



## **RECOMMENDATION**

---

Approve Conditionally, subject to securing payment of Car Club contributions

## **APPLICATION BACKGROUND**

---

### **Site Description**

The curtilage of a 2½ storey semi-detached 12 bedroom vacant guesthouse (Class 7) on the western side of Whinhill Road, within the Ferryhill Conservation Area. It site comprises a small defined garden area at street level to the front and a long basement level rear garden area containing a flat roof single storey extension and grassed area. The rear garden area adjoining the rear garden areas associated with 18 Whinhill Road to the south and 14 Whinhill Road to the north. A modern detached dwellinghouse called Oaklands is situated to the north-west. Fonthill Terrace – a set of Category B-listed buildings – is positioned to the south.

The front elevation of the application property comprises a white uPVC front door with associated fanlights with single casement window above and two storey bay window with turret roof, which is also accompanied by two rooflights set either side within the front roof slope finished in natural slate tiles. The rear elevation comprises a rooflight and panted dormer made from a timber frame in the roof space, whilst below it are two first floor windows and two windows at ground floor level, one which has a bay-style formation.

### **Relevant Planning History**

Application Number	Proposal	Decision Date
171254/DPP	Change of Use from Class 7 (hotels and hostels to dwellinghouse (Class 9)	Approved under delegated powers – Oct. 2017

## **APPLICATION DESCRIPTION**

---

### **Description of Proposal**

Conversion of a guesthouse (Class 7) to form 4 flats (Sui Generis), including: formation of additional dormer window on rear elevation, installation of additional rooflight on front roof slope, formation of new window on side elevation, and subdivision of front door to form 2 entrance doors (with associated fan lights).

In terms of building arrangement, the basement level flat would be served by its own front door accessed down the north-eastern side elevation of the building where as the ground floor flat, and first and second flats, would be served by two separate entrances on the front elevation upon subdivision of the existing front doorway. The left-hand door would serve the first and second (roof space) flats and the right-hand door would serve the ground floor flat. The front garden space would be used to accommodate waste bins for all flats, and the rear garden area would be dedicated to the basement level flat.

Cycle storage would be accessed via a door of the north-western side elevation made accessible to residents of all flats.

### **Supporting Documents**

All drawings can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=P0WMLFBZ01U00> .

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because 6 or more objections have been received against the proposals.

## **CONSULTATIONS**

---

**ACC - Waste Strategy Team** – Proposed location of waste bins, although not ideal, is the most practical location for storage given limited space within and the topography of the site. The proximity of the waste storage area would not present any refuse collection issues.

**ACC - Roads Development Management Team** – No objection. The shortfall of parking would be less under this proposal than there is for the existing use. The proposed 4 flats would be entitled to 8 collective parking permits, resulting in as many as 6 additional cars being parking on the street in an already congested area. This could be mitigated against through a contribution to the local Car Club Scheme given it is a 'no car' proposal. Further, the proposed lockable cycle parking within the site should help to mitigate the shortfall is dedicated car parking and the site is well served by existing bus routes within a 400m radius on Polmuir Road and Great Southern Road. The proposed bin store location should not give rise to any road safety issues.

## **REPRESENTATIONS**

---

Ten (10) letters of representation have been received in respect of the application, all of which have objected to the proposals. The letters have raised the following material planning issues:

- Proposed number of units would significantly impact on number of on-street parking spaces available for the neighbourhood;
- Proposed dormer extension to top floor would have an imposing impact on category B listed buildings on Fonthill Terrace;
- Proposed balcony would provide overlooking platform into neighbours private garden ground;
- Already parking congestion problems in parking permit area;
- Design of the proposed additional dormer window not in-keeping with the architectural style of those in the conservation area;
- Proposed location of bin store to front of building would adversely affect the aesthetics of the conservation area.

Issues raised in letters but not considered to be material planning considerations are as follows:

- Existing rear extension to property is an eyesore and should be removed;
- Parking directly outside of one's house is not possible on Fonthill Terrace;
- Construction phase of developing proposed dormer window would adversely impact on privacy and enjoyment of the adjoining property.

## **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 H1: Residential Areas
- Policy D1: Quality Placemaking by Design
- Policy D4: Historic Environment
- Policy R6: Waste Management Requirements for New Development
- Policy T2: Managing the Transport Impact of Development

### **Supplementary Guidance (SG)**

- Householder Development Guide
- Resources for new development
- The repair and replacement of windows and doors
- Transport and Accessibility

### **Other Material Considerations**

- Historic Environment Scotland (HES) – “Managing Change in the Historic Environment: Guidance Notes”.

