

Planning Development Management Committee

Report by Development Management Manager

Committee Date: 22 March 2018

Site Address:	19 South Avenue, Aberdeen, AB15 9LQ,
Application Description:	Erection of 4 residential flats, associated car parking and landscaping, and part removal of boundary wall
Application Reference:	180143/DPP
Application Type	Detailed Planning Permission
Application Date:	6 February 2018
Applicant:	Mr S Spearritt
Ward:	Lower Deeside
Community Council	Cults, Bieldside And Milltimber
Case Officer:	Dineke Brasier



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The site is a relatively narrow, rectangular plot measuring c.900m². It is c.15m in width by a length of c.60m. It is located on the corner of North Deeside Road and an unadopted section of South Avenue. The site is accessed from South Avenue from a private single width lane shared with four residential properties and the dog boarding kennels. It was previously occupied by a one and a half storey detached dwelling, which has been demolished. To the west is a one and a half storey

detached dwelling on a similar sized plot - 21 South Avenue; to the south is a strip of land and a cluster of detached dwellings set in sizable gardens; to the east is South Avenue and Cults Court, a 2.5 storey flatted development; and to the north are North Deeside Road and Florence Court, a sheltered housing complex. Boundary treatments consist of a high granite wall to the north and east; mature planting and a timber fence to the west and open to the south.

The site is located within the existing residential area of Cults.

Relevant Planning History

Planning application 161721/DPP for the erection of four flats, associated landscaping and parking was refused by Planning Development Management Committee on 9th February 2017. The main reasons for refusal were based on the impact of the proposal on the character and appearance of the surrounding area; insufficient quality of design; and adverse impact on the residential amenity of 21 South Avenue.

Planning permission 141049 for the construction of a detached dwelling with integral garage and associated works was approved under delegated powers on 13th November 2014. This permission has now lapsed.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the erection of a building containing four flats, associated parking and landscaping, and removal of part of the boundary wall. The building would be rectangular and measure c.25.5m by c.10.5m with projections either side measuring c.8m by c.1.6m (west) and c.1m by c.3m (east), resulting in a total footprint of c.280m². It would have three storeys with a flat roof and would have an overall height of 9.6m. The first and second floor would be stepped with balconies/roof terraces serving the upper floor units. The building would be finished in grey bricks and grey render. The main entrance would be located to the side of the building.

Internally, it would contain four flats with a floorspace ranging between c.140m² and c.170m². Each flat would have two bedrooms and a study, which would be large enough to be used as a third bedroom, large kitchen/dining/living area, and two or three bathrooms. Flat 1 would be a duplex and located on the ground and first floor, flat 2 would be on the ground floor only, flat 3 on the first floor and flat 4 on the second floor. Flat 3 would have a south facing balcony; flat 4 would have both a north and south facing balcony; flat 1 and 2 would have access to the garden ground to the north and south of the building respectively.

Landscaping would include a car park with six spaces accessed from South Avenue to the rear, space for bin and bike storage, and a footpath along the east side of the building. No detailed landscaping plans have been submitted, but the garden is shown to be laid to grass with the existing hedge between 19 and 21 South Avenue retained. A section in the boundary wall along South Avenue opposite the main entrance would be lowered and glass inserted.

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=P3QC5WBZIW000> .

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than six letters of objection have been received.

CONSULTATIONS

ACC - Roads Development Management Team – No objections. Following development South Avenue should be brought up to adoptable standards. However, due to the width of the lane, this road will not be acceptable for adoption. Concerns with regards to the size and position of bin and bike stores. Further clarifications required with regards to width of right of access. Poor visibility from South Avenue onto North Deeside, however this is accepted as it is an existing situation. Requests condition with regards to submission of details regarding excavation to ensure there will be no adverse impact on North Deeside Road and South Avenue

ACC - Flooding And Coastal Protection – No objections. Recommends the use of permeable surface materials and rain water harvesting.

ACC - Waste Strategy Team – Expressed concerns with regards to the current condition of this part of South Avenue.

