

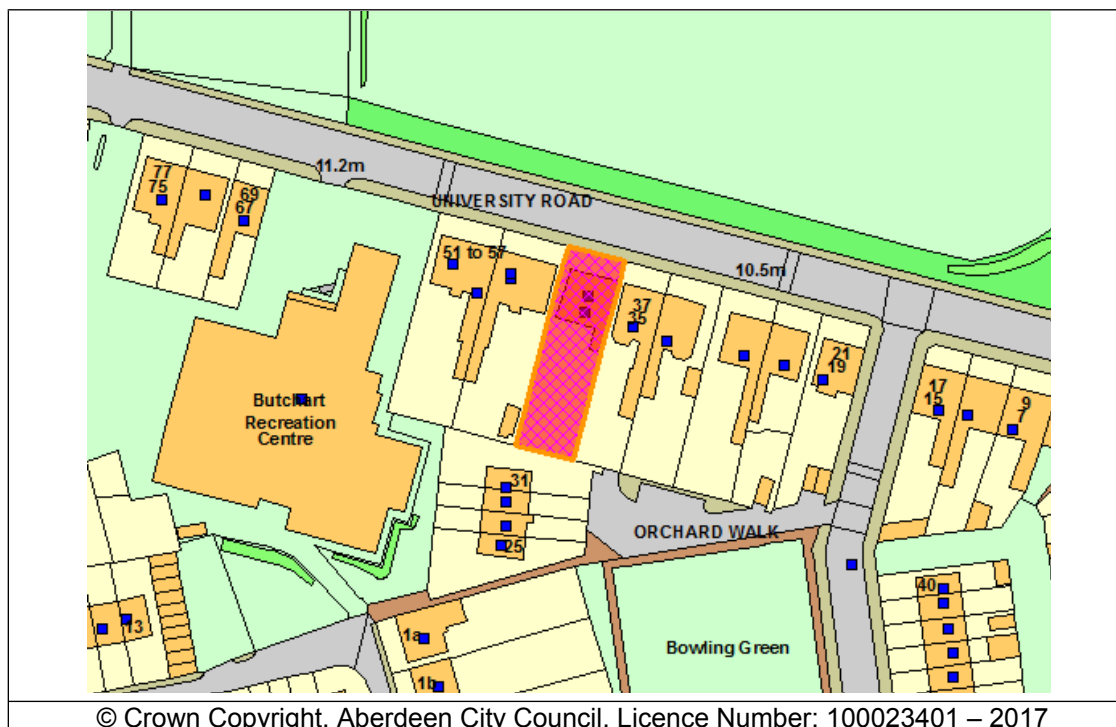


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 15th February 2018

Site Address:	39/41 University Road, Aberdeen, AB24 3DR,
Application Description:	Change of use of ground floor flat to House of Multiple Occupancy (HMO); erection of single storey extension associated to proposed HMO; extension at first floor level to provide additional accommodation to existing first floor flat; and erection of bike and bin stores in rear garden
Application Reference:	171376/DPP
Application Type	Detailed Planning Permission
Application Date:	20 November 2017
Applicant:	Mr Michael McFayden
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council	Old Aberdeen
Case Officer:	Jamie Leadbeater



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The curtilage of a self-contained 4 bedroom ground floor flat and 4 bedroom first floor flat, both contained within a two and half storey detached granite building on the southern side of University Road in Old Aberdeen. The building includes two storey rear extension projecting along the mutual boundary with number 35/37 University Road and the partial remains of a former adjoining outbuilding to that. There is thus a noticeable variation in height of the eastern mutual boundary wall which extends up to 2.75m in height, whilst the remainder of the boundary wall is around 1.5m. At present, the two storey rear extension contains a bedroom serving the first floor flat and a kitchen at ground floor, associated to the ground floor flat.

The application property is located within the Old Aberdeen Conservation Area and is neighboured to the east and west by buildings of a similar age and scale, predominantly containing flats. University Road and the University of Aberdeen's playing field beyond are located immediately to the north, and to the south a terrace of 4 two storey dwellinghouses accessed from Orchard Walk. Orchard Road branches off University Road to the south and Orchard Place runs parallel to it, is predominantly residential in nature and contains a number of Houses in Multiple Occupation (HMO).

