

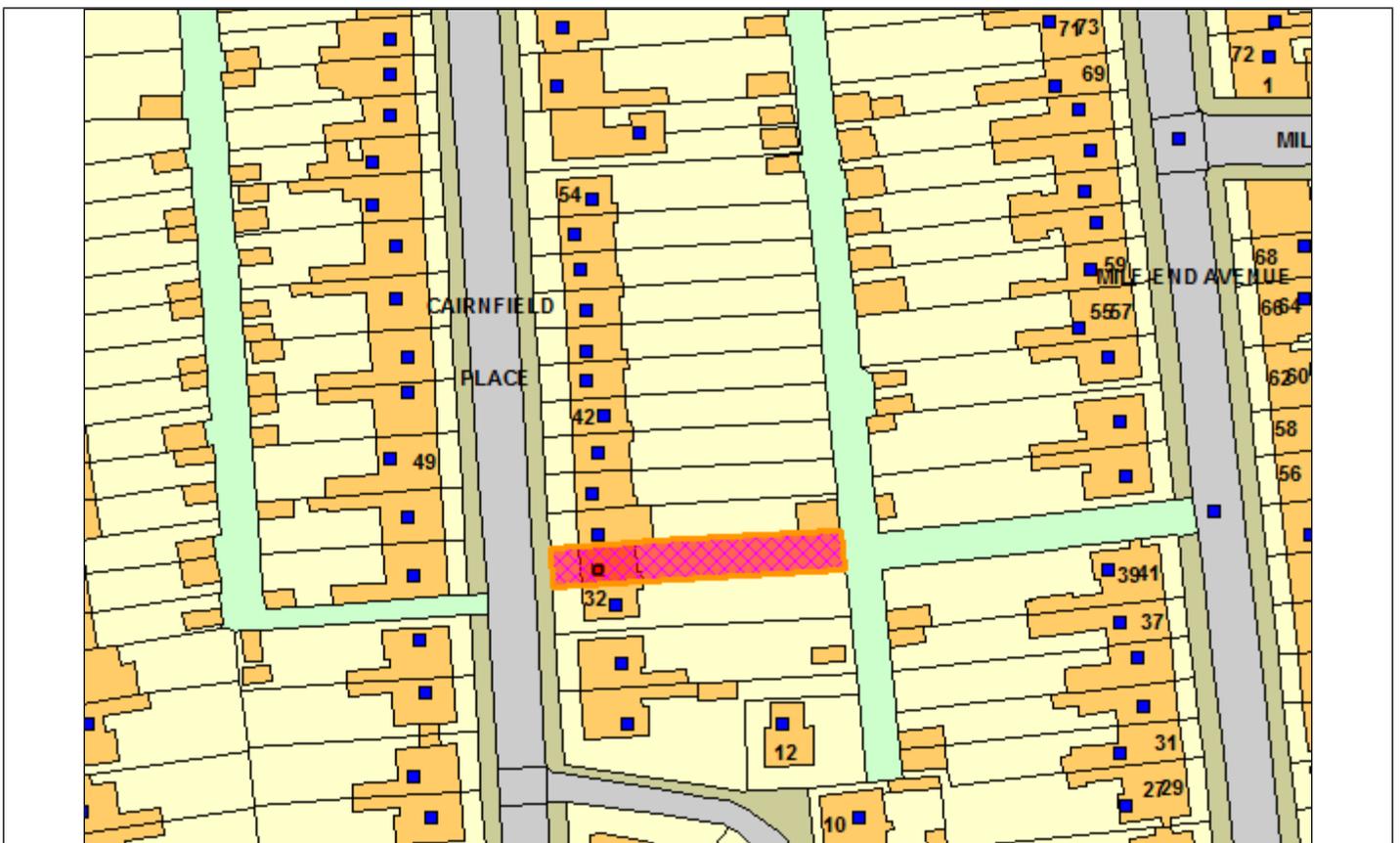


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 24 August 2017

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|---------------------------------|---|
| Site Address: | 34 Cairnfield Place, Midstocket, Aberdeen, AB15 5NA |
| Application Description: | Proposed garage in the rear curtilage of the dwelling |
| Application Reference: | 170780/DPP |
| Application Type | Detailed Planning Permission |
| Application Date: | 11 July 2017 |
| Applicant: | Mr M. Osma |
| Ward: | Mid Stocket/Rosemount |
| Community Council | Rosemount And Mile End |
| Case Officer: | Roy Brown |



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to a 2½ storey granite terraced dwelling, and its front and rear curtilage. The dwelling has a west facing principal elevation and the majority of the rear curtilage is hard surfaced. There is a 2m high boundary fence on the south boundary of the rear curtilage and a 1m high boundary fence to the north.

