

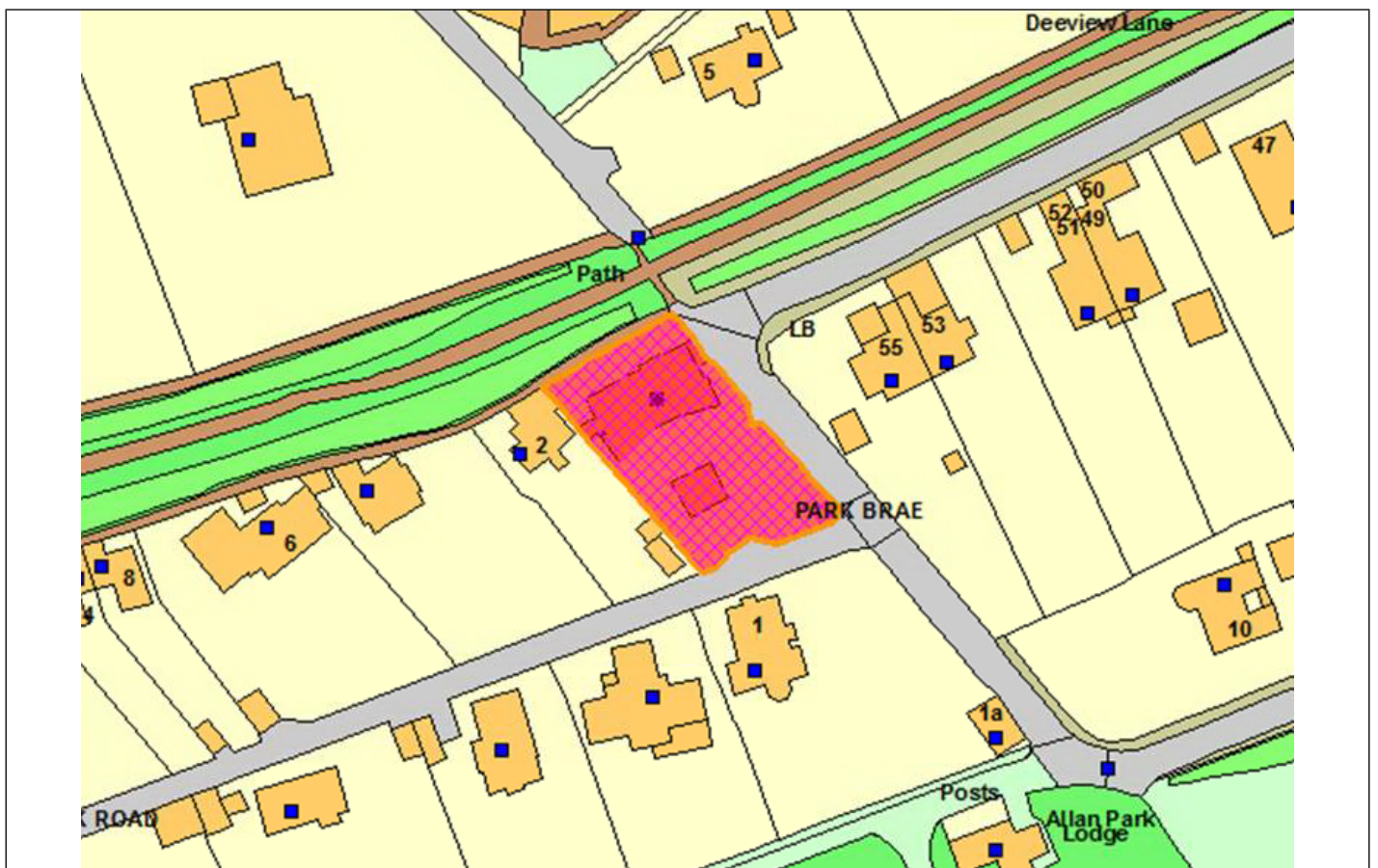


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 1 November 2018**

<b>Site Address:</b>	2 Park Brae, Cults, Aberdeen, AB15 9LS
<b>Application Description:</b>	Erection of timber screen fencing to front, side and rear (behind granite wall) and addition of security features within site
<b>Application Ref:</b>	181248/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	17 July 2018
<b>Applicant:</b>	Mr Robin Porter
<b>Ward:</b>	Lower Deeside
<b>Community Council</b>	Cults, Bieldside And Milltimber
<b>Case Officer:</b>	Roy Brown