Relevant Planning History

Application Number	Proposal	Decision Date
151558	Demolition of rear extension; Erection of 1.5 and single storey extension to rear of existing dwelling; Erection of bike shed and installation of solar panels to existing rear Dormer, 39/41 University Road	Withdrawn by applicant – March 2016
131212	Erection of rear extension comprising of two and single storey elements, including excavation of basement level in rear garden to create additional floor space, and installation of rooflights, 39/41 University Road	Approved by PDMC – January 2014
130023	Alteration of unused loft space into independent flat with the addition of large box dormer to rear and addition of pended dormers to front, 39/41	Approved under delegated powers – March 2013

APPLICATION DESCRIPTION

Description of Proposal

Change of use of ground floor flat to 7 bedroom House of Multiple Occupancy (HMO), erection of split height (both two and single storey elements) extension to rear, comprising: 3 bedrooms and 2 shower rooms at ground floor level, to serve proposed HMO; and an additional bedroom at first floor level, to serve first floor flat; and the erection of bike and bin stores in the rear garden area.

The two storey element of the extension would project 2.4m outwards from the north-west side elevation of existing two storey rear extension, whilst maintaining the same proportions in all other respects (i.e. projection from principal rear elevation, eaves and ridge height). The new and existing two storey elements would be finished in light brown wet-dash render and a roof of natural slates, all to match existing finishes. A new casement window would be positioned in the new element's south-west elevation, at first floor level, to serve the proposed additional first floor bedroom and a set of bi-folding doors at ground floor level on the north-western side elevation.

The single storey element of the extension would project 9.2m outwards, from the two storey element, with an eaves height of 2.9m and ridge height of 4m. The existing height of the mutual boundary wall with 35/37 University Road would thus be increased by 150mm, to achieve the proposed eaves height. This increased element of wall would be faced using granite rubble, to match the existing. In terms of finishes, the proposed pitched roof would again be finished in a natural slate tile and incorporate 2 Velux rooflights on the east facing slope – whilst the external walls would be finished in a vertical larch timber cladding. Each bedroom would be served by stained timber framed window and doors on the south-west and north-west elevations respectively.

The proposed bike store and bin stores would be faced in timber linings and would be sited against the mutual boundary wall in the rear garden area, opposite the proposed rear extension.

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=OZES4NBZH5J00> .

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the local community council has objected to the proposal and the Planning Service has recommended the application for approval.

CONSULTATIONS

ACC - Roads Development Management Team – No objection, the proposals entails a lockable cycle shed and the site has good cycle and public transport links which mitigates lack of dedicated car parking.

ACC - Waste Strategy Team – Content with the size of the proposed bin store, and recognise that the proposed bin store location is the most feasible option in this case.

Old Aberdeen Community Council – Object, for the following summarised reasons:

- The proposal would result in the ‘overdevelopment’ of a domestic property in the conservation area;
- Excessive density of accommodation – the building could hold 20 persons which puts further pressure on the local neighbourhood in terms of excessive noise and the creation of litter, further exacerbating an unhappy living environment for local residents; and
- The proposed floor layout appears inadequate to meet the HMO licensing requirements.

REPRESENTATIONS

The application has received one objection, which raises the following material matters:

- Proposal would result in overdevelopment of the site; and,
- The proposal 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)

- Policy CF1 – Existing Community Site and Facilities
- Policy D1 – Quality Placemaking By Design
- Policy D4 – Historic Environment

Supplementary Guidance and Technical Advice Notes

- Householder Development Guide (Supplementary Guidance)

Other Material Considerations

- Historic Environment Scotland (HES) – *‘Managing Change in the Historic Environment: Extensions’*. The guidance main requirements are as follows: must protect the character and appearance of the existing building, be subordinate in scale and form, located on secondary elevations, and must be designed in a high quality manner using appropriate materials.
- Scottish Government Circular 2/2012 - Houses in Multiple Occupation: Guidance on Planning Control and Licensing
- Planning history of site.
- Existing HMO license pertaining to ground floor unit (39 University Road)

EVALUATION

Change of Use

The proposed change-of-use of the ground floor flat to a HMO has a two-fold policy consideration. Firstly, the suitability of a HMO use in land-use terms; and secondly, the merits of a HMO use within the context of the specific guidance set out in Section 3.1.12 of the Council’s adopted Householder Development Guide supplementary guidance.

Firstly, the application site falls within an area designated as an ‘existing community site and facilities’ in the ALDP 2017. In such areas, Policy CF1 in the ALDP is applicable and seeks to protect and support the extension of healthcare, nursery, education and research uses where they currently exist. Further, proposals for development or changes of use will be opposed if they result in the significant erosion of the character of the area, or the vitality of the local community.

