



## Strategic Place Planning

Report of Handling

<b>Site Address:</b>	Balgranach, 269 North Deeside Road, Milltimber, Aberdeen AB13 0HD
<b>Application Description:</b>	Feu split, erection of 2 storey dwelling house and erection of separate double garage
<b>Application Ref:</b>	180974/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	21 June 2018
<b>Applicant:</b>	Balgranach Properties Ltd
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Cults, Bieldside And Milltimber
<b>Case Officer:</b>	Jamie Leadbeater

### **RECOMMENDATION**

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Refuse

### **APPLICATION BACKGROUND**

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#### **Site Description**

The site comprises a shared driveway and area of extended garden ground within the curtilage of a large detached dwellinghouse named Balgranach on the southern side of North Deeside Road at Milltimber.

Access onto the shared driveway is taken directly off North Deeside Road, with the driveway dissecting large detached houses 269A to the east and 271 to the west. Further to the south, the site is bordered by two other large detached houses by 297 North Deeside Road and 8 Station Road East to the east and west respectively. Both of neighbouring houses to the east and west are set are accompanied by large, long gardens extending to the south of house which contain trees and mature hedging along the mutual boundary with the application site. The Deeside Way public pathway runs just beyond the southern boundary of the application site and adjoining garden areas.

In terms of designations, the application site falls within a designated 'residential area' on the ALDP Proposals Map to which Policy H1 in the ALDP 2017 attaches.

#### **Relevant Planning History**

None

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Subdivision of residential curtilage and erection of new two storey detached earth sheltered dwellinghouse with integrated garage at first floor level, erection of detached garage, extension of existing shared driveway and associated landscaping.

The proposed dwellinghouse would incorporate a highly contemporary design built into the existing garden slope and finished with a flat 'green' roof'. The principal elevation would be largely glazed at both floor levels with a large wraparound first floor outdoor terrace finished with glass balustrade facing southwards over the Deeside Way and beyond. The main exterior would be finished in a natural timber cladding with black Alu Clad windows and doors.

The proposed detached garage would be sited close to the rear of neighbouring house Balgranach, just off the path of the shared driveway. It would be a single storey building finished in a mixture of granite block and a roughcast render with a natural slate to roof. The southern elevation would contain 2 'up and over' garage doors and uPVC door, while the east elevation would contain a window.

### **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=PABG9UBZMFU00> .

- Design & Access Statement
- Supporting Planning Statement
- Site cross-sections
- Tree Survey Report
- Tree Management and Protection Plan

## **CONSULTATIONS**

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**ACC - Roads Development Management Team** – No objection, appropriate level of car parking to be provided which includes the proposed garage being of suitable dimensions.

**ACC - Flooding & Coastal Protection** – No objection. The proposed soakaway is considered suitable for purpose.

**Cults, Bieldside and Milltimber Community Council** – Do not object, but the following should be considered by officers in reaching a determination:

- Most feus in the area around 269 North Deeside Road have been subdivided, including the feu at 269. The proposal could set an adverse precedent for larger feus along North Deeside Road;
- Proposal could set an adverse precedent for housing to be situated in too close a proximity to the Deeside Way;
- Should the application be approved, the CC wish for a condition to be applied which prohibits use of the Deeside Way for construction traffic and materials storage.

## **REPRESENTATIONS**

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Two representations have been received, both of which have objected to the proposals.

Material matters raised: The location and scale of the proposed garage would adversely affect the established landscaped mutual boundary between 269 and 269A North Deeside Road;

Non-Material Matters raised: Outlook from 8 Station Road, Milltimber, would be spoiled and timing of 'advance notice to owners' of site not provided with required timescale.

## **PLANNING POLICY FRAMEWORK**

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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.

### **National Planning Policy and Guidance**

- Scottish Planning Policy (SPP)

### **Aberdeen Local Development Plan 2017**

- Policy CI1: Digital Infrastructure
- Policy D1: Quality Placemaking by Design
- Policy D2: Landscape
- 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
- Policy T2: Managing the Transport Impact of Development

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

- Householder Development Guide
- Resources for New Development
- The Sub-division and Redevelopment of Residential Curtilages

- Trees and Woodlands

## **EVALUATION**

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### **Main Issues**

The main issues at hand in evaluating the proposed development are; firstly, the principle of the proposed development; secondly, if acceptable in principle whether the detailed design harms the character and appearance of the area (which shall include consideration of the site's level of development); and thirdly, the impact upon trees. All issues have regard to the provisions of the ALDP and other material considerations.