ACC - Environmental Health – No objection subject to a condition requesting a noise impact assessment to ensure that new flats would be suitably insulated from noise coming from North Deeside Road.

Cults, Bieldside and Milltimber Community Council – Objection based on the following:

1. Size, scale and design of the proposed building is out of character and context for this area of Cults. Footprint of the building is much larger than that of the refused application 161721/DPP;
2. Due to its design, the building will be incompatible with buildings in the area;
3. Overbearing impact on 21 South Avenue and leading to a loss of light and privacy, resulting in a detrimental impact on residential amenity;
4. Access would be through narrow lanes and poor quality unadopted roads. This is the primary route for existing residents and should remain open at any time.

REPRESENTATIONS

Fourteen letters of objection received, raising the following matters:

Residential Amenity:

1. Balconies and windows will overlook existing properties on Cults Court, 15, 17A and 21 South Avenue and would result in a significant loss of privacy and residential amenity;
2. Loss of light and overshadowing to properties on Cults Court, and 21 South Avenue;
3. Proposal would be overbearing on 21 South Avenue with an elevation measuring 25m facing this property, 17m of which would be set at 9m high;

Context

4. No consideration of context. Development is not in keeping with scale and design of surrounding single and two storey houses; Properties to the south, including 21 South Avenue and the original house at 19 South Avenue were designed to limit their visual impact on North Deeside Road by sitting low behind the boundary wall. This building would stand proud of that wall, and would sit uncomfortable within this context.
5. Existing building line is broken as the front elevation extends some 7.2m from that previous approved and the front elevation of 21 South Avenue;

6. The proposed palette of materials is out of context in this area, which is near the Pittfodels Conservation Area;

Design

7. Massing, scale and height of proposed building is too large for the site. Change from pitched to flat roof further increases massing;
8. Poor quality of design. Proposal is box-like with no consideration of context. Proposed materials would not complement wider area;
9. Footprint of proposed building is larger than that previously refused under 161721/DPP. Proposed floorspace well in excess of a 'normal' two bedroom flat. 'Study' can easily be used as a third bedroom. Application should therefore be considered to be for four flats with three bedrooms with consequent impact on amenity in terms of noise, required parking spaces and visitors;
10. Due to the large floorspace of each flat, assessment should be based on floorspace rather than number of bedrooms; Due to their size, the density of the proposal is akin to four large dwellings on a small site;

Parking

11. Area shown for car parking could impede access to neighbouring properties as existing right of way shown is very narrow and location of parking space in the south west corner could block access to neighbouring properties;
12. Insufficient parking for number of bedrooms provided;
13. Timber fence to the rear of the bins will block visibility for traffic leaving the kennels;

Access

14. This part of South Avenue is unadopted and in a very poor state of repair. It would not provide satisfactory and adequate road access to the proposed development;
15. Proposal would have an adverse impact on pedestrian safety as no safe pedestrian route to North Deeside Road is shown;
16. Service and refuse vehicles cannot access site;
17. Access to the existing driveway for 17A and 19 South Avenue is required 24/7 and cannot be blocked by parked cars;
18. Construction traffic would result in even further deterioration of this part of South Avenue;
19. Increase in traffic could lead to difficulties at North Deeside Road/South Avenue junction with increased levels of waiting traffic on North Deeside Road;

Other

20. Applicant has demolished southern boundary wall;
21. Concerns with regards to noise and disruption over construction period;
22. Soil has been deposited on the site with no safety fence in place;
23. Reduction in property values;
24. Site area is larger than in previous applications. This casts doubt on levels of accuracy in application with regards to ownership and access rights
25. There is no row of mature trees along the full site boundary of Cults Court even though these are shown in drawings;
26. To allow construction, scaffolding would need to be erected on land owned by 21 South Avenue;
27. Proposal would set a precedent for similar developments along North Deeside 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)

- H1: Residential Areas
- D1: Quality Placemaking by Design
- T2: Managing the Transport Impact of Development
- NE6: Flooding, Drainage and Water Quality
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Building & Water Efficiency