At present, University Road is characterised by residential properties, some which have been subdivided into flats and HMOs. These largely serve the city’s student and young professional population, whilst some properties remain in use as Class 9 dwelling houses. Taking the aforementioned into account, it is not considered the proposed change-of-use would result in the erosion of the mixed/ residential character of the immediate area – which also sees a bowling club immediately to the south; the Aberdeen University playing fields immediately across the road to the north; and the Aberdeen University Student Association premises a few doors along to the west.

The impact of the proposed physical changes to the building will be discussed further on this discussion. Otherwise, in respect of the impact on the vitality of the local community, it is not considered the proposal would adversely affect this, especially given the proposed change of use would provide the platform for additional persons to reside in the local area, which should only help to further enhance the vitality of the local community.

Secondly, given the application seeks a material change of use from a 4 bedroom flat to a 7 bedroom HMO, consideration is afforded to the main elements outlined in the Householder Development Guide SG - to assess the merits of an HMO. Particularly, the SG states consideration should be afforded to, but limited to, the following:

- Any increased impact on pedestrian or road traffic safety as a result of increased pressure on car parking;
- Significant adverse impact upon residential amenity for any reason, including, but not limited to: adequate provision of refuse storage space, appropriate provision of garden ground/amenity space, and an appropriate level of car parking; and,
- An excessive concentration of HMOs in a given locality, cumulatively resulting in a material change in the character of that area. This should be assessed in consultation with the Council's HMO unit, within the Housing Service; and,
- Where it is not practicable for dedicated car parking to be provided alongside the development, a proposal must not exacerbate existing parking problems in the local area.

In response to the above requirements, the following points are made:

- Travel Impacts: the Council's Roads Service has confirmed they have no concerns on the basis that: cycle storage is to be provided; and the site is easily accessible by bus and on foot, minimising the dependence on private car use;
- Residential Amenity Impacts: The existing and proposed uses are both residential in nature. The fundamental difference being that the proposal would result in an increase in persons living in the self-contained ground floor unit, requiring its approval as an HMO in planning terms. Overall, whilst the proposals would intensify use of the ground floor unit, the proposed uplift in the numbers residing in the property would have a negligible impact on neighbouring units, providing satisfactory additional living space is provided. It is this level of accommodation which is the intention of the extension proposed. The merits of the extension proposal shall be discussed later in this evaluation. Otherwise, additional refuse storage and cycle storage is proposed to sufficiently cater for the proposed increased use, especially there is no scope to provide additional car parking. The site falls within an existing Controlled Parking Zone (CPZ) which seeks to limit vehicular/parking impacts in any case, with the ground floor unit being limited to 2 permits;
- HMO Concentration: the Council's Housing Service has confirmed that at present, 10 out of 77 premises on University Road have valid HMO licenses, whilst 6 out of 14 addresses on Orchard Place and 6 out of 40 addresses on Orchard Road also have these licenses. Whilst it is not known if all such properties are actually operating as HMOs, there is a strong likelihood this is indeed the case. The Council has no specific planning policy which seeks to maintain control over the concentration of HMOs across the city. Scottish Government Circular 2/2012 recommends that planning authorities establish planning policies control concentration of HMOs if it is having a negative impact on the amenity of a community. In the absence of any defined guidance, having

considered the proportions of the current HMOs on the application street and nearest streets branching off it (Orchard Road and Orchard Place), it is not considered approving the proposed HMO would 'tip the balance' on differing residential uses which currently coexist, thus resulting in a significant material change in the character of the immediate locality or adverse impact on the amenity of the local community;

- Car Parking: the Council's Roads Service has not highlighted any existing parking problems along University Road and therefore it is not considered the proposed change of use of the ground floor unit to an HMO would present any excessive parking issues. It is acknowledged that the increase in the number of persons living in the ground floor unit may increase the possibility of using on-street parking but the existing CPZ on University Road should control parking numbers to the maximum the street could accommodate. The use of other more sustainable means of transport would be encouraged by the fact is within easy walking distance of bus services on King Street to the east and High Street to the west, as well as being within a comfortable walking or cycling distance of the University of Aberdeen and the city centre.

Taking the above SG considerations into account, it is considered that the proposed ground floor unit would be appropriate for HMO use.

Alterations and Extension to Building

The primary considerations is assessing the merits of the extension proposals, are: the impacts on the amenity of existing neighbouring residents; and the impact on the character and amenity of the Old Aberdeen Conservation Area. Equally, the given the extensions create additional habitable living space for the two flats it is necessary to consider whether sufficient amenity would be afforded to prospective occupants, especially in light of an intensification of use. The amenity impact is primarily assessed against Policy D1 and its associated SG on householder development, whilst the impact on the conservation is considered within the content of Policy D4 in the ALDP and national Historic Environment Scotland (HES) guidance.