### **Equalities Impact Assessment**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics. In coming to this assessment the Planning Authority has had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010, to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **EVALUATION**

---

### **Principle of Development (compliance with Policy H1)**

The application site is set within a designated residential area as defined on the ALDP 2017 Proposals Map. Developments within such areas are subject to Policy H1. The policy does not set any specific requirements for changes of use in such areas, but given the proposed use would be residential in nature it is considered acceptable in principle. In order for the proposal to be deemed compliant with the policy it must achieve the following:

- 1) not constitute 'over development';
- 2) not have an unacceptable impact on the character and amenity of the surrounding area;
- 3) not result in the loss of valuable and valued areas of open space (as defined on the Aberdeen Open Space Audit 2010); and,
- 4) complies with relevant supplementary guidance.

The above requirements are considered to be addressed as follows:

- 1) The proposed 4 flats would be accommodated within the physical parameters of the existing building, with the exception of the proposed additional dormer of the rear roof slope to provide additional floorspace within the roof area to accommodate a self-contained 1 bedroom flat. The design merits of the dormer extension are addressed separately below, but its inclusion in principle is not considered to result in 'over development' of the site in a physical sense;
- 2) The proposed change of use would not alter the dominant residential character of the surrounding area. Furthermore, the proposed physical changes to the building would not alter the character of the building or surrounding area given timber doors, timber windows, dormer windows and rooflights are already in existence and therefore in principle would not have an unacceptable impact on the visual amenity of the surrounding area. The specific design merits of which are assessed in full in the section to follow. In terms of amenity impacts on existing neighbouring residents, these are considered to be minimal. The proposed additional dormer would not alter existing overlooking relationships with adjoining properties and it would be orientated down the existing rear feu associated with the application property and therefore not pose any undue overlooking concerns. Likewise, the proposed additional rooflight on the front roof slope would not cause any new private amenity issues given the existing relationship with the building on the opposite side of Whinhill Road and the separation that exists. The proposed change of use is not likely to give rise to any other amenity impacts on neighbouring properties, especially when taking into consideration the cumulative number of bedrooms within the shell of the building would be reduced from 12 down to 8, although it is accepted that residents would be in more permanent occupation under flat use as opposed to existing guest house use. But in short, there is likely to be a less intensified use of the building with possibly less people coming and going from the building

which can only reduce noise disturbance to neighbouring residents to their general amenity benefit;

- 3) The proposed development would not fall within any existing defined public open spaces and therefore would not give rise to any such loss of open space;
- 4) The proposal is subject to the 4 supplementary guidance documents listed above in the 'material considerations' section of the above. Adherence to the relevant parts of each SG will be discussed in the paragraphs below.

In light of the discussion above, providing the proposals comply with the relevant requirements of the relevant supplementary guidance documents then the proposal should be considered compliant with Policy H1.

### **General amenity afforded to flat residents (compliance with Policy D1)**

The ground, first and second floor flats would be dual aspect and therefore mean that all habitable rooms within each self-contained flat would be served by a window. This will allow residents an outlook and to obtain natural light, both of which are basic requirements to achieve general residential amenity. The basement level flat would not be dual aspect, all habitable rooms would be served by a window and the garden area would be dedicated purely to the basement flat to enhance the general sense of place and permeation of natural light into the self-contained unit. None of the existing or proposed windows serving habitable rooms within each of the flats would be affected by any direct overlooking from within 18m and therefore would have no privacy issues. Taking the above considerations into account, each flat would obtain an adequate level of residential amenity expected for a flat and therefore would adhere to the relevant requirement of Policy D1.

### **Physical changes to building (compliance with Policy D1 and D4)**

The application is located within a conservation area, and therefore the physical changes to the building are subject to Policy D4, and Policy D1, the requirements of which are implicit to Policy D4 given the context of the site. Policy D4 states the Council will seek to protect, preserve and enhance the historic environment in line with relevant local and national policy and guidance. Further, the policy states that high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of conservation areas will be supported.

#### Dormer Window

The Council's Householder Development Guide SG provides specific guidance on the addition of dormer window to the rear of traditional properties, which the application property is considered to be. The relevant guidance is as follows:

- the aggregate number of dormers should not dominate the roofspace;
- the front face of dormer will normally be fully glazed;
- Dormers should not rise directly off the wall head, equally dormers positioned too high on the roof give the roof an unbalanced appearance; and,

- The ridge of any dormer should be at least 300mm below the ridge of the roof of the original building.