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## RECOMMENDATION

Approve Conditionally

## **APPLICATION BACKGROUND**

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### **Site Description**

The site comprises a modern detached dwelling and its front and rear curtilage in a residential area in Cults. The dwelling has a southeast facing principal elevation and is located in the northwest of the site. The site slopes significantly from northwest to southeast and is bounded by Park Road to the southeast, Park Brae to the northeast, a public footpath and the Deeside Way to the northwest, and 2 Park Road to the southwest. Each boundary of the site has a granite boundary wall and the southeast boundary has gate piers and a gate. Metal security fixtures have recently been installed on the northwest and southwest boundary walls.

### **Relevant Planning History**

An enforcement case was opened on the 28<sup>th</sup> May 2018 concerning the unauthorised installation of metal security fixtures which increase in the height of the northwest and southwest boundary walls.

Planning permission was granted in November 2013 (Ref: P130937) to form a raised driveway in the north of the site, which accesses and is level with Park Brae, and has since been completed.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Detailed Planning Permission is sought for the erection of timber fencing on metal brackets fixed to the inside of and which would rise to 600mm above the southeast, northeast and northwest granite boundary walls; the addition of a metal security fixture on the southwest wall of the existing raised driveway; and granite gate piers and a timber-clad gate on the southeast boundary.

The application has been amended since submission so that the existing metal security fixtures on top of the northwest and southwest boundary walls are no longer included in the application.

The revised plans indicate a metal security fixture fixed to the inside and below the top of the southwest boundary wall. This would be within the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, and would not require planning permission. It is therefore not included in this application.

The grant of planning permission and completion of the development would rectify the unauthorised metal security fixture on the northwest boundary.

### **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=PC011WBZ00D00>.

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

The application has been referred to the Planning Development Management Committee because the application is being recommended for approval and has been the subject of six or more timeous written representation (following notification) that express objection or concern about the proposal. In this instance, 9 objections have been received.

## **CONSULTATIONS**

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**Police Scotland** – No objection - This site is less than a mile from the Cults Police office. The general Cults policing area has a low level of crime. From a very general policing perspective the proposal will cause no concern to Police Scotland. From a crime prevention perspective in relation to domestic properties they would not recommend anti-scaling measures which involve spiked rotating balls as this is normally recommended for high risk commercial properties. The use of razor wire or barbed wire as a form of protection on a domestic property is not recommended. Domestic properties are recommended to have a secure boundary of approximately 1.8 metres all the way round by way of a fence and/or wall. This can be further protected by means of defensive planting. The correct use of security lighting, CCTV and an alarm system are also encouraged where appropriate.

**Aberdeen City Council Environmental Health** – No response

**Aberdeen City Council Roads Development Management** – No objection – As the visibility splay in front of the property is to remain unchanged, as is the level of parking, there are no roads concerns with this application.

## **REPRESENTATIONS**

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Nine written objections have been received following the initial neighbour notification. Neighbour notification was carried out again after the submission of the revised plans (Drawings 18/11/02 A and 18/11/03 A). No further letters of representation were received. The matters raised can be summarised as follows:

- The metal security fixtures are not appropriate in a domestic setting, irrespective of personal circumstances. The 'vanguard' metal security fixture is out of character with the residential context, adjacent to the well-used historic Deeside Way, a low crime area and detracts from the street scene due to their inappropriate visual impact. Reference is made to the proposal not according the Supplementary Guidance: 'the Householder Development Guide'.
- Because of its negative visual impact it has an adverse impact on the amenity of neighbouring dwellings.
- The negative impact on the ambience which the public derives from the Deeside Way.
- The metal security fixtures are dangerous for people walking along the footpath to the rear and any workers in the adjacent properties.
- The negative impact on pedestrian visibility when walking from the rear footpath onto Park Brae.
- The proposal is unnecessary and disproportionate to any security threat in the area. No other residential property in Cults has such a measure. The existing CCTV and alarm system should be considered sufficient for this purpose.
- The proposal brings with it the associations of a high crime area.
- The impact on house prices.
- The CCTV and 'razor wire' breaches "Scottish Government registration Class 3D and 3E".

