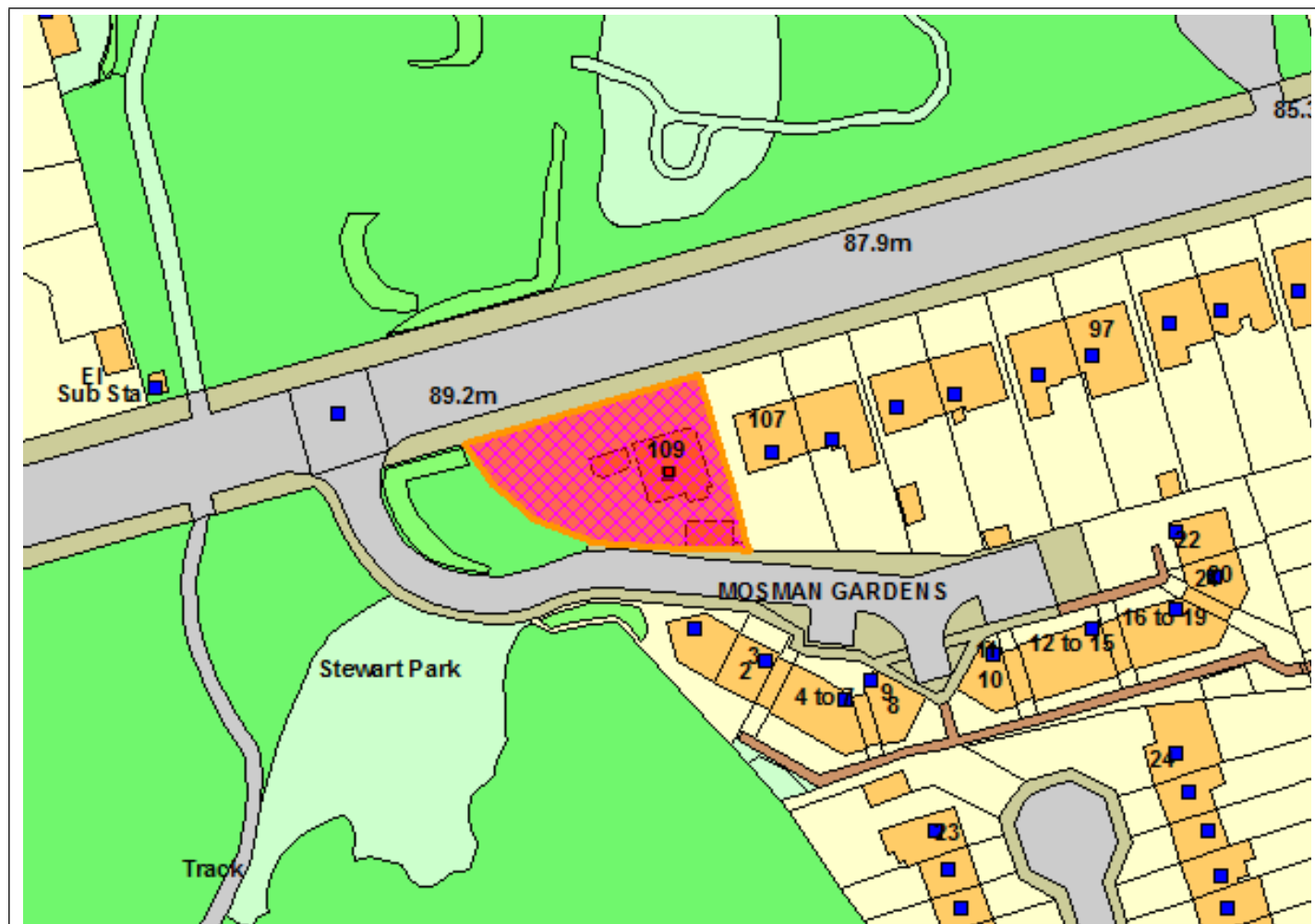


Planning Development Management Committee

Report by Development Management Manager

15 June 2017

Site Address:	109 Hilton Road, Aberdeen, AB24 4HX,
Application Description:	Sub-division of residential curtilage and erection of dwelling house
Application Reference:	170414/PPP
Application Type	Planning Permission in Principle
Application Date:	18 April 2017
Applicant:	Mr C/O D K Meldrum Ltd Meldrum
Ward:	Hilton/Woodside/Stockethill
Community Council	Cattofield
Case Officer:	Dineke Brasier



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

Roughly triangular in shape (c.400m²) and currently in use as a garden and parking area to the side/ west of a detached dwellinghouse (109 Hilton Road). It is largely surfaced with concrete slabs and sees a detached single storey 'conservatory' building, with fully glazed east, south and west elevations and stone wall to the west. A driveway from Hilton Road enters at the north-western corner and serves the existing dwelling, which is within the same ownership but outwith the application site. This driveway follows the southern boundary to the south-east corner of the existing larger plot, where there is a detached garage. The existing dwelling is a traditional one and a half storey granite detached property with a slated hipped roof.

