

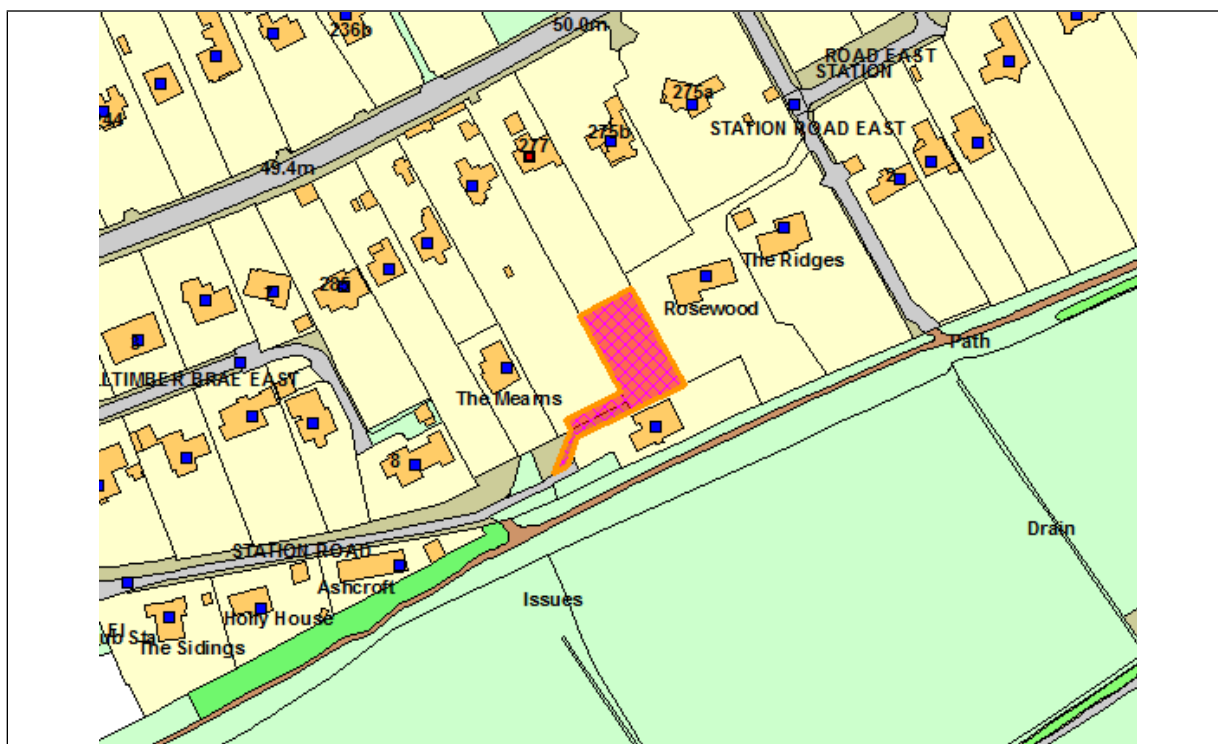


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 15th February 2018

Site Address:	Land To The Rear Of 277 North Deeside Road, Milltimber, Aberdeen, AB13 0HA
Application Description:	Subdivision of residential curtilage and erection of dwellinghouse with associated new access and landscaping works
Application Reference:	171444/DPP
Application Type	Detailed Planning Permission
Application Date:	4 December 2017
Applicant:	Mr Alistair Macleod
Ward:	Lower Deeside
Community Council	Cults, Bieldside And Milltimber
Case Officer:	Jamie Leadbeater



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site forms part of the rear garden area of a large detached dwellinghouse on the southern side of North Deeside Road in Milltimber. The site sits between a detached bungalow called Rosewood to the east, the rear garden area of 279 North Deeside Road to the west and a detached dwellinghouse to the south. No vehicular access to the site currently exists but pedestrian access can be achieved from either the existing main house to the north of the site or via a raised walkway from Station Road to the south-east currently serves a number of detached houses including the neighbouring house to the south of the site. Trees and shrubs both currently exist within and are sited close to the mutual east, west and southern boundaries of the site within adjoining garden areas. The east and western boundaries are treated within c. 1.2m high stone walls, whilst the northern and southern boundaries are treated within high hedges.