### Principle of Development

Policy H1 in the ALDP supports the principle of residential development in such areas providing it satisfies all of the following criteria: 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.

### Impact on Character and Amenity of Surrounding Area

*Overdevelopment:* The site area is largely comprised of a shared driveway and small parcel of land extracted from the curtilage of existing neighbouring dwelling Balgranach. Allowing for the constraints of the site (e.g. trees, change of levels) the resulting net developable area (NDA) for the proposed dwelling is very limited. The footprint of the proposed development and associated terraced area breaches the NDA of the site. The location of the detached garage some distance from the residence indicates a disproportion of the proposed development and developable area, thereby the proposal in its current form constitutes overdevelopment both in terms of the developments relationship to the application site and surrounding area.

*Impact on pattern of development:* The surrounding area (i.e. those properties adjoining the site on each side and those to the west of the application site as far as Milltimber Brae but south of North Deeside Road) is predominantly characterised by large detached houses set within substantial grounds containing trees and hedging with a maximum of 2 houses within well-defined old feus. The proposed house would introduce a third house within the feu, once merely comprising of Balgranach but also now 269A North Deeside Road. Subsequently, the proposal is considered to contravene the pattern of development, a fundamental starting point for consideration of feu split proposals under the SG (Sub-division and redevelopment of residential curtilages).

To add this concern under the same SG, the proposed area of garden would be substandard within the context of the surrounding pattern of development and the proposed use of a longitudinal share driveway arrangement serving up to 3 houses does not form part of the prevailing character of the surrounding area. Both these elements of the proposed site arrangement would collectively have an unacceptable impact on the established pattern of development which is integral to the character of the area

*Impact on amenity of wider surrounding area:* It is fully recognised that the proposed design concept is aimed at minimising the visual prominence of the dwellinghouse through integration of the building into the site's slope and use of a flat 'green roof'. Whilst this would curtail any visual impact to the general public from North Deeside Road, the mass of the building and proposed use of extensive glazing on the southern elevation of the proposed dwellinghouse coupled with its close proximity to the Deeside Way, would give rise to an oppressive and overbearing impact on those using the Deeside Way and therefore would adversely affect amenity. Furthermore, it should be noted that extent of glazing would make increase the prominence of the building from further south of the Deeside Way thus raising wider landscape impact concerns.

*Impact on neighbours' amenity:* Overshadowing, loss of sunlight, loss of privacy and undue noise disturbance arising from site arrangements are the primary considerations in assessing the amenity impact on neighbouring dwellings in this case.

Drawing no. 2404/100A indicates the proposal would have a negligible overshadowing impact on immediate neighbouring properties and their respective garden spaces given the building would site at a much lower land level with a flat roof. This physical relationship between the buildings also allays concerns about any loss of sunlight permeation to neighbours.

Windows within the proposed dwellinghouse would be sited over 18m from those within immediate neighbouring dwellinghouses and therefore would cause privacy intrusion concerns. Whilst two windows at first floor level serving habitable rooms fall within c. 4m and 8m respectively of mutual boundaries with neighbours' garden space, drawing no. 2404/103A and NDR-1809-SS provide sufficient comfort that their relationship with existing boundary treatments would not give cause for overlooking concern. Equally, the proposed outdoor terrace would have no greater impact given it was set at the same floor level and distance apart from the mutual boundaries.

Finally, the proposed site arrangement raises to concerns over undue noise disturbance to the residents of Balgranach and to no. 8 Station Road East. Firstly, the close proximity of proposed detached garage to the rear of Balgranach facilitates peoples 'coming and going' noise disturbance. Secondly, the proposed extended shared driveway dissecting the private amenity space to Balgranach and the mutual boundary with no. 8 Station Road East would give rise to a new source of additional noise disturbance to both houses from cars and people commuting to and from the proposed new dwellinghouse. Both arrangements are considered unacceptable.

#### Impact on valuable and valued areas of open space

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, as defined on the Open Space Audit 2010.