The site is located at the end of a row of dwellings of a similar architectural style, although of semi-detached form, extending in an eastwards direction along Hilton Road. To the south is a sheltered housing complex 'Mosman Gardens', which consists of two large two-storey buildings clad in render and with pitched tiled roofs. To the north, across Hilton Road is Stewart Park, to the west is a small area of raised amenity ground, containing a number of mature beech trees, with another section of Stewart Park across Mosman Gardens further to the west and south.

Relevant Planning History

140946 saw an application to extend the existing dwelling and the associated removal of the 'conservatory' refused under delegated powers on 14 April 2015. The main reasons for refusal were in relation to design.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission in principle is sought for the subdivision of the plot and erection of a detached dwelling in the resultant plot to the west of the existing dwelling. An indicative site layout shows a detached dwelling of similar footprint to the donor property, with a garden to the west and south. Vehicular access would be taken from a point slightly to the east of the existing driveway onto Hilton Road, serving three on-site parking spaces. The existing conservatory style detached building would be demolished.

In addition, a new double driveway serving the existing property would be created onto Mosman Gardens, requiring the demolition of the existing garage. However, these works do not require planning permission and can be undertaken using permitted development rights, neither are they within the application site, although within the same ownership.

Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OOC65SBZK5900> .

Reason for Referral to Committee

The application received more than six letters of objection, and therefore falls outwith the scheme of delegation.

CONSULTATIONS

ACC - Roads Development Management Team – No objection in principle, subject to submission of detailed parking layout and clarification of size of proposed dwelling.

ACC - Environmental Health – No observations

ACC - Flooding And Coastal Protection – No objection. Recommend the use of rain water attenuation methods and permeable block paving.

REPRESENTATIONS

16 letters of objection have been received, on the basis of the issues summarised as follows:

- Removal of trees on Mosman Gardens and within garden of 109 Hilton Road;
- New access onto Mosman Gardens would reduce on-street parking spaces;
- Rear boundary at 109 Hilton Road is a party wall and Mosman Gardens have not been approached as to any alterations;
- Overdevelopment and curtilage splitting would set an undesirable precedent.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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.

Aberdeen Local Development Plan (2017)

- H1: Residential Areas
- D1: Quality Placemaking by Design
- T2: Managing the Transport Impact of Development
- NE1: Green Space Network
- NE3: Urban Green Space
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Buildings & Water Efficiency

Supplementary Planning Guidance (SPG)

Sub-division & Redevelopment of Residential Curtilages
Trees and Woodlands
Transport and Accessibility

EVALUATION

Principle of Development

The site is located within an existing residential area, where the principle of residential development is acceptable if it:

- Does not constitute overdevelopment;
- Does not have an unacceptable impact on the character and amenity of the surrounding area;
- Does not result in the loss of any valuable open space; and

- Would comply with relevant Supplementary Planning Guidance.

Impact on character and appearance of the surrounding area

The SPG on the Subdivision and Redevelopment of Residential Curtilages sets out that, in general, no more than a third (33%) of a plot should be built upon. In this case, following the proposed subdivision, the overall plot coverage would be 28% for the existing dwelling and a lower 23% for the proposed new plot, both in accordance with this guidance and demonstrating an appropriate plot ratio could be achieved.

The proposed site plan also shows that a dwelling could follow the building line of the adjacent properties on Hilton Road and leave an appropriate gap to the boundary again equivalent to that of adjacent properties. Furthermore, it is also evident that the footprint and floorplan could mirror that of the original property. In addition the applicant has confirmed in writing that, even though no detailed design has been submitted, the eaves and ridge height of the proposed dwelling would not exceed that of the donor dwelling (109 Hilton Road) and could continue the gradual stepping down of building height as evident along this stretch of Hilton Road. As such, in principle, the proposal would respect the character and appearance of the surrounding area. However, as this is an application for planning in principle, no detailed design has been submitted, and these matters of detail would require to be considered via a matters specified in conditions (MSC) application. However the aforementioned parameters are important to clearly demonstrate that a single dwelling could be appropriately accommodated, and as such the overall ridge and eaves height will be controlled by condition.