Supplementary Guidance and Technical Advice Notes

Supplementary Guidance

Subdivision and Redevelopment of Residential Curtilages

Transport and Accessibility

EVALUATION

Principle of Development

The site is located in an existing residential area, where the principle of residential development would be considered acceptable provided it:

1. Does not constitute overdevelopment;
2. Does not have an unacceptable impact on the character and amenity of the surrounding area;
3. Does not result in the loss of valuable and valued open space; and
4. Complies with relevant Supplementary Guidance. In this case Supplementary Guidance on Subdivision and Redevelopment of Residential Areas.

All of these issues will be discussed in detail below.

Impact on character and appearance of surrounding area

The west side of South Avenue is characterised by low density residential development predominantly consisting of detached dwellings in substantial plots with large gardens to the front and rear. Properties are often nestled behind high stone boundary walls within a strong landscape setting. This pattern of development is continually repeated along Lower Deeside further to the west towards Bielside and Milltimber and to the south towards the River Dee. The majority of dwellings are orientated to make best use of views towards the River Dee, and for solar orientation. To the east, approximately 16m from the other side of South Avenue with the flatted development of Cults Court, is a more dense pattern of development forming part of the village centre of Cults. The village centre is a relatively small, confined area of Cults and includes the majority of services, shops with flatted residential developments. It is effectively delineated by South Avenue on its southern and western sides, by North Deeside Road to the north and by St. Devenick's Place to the east.

Visually, this part of South Avenue together with the access road into Cults Court form the boundary between these two distinct character areas, with the application site falling clearly within the predominantly low density residential area. This wide visual distinction is further emphasised by the high granite boundary wall running along South Avenue and North Deeside Road screening properties further west from North Deeside Road and minimising their visual appearance in the street scene. Cults Court on the other hand, is much more prominent in the street scene and has a much more dense nature.

The proposed development would comprise of four large two bedroom flats with study that could be used as a third bedroom in a three storey building. The floorspace of the flats would range from c.140m² to c.170m² - comparable to a relatively large four bedroom detached dwelling. The footprint of the building would be c.280m². It would generally be rectangular in shape with a projection set on either side elevation. Dimensions are c.25m by c.10 with the projection on the west elevation measuring c.8m by c.1.8m and the projection on the east side c.3m by c.1m. The projection on the east elevation would provide space for the communal entrance and staircase. The building would be set over three storeys with an overall height of c.9.6m. The ground floor and most of the first floor would be completely below the top of the boundary wall along North Deeside Road and South Avenue. Its significant scale and massing would be further emphasised through the use of a flat roof. For comparison, the neighbouring one and a half storey property at 21 South Avenue has a footprint of c. 125m² with a ridge height of c.7.4m and a pitched roof sloping away from North Deeside Road. A building of such large dimensions as proposed under this application would appear out of context in this relatively low density area, being closer to North Deeside Road and would dwarf the dwelling immediately adjacent at 21 South Avenue.

Furthermore, the front elevation of the proposed building would project c.7.2m from the front elevation of 21 South Avenue. It would leave a gap of c.10m to North Deeside Road, whereas there is a gap of c.18.5m from 21 South Avenue to North Deeside Road. As such, the proposed development would break the existing building line along this part of North Deeside Road, which in itself would be contrary to guidance contained in the Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages (SG). It would move development much nearer to this main road through Cults, and due to this position, and the increased scale and massing of the proposed building, would become much more prominent in the street scene than the surrounding dwellings. As stated above, this part of North Deeside Road is characterised by properties sitting low behind high boundary walls, minimising their visual impact on the street scene. This proposed development on the other hand, due to its proximity to North Deeside Road, scale, height and massing would stand proud in the street scene, which would be out of character in the surrounding area. As such, it is considered that the proposed development has not taken any cognisance of the site context, and would not complement the existing streetscape.