Policy D1 in the ALDP states that new development should ensure a high standard of design, as a result of contextual appraisal. The policy's associated SG titled 'Householder Development Guide' – as referred to above – provides technical guidance on residential extensions. Whilst the application property does not constitute a Class 9 dwellinghouse in its purest form – given the building has been subdivided into flats (Sui Generis) – it does resemble the shell of a detached dwellinghouse and therefore it would be reasonable to apply cognisance of the guidelines set out in the SG on extensions to detached houses. The guidance states the maximum dimensions of any single-storey extension will be determined on a site-specific basis, whilst two storey extensions will be possible subject to considerations set out in the 'general principles' section of the SG, which states the following:

- Proposed extension should be visually subservient to the existing building in terms of height, mass and scale;

- Proposed extension should be architecturally compatible in design and scale to the original building;
- Alterations and extension should not result in a situation whereby the amenity of any neighbouring property would be adversely affected in terms of privacy, sunlight and overshadowing;
- The footprint of extensions should not result in the dwellinghouse exceeding twice that of the original; and,
- No more than 50% of the rear garden ground shall be covered by development.

The proposed extension and alterations to the existing building are considered to be in accordance with the above requirements for the following reasons:

- **Scale:** The proposed extension would replicate the proportions of the existing two storey rear extension, which is visually subservient to the existing building. Whilst the proposed extension would increase the two storey element and slightly increase the height of the existing single storey outbuilding, the cumulative impact would remain minor in scale to the main part of the building;
- **Design/ Architecture:** The proposed extension, as a whole, would incorporate many of the design features already present in the building, such as use of a lean-to roof and a gable end. The proposed finishing materials would also enable a distinction to be formed between the original and newer elements of the building. Taking the above two factors into account, the proposals are considered to be architecturally compatible with the existing situation;
- **Residential Amenity:** The proposed extension, as a whole, would not present any privacy concerns – given it would not create any new overlooking situations through its windows locations. Furthermore, when applying the daylight and overshadowing (sunlighting) calculations – as outlined in the Appendix 2 and 3 of the SG – the proposals would not have an undue adverse effect on the residential amenity of the neighbouring ground floor accommodation and its associated patio area, despite the eastern mutual boundary wall being increased in height by 150mm. This position reflects the fact that the existing two storey element positioned along the eastern side boundary has a greater impact than what is proposed, due to its height and massing. In addition, consideration is afforded to the fact that the neighbouring property to the east has a south-facing garden providing it with lengthy spells of sunlight throughout the day until late at night. Equally, given each proposed new bedroom at first and ground floor level would each be served by a window looking out onto dedicated garden space, prospective residents of the two units would achieve an adequate level of general residential amenity;
- **Plot Coverage:** The proposed extension, by virtue of its modest sized footprint, would not result in the footprint of the building exceeding twice that of the original; and,
- **Rear Curtilage development:** The proposed extension and alterations to the building would not result in more than 50% of the rear curtilage being developed on, even when factoring in the proposed cycle and bin stores.

Taking the above technical merits into account, and the fact that the committee, has already approved a near identical size and shaped extension at the site in January 2014 (Ref: 131212), the proposed physical changes to the building are considered acceptable.

Impact on Conservation Area

Policy D4 in the ALDP states that the Council will protect, preserve and enhance the historic environment in line with relevant national policy and guidance, which underpins the policy. The policy goes on to state that high quality design, that: respects the character, appearance and setting of the historic environment including Conservation Areas will be supported. Historic Environment Scotland's (HES) guidance on extensions is also applicable in this context.

With regards to the proposed change of use of the ground floor unit, there is not considered to be any tangible impacts on the character and visual amenity of the Old Aberdeen conservation area. Rather, the proposed extension and alteration to the rear of the application property would see potential impact on the conservation area.

The proposed physical changes would not be readily visible from University Road, a prominent public thoroughfare within the Old Aberdeen Conservation Area. Instead, the proposed works would be primarily visible from Orchard Walk and Northern Bowling Club's bowling green, both to the rear. At present, this public vista is primarily dominated by large rear extensions to the properties on University Road, which characterise this part of the conservation area. To this end, the proposed minor modification and extension of an existing rear extension would not have an undue adverse impact on the character of the conservation area. Likewise, given their scale, the proposed bin store and bicycle shed would have no undue visual impact on the Conservation Area. The proposed finishes should ensure the proposals do not adversely affect visual amenity within the conservation area, a condition can control the quality of finishing materials. The Council's Senior Conservation Officer has been consulted and is content with the proposed scale and design of the extension, adding further assurance the proposals would not unduly impact on the character and amenity of the Old Aberdeen Conservation Area.