The site is situated in an established residential area and is bounded by Cairnfield Place to the west, which the dwelling fronts; 36 Cairnfield Place to the north; Mile End Avenue Lane to the east; and 32 Cairnfield Place to the south.

A number of the residential properties either side of Mile End Avenue have single storey, single and double garages fronting the lane. One of the largest of these in terms of height is the double garage in the rear curtilage of the adjacent property, 36 Cairnfield Place, to the north.

Relevant Planning History

| Application Number | Proposal | Decision Date |
|--------------------|---|--|
| 170780/DPP | Proposed 2 storey extension to the rear of 34 Cairnfield Place | 15 th May 2017 Approved unconditionally |
| P091057 | Proposed house extension and domestic garage at 36 Cairnfield Place | 21 st August 2009 Approved unconditionally |

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought for the erection of a two storey garage with upstairs ancillary accommodation, a 'home office', to the rear curtilage of the dwelling. The garage would have a built footprint of approximately 45 sqm, and a maximum height of approximately 6.2m.

On its east elevation, the garage would have a 1½ storey pitched roof form with an eaves height of approximately 2.8m. On its west elevation the garage would have a two storey flat roofed form with an overhanging roof and would be almost entirely glazed with an 11sqm window on the upper storey. The garage would have a roller shutter door and would be set back approximately 0.5m from the back lane.

No details of the external finishing materials of the proposed garage have been submitted with the application.

The application has been amended since its submission so that the two storey rear extension to the dwelling has been removed.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OSIPKSBZLYO00>.

A statement has been submitted by the agent in support of the application.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it has been the subject of six or more timeous letters of representation (following advertisement and / or notification) that express objection or concern about the proposal – representing a significant level of opposition to any local development proposal. Under the Aberdeen City Council Scheme of Delegation for dealing with planning applications for Local Developments the appointed officer is therefore prohibited from determining the application.

CONSULTATIONS

Aberdeen City Council Roads Development Management Team – No objection - The proposed garage meets with the minimum required dimensions. The garage would be required to be set back in line with the neighbouring garage in order to maintain visibility. In its current form, the property has a large driveway to the rear, and a basement garage. Roads would require that the parking provisions at the property are maintained in order that an appropriate amount of parking is provided for the property. I have no objection provided the above comments are met.

Rosemount and Mile End Community Council – Objection – The proposed garage and office will dominate the area, it will be above the height of the garage at 36 Cairnfield Place, and its roof extension to the west will look directly into the rear windows and gardens of the adjacent houses. The loss of privacy will impact the neighbours.

REPRESENTATIONS

There have been nine letters of objection to this application. The matters raised relate to the following:

- The design, scale, number of storeys and height of the garage which would be out of place with the other garages and buildings of the area.
- The loss of privacy to neighbouring properties and curtilage, primarily due to overlooking from its glazed upper storey.
- The grant of planning permission would set an undesirable precedent for similar development in the area, which would impact its character.
- It would overshadow the rear lane, which would detract from its amenity.
- There are alternative designs which would achieve the function of the proposed development, which would be more suitable.
- The building could be converted for residential or business use in the future.
- Matters relating to the two storey extension which has been removed from the revised plans.

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.

National Planning Policy and Guidance

Aberdeen Local Development Plan (2017)

Policy D1 - Quality Placemaking by Design

Policy H1 - Residential Areas

Supplementary Guidance and Technical Advice Notes

Supplementary Guidance: 'The Householder Development Guide'

EVALUATION

Principle of Development

The site is located within a residential area, under Policy H1 – Residential Areas of the Aberdeen Local Development Plan and the proposal relates to a domestic outbuilding within the curtilage of an existing dwelling. The principle of such a proposal would therefore be acceptable, subject to an acceptable design and appearance, and it causing no adverse impact on residential amenity.