With regards to density, the overall site area is stated as c.900m² and the footprint of the building is c.280m², resulting in a site coverage of 31%. SG sets out that as a general rule, no more than 33% of the site area should be covered by development. However, it further emphasises that proposed density should reflect that prevalent in the surrounding area. Therefore, even though the 31% is less than the 33% as set out in the SG and therefore technically complies with this figure, the overall density in the surrounding area is much lower and generally ranges between 13% (new dwelling at 15 South Avenue – pp140813) and 20% (new dwelling at 469A North Deeside Road – pp131266). As such, the proposed site coverage on this plot would be excessively higher than that common in the surrounding area. A further measure for density is the number of residential units per hectare. In this low density character area, this figure is low and generally set at less than 10 units per hectare. The proposed development would be constructed at a density of 44 units per hectare. This would be a out of keeping with the prevalent density in this low density area.

For the reasons set out above, the proposal would not comply with policies D1 and H1 of the 2017 Aberdeen Local Development Plan (ALDP) and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages as it would be considered to have an adverse impact on the character and appearance of the surrounding area and would be an overdevelopment of the site.

Design

The proposed design shows a near rectangular building with a large flat roof. It would be three storeys high. It would be stepped on the rear (south) elevation with a roof terrace serving both flats 3 and 4. The front (north) elevation would contain a single step back, with a roof terrace serving

flat 4. The front elevation would contain a mix of window styles and sizes, consisting of full height windows and sliding doors serving flat 1 and 4, square windows serving flats 1, and small rectangular windows serving flats 1 and 4. These windows appear randomly spread across this elevation, and do not contain any symmetry or pattern. Fenestration in the rear elevation would appear more balanced, and consists of rectangular and square windows and sliding double doors serving flats 2, 3 and 4. The west elevation facing 21 South Avenue contains a number of high level windows serving studies and bathrooms spread over all three floors. Finally the east elevation facing Cults Court contains a mix of rectangular and square windows of varying dimensions, including a long rectangular high level window serving a dining area. A significant feature of the development is that it is set far below the level of South Avenue by c.2.6m, and c.2m below the floor level of the single dwelling previously approved on the site under PP141049.

The design of the building incorporates various features aimed at maximising the available amount of floorspace, including high level windows, flat roof and lowered ground levels. These features and the overall design of the building do not take due consideration of the site context in which the building would sit and do not present a particularly coherent architectural style. The volume of accommodation proposed in what is a constrained site results in a very large and bulky building with contrived design features such as the high level windows in the side elevations aimed at preventing any excessive overlooking or loss of privacy to neighbouring properties.

In this case, the volume of the building would result in a site that can be seen to be split in three distinct parts, a garden to the front, a large building in the centre and a predominantly formal hard landscaped area to the rear with a further garden area. The overall appearance therefore lacks the landscape setting that is dominating in this part of Cults and further to the west. The proposed garden area to the front would be significantly overshadowed and due to its proximity to the main North Deeside Road would not result in a pleasant usable external amenity space. There would be no clear separation between the garden to the rear and the parking area reducing the quality of this space. However, it is acknowledged that there is significant balcony space for the upper two flats.

Overall, it is considered that the overall design of the building is not of a sufficiently high standard and does not respond well to the context, as required under policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

Impact on residential amenity

Existing properties

The nearest neighbouring dwelling would be 21 South Avenue, immediately to the west of the application site. This is a modest one and a half storey dwelling similar to that previously occupying the application site. The gap between the west elevation of the proposed building and this existing property would range between c.0.75m and c.3.4m due to the projection in the centre of the elevation. The north elevation would project c.7.2m closer to the road than the north elevation of number 21 and the south elevation would extend c.5.3m further south. The overall height of the building would be c.1.7m higher than the ridge height of number 21. The combination of the flat roof at a greater height, the wider elevation and the projection to both the front and the rear of the dwelling would result in a building that would have a dominating and overbearing impact on this significantly smaller building set at a relatively short distance. As such, this would have a detrimental impact on their residential amenity.