## **MATERIAL CONSIDERATIONS**

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## **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 (ALDP) 2017**

Policy H1 - Residential Areas

Policy D1 - Quality Placemaking by Design

## **Supplementary Guidance (SG)**

The Householder Development Guide

## **EVALUATION**

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### **Principle of Development**

The application site is located in a residential area, under Policy H1 – Residential Areas of the ALDP and the proposal relates to householder development. Householder developments will comply with this policy in principle provided it does not constitute overdevelopment, adversely affect the character and amenity of the surrounding area, and complies with the Supplementary Guidance. Given this proposal would not enlarge the dwelling and would have no impact on the intensity of the use on the site, it would not constitute overdevelopment. The other issues are assessed in the below evaluation.

### **Design and Scale**

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

The Householder Development Guide states that *'in all instances, the scale and form of boundary enclosures should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact.'*

In this instance, the proposed fencing would rise 600mm above the granite boundary walls to which it would be fixed. This would result in the boundary enclosures being between 1.9m and 2.2m in height at road level, which would be consistent with boundary enclosures in the area. The existing granite boundary walls would remain the dominant features of these boundary enclosures and the proposed design, scale and materials would be suitable in its residential setting adjacent to the Deeside Way which is characterised by high granite boundary enclosures. The scale and visual impact of the increased height of the boundary enclosure would be diminished by the significant slope of site, particularly from the north. Whilst the metal brackets and inside of the northeast boundary fence would be visible to the south of the site, they would have negligible impact on the visual amenity of the area. The proposed granite gate piers and timber finished gate would complement the materials, design and scale of the existing detached dwelling and would be similar in both design and scale to what presently exists.

Given the proposed metal security fixture on the raised patio would be screened from public areas by the boundary walls and fencing, the raised driveway and the dwelling and the materials used would reflect the existing metal balustrade on the raised driveway and on the raised areas throughout the curtilage, the metal security fixture would have negligible impact on the architectural integrity of the original dwelling and the character and amenity of the surrounding area.

The design and scale of the proposal would thus comply with the Supplementary Guidance: The Householder Development Guide, and Policies D1 and H1 of the ALDP.

### **Residential Amenity**

The Householder Development Guide states that *'proposals for boundary enclosures will not be permitted where they would result in an unacceptable impact upon the amenity of' neighbouring dwellings*. The proposed fencing, gate, gate piers and metal security fixture would have negligible adverse impact on residential amenity in terms of privacy, sunlight and background daylight and would not be overbearing to the neighbouring properties in accordance with Policies H1 and D1 of the ALDP, and the Supplementary Guidance.

### **The Matters Raised in the Letters of Representation**

The matters raised in the letters of representation have been addressed through the revised plans, in the above evaluation and through an appropriately worded condition requiring remedial works.

The application is assessed against the relevant policies of the Local Development Plan and the Supplementary Guidance rather than considering the need for such a development.

The impact on the visibility splay of pedestrians onto Park Brae would be negligible. Roads Development Management has stated that the visibility splays would remain unchanged and have not expressed any road safety concerns.

The potential impact to property prices and the potential safety risk posed by the development is not a material planning consideration for which the Planning Authority has powers of intervention. It is therefore not included in this assessment.

## **RECOMMENDATION**

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Approve Conditionally

## **REASON FOR RECOMMENDATION**

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The proposed fencing, metal security fixture, gate and gate piers would not adversely affect the architectural integrity of the original dwelling and would not adversely affect the character and amenity of the surrounding area in terms of their scale and design. The proposal would therefore comply with policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the Aberdeen Local Development Plan, and the associated Supplementary Guidance: 'The Householder Development Guide'. There are no material planning considerations that warrant refusal in this instance.

## **CONDITIONS**

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- 1) That no works relating to the approved northwest boundary fence shall take place unless the existing unauthorised metal security fixture on the northwest boundary has been removed in its entirety. Reason: To prevent the unauthorised metal security fixture being incorporated into this approved development and in the interests of visual and residential amenity.

## **ADVISORY NOTES FOR APPLICANT**

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Police Scotland has stated that the developer should liaise with the Police Scotland Architectural Liaison Officer service at each stage of the development, for the purpose of designing out crime

using the principles of Crime Prevention through Environmental Design (CEPTED). They can be contacted via:

Constable A9504 Jim Watson  
Architectural Liaison Officer