

Planning Development Management Committee

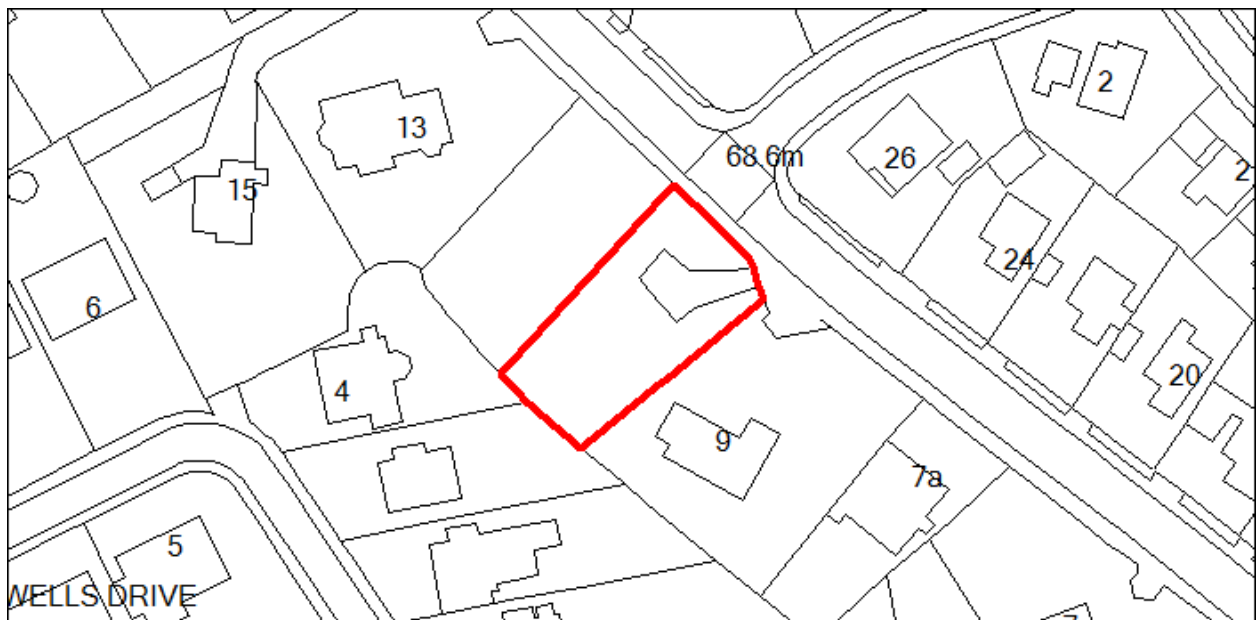
11 BAILLIESWELLS ROAD, BIELDSIDE

ERECTION OF 5-BEDROOM DETACHED
HOUSE WITH ASSOCIATED ACCESS AND
LANDSCAPING

For: Bonhurst Ltd

Application Type: Detailed Planning Permission
Application Ref.: P160583
Application Date: 06/05/2016
Officer: Andrew Miller
Ward: Lower Deeside (M Boulton/A Malone/M
Malik)

Advert: None
Advertised on: N/A
Committee Date: 14/07/2016
Community Council: No response
Received.



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The site comprises the southern half of a vacant plot once occupied by a detached bungalow. The surrounding area is residential typified by detached houses.

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.

P151858 – Erection of two detached houses with associated access and landscaping refused planning permission by the Planning Development Management Committee 22 April 2015 on basis that development would result in overlooking to neighbouring properties.

PROPOSAL

Detailed Planning Permission is sought for the erection of a detached 5 bedroom house with integral garage. It would be finished in cream dry dash render and buff fyfestone blockwork to the walls with slate effect tiles on the roof.

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=160583>

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 (seven in this instance). Accordingly, the application falls outwith 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 – No response received.

REPRESENTATIONS

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

1. Overdevelopment of the site and subsequent adverse impact on amenity of surrounding area.
2. Scale and massing of house inappropriate for the surrounding area/streetscape.
3. Adverse impact on trees.
4. Garage is too small.
5. Impact on road safety on Baillieswells Road due to a larger house with more cars.
6. Replacement planting to compensate for trees that were previously on site is inadequate.
7. Guidance applicable to trees (Policy NE5) should be applied retrospectively to refuse consent.
8. Adjoining areas owned by the applicant were not outlined in blue.
9. Loss of privacy to neighbouring houses/gardens.
10. Unacceptable that not all neighbours notified.

The following matters are not material considerations and cannot be taken into consideration in the determination of the application:

- Disingenuous of developer to submit an application for half the site, should cover the whole site. (The planning authority must determine applications as submitted).

PLANNING POLICY

Aberdeen Local Development Plan (ALDP)

H1 – Residential Areas

D1 – Architecture and Placemaking

Supplementary Guidance

Sub-division and Redevelopment of Residential Curtilages

Proposed Aberdeen Local Development Plan

H1 – Residential Areas

D1 – Quality Placemaking by Design

Other Relevant Material Considerations

Site history, in particular appeal decision and application P140940

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 house, the design and siting of the dwelling, the impact on the amenity of the surrounding area and the servicing provision.