The design of the proposed additional dormer window would seek to replicate the shape, proportion and construction materials of the existing dormer window on the rear, and therefore is considered acceptable in principle design terms. This entails the front part of the front face of the dormer being fully glazed and dormer being set-off the wall-head and more than 300mm below the ridge of the main roof. Whilst the addition of the dormer would change the pattern of dormer windows along the rear elevation of the application and adjoining neighbouring property, any balance between these properties has already been compromised by different bay windows at first floor level below. Certainly, the proposed addition would create greater symmetry and balance to the rear elevation of the application property in isolation. Taking into consideration the aforementioned points, it is considered the dormer proposal would comply with the relevant expectations of Section 3.1.7 of the Householder Development Guide SG. This position should alleviate concerns by objectors who were of the belief that the proposed additional dormer on the rear would not be built in an appropriate architectural style that is in-keeping with the surrounding area.

In terms of conservation area impact, the addition of the dormer would have a very limited visual impact from the main nearest public vista – Whinhill Road - and therefore would have no visual prominence in the Ferryhill Conservation Area other than from a car park pertaining to a flat development to the north-west off Fonthill Terrace which is little used by the wider public. To this end it is not considered the proposed dormer would have an undue adverse impact on the character and amenity of the Ferryhill Conservation Area and therefore would be compliant with Policy D4 in the ALDP and relevant HES guidance.

#### New Side Window

The proposed creation of a new window within the existing basement level extension would provide a source of light to the proposed toilet within the basement level flat. Given the window would be orientated towards the adjacent neighbours rear garden, it is not considered to pose any undue private amenity impacts given this relationship already exists given the presence of a larger window in the existing extension and by virtue of the fact the window would not serve a 'habitable' room – as defined in the Council's Householder Development Guide. As such, it is considered acceptable within the context of Policy D1. The proposed window is not considered to have any implications of the character and amenity of the Ferryhill Conservation Area given it would not be readily visible from any public vistas and therefore would not be at odds with Policy D4.

#### Changes to front door

The proposal entails the subdivision of the existing front door aperture to create two separate accesses – the left-hand door for access to the first and second (roof space) flats, and the right-hand door would serve the ground floor flat. This solution has already been employed at 12 Whinhill Road to good effect, which is also similar-looking property

in terms of its original form, character and appearance. It is acknowledged the proposed works would likely deviate away from the building's original front door arrangement, but providing the work is carried out to a similar high standard to that at number 12 the visual impact is likely to give rise to an enhancement in the appearance of the conservation area. The Council's SG titled The Repair & Replacement of Doors & Windows expresses a preference in reinstating original doorway proportions but given the doorway proposals are fundamental to making the proposed development work in this case, it is considered necessary to relax this preference. Removal of the existing uPVC doors and frames, to be replaced by timber panelled doors and associated timber framed fan lights - would be more sympathetic to the original fabric of the building, which is one of the key objectives of the SG. In order to maintain control over the quality of the replacement door structure (including associated fan light), it is recommended a condition be attached seeking precise details and specification of the doors to be used. Overall, it is considered the proposed front door changes would have a positive impact on visual amenity of the conservation area and surrounding area, thus rendering it compliant with the relevant provisions of Policy D1 and D4, although not completely in accordance with all the relevance guidance detailed in the associated SG.

#### New rooflight

The Council's Householder Development Guide SG states that new rooflights should be vertically orientated and evenly spaced in terms of their arrangement, whilst also rooflights within buildings in conservation areas should encompass a 'conservation-style' design. The proposed additional rooflight would be coherent with the existing size of rooflights and separation distance from the eaves and ridge height of the roof, thus following the expectations set out in the SG. In addition, in this case the position of the rooflight would not detract from the existing turret feature above the first floor window. The submitted drawings provide no assurances that the rooflight would have conservation-style design, but this could be controlled through condition if members are minded to support the proposals. This would ensure adverse impact on visual amenity or character of the conservation area, therefore rendering the proposals in-keeping with policies D1 and D4 as well as the Householder Development Guide SG.

#### **Site Servicing (compliance with Policy T2 and R6)**

The main servicing requirements associated to this development include parking, access and waste storage/disposal. These requirements are assessed against policies T2 and R6 and their respective associated supplementary guidance documents. Policy T2 states, commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Policy R6 states that all new developments should have sufficient space for storage of general waste, as well as recyclables and compostable waste.

With regards to the requirements of Policy T2, it is noted that many local residents have raised concerns about the proposals worsening an already oversubscribed on-street parking arrangement through the issuance of additional parking permits within the local Controlled Parking Zone (CPZ). The Council's Roads Development Management team



has been consulted on the proposals and have not objected. They do, however, acknowledge the concerns of local residents but recognise there is no scope to provide dedicated car parking within the site and therefore residents would rely on use of permits to park within the CPZ. The number of permits would increase from 2 to 8 for the existing premises under the proposals, but the applicant has sought to minimise the dependency on the use of private vehicles through allocation of dedicated cycle storage within the building and the applicant has agreed to make a contribution (£1600) towards the Car Club scheme to provide prospective residents some access to a vehicle when they need it. In addition, the site is well served by existing bus routes within a 400m radius which should further reduce the dependency on private vehicles. These considerations should afford some degree of comfort to existing neighbouring residents that the existing parking situation would not be significantly worsened by this development and as such, the proposals is considered compliant with the relevant requirements of the policy.