Relevant Planning History

Application Number	Proposal	Decision Date
120317	Erection of new detached dwelling on ground to the rear of 277 North Deeside Road, together with upgraded access from Station Road	Withdrawn by applicant – May 2012

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the subdivision of residential curtilage and erection of detached 4 bedroom dwellinghouse and detached garage, as well as the creation of new access and landscaping works.

The proposed slate tiled, hipped roof dwellinghouse would have a split-level living area with the bulk of living accommodation located on the upper floor level. The principal south-east elevation affords a 'basement level' main access door within its part glazed, part stone façade. The other three elevations would be predominantly finished in a smooth white wet-dash 'K rend' with windows and doors located throughout. A covered balcony area to be located a first floor level on the south-east principal elevation and an uncovered raised decking area to adjoin the north-west side elevation, whilst a flue pipe and 2 rooflights are located within the roof space. Windows and doors would be constructed from dark grey 'alu-clad' frames. Rainwater goods to be made from dark grey cast aluminium.

The proposed detached garage would have a fully rendered exterior and pointed hipped slate tiled roof with both finishes to match those of the main house. The garage would obtain access from a new gravelled driveway and turning area to be formed from an existing pathway leading to the site from the verge of Station Road. As part of these works, it is proposed to remove some existing hedging and a rear boundary wall pertaining to the adjoining neighbour's garden which would be re-built in a new position c. 3m northwards of its present position. Additional landscaping works include the creation of a new 2m high hedge along the northern boundary, laying concrete paving around the northern and eastern perimeter of the house, creation of a garden feature within the northern portion of the site.

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=P0AHT6BZHLG00> .

The following documents have been submitted in support of the application –

- Design & Access Statement;
- Drainage Assessment;
- Shadow Analysis;
- Tree and Bat Report

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there has been more than 5 objections have been received against the local planning application proposals.

CONSULTATIONS

ACC - Roads Development Management Team – No concerns. Proposed driveway adheres to the appropriate standards and proposed location for presenting waste would be acceptable. Station Road is un-adopted and therefore Roads Construction Consent (RCC) would not be required.

ACC - Waste Strategy Team – Proposed bin storage locations are considered acceptable.

ACC - Flooding and Coastal Protection – No comments or objections as development does not pose a flood risk. However, would recommend use of permeable materials within the design scheme to mitigate increase in surface water run-off.

Cults, Bieldside and Milltimber Community Council – Do not object, but wish for nearby residents concerns to be taken into account. If consent is granted, safety measures should be put in place along Station Road during the construction phase of development as this is the approved route for users of the Deeside Way to go over the

AWPR bridge. Furthermore, it would be preferable if the Council could provide an alternative route for users of the Deeside Way which negates the need for walkers, pedestrians and horse riders having to use Station Road.

REPRESENTATIONS

The application has received 6 letters of representation, all of which object to the proposals. The material issues arising from these letters are as follows:

- Overdevelopment of the site;
- Proposal breaches the relevant requirements of the Council's Supplementary Guidance on the sub-division and redevelopment of residential curtilages;
- Siting of the dwellinghouse would not follow the 'building line' of existing surrounding dwellings;
- The area is already overdeveloped without further infill development to worsen the situation; and,
- Proposal would give rise to additional traffic congestion problems on North Deeside Road.

The letters of representation and local community council response also make reference to a number of other reasons to object to the application or raise other issues which are not considered to be material in determining this application. They are as follows:

- The proposal will result in increased usage of Station Road which will worsen the condition of the road;
- The proposed access road infringes on to a neighbour's land at 8 Station Road which the occupants do not consent to;
- The proposed works fall within close proximity of the retaining wall and drainage system pertaining to Station House, and therefore assessment of the potential impact on these features should be carried out in advance of the works occurring;
- The community council believe safety measures should be put in place along Station Road during the construction phase of development; and,
- The community council believe the Council could provide an alternative route for walkers, cyclists and horse riders along the Deeside Way other than using Station Road.