In addition, due to the front and rear projection, scale and massing of the proposed building, it is considered that this would result in the loss of light and some degree of overshadowing of parts of the garden of 21 South Avenue, a side facing window, front dormer and small window, again to the detriment of the residential amenity of this existing residential property.

The proposal includes two long rectangular high level windows serving a study and three small, square high level windows serving bathrooms facing out towards the private garden of number 21. These windows are clearly designed to increase the amount of accommodation available in the flats as the rectangular windows are the only windows serving these study areas. As such, even though they are high level, they could have a perceived impact on the privacy and levels of overlooking of 21 South Avenue.

The east elevation contains windows serving study and living areas on the first and second floor. These windows would look out towards Cults Court, which is set at a distance of c.17m from the proposed building. SG sets out that a minimum distance of 18m should be retained between facing windows to ensure adequate levels of privacy. In this case, due to the orientation of Cults Court, the main living accommodation of some of the flats in this apartment block would look out towards the site. However, this is across a public road and the existing flats are set at a higher level, both of which factors limit the significance of the impact on privacy.

Furthermore, due to their size and design, both the south and north facing balconies would afford clear views into the private garden area of 21 South Avenue, and towards habitable rooms in flats in Cults Court. As such, taking together the location of proposed balconies, the number of side facing windows and orientation of living accommodation of flats in Cults Court, the proposal would result in overlooking and loss of privacy to the detriment of the residential amenity of residents at Cults Court. Furthermore, the balconies would result in overlooking of the private front and rear garden of 21 South Avenue to the detriment of their residential amenity.

The distance between the rear elevation of the proposed building and properties 17 and 17A South Avenue to the rear exceeds 40 metres. As such, this distance is easily more than twice the recommended 18m, and the proposal would not result in an unacceptable loss of privacy to the occupiers of these dwellings.

As such, based on the above, the proposal would be contrary to the requirements of planning policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan as it would have an unacceptable overbearing impact on the modest dwelling at 21 South Avenue and would result in overshadowing of the private garden ground and several windows of this dwelling resulting in an unacceptable detrimental impact on their residential amenity. In addition, due to the number of side facing windows in combination with the balconies, it would result in an increase of overlooking of properties at Cults Court and 21 South Avenue. Taking all these factors together, there would be an unacceptable impact on the residential amenity of the occupiers of the adjacent existing buildings.

Residents

The proposed flats would be very large, ranging between c.140m² and 170m² and would provide more than sufficient floorspace for a 2/3 bedroom flat. Flat 1 would be north facing and located on the ground and first floor. Due to the proposed excavations, all ground floor windows serving this unit would be set below the level of South Avenue, with only the top section of the first floor windows above the top of the boundary wall. This would result in a dwelling with a very restricted outlook, and a dark living environment with no or very limited direct sunlight. As such, this unit would provide a very low quality living environment, which would be unacceptable.

Similarly, flat 2 would be located on the ground floor and would also be below the level of South Avenue. This flat would be facing out towards the rear, and the main living area would look out over the rear garden and parking area. However, the east facing rooms, including a bedroom would have a very restricted outlook towards a high boundary wall and receive very little natural light. West facing rooms include a further bedroom and a study. The only source of light for the study would be a high level window. The bedroom would be located in the projection, and the window would be south facing. However, due to the depth of the overall west elevation, very little

sunlight would reach this window. As such, a number of habitable rooms would be excessively dark, and would not provide an acceptable quality of living accommodation.

External amenity space would be provided through a north facing garden for flat 1, a south facing garden for flat 2 and balconies for flats 3 and 4. Provision for flats 2, 3 and 4 would generally be acceptable. However, due to the height of the retaining/boundary wall surrounding the site and the height of the proposed building, the north facing garden area serving flat 1 would be in shadow for the vast majority of the day. Furthermore, it would be adjacent to North Deeside Road, which is a busy main road from Aberdeen to the west, resulting in noise. SG sets out that external amenity space should be of sufficient quality, not located immediately adjacent to a road, and should not be excessively shaded. Taking account of the above, the proposed garden ground serving this unit would not be acceptable.