#### Compliance with Supplementary Guidance

As indicated in the above paragraphs under the subheading “impact on character and amenity of the surrounding area”, the proposal fails to accord with key aspects of the most relevant SG on the sub-division and redevelopment of residential curtilages. Full compliance with relevant provisions of relevant supplementary guidance therefore cannot be accomplished.

In conclusion, it is considered the proposals fails to comply with all relevant requirements of Policy H1 in the ALDP. As such, the principle of development is not considered acceptable.

#### Impact on Trees

As stated above in the site description, both the application site and adjoining gardens areas to the north and east falling out with 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 SG *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 submission is supported by an Arboricultural Assessment and Tree Protection Plan that incorporates a Tree Survey. The Council’s Tree Officer has considered the findings of the submitted material and is of the view that that the proposed dwellinghouse would place an unfair burden on the owners of neighbouring 267 North Deeside Road to remove a tree 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 ZOI of one tree (trees 21 on drawing NDR-1809-SS) in the neighbouring garden area to the east at both its existing height of 8m but later in its development when it is expected to reach a height of 20m+.

It is noted that the submitted material does identify all relevant trees, their respective Root Protection Areas (RPAs) and the proposed location of tree protection fencing to help protect trees during the course of construction should the application be approved. Whilst this material provides some comfort that the proposed impact of the development can be largely mitigated, the overriding material concern is that upon applying the ZOI to identified Tree no. 21 the proposed development would place an undue pressure on its removal, given the tree falls out with the applicant's control. This pressure is likely to be even greater as time passes as the tree gains maturity. The loss of this tree would adversely harm the amenity and character of the area and consequently the proposed development is in conflict with policy NE5 of the ALDP and associated SG.

### **Other Issues**

House Design: Policy D1 in the ALDP states that all new development must ensure high standards of design which is a result of contextual appraisal. This position builds upon advice from SPP that also sees good design as being indivisible from good planning. Use of quality architecture and materials are implicit to the requirement for high standard of design.

It is clear from the submitted Design & Access Statement that the proposed house design has been designed to respond to the topography of the site, height of neighbouring boundaries and to make maximum use of the southern outlook through use of extensive glazing. Whilst the form of the building is unusual for the site's locality, it isn't considered to have an unacceptable impact on the character of the surrounding area or in itself (the building) have a directly adverse impact on the general residential amenity afforded to neighbouring residents.

The greatest design element concerns derive from the use of extensive timber cladding affixed to the exterior of the building and the large expanse of glazing on the southern elevation. Whilst the concerns posed by the external cladding could be overcome through use of condition (i.e. to seek an appropriate alternative) the extensive use of glazing could not. Whilst it is recognised the extensive area of glazing would potentially benefit prospective residents, it would have an overbearing impact on users of the Deeside Way and could give the building greater undue landscape negative (including reflectivity) from as far south as the South Deeside Road. More minor design features such as the proposed glass balustrade to the balcony and use of timber Alu-clad windows are considered to be acceptable in principle, as well as the use of an integrated garage and flat 'green' roof with integrated rooflights.

Amenity afforded to prospective residents: Whilst the proposed dwellinghouse would largely rely on a single aspect floor arrangement, all rooms would be generously proportioned and the large extent of glazing on the principal southern elevation would enable a significant amount of natural light to permeate into the habitable rooms during all times of the day whilst also providing a good outlook. The proposed

rooflights in the flat green roof would also enhance the opportunity for natural light to permeate into the proposed dwellinghouse. In addition, the position of windows would mitigate any privacy intrusions. Taking the aforementioned into account, it is considered prospective residents would achieve a reasonable level of general residential amenity.

Detached Garage: The proposed garage, whilst considered to be superfluous to the proposed dwellinghouse, is considered to be of a design and scale which respects the existing vernacular architecture on display within the surrounding area. Despite the proposed siting of the garage raising amenity concerns, it is not considered this part of the proposal would necessarily adversely impact on the established landscaped boundary with 269A as suggested within submitted public objection. Any concerns on this issue could be resolved through use of condition to protect the landscape mutual boundary if minded to support the proposal in its entirety.