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) (ALDP)

- Policy CI1: Digital Infrastructure
- Policy D1: Quality Placemaking by Design
- Policy H1: Residential Areas
- Policy NE5: Trees and Woodlands
- Policy NE6: Flooding, Drainage and Water Quality
- Policy R6: Waste management requirements for new development
- Policy R7: Low and Zero Carbon building, and water efficiency

Supplementary Guidance and Technical Advice Notes

- The Sub-division and Redevelopment of Residential Curtilages (Supplementary Guidance)
- Trees and Woodlands (Supplementary Guidance)
- Householder Development Guide (Supplementary Guidance)

Other Material Considerations

None

EVALUATION

Principle of Development

The application site falls within a designated H1: Residential Area on the ALDP 2017 Proposals Map. Within such land designations, new developments are subject to the provisions of Policy H1 In the local development plan (ALDP). In order for new developments to be considered acceptable within the context of the policy they must comply with the following requirements:

- 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 valuable and valued areas of open space, as defined on the Open Space Audit 210; and,
- Complies with relevant supplementary guidance.

The above requirements are addressed as follows:

- The footprint of the main house and garage would cover a modest area of the entire application site resulting in the creation of generous associated garden space and therefore would provide some continuity in the creation low density residential development in the area. As such, the proposal is not considered to be 'overdevelopment' of the site;

- The general scale, form and massing of the building would draw upon many design aspects of residential properties in the surrounding area whilst the proximity and orientation of windows serving habitable rooms throughout should not present undue privacy or loss of daylight concerns to neighbours. However, the proximity of the proposed house to existing trees which are proposed to be retained because of their character and visual amenity value could be adversely affected, which will be discussed in greater detail in the next section of the evaluation. As such, whilst the design of the house would not necessarily have an unacceptable impact on the character and amenity of the surrounding area, the positioning of the house may do if it results in long-term tree loss because of the valuable contribution they currently make to the surrounding area;
- The application site currently falls within the private amenity ground of an existing dwellinghouse and does not constitute public open space. As such, the proposal would not give rise to a loss of public open space; and,
- Compliance with relevant supplementary guidance shall be discussed below.

Impact on Trees

As stated above in the site description, both the application site and adjoining gardens areas to the east and west falling outwith the applicant's control contain a number of different trees which help characterise the surrounding area and offer visual amenity. As such, Policy NE5 (Trees and Woodlands) is applicable in this case which sets the following requirements:

- There is a presumption against all activities and development which would result in the loss of, or damage to, trees and woodlands that contribute towards nature conservation, landscape character, local amenity or climate change adaptation or mitigation;
- Permanent and temporary buildings should be sited so as to minimise adverse impacts on existing and future trees;
- Appropriate measures should be taken for the protection and long-term management of existing trees and new planting, both during and after construction;
- Where trees may be impacted by a proposed development, a Tree Protection and Mitigation Plan will need to be submitted and agreed with the Council before any development activity commences on site; and,
- Where applicable, Root Protection Areas (RPAs) should be established and protective barriers erected prior to any work commencing. The associated Supplementary Guidance provides more information on this.

In addition to the above, the policy's associated supplementary guidance titled 'Trees and Woodland' provides more specific advice on how to assess the impact of developments on trees and woodlands, and what is needed in the form of supporting documentation from the applicant to address potential concerns. Section 8.4.2 of the guidance makes specific reference to the term 'Zone of Influence' (ZOI) which is generally considered to be the distance between the base of a tree to the mature height of it. Dwellinghouses should not be sited within the ZOI from each tree which is likely to

be affected. In addition, the SG outlines that the footprint of dwellinghouses should not fall within the Root Protection Areas (RPAs) of trees as construction works would likely compromise the structural integrity of a tree resulting in it most likely needing to be removed unduly on safety grounds.