Due to the location of the site adjacent to North Deeside Road, Environmental Health Unit has requested a condition requiring the applicant to submit a Noise Impact Assessment to ensure the proposed flats would be suitably insulated against traffic noise. This could be dealt with through a condition and absence of this Noise Impact Assessment would not warrant a reason for refusal in itself.

For the reasons set out above, the proposed development would not provide acceptable living accommodation with especially flat 1 severely compromised. As such, the proposal would be contrary to policies D1 and H1 of the ADLP and SG on Subdivision and Redevelopment of Residential Curtilages.

Impact on local highway conditions, especially in relation to parking and access

Supplementary Guidance on Transport and Accessibility sets out that 1.5 parking spaces per flat would be required in Cults. The site plan shows six spaces, so this requirement is met. However, one space is located in the extreme south west corner of the site. A right of access runs across this part of the site from South Avenue to 19 South Avenue. Even though the site plan shows that this right of access can be retained under the current proposal, it is extremely tight and any poorly parked car could block the right of access. It should therefore be ensured that clear demarcation is visible between the right of access and the parking spaces.

Four cycle spaces and a motorcycle space would be provided to the rear. These are not shown as covered and secure. However, sufficient space would be available, and details of cycle storage could be conditioned. This in itself would therefore not warrant a separate reason for refusal.

South Avenue is currently not adopted, and due to its width would not be eligible for adoption in the future. However, the applicant has been advised that it is recommended the road be upgraded to adoptable standards to improve its quality.

Visibility from South Avenue onto North Deeside Road is substandard due to the height of the boundary wall along the site. However, as this is an existing situation and due to the number of expected traffic movements caused by the development, this is considered acceptable in this instance.

Waste Management

A bin store would be provided to the rear of the site. Further details of this bin store should be submitted. However, again, there is sufficient space on-site in the general location of the indicative bin store shown on the site plan.

Drainage and Low and Zero Carbon Buildings

Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) of the Aberdeen Local Development Plan sets out that all new buildings must install low and zero carbon generating

technology to reduce the predicted carbon dioxide emissions by at least 20% below that required by the Scottish building regulations at the time of the application. No details have been provided. However, it is considered that this can be dealt with by condition.

Previous permission

The previous permission 141049 is a material consideration. However, this permission was for a completely different type of development. That permission was for a single replacement dwelling whereas this current application is for a block of four very large flats. In addition, the external appearance of this approved dwelling was more akin to what is found in this general area. Its scale and massing were proposed to be much smaller than that of the building that is the subject of this application, partly due to the use of a pitched roof and the ground level was proposed at a level that was closer to the natural contours of the land and appeared less incongruous. It is therefore considered that this previous permission would not provide sufficient justification or can serve as a precedent for this current application.

Other Matters arising from Community Council and Letters of Objection

Cults, Bielside and Milltimber Community Council

1. Size, scale and design of the proposed building is out of character and context for this area of Cults. Footprint of the building is much larger than that of the refused application 161721/DPP – *This has been discussed above*
2. Due to its design, the building will be incompatible with buildings in the area – *This has been discussed above;*
3. Overbearing impact on 21 South Avenue and leading to a loss of light and privacy, resulting in a detrimental impact on residential amenity – *This has been discussed above;*
4. Access would be through narrow lanes and poor quality unadopted roads. This is the primary route for existing residents and should remain open at any time – *This has been discussed above*

Matters raised in Letters of Objection not addressed above:

Design

10. Due to the large floorspace of each flat, assessment should be based on floorspace rather than number of bedrooms; Due to their size, the density of the proposal is akin to four large dwellings on a small site – *This has been addressed as density has been considered in both plot ratio and dwellings per hectare and massing is taken into account in terms of design*

