accommodation is split as follows:

26 Sunnybank Road occupies the majority of the original dwelling, has large living/ kitchen areas on the ground floor and three bedrooms, one with en-suite, and a further bathroom on the first floor;

16 Sunnyside Terrace generally occupies both the former garage and single storey rear extension, as well as the rooms created in the basement. It has four bedrooms, two bathrooms and a large kitchen/living area.

All the rooms in 26 Sunnybank Road are located within the original building, receive good levels of natural light and benefit from an outlook from both living accommodation on the ground floor and all the bedrooms on the first floor.

Regarding 16 Sunnyside Terrace the bedrooms in the converted garage have a southerly aspect and would also benefit from a good outlook and sufficient levels of natural light. The two bedrooms in the basement are lit through large windows served by the lightwells. Due to the size of the lightwell and the southerly aspect of both rooms, it is considered that they would receive an acceptable amount of light and a satisfactory, if restricted, outlook over the garden. The kitchen/ living area has no direct external outlook. However, an internal fully glazed wall leads to full height glazing in the external wall serving the access hallway. This, in combination with the rooflight above the main living area, would provide a satisfactory living environment.

Concerns have been raised that the intensification of the use of the plot would result in an adverse impact on the residential amenity of neighbouring properties. However, the nearest neighbouring dwelling is 15 Sunnyside Terrace, which is located immediately to the north. To the west are three storey flatted blocks.

The entrances into the flats are split, with 26 Sunnybank Road using the existing front door, whilst 16 Sunnyside Terrace would use the entrance facing east, in the rear elevation. As such, only one dwelling would be accessed directly off Sunnyside Terrace. In addition, the majority of windows serving habitable rooms and the main garden face south, again away from 15 Sunnyside Terrace, and towards the street and gable of the tenemental flats.

On this basis, it is considered that the proposed subdivision would not result in such an intensification of the use of the plot, or impact on existing amenity that it would have an unacceptable impact on the residential amenities of neighbouring properties.

Parking and access:

Being located in the Outer City, guidelines set out in the Transport and Accessibility SG, indicate that 5 parking spaces should be provided. In this case due to the conversion of the garage, and the construction of the rear extension, there is no space for on-site parking. However, Sunnybank Road and Sunnyside Terrace are located within a controlled parking zone with residents permits. The majority of dwellings on Sunnyside Terrace have at least some element of off-street parking. The street itself could accommodate approximately 25 parked cars. At present, only 11 residents permits have been issued. As such each dwelling could apply for two parking permits, a total of 4 spaces. Taking account of the low use of permits in this area, and the fact that in general on-street spaces are available in the immediate area, in this case, on-street parking provision is accepted. This would result in a shortfall of one space, however based on the proximity of the dwellings to the university, bus routes and local services, this is considered acceptable in the context.

Sunnyside Terrace is sufficiently wide to accommodate the turning of cars. Larger vehicles, including refuse vehicles, will need to reverse before they can turn round. However, this is an existing situation which is not made significantly worse and is therefore acceptable.

Other Matters Arising:

The following matters have not yet been addressed in this report but were raised through the comments of the Froghall, Powis and Sunnybank Community Council and letters of representation:

1. *At present, residents of the flats use the area to the rear to socialise, which has an adverse impact on the residential amenity of neighbouring properties.* – This is not a planning matter. The area to the rear of the building is part of the existing residential curtilage, and can be used by residents to gather and socialise.

2. *The application is retrospective* – The fact that the application is retrospective has no bearing on this assessment and recommendation. Each case is assessed on its own merits and unique qualities.
3. *Overprovision of HMOs* – The application is for the subdivision of one dwelling into two flats. Due to the number of bedrooms in each dwelling, no planning permission is required for a change of use to an HMO. As such, this is not relevant in this case. Should an HMO licence be required this would be a matter for the licencing committee to consider.
4. *The construction of the lightwells in the front garden would set an unacceptable precedent* – Each planning application is assessed on its own merits and in this case the approach is considered acceptable.

All other matters raised as summarised at the start of this report have been addressed in the relevant sections in the Evaluation of the proposal.

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 case, the following policies from the Proposed Local Development Plan area relevant: D1 (Quality Placemaking by Design), T2 (Managing the Transport Impact of Development), T3 (Active and Sustainable Travel) and H1 (Residential Areas). Representations have been lodged against all of these policies and they therefore only carry limited weight. In general, these policies are reiterations of existing policies in the Aberdeen Local Development Plan, and the recommendations would have been the same.

RECOMMENDATION

Approve unconditionally

REASONS FOR RECOMMENDATION

It is considered that, due to the unique site characteristics, the alterations to the building and subsequent subdivision will not have an adverse impact on the character and appearance of the original dwelling or the immediate surrounding area, nor would it present an overdevelopment of the plot. The dwellings would provide adequate residential amenity for future occupiers, and would not have a significant detrimental impact on the residential amenities of neighbouring dwellings. Neither would it have an acceptable impact on local highway conditions, especially in relation to access and parking.

The proposal complies with the requirements of planning policies H1 (Residential Areas), D1 (Architecture and Placemaking), D2 (Design and Amenity), D3 (Active and Sustainable Travel) and T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan, policies H1 (Residential Areas), D1 (Quality Placemaking by Design), T2 (Managing the Transport Impact of Development) and T3 (Active and Sustainable Travel) of the Proposed Local Development Plan, the Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance and the Transport and Accessibility Supplementary Guidance.