The applicant has hired a tree specialist (Arboriculturalist) to conduct a Tree Survey in line with the relevant British Standard (BS5837:2012), and the applicant's agent has applied the theoretical RPAs of existing trees to the proposed site plan as well as prepared site cross-section drawings to outline the proximity and scale of existing trees in relation to the proposed dwellinghouse. The Council's Tree Officer has considered the findings of the Tree Survey and associated supporting material, and is of the view that the proposed dwellinghouse would place an unfair burden on the owners of trees outwith the applicant's control to remove trees long-term which would result in a loss of character and amenity for the area. To be specific, the location of the proposed house would fall within the projected 'Zone of Influence' of 3 trees (trees 10, 11 and 12 within the Tree Schedule) in the neighbouring garden area to the east and 1 large mature tree (tree number 5 in the Tree Schedule) located within the south-western part of the site close to the proposed large glazed dining area within the proposed house. Not only this, but the Council's Tree Officer is of the view that the proposed dwellinghouse would also encroach within the defined Root Protection Areas (RPAs) of the above stated trees, which would pose a risk to the trees' health and existence long-term. These concerns were relayed to the applicant at pre-application stage, but despite the applicant's efforts in the intervening period to demonstrate otherwise, the Planning Service remains unconvinced of the mitigating arguments put forward. To this end, it is considered the proposal would contravene the main aim of Policy NE5 in the ALDP and conflict with the guidance set out in its associated SG.

Layout, Siting and Design

Policy D1 in the ALDP states that all new development must ensure high standards of design which is a result of contextual appraisal. Use of quality architecture and materials are implicit to the requirement for high standard of design. In order to address the requirements of this policy in full, it is essential to consider how well the proposal aligns with the requirements of Policy D1's supplementary guidance titled 'subdivision and redevelopment of residential curtilages' for the creation of a new additional dwellinghouse within the curtilage of an existing one. The core requirements set out in the SG are as follows:

- New dwellings must respect the established pattern of development;
- The scale and massing of any new dwelling should complement the scale of surrounding properties;
- No more than 33% of the total site area should be built upon;
- High quality design and materials – including design components - which enhances and respects the character and appearance of the surrounding area will be encouraged and needed in most respects;
- New dwellings should not adversely affect the existing dwellings residential amenity in terms of privacy, overlooking, daylighting or sunlighting;

- Windows – property to property – should be separated by a minimum of 18m;
- Windows serving habitable rooms should not look directly over or down into private amenity areas of adjoining gardens;
- Rear gardens should have an overall length of at least 9m, which should be conveniently located immediately adjoining the residential property and be of a layout which makes it 'usable' in respect of functionality and privacy; and,
- Care should be taken to position new buildings to minimise potential disturbance to the root system of tree canopies. The loss of mature or attractive garden trees which make a contribution to the visual amenity of the neighbourhood would not be acceptable.

The above requirements are addressed as follows:

- There is an existing pattern of 'backland' development in established rear garden areas pertaining to old properties along the southern side of North Deeside Road. To this end, the proposal would respect the existing pattern of development in the immediate surrounding area;
- As indicated in the abovementioned paragraph addressing the issue of 'overdevelopment', the proposed scale of the proposed house is considered proportionate to the size of the plot whilst the dominant single storey aspect of the proposed house would be in-keeping with the main design theme of surrounding neighbouring properties to the east and west. This design, which also is tailored to the site topography, would result in a building with an appropriate level of massing;
- The submitted Design & Access Statement states that the proposed house footprint would take up 15% of the total site area. The addition of the garage would increase to the developed site coverage up to about 17%, but this level of development would be significantly below the recommended upper limit of 33% set out in the SG. In the immediate locality, site coverage could be as low as 3%;
- Surrounding properties comprise of varying design features, finishes and heights. As such, no distinct character is considered to exist. The proposed design is considered to be a contemporary modern design that has been purposefully designed for the site and comprises quality, modern finishing materials which would not look out of place within the site's context. Furthermore, the height of the building has been well-considered to make best use of the topography of the site with a view to minimising its prominence on the semi-rural landscape;
- The applicant has submitted a 'shadow analysis' survey with the application in line with the methods shown in Appendix of the Council's Householder Development Guide SG, which demonstrates the proposed dwellinghouse would not have an undue adverse effect on the existing residential amenity afforded to the closest existing dwellinghouse to the east (Rosewood) in respect of 'overshadowing' and daylight;
- Windows within the proposed dwellinghouse would maintain a separate distance of 18m from those within immediate neighbouring dwellinghouses;
- Furthermore, whilst most windows along the north-eastern and south-western side elevations would serve habitable rooms, and be orientated towards the