Impact on residential amenity

Both the front and rear elevation of the proposed new dwelling could be in line, maintaining the same front and rear building lines with that of 109 Hilton Road. Also 109 has no side facing windows and as such, there would be no significant loss of light or overlooking between the two dwellings – subject to detailed designs being confirmed.

To the rear is the sheltered housing complex across Mosman Gardens. This building does not continue beyond the existing west elevation of 109 Hilton Road. As such, there is no property immediately to the rear (south) of the application site. Furthermore, to the west and north are areas of public amenity space and a park. Thus it is more than likely that any new dwelling would not have any significant impact on the residential amenities of neighbouring properties.

The Subdivision and Redevelopment of Residential Curtilages SPG also sets out that the resultant minimum garden area for both a proposed new dwelling and the donor property should have an average length of 9m. Although this principally derives from an expectation that privacy levels in suburban housing will be achieved via an 18m separation between the rear elevation of properties. In this case, both the existing dwelling, nor the proposed new dwelling would have a rear garden of this size. The existing dwelling would retain its existing rear garden depth c.8m, whilst the indicative positioning of a new dwelling would have a short rear garden (c. 5m), but a larger side garden with a length of c.8m. Importantly, the contextual situation sees a high wall to the rear, giving privacy; large gardens to the front onto Hilton Avenue, and the resultant house would see a sizable private side garden. Thus in this case, due to the location of the plot at the end of a row of dwellings and adjacent to an existing area of amenity ground, this side garden would contribute to good quality usable garden ground, both private and public, appropriate in the context. Even though the length of both gardens is below the guidance within the SPG, on balance this is considered acceptable due to the overall amount of usable garden ground serving the dwellings. In the case of the new dwelling, the area of usable garden ground to the rear and side would, excluding the proposed parking area, extend to c.120m². For the existing property, this figure, again excluding the proposed parking area, would be slightly lower at c.70m. In addition, as stated above, these shorter gardens would not result in any adverse impacts on levels of privacy as no residential units would be located immediately to the rear of the proposed dwelling and the garden

areas would in themselves achieve privacy through the wall which encloses that rear boundary. As such, it is considered that both dwellings would be served by an adequate amount of usable garden ground and would provide an adequate level of residential amenity, accounting for the context.

Parking and access

The proposed dwelling would be served by a new access driveway, c.4m to the east of the existing access onto Hilton Road, further from the junction with Mosman Gardens. This would access parking for three cars, although no specification has been given as to the proposed number of bedrooms. Parking guidelines advise that 3 spaces would be satisfactory to serve a four bedroom dwelling, and as such, sufficient evidence is shown that parking can be adequately provided. The detailed parking layout can be considered as part of a further MSC application.

The proposed new parking area serving the existing dwelling falls outwith the red line and does not form part of this application and can be provided under permitted development rights (as it would serve a single dwelling, would not provide access onto a classified road and would not require any significant levelling or excavation). It would most likely require the removal of a mature tree, however that tree is not within the ownership of the applicant, nor is it covered by a tree protection order. As such, provided the applicant would receive confirmation from the owner they would be happy to see the tree cut down (which in itself is a legal matter and not a requirement of the planning process), this would be acceptable.

Letters of objection raise concerns with regards to a reduction in on-street parking spaces at Mosman Gardens, resulting from the creation of the proposed driveway serving the existing dwelling. It is noted that Mosman Gardens is a relatively narrow road leading only to the sheltered housing complex and driveways within the rear gardens of properties fronting Hilton Road. The sheltered housing complex (22 units) is served by a limited number of on-site parking spaces, with the majority of parking demand relying on on-street parking. However there is no planning control able to be exerted over the proposed driveway to serve 109, indeed this could happen whether or not planning permission was granted, without any further planning consideration. It is however appreciated that such an arrangement could result in the loss of two on street parking spaces over the length Mosman Gardens. However, it is also noted that there are no parking controls/ permit requirements in this area, and as such other options for on-street parking would be available in the vicinity e.g. on Hilton Road. In addition, the proposed driveway would provide two parking spaces. As such, Roads Development Management Team does not raise any issues with this limited loss of on-street parking and considers the proposal to be acceptable.