With regards to the requirements of Policy R6, the Council's Waste Strategy has been consulted on the storage proposals within the existing front garden area and they are content with this arrangement as it will enable both easy access for residents to store waste in a communal area and the waste would be sited within 10m of the pick-up point for refuse vehicles on Whinhill Road. To this end, the proposal is considered compliant with the policy and its associated supplementary guidance document. It is noted that the storage of waste within the front garden area would not be the ideal solution in terms of minimising the impact on the visual amenity of the conservation area, a concern raised by an objector. However, this arrangement is already in place along the same side of the street and there is little scope to accommodate to bin elsewhere in the site given the topographical constraints of it. Notwithstanding this, it is not considered the storage of bins to the front of the property would have a significant adverse effect on the character and amenity of the Ferryhill Conservation Area.

### **Remaining matters yet to be addressed, raised in representations**

- 1) *Proposed dormer extension to top floor would have an imposing impact on category B listed buildings on Fonthill Terrace* – There is already an existing dormer on the adjacent property (18 Whinhill Road) which lies in closer proximity to the properties on Fonthill Terrace. Furthermore, the proposed additional dormer would not be orientated towards properties on Fonthill Terrace and it would be sited approximately 30m away from the rear of properties on Fonthill Terrace and 10m away from their associated garden boundaries. Taking these factors into account, it is not considered the proposed dormer window would have an imposing impact on the listed properties on Fonthill Terrace.
- 2) *Proposed balcony would provide overlooking platform into neighbours private garden ground* – The original proposals have been altered to omit the balcony element to the rear dormers and therefore this point is no longer considered relevant.

## **Conclusion**

In conclusion, the proposed change of use of the application property is considered acceptable given the use would be harmonious to the established residential nature of neighbouring sites. Furthermore, the proposed physical alterations to the building would not adversely affect the character and amenity of the Ferryhill Conservation Area, or result in new relationships between the application property and neighbouring residential properties which would present undue impacts on the residential amenity afforded to existing neighbours. Finally, the site can be adequately serviced in respect of waste storage, access and parking - providing the applicant makes payment of monetary contributions towards the existing Car Club. Taking the aforementioned points into account, the proposal is considered to accord with the relevant requirements of all relevant policies in the ALDP 2017. In the absence of any other overriding material considerations, the application is recommended for approval.

## **RECOMMENDATION**

---

**Approve Conditionally, subject to securing payment of Car Club contributions**

## **REASON FOR RECOMMENDATION**

---

The proposed residential use of the building is considered sympathetic to the established residential use of the surrounding area. All proposed flat units could achieve an adequate standard of residential amenity without unduly compromising the amenity of existing neighbouring residential properties. The proposed physical changes to the building would not have an undue adverse impact on the Ferryhill Conservation Area. A shortfall in dedicated car parking can be offset through the provision of dedicated cycle storage and access to the local Car Club. Waste storage would be sited in easy reach of refuse vehicles and is in line with waste storage solutions currently present on the same side of Whinhill Road. Taking the aforementioned merits into account, the proposal is considered compliant with the following policies in the Aberdeen Local Development Plan 2017: Policy H1: Residential Areas; Policy D1: Quality Placemaking by Design; Policy D4: Historic Environment; Policy R6: Waste Management Requirements for New Development; and, Policy T2: Managing the Transport Impact of Development. In the absence of any other overriding material considerations, the proposal is deemed acceptable.

## **CONDITIONS**

---

- 1) No development shall occur until the applicant/developer has submitted precise details and specifications for the proposed rooflight and replacement front doors (and associated fan light and frames) for approval in writing by the Planning Authority. Once approved, the proposals shall be implemented in line with the agreed scheme.

Reason: In the interests of the Ferryhill Conservation Area's character and amenity.

## **ADVISORY NOTES FOR APPLICANT**

---

- 1) It is recommended the applicant/developer contacts the Council's Transport Strategy Team & Programmes Team regarding the co-ordination of residents' access to use of existing cars within the Car Club. They are contactable on 01224 522756.
  
- 2) Residents of each flat can apply to the Council for parking permits to make use of on-street parking on Whinhill Road and surrounding streets. A cost will be incurred in order to obtain the permits.