Design and Scale

The proposed garage would fail to comply with 'The Householder Development Guide' relating to outbuildings, which states that two storey outbuildings will general not be permitted. Where a second storey is to be accommodated within a pitched roofspace, outbuildings should retain the impression of being single storey in height and dormers will not be permitted as a means of gaining additional headroom.

While its access to the upper floor would be situated internally and it would have a pitched roof form on its east elevation, the proposed garage would be a two storey outbuilding. It would have a flat roofed two storey form on its north, west and south elevations, which would be readily publically visible from the lane to the north and south. Its 6.2m overall height would be far in excess of the heights of the existing garages fronting Mile End Lane. Its ridge height would be approximately 1.5m higher, and its 45 degree roof pitch would be steeper than the garage at 36 Cairnfield Place (Ref: P091057). As a result the garage would be significant in terms of height, size and massing on the streetscape, and would be incongruous to the local urban form and the established pattern of development in the surrounding area.

The two storey north and south elevations incorporates a design feature by way of incorporating two different finishing materials to resemble a pitched roof with a dormer. This design feature would not mitigate its two storey appearance, and would not be appropriate for a domestic outbuilding given that the Supplementary Guidance advises that dormers should not be incorporated in their design. In any case, details of the proposed materials have not been included on the submitted plans. Had the Planning Authority been minded to grant approval for the application, it would have been subject to an appropriate condition requiring that no development shall take place unless details of all of the external finishing materials have been submitted to, and approved in writing by the Planning Authority and that thereafter the development should be constructed in accordance with the approved details.

The grant of Planning Permission for the proposed garage would set an unwelcome precedent for similar development in the area, which would be significantly detrimental to its character and appearance.

The built footprint of the proposed garage, approximately 45sqm, would be substantial for a domestic outbuilding compared to the 65sqm built footprint of the existing dwelling. However, as the rear curtilage covers an area of 225 sqm, only 20% of the rear curtilage would be covered by development, and the proposal would comply with this aspect of the Supplementary Guidance: 'The Householder Development Guide', which advises that no more than 50% of the front or rear curtilage should be covered by development. Therefore, solely in terms of the consideration of the amount of garden ground to be built upon, the proposal would not necessarily constitute the over development of the site.

The garage would not disrupt the principal elevation of the dwelling given its location in the rear curtilage. Nevertheless, due to its significant size, scale and massing it would not be of an appropriate design in the context of the dwelling and the surrounding area.

In no way would the proposed garage retain the impression of a single storey, nor would its design and scale be compatible to the domestic outbuildings in the surrounding area. The proposal would be significant in terms of massing and would have a significant adverse visual impact on Mile End Lane. The proposal would therefore adversely affect the character of the surrounding area. It would therefore conflict with Policy H1 – Residential Areas and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan; and the Supplementary Guidance: 'The Householder Development Guide'.

Impact on Amenity

Privacy

The Supplementary Guidance: 'The Householder Development Guide' states that new development should not result in the significant adverse impact upon the privacy afforded to neighbouring residents, both within dwellings and in any private garden ground / amenity space. The upper storey of the proposed garage contains a 'home office', which would be a habitable room / ancillary accommodation to the dwelling. Its west elevation is almost entirely glazed and faces towards the neighbouring dwellings and down into neighbouring rear gardens.

The Supplementary Guidance: 'The Householder Development Guide' states that any windows at a distance of 18m or more will not be considered to be adversely affected through loss of privacy. In this case, there would be approximately 25m between the windows of habitable rooms on the east elevations of 32 and 36 Cairnfield Place and the west elevation of the proposed garage. Given the significant distance, the garage would not necessarily look into the habitable rooms of the neighbouring dwellings. However, given the substantial size of the window on the upper floor, which would cover an area of 11sqm and the majority of the upper store of the west elevation, the proposed garage would introduce a sense of overlooking into these properties, which would impact their level of amenity.