Principle

As outlined above, the vacant plot which this application site forms part of was originally occupied by a bungalow that was demolished in 2010. A live consent remains in place for the erection of a single dwelling under application P140940. This consent was subsequent to an appeal that was allowed for this southern area of the site (Application Ref: P101484, DPEA Appeal Reference: PPA-100-2026).

In relation to the principle of a dwelling on this site, 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). Taking account of this and the site history, the principle of the site being developed for residential uses is acceptable.

Siting and Design

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 proposed house would have a plot coverage of 22%, which would be in keeping with the densities of the surrounding area (20-30%). Relative to the scale of the house, it would be smaller than that those consented/proposed in previous schemes. Its design, style and materials would be in keeping with the style of the surrounding area (light rendered walls with stone features and dark roofs). Sufficient garden space is provided to the rear of the house in line with the standards specified in the Sub-division Supplementary Guidance.

The site has limited capacity to accommodate further extensions to the proposed house and in common with the live consent for the site, a condition revoking the permitted development rights for such works is recommended, to enable the planning authority to give further consideration to extensions to the house (should this arise).

Amenity

Sufficient separation and screening between the proposed house and neighbouring properties has been provided (either existing or proposed as part of this application). It is not considered the development will result in any significant overlooking/loss of privacy to neighbouring properties, nor significant loss of daylight/sunlight.

Trees

The application was accompanied by a tree survey to assess the impact on neighbouring houses. The works required avoid works within the root protection areas of neighbouring trees. A condition requiring a scheme for tree protection fencing to be agreed with the Council and erected on site is recommended.

Access and Parking

Sufficient parking and turning space has been provided within the curtilage of the site, whilst the existing access for the previous house within the vacant plot would be used. Roads Development Management raised no objections to the development.

Matters Raised in Representations

- 1. Overdevelopment of the site and subsequent adverse impact on amenity of surrounding area.*

2. Scale and massing of house inappropriate for the surrounding area/streetscape.

In respect of points 1 and 2, the scale and density of the development is considered suitable in this instance, as outlined above under Siting and Design.

3. Adverse impact on 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.

4. Garage is too small.

The dimensions of the garage are sufficient, with sufficient parking provided on site in line with parking standards.

5. Impact on road safety on Baillieswells Road due to a larger house with more cars.

The existing access for previous house would be utilised for this development, thus it is not expected that this house would result in a significant impact on road safety.

6. Replacement planting to compensate for trees that were previously on site is inadequate.

No detailed landscaping scheme has been provided with the application, accordingly a condition requiring this to be submitted is recommended.

7. Guidance applicable to trees (Policy NE5) should be applied retrospectively to refuse consent.

Consent is not required to fell the trees and thus cannot be controlled nor applied retrospectively. Planting can be requested as part of any scheme.

8. Adjoining areas owned by the applicant were not outlined in blue.

The location plan provided with the application had adjacent land edged in blue and a note to indicate that the land was owned by the applicant.

9. Loss of privacy to neighbouring houses/gardens.

There is sufficient separation provided between the proposed house and neighbouring houses/gardens, with intervening boundary treatment and landscaping either existing or proposed.

10. Unacceptable that not all neighbours notified.

All neighbours within a 20 metre buffer of the site were notified of the application, as set out in national legislation.

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, accordingly no further consideration is considered necessary in respect of the Proposed ALDP.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The site currently has a live consent for the erection of a house and as such the precedent for a house is established. The proposed dwelling would be sited and designed appropriately for its location, whilst having no adverse impact on the amenity dwellings within the surrounding area in terms of loss of sunlight, daylight or privacy, nor would it have an overbearing presence on neighbours. Sufficient landscape and protection to existing trees is afforded, whilst the dwelling would be served by suitable infrastructure, either existing or proposed. Accordingly it is considered the proposals satisfy the requirements of policies H1 – Residential Areas and D1 – Architecture and Placemaking of the Aberdeen Local Development Plan 2012, as well as guidance contained within The Council's Supplementary Guidance "The sub-division and redevelopment of residential curtilages".

Insofar as they are relevant, the proposals accord with the policies contained in the Proposed Aberdeen Local Development Plan 2015.

CONDITIONS

1. That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting

- including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.
2. No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority, and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks – in order to ensure adequate protection for trees adjacent to the site during the construction of the development.
 3. Any tree work which appears to be necessary during the implementation of the development shall not be undertaken without the prior written consent of the planning authority; any damage caused to trees growing on land adjacent to the site shall be remedied in accordance with British Standard 3998: 1989 'Recommendation for Tree Works' before the buildings hereby approved are first occupied. Reason: In order to preserve the character and visual amenity of the area.
 4. The development shall not be occupied unless the driveway hereby granted planning permission has been constructed, drained and laid out in accordance with the plans hereby approved, or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such area shall not thereafter be used for any purpose other than the purpose of the parking/turning of vehicles ancillary to the development and use thereby granted approval. Reason: In the interests of public safety and the free flow of traffic.
 5. That notwithstanding the provisions of Article 2(4), Schedule 1, Part 1, Classes 1A, 1B, 1C, 1D, 3A and 3B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended by the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, no extensions, alterations or improvements which materially affect the external appearance of the dwellinghouse, nor any means of enclosure shall be erected or carried out either on, or in the curtilage, of the dwellinghouse hereby approved without a further grant of planning permission from the planning authority - in the interests of visual amenity.