Taking the aforementioned points into account, it is considered the proposed physical changes to the building would be compliant with the relevant requirements of Policy D4 in the ALDP and relevant HES guidance.

Remaining matters yet to be addressed (through representations and the local community council's submission)

- 1) *Proposal would result in overdevelopment of the site* – The proposals would not significantly increase the density of built development within the confines of the site, leaving a generous sized area of dedicated amenity space. For the avoidance of doubt, the existing level of development equates to approximately 23% site coverage and the proposed development see create as increase up to

approximately 28%. To that end, the proposal is not considered to result in overdevelopment of the site.

- 2) *The proposal would set an undesirable precedent* – No definitive precedent would be set if this application is approved, given each application is determined on its own merits. Any future applications of a similar scale and nature both for the application property and neighbouring properties would need to be considered on their own merits line with the relevant policies at that time and any other relevant material considerations dictating the outcome.
- 3) *Excessive density of accommodation – the building could hold 20 persons which puts further pressure on the local neighbourhood in terms of excessive noise and the creation of litter, further exacerbating an unhappy living environment for local residents* – This planning application can only consider the merits of what is proposed in planning terms, which are considered acceptable in respect of the proposed use and the extension. The Council's HMO Licensing team ultimately place restrictions on the number of permanent occupants within the ground, first floor and second floor self-contained units which are presently restricted to 1 person per bedroom under existing licenses meaning the number of permanent residents would not be as many as 20 persons as suggested. Creation of noise from domestic use and litter is out of the control of the planning authority, however, separate Council services such as Environmental Health would have control over statutory nuisances and litter issues. The Council's Waste Service is content that sufficient refuse facilities have been provided to accommodate the needs of the proposed number of residents.
- 4) *The proposed floor layout appears inadequate to meet the HMO licensing requirements* – HMO licensing requirements fall outwith the consideration of this planning application. Planning permission is a prerequisite for being able to obtain an HMO license from the Council's Licensing Service, but does not mean a license would necessarily be granted. An informative can be added to any subsequent planning consent, if members of the PDMC are minded to support the application.

Conclusion

In conclusion, it is considered the proposed change-of-use of the ground floor flat to 7 bedroom HMO would be acceptable within the proposed physical parameters of the building and its curtilage, as well as consideration being afforded to its surrounding context. Furthermore, the proposed alteration and extension of the existing rear part of the building would result in a development that is similar in scale to that approved under application 131212. It is not considered that this would have an undue adverse effect on the amenity of neighbouring properties; or the character and amenity of the Old Aberdeen Conservation Area, by virtue of its quality finished contemporary design. Overall, the proposal is considered compliant with the relevant requirements of relevant policies in the Aberdeen Local Development Plan 2017 and the provisions of relevant supplementary guidance, and relevant Historic Environment Scotland guidance. In the

absence of any overriding other material considerations, the application is recommended for approval.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed change of use to the ground floor flat to a House in Multiple Occupation (HMO) would not result in a significant erosion of the existing character of the local area or the vitality of the local community and therefore is considered compliant with Policy CF1: Existing Community Sites and Facilities, in the Aberdeen Local Development Plan 2017. Furthermore, the proposal would satisfy with the relevant considerations for HMO use outlined in the Council's 'Householder Development Guide' supplementary guidance (HDGSG). In addition, the proposed extension and alterations to the existing rear ancillary buildings would be modest in scale and appearance, to the extent it would not unduly jeopardise the residential amenity of neighbouring residential uses balanced with being of an appearance which respects the site's position with the Old Aberdeen Conservation Area. To this end, satisfying the relevant requirements of Policy D1: Quality Placemaking by Design; and Policy D4: Historic Environment in the ALDP 2017, as well as relevant guidance within the Council's HDGSG. Overall, the proposal is considered acceptable.

CONDITIONS

- 1) Prior to commencement of development, the applicant is required to provide details/ samples of the proposed render and timber cladding finishes for approval in writing by the Planning Authority. Thereafter, the approved scheme shall be carried out in accordance with such agreed details.

Reason: In the interests of the character and general amenity of the Old Aberdeen Conservation Area.

ADVISORY NOTES FOR APPLICANT

- 1) Despite the granting of planning permission to use the ground floor flat as an HMO (House in multiple Occupation), the applicant/owner of the premises would still be required to apply and obtain a variation of to their existing HMO license from the Council before this use can legally be implemented.