The Supplementary Guidance: 'The Householder Development Guide' also states that any windows to habitable rooms should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings. The proposed garage would overlook the rear gardens of 28, 30 and 32 Cairnfield Place to the south and 36 and 38 Cairnfield Place to the north. While these gardens already experience a degree of overlooking from windows to habitable rooms on the rear east elevations of the terrace and there is limited boundary treatment between the properties, the orientation is such that it is the eastern ends of the gardens which experience the overlooking, where there are outbuildings and driveways. This proposal would introduce a direct level of overlooking from the east back towards the neighbouring dwellings down into areas of private amenity garden ground from a very large elevated 11sqm window. This situation would significantly affect the existing level privacy afforded to these five properties and would be overbearing, which would be to the detriment of their residential amenity. The proposal would

therefore be contrary to the Supplementary Guidance: 'The Householder Development Guide'; and Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the Aberdeen Local Development Plan.

Daylight

Calculations, using the 25 and 45 degree rule in the Householder Development Guide, show that the proposed garage would not adversely affect the level of background daylight entering the windows of any habitable rooms of neighbouring properties.

Sunlight

Calculations, using the 45 degree in the Supplementary Guidance: 'The Householder Development Guide', show that the proposed garage would have a degree of overshadowing to approximately 16 sqm of garden ground of 36 Cairnfield Place and approximately 20sqm of garden ground to 32 Cairnfield Place. Because the affected areas would be minor relative to the total area of the affected gardens, and the spaces are areas of hard surface/driveways rather than used as private amenity garden ground, the impact on the level of sunlight afforded to these properties would not significantly adversely affect their level of amenity.

While the loss of sunlight afforded to 36 Cairnfield Place would not significantly adversely affect their level of amenity to a degree which would warrant the refusal of planning permission.

Matters Raised in the Letters of Objection

The material planning considerations raised in the letters of objection have been addressed in the above evaluation.

While the proposed garage may overshadow the rear lane, the level of overshadowing to the public road would not be a significant material consideration which would warrant the refusal of planning permission in this instance.

There would likely be alternative designs for domestic outbuildings in the rear of this dwelling which would address the concerns in this evaluation. However, the Planning Authority must determine the application based on the drawings which have been submitted.

As a change of use has not been included in this application, the application is assessed on the basis that the proposed garage is a domestic development associated with 34 Cairnfield Place. Any future or other intended use for commercial purposes would require a separate application for Detailed Planning Permission. Neighbours would be notified and given the opportunity to comment on such a proposal in the event that such an application is submitted.

Matters Raised by Roads Development Management

The proposed garage would be set back from the road and align with the garage at 36 Cairnfield Place. The existing hard surface area, which could be used parking provision would be unaffected by this proposal. As the comments in the consultation response have been addressed, Aberdeen City Council Roads Development Management has not objected to the application.

Matters Raised by Rosemount and Mile End Community Council

The matters raised by the local Community Council have been addressed in the above evaluation.

Summary

Due to its significant height and two storey appearance, the proposed garage would appear significant in terms of size, scale and massing on Mile End Avenue Lane and would appear incongruous to the established pattern of development in the surrounding area. It would therefore not be architecturally compatible in terms of design and scale in the context of the original building and the surrounding area. No details of external finishing materials have been submitted with the application. Had the Planning Authority been minded to recommend approval, it would have been subject to an appropriate condition relating to materials. The proposed garage would adversely affect the level of privacy to five neighbouring residential properties by way of an unacceptable level of overlooking into their rear gardens. The proposed garage would therefore adversely affect character and amenity of the surrounding area. The proposed garage would fail to comply with Policy D1 – Quality Placemaking by Design and Policy H1 – Residential Areas of the adopted Aberdeen Local Development Plan; and the Supplementary Guidance: 'The Householder Development Guide.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed garage would have a two storey appearance which would be significant in terms of size, scale and massing and would be incongruous to the established pattern of development in the surrounding area. It would therefore not be architecturally compatible in terms of design and scale in the context of the original building and the surrounding area. The proposed garage would adversely affect the level of privacy to five neighbouring residential properties by way of an unacceptable level of overlooking into their rear gardens from the very large elevated window of its upper storey accommodation. The proposed garage would therefore adversely affect the character and amenity of the surrounding area. The proposed garage would fail to comply with Policy D1 – Quality Placemaking by Design and Policy H1 – Residential Areas of the adopted Aberdeen Local Development Plan; and the Supplementary Guidance: 'The Householder Development Guide.

CONDITIONS

N/A

ADVISORY NOTES FOR APPLICANT

None