In conclusion, whilst it is clear proposed design of the house and detached garage carry some merits, the scale of the built footprint places undue pressure on existing trees whilst contributing towards a contextual under provision of private amenity ground and the large extent of glazing on the southern elevation would adversely affect public visual amenity from the Deeside Way and possibly further south. To this end, the proposal is not considered compliant with Policy D1 in the ALDP and SPP.

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 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 in compliance with Policy T2 (Managing the Transport Impact of Development). 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 having considered all relevant supporting information such as the submitted Drainage Report, have posed no objection to the proposals. As such, the proposals are considered to be compliant with the above policies in the ALDP.

In addition to the above, Policy C11 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.

### **Equalities Impact**

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.

### **Concluding comments**

Overall, it is considered the several number of ALDP policy conflicts materially outweigh any merits of the proposal. Specifically, the adverse impact of the development on the character and amenity of the surrounding area – which comes in many facets – would outweigh the benefit of delivering an additional dwellinghouse in the city which would afford its occupants a reasonable level of residential amenity. To this end, the application is recommended for refusal. It should also be noted that the matters raised by the Community Council have been considered in the determination of this application.

## **RECOMMENDATION**

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Refuse

## **REASON FOR RECOMMENDATION**

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Whilst the proposal does carry some merits, it conflicts with key policies in the Aberdeen Local Development Plan 2017 which materially outweigh these merits and therefore the proposal is worthy of refusal for the following reasons:

1. The principle of development is not considered acceptable given the siting of a house with the garden ground of Balgranach (269 North Deeside Road) would introduce a third house within the feu of the original house, thus conflicting with the established pattern of development in the immediate surrounding area south of North Deeside Road between 269 North Deeside Road and Milltimber Brae (but north of Station Road). As such, the proposal is contrary to Policy D1 (Quality Placemaking by Design) and Policy H1 (Residential Areas) in the Aberdeen Local Development Plan 2017 and its associated supplementary guidance titled 'Sub-division and redevelopment of residential curtilages', as well as the relevant aspects of Scottish Planning Policy.
2. The proposed development is considered to be "overdevelopment" of the site area, based two key considerations. Firstly, given the proposed dwellinghouses contains a well-proportioned integrated garage, the addition of a further detached garage in a visually un-related location within the site renders this part of the proposal superfluous. Secondly, proposed garden area – once taking cognisance of the nett developable area - is considered to

be considerably smaller than those attributed to neighbouring premises and therefore the site would appear overly constrained within the context of the surrounding area. As such, the proposal fails to comply with all relevant requirements of Policy H1 (Residential Areas) in the Aberdeen Local Development Plan 2017.

3. The proposed garage, by virtue of its close proximity to the rear of the neighbouring dwellinghouse and its intended purpose - which shall result in noise arising from passing vehicles and people coming and going - shall have an undue adverse impact on the residential amenity of Balgranach. As such, the proposal is considered to conflict with the relevant requirements of Policy D1 (Quality Placemaking by Design) and Policy H1 (Residential Areas) in the Aberdeen Local Development Plan 2017 and the relevant aspects of Scottish Planning Policy.
4. The proposed 'shared driveway' arrangement used to access the proposed dwellinghouse shall result in frequent noise generating vehicle movements bypassing both neighbouring dwellinghouses Balgranach and no. 8 Station Road East, where they didn't previously exist. As such, the proposed site arrangement would have an undue adverse impact on the residential amenity of the aforementioned dwellinghouses rendering the proposal in conflict with the relevant provisions of Policy D1 (Quality Placemaking by Design) and Policy H1 (Residential Areas) in the Aberdeen Local Development Plan 2017.
5. The proposed development would threaten the long-term preservation of a tree to the east of the site which have general amenity and landscape character value, and which fall outwith the applicant's control. As such, the proposal is considered to contrary to Policy NE5 (Trees and Woodlands) in the Aberdeen Local Development Plan 2017.
6. Having regard to the proposed dwellinghouse level and arrangement of fenestration and its proximity to the southern boundary of the site, it is considered the proposed development would have an adverse impact on public visual amenity from the Deeside Way – a key public thoroughfare running from the periphery of Aberdeen City Centre out to Royal Deeside. As such, the proposal is considered to be in conflict with Policy D1 (Quality Placemaking by Design), Policy D2 (Landscape), H1 (Residential Areas) in the Aberdeen Local Development Plan 2017 and the relevant aspects of Scottish Planning Policy.