Impact on trees

Immediately to the west, in the area of public amenity land and across the boundary wall, are a number of mature beech trees. This amenity land is part of the larger Stewart Park, which is split in two sections, one section to the north of Hilton Road and the other to the south of Mosman Gardens, and is within the Green Space Network. This amenity land sits at a higher level than the application site, retained by the existing retaining wall. The distance from the proposed side elevation to the site boundary would be approximately 8m, with the trees set further into the amenity ground. The application is not supported by a tree survey. However, it is considered that due to the distance between the existing trees and the proposed dwelling, the existing difference in levels, retaining wall and hard surfacing, that the construction of the dwelling would be unlikely to have an adverse impact on the roots of these trees. One beech tree has branches overhanging the side garden of 109 Hilton Road. It is likely that these will need to be cut back to a certain extent. Again, no additional information has been submitted. A condition requesting a tree survey, arboricultural impact assessment and tree protection plan setting out how these trees will be protected should therefore be attached to ensure the proposal would not result in the loss or damage to any of these trees and would be compliant with policy NE5 (Trees and Woodlands) and would maintain the functions as set out in policy NE1 (Green Space Network).

Flooding, waste and zero and low carbon building

The site is not within a flood risk area, and the proposed dwelling would be connected to the public sewer network. The use of rain water attenuation methods and permeable paving is recommended, but this does not need to form part of a condition. The Council's Flooding Team raises no objections to the proposal and this is therefore considered acceptable.

No details have been provided with regards to waste collection. However, the garden serving the proposed dwelling would be sufficiently large to accommodate all required containers and it is likely that current on-street waste collection measures would be used. A suitable condition can control this issue.

No details have been provided with regards to the installation and use of low and zero carbon generating technology. Policy R7 sets out that all new buildings should meet at least 20% of the building regulations carbon dioxide emissions reduction target through the installation of low and zero carbon technology. This can be dealt with by a condition as part of a further MSc application.

Matters raised in letters of objection:

- Loss of trees on Mosman Gardens – This has been evaluated above
- New access onto Mosman Gardens – This has been evaluated above
- Ownership rear boundary wall – This is a civil matter and not a planning consideration
- Overdevelopment – This has been evaluated above
- Curtilage splitting would set an undesirable precedent – Each application is considered on its own (site specific) merits and deemed acceptable in the context, thus no unwanted precedent would be set.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The principle of a proposed subdivision of the residential curtilage and erection of an additional dwelling would not have an adverse impact on the character and appearance of the surrounding area or on residential amenities of neighbouring properties. Adequate parking provision and access arrangements could be provided for both the proposed and the existing dwelling, and the proposal would be unlikely to have an adverse impact on the existing trees to the west.

Subject to the approval of further details set out in conditions, the proposal is therefore considered acceptable and in line with policies H1 (Residential Areas), D1 (Quality Placemaking by Design), T2 (Managing the Transport Impact of Development), NE1 (Green Space network), NE3 (Urban Green Space), NE5 (Trees and Woodland), NE6 (Flooding, Drainage & Water Quality), R6 (Waste Management Requirements for New Development), R7 (Low & Zero Carbon Buildings & Water Efficiency) and Supplementary Planning Guidance on 'Sub-division & Redevelopment of Residential Curtilages', 'Trees and Woodlands' and 'Transport and Accessibility'.

CONDITIONS

1. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.

Specified matters:

- a. Details of existing and proposed site levels;
- b. Full details of the layout and siting of the proposed development, including all buildings, ancillary structures, storage areas for waste and recyclables and hard and soft landscaped areas. For the avoidance of doubt, the front and rear elevation of the dwellinghouse shall not extend beyond that of the existing dwelling at 109 Hilton Road as per the footprint indicated on drawing 1SS;
- c. Full details of the design, external appearance and finishing materials of the proposed dwelling. For the avoidance of doubt, the eaves height and the ridge height of the new dwelling shall not be higher than that of the existing dwelling at 109 Hilton Road;
- d. Full details of proposed boundary treatments;
- e. Full details of the proposed means of pedestrian, cycle and vehicular access to the development, including parking and vehicle turning areas. For the avoidance of doubt, these details shall also include surfacing materials;
- f. Full details of proposed tree protection measures, including a tree survey, arboricultural impact assessment and tree protection plan setting out any measures to the overhanging branches of the beech trees on the amenity ground to the west;
- g. Full details of proposed measures to reduce carbon dioxide emissions.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. With respect to the terms of condition 1(f), an Energy Statement must be submitted to and approved in writing by the Local Planning Authority, including the following items:
 - a. Full details of the proposed energy efficiency measures and/ or renewable technologies to be incorporated into the development;
 - b. Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon monoxide emissions rates for the development arising from the measures proposed will enable the development to comply with the Council Supplementary Guidance Resources for New Development.

The development shall not be occupied unless the details have been carried out in complete accordance with the details as so agreed in the Energy Statement.

Reason: To ensure the development complies with the on-site carbon reductions required in Scottish Planning Policy, Policy R7 of the Aberdeen Local Development Plan and the Council's Supplementary Guidance.

ADVISORY NOTES FOR APPLICANT

None.