Parking

12. Insufficient parking for number of bedrooms provided – *The proposal meets the maximum parking standards as set out in the Transport and Accessibility SG;*
13. Timber fence to the rear of the bins will block visibility for traffic leaving the kennels – *Access to surrounding properties has been considered by Roads Development Management, and they raised no objections to the scheme;*
14. Access Proposal would have an adverse impact on pedestrian safety as no safe pedestrian route to North Deeside Road is shown;
15. Service and refuse vehicles cannot access site;
18. Construction traffic would result in even further deterioration of this part of South Avenue – *This part of South Avenue is not adopted and therefore not maintained by Aberdeen City Council. Repairs are a matter for residents.*

Other

20. Applicant has demolished southern boundary wall – *The site is not located in a conservation area, and the wall is therefore not statutory protected. Its demolition did therefore not require consent;*

21. Concerns with regards to noise and disruption over construction period – *This would be dealt with under Environmental Health Legislation;*
22. Soil has been deposited on the site with no safety fence in place – *it is understood that the applicant has used this site to temporarily store soil from his other site at 431 North Deeside Road, Cults and that this will be removed in due course;*
23. Reduction in property values – *This is not a material planning consideration;*
24. Site area is larger than in previous applications. This casts doubt on levels of accuracy in application with regards to ownership and access rights – *Clarifications have been sought with the applicant with regards to ownership of the site*
25. There is no row of mature trees along the full site boundary of Cults Court even though these are shown in drawings – *Noted. No response required;*
26. To allow construction, scaffolding would need to be erected on land owned by 21 South Avenue – *This would be a civil matter between the applicant and the owner of 21 South Avenue;*
27. Proposal would set a precedent for similar developments along North Deeside Road – *Each application would be assessed on its own merits against site specific characteristics and relevant policies current at the time. As such, it is not considered that the proposal would act as a precedent for other high density development.*

Recommended Conditions

The application is recommended for refusal, however, if Committee are minded to grant, then conditions requesting the submission of further details on materials, landscaping, drainage, bin and bike storage, low and zero carbon building methods, a noise impact assessment and method of construction for excavation works/works on retaining walls along the North Deeside Road/South Avenue boundary would be recommended.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. Due to its bulk, scale, massing, footprint, width and height the proposal is considered out of context in the surrounding area, would not complement the existing street scene and would represent an overdevelopment of the site. The site is located in a low density character area that gradually extends westwards along North Deeside Road. The proposal relates poorly to the site context, including to the modest nature of the immediate neighbouring dwelling at 21 South Avenue. The proposal is therefore contrary to policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.
2. The overall design of the proposed building, due to its massing, width, height and features such as the large flat roof, lowered ground levels, high level windows and lack of landscaped setting is not considered to be of sufficiently high quality as required under policy D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan.
3. The proposed building, due to its location on the site, length, height, scale and massing is considered to have an overbearing impact on the modest dwelling at 21 South Avenue, and would result in loss of sunlight to their private garden, side facing window and front dormer window. In addition, the use of balconies on both the front and rear elevation would result in overlooking and a loss of privacy to the private garden areas serving this existing dwelling. The proposal is therefore considered to have a significant detrimental impact on the residential amenity of this neighbouring property and would be contrary to policies D1 (Quality Placemaking by Design) and

H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

4. The distance between facing windows serving habitable rooms in the proposed building and Cults Court would be less than 18m. This, in combination with the use of north and south facing balconies, would result in an unacceptable perceived loss of privacy and overlooking to flats in Cults Court facing out towards the proposed building and poor relationship between existing and proposed dwellings to the detriment resulting in loss of residential amenity for occupiers of both. This is therefore considered contrary to policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

5. Flat 1, as proposed, would not provide an acceptable standard of living accommodation and residential amenity as it would be north facing and located below street level. As such, it would receive very limited natural daylight resulting in a dark living environment with a very restricted outlook. In addition, the proposed external amenity space serving this unit would be located to the north of the building, would be severely overshadowed due to the location of high boundary walls and the height of the proposed building, and would suffer from noise pollution caused by traffic using the North Deeside Road immediately to the north. The proposal therefore conflicts with policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.