private garden ground of Rosewood and 279 North Deeside Road, no undue impacts on the respective neighbours amenity spaces are likely to occur when factoring in the proximity of those windows to the mutual boundary and the comparable height of each window in relation to the height of the boundary wall;

- The site plan shows the garden area in the north-western portion of the site would have a depth of 9m which would provide privacy for prospective residents and would also be functional in terms of the topography of the land area; and,
- Impact on trees has already been addressed in the previous section of the evaluation.

As outlined in the above discussion the proposed contemporary house design and associated garage has a number of merits. Specifically the proposed height, form, fenestration pattern and separation distances from neighbouring houses allay residential amenity concerns from neighbouring properties. The proposed elongated footprint of the house is unusual but it is recognised this is dictated by the shape of the site and the proximity of existing trees. This innovative footprint design is considered acceptable in principle in this case given the site's context set amongst houses of varying sizes and shapes, especially given that it allows for ample provision of dedicated garden ground to help maximise the level of general residential amenity afforded to prospective residents. With regards to considering the merits of other design elements incorporated into the house, the proposed balcony area on the principal elevation – although positioned at an elevated level in relation to Station House to the south – would not present an undue overlooking potential given it would be set back approximately 17m from the mutual boundary when the normal standard separation requirement would be 9m. Likewise, whilst the proposed raised decking area adjoining the south-western side elevation would fall within closer proximity to one of the neighbouring gardens (rear of 279 North Deeside Road), based on the assumption that people using the decking area would sit down for longer periods of time (as opposed to standing-up) the proposed 7m separation from the mutual boundary should prove sufficient to design-out any potential undue intrusion of privacy within the neighbour's garden ground. It should also be noted that the area of neighbouring garden ground in question (pertaining to 279 North Deeside Road) is furthest away from the neighbouring house and therefore is least likely to be used.

In conclusion, whilst it is clear the proposed house design and site layout could afford prospective residents with an appropriate level of residential amenity without unduly compromising existing residents general residential amenity, the scale and siting of the design and layout fails to take sufficient cognisance of the long-term risk posed to existing trees which enhance the general amenity of residing in the locality. To this end, the proposal is merely deemed part compliant with Policy D1 and its associated SG.

Energy Efficiency in Design

The design of new dwellinghouses is required to demonstrate that it meets the two core requirements of Policy R7 in the ALDP. These first requirement entails the need for the house's energy efficiency to be a minimum of 20% reduction in the carbon dioxide emissions below the present building regulations standard at the time of this application

being determined, and second, requires the proposed new house to incorporate 'water saving' technologies and techniques to minimise dependency of water abstraction from the River Dee. The solutions involved in meeting these requirements do not generally materialise until Building Warrant stage, and therefore if members of the committee are minded to approve the application these requirements could be controlled through use of a suspensive condition.

Site Servicing

The main servicing considerations for this proposal are drainage, vehicular access and parking, and waste storage. As such, the relevant policies in the ALDP this case are NE6 (Flooding, Drainage and Water Quality) and R6 (Waste Management Requirements for New Developments), whilst the merits of access and parking is primarily assessed on the technical merits expressed the Council's Roads Service. Policy NE6 states development will not be permitted if it increases the risk of flooding, whilst Policy R6 states that all new developments should have sufficient space for the storage of all waste types applicable to that development with the details of the means of collection to be provided with any application.

All relevant Council Services have been consulted on the proposals and have posed no objection to the proposals, which include the provision of bin storage off station road and use of permeable finishing materials and associated soakaway within the driveway and turning area. Therefore it is considered the proposal would be suitably serviceable for modern day use, thus also rendering the proposal compliant with Policy NE6 and Policy R6.

In addition to the above, Policy CI1 in ALDP imposes additional servicing requirements on new residential developments by way of seeking assurance the proposed new house could be served by 'modern, up-to-date high speed communications infrastructure'. Should this application be approved, this requirement could be controlled by condition by way of seeking written assurance from the applicant/developer prior to commencement of development.

Addressing material issues raised in written representations

- 1) *Overdevelopment of the site* – Whilst it is considered the proposal is likely to place undue pressure on existing trees within and outwith the site, it is not considered the proposal constitutes 'over development' of the site in terms of site coverage and falls within the 33% limit expressly stated in the Council's supplementary guidance on the 'subdivision and redevelopment of residential curtilages' stated above;
- 2) *Proposal breaches the relevant requirements of the Council's Supplementary Guidance on the sub-division and redevelopment of residential curtilages* – As outlined above, the proposal complies with most relevant requirements outlined with the SG, however, it is considered the proposal would not meet the

requirements concerning taking care of trees and therefore the objector makes a valid point.

- 3) *Siting of the dwellinghouse would not follow the 'building line' of existing surrounding dwellings* – It is not considered there is a defined building line for houses in the immediate surrounding area. Existing houses to the north vary in proximity and orientation to North Deeside Road, whilst houses to the east take access of Station Road East and do not front on to the road. The building line of houses to the south and west are largely dictated by the length and shape of Station Road and Milltimber Brae East respectively, but the application site is disconnected from these given its comparable location.
- 4) *The area is already overdeveloped without further infill development to worsen the situation* – The immediate surrounding area is not considered to be overdeveloped. Each new proposal is considered on its own merits. It is not considered this proposal would give rise to an overconcentration of houses in the area taking into account its proposed siting and resultant numbers.
- 5) *Proposal would give rise to additional traffic congestion problems on North Deeside Road* – Whilst the proposal is likely to give rise additional vehicles using North Deeside Road, the level of uplift is considered to be negligible and consultation with the Council's Roads Service has not given rise to any concerns in this respect.

Conclusion

In conclusion, whilst it is clear the proposal does carry a number of merits in line with most relevant policies in the ALDP 2017 and their respective SGs, the siting and proximity of the proposed house to existing trees - both within and outwith the applicant's control – would undoubtedly result in the loss of the said trees resulting in a loss of local character and amenity to the local surrounding area. This would place the proposal at odds with the main aim of Policy NE5 in the ALDP and its associated supplementary guidance, as well as failing to fully comply with Policy H1, D1 and the SG on residential curtilage subdivision and redevelopment. The materiality of these policy conflicts outweighs the merits of the proposal and therefore the application is recommended for refusal.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

Whilst the proposal demonstrates part compliance with Policy H1- Residential Areas and D1- Quality Placemaking by Design, and full compliance with Policy NE6: Flooding, Drainage and Water Quality and Policy R6: Waste management requirements for new development in the Aberdeen Local Development Plan 2017, and most, but not all -

relevant requirements of the Supplementary Guidance titled Householder Development Guide and the Subdivision & Redevelopment of Residential Curtilages, the proposal's failure to fully comply with the some of the abovementioned policies and supplementary guidance coupled with Policy NE5- Trees & Woodlands in the ALDP 2017 and its associated Supplementary Guidance titled Trees & Woodland - due to its likely unduly detrimental impact on the long-term preservation of trees carrying local amenity and landscape character value, both within and outwith the applicant's control - is considered to materially outweigh these merits, and therefore render the proposal unacceptable in its entirety.