

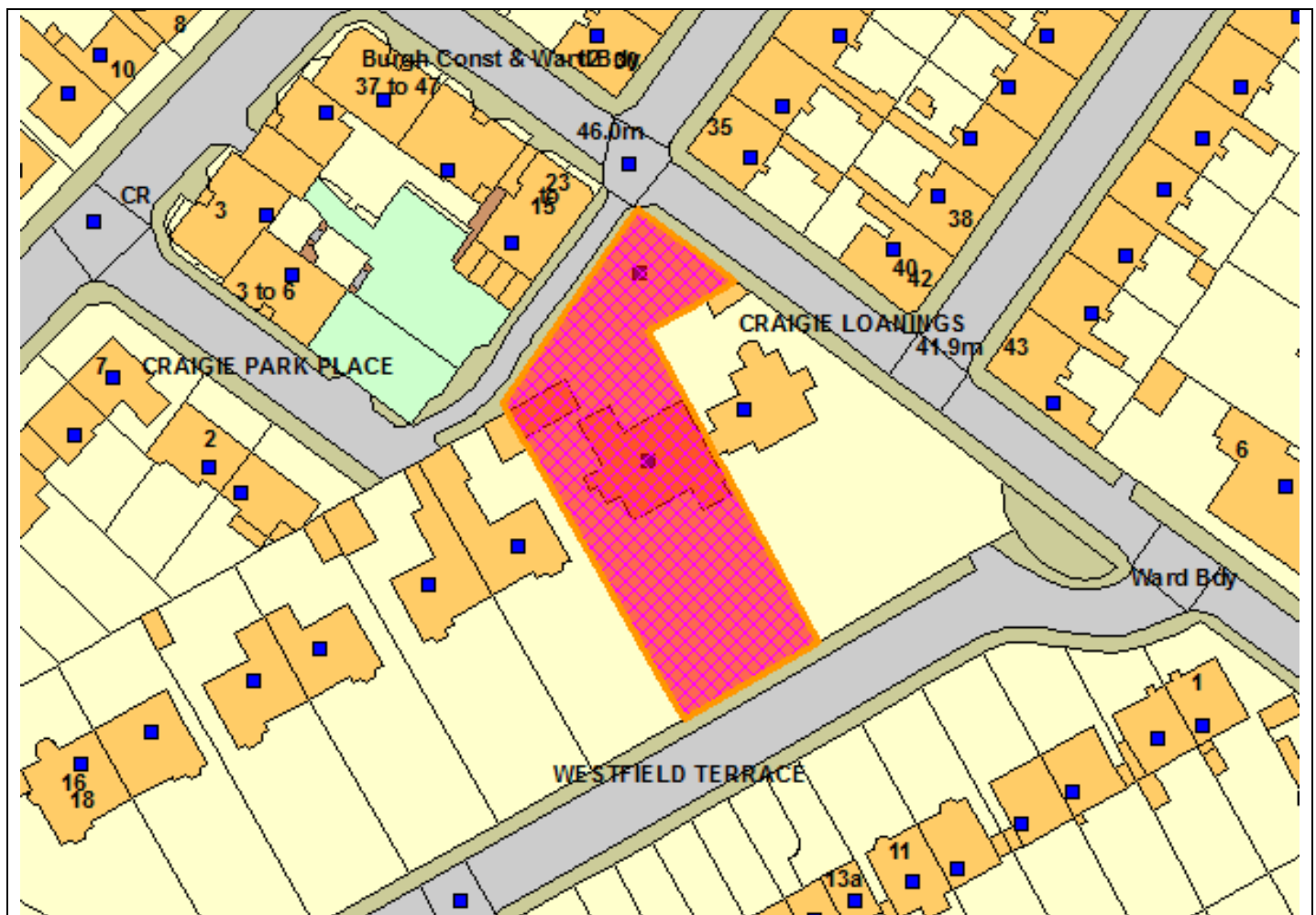


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 30th May 2019

Site Address:	4 Westfield Terrace, Aberdeen, AB25 2RU,
Application Description:	Erection of 2 storey dwellinghouse within garden ground and alterations to boundary wall
Application Ref:	182030/DPP
Application Type	Detailed Planning Permission
Application Date:	3 December 2018
Applicant:	Mr & Mrs Tom Mason
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Queen's Cross and Harlaw
Case Officer:	Nicholas Lawrence



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RECOMMENDATION

Approve conditionally

APPLICATION BACKGROUND

Site Description

The Site is roughly a triangular parcel of land totalling some 400m² in area and forms the southern aspect of the garden to number 4 Westfield Terrace and is enclosed by stonewalls on the north-east and north-west boundaries, and by a stone retaining wall and garage along the south-east boundary.

The Site is uncultivated and contains a number of shrubs and trees and there is evidence of blocked up entrances within the wall fronting Craige Loanings and the private driveway from Craige Park Place. In respect of topography, the site is slightly higher (approximately 1.75 metres) than the adjacent properties on Westfield Terrace. The adjacent 3 storey flats at Craige Park Place (developed in the mid-eighties) are again higher as levels continue to rise up towards Rosemount Place at the crest of the hill.

With regard to the immediate and wider environs, the north-west side of Westfield Terrace comprises 8 detached and semi-detached late 19th century dwellings set well back in generous landscaped gardens with mature trees. The character of Craige Loanings to the north-east of the site is defined by 3 storey granite terraced houses and tenements. There is little development on the application site side of the street, except for a bungalow on an infill plot at No. 1 and the modern 2 and 3 storey flats to the north of the Site.

Within the site boundaries are a total of 17 individual trees. These trees are between 5 – 16m in height; with an average of approximately 8.5 metres. The remaining boundary to the south is formed by a 1.2 metre high granite rubble wall towards 2 Westfield Terrace, while the boundary to No. 4 is partially open, and part 1 metre high vertically boarded fence, while the remainder is formed by the rear wall of the garage/outbuilding of 4 Westfield Terrace.

In terms of designations the site is within a residential area as shown on the Proposals Map to the Aberdeen Local Development Plan 2017 (ALDP), to which policy H1 attaches; as well as forming part of the Rosemont and Westburn Conservation Area that is covered by ALDP policy D4.

Relevant Planning History

Application Number	Proposal	Decision
131777	Erection of 2 storey dwellinghouse within garden ground and alterations to boundary wall	Allowed at Appeal 29.10.2014
130228	Carry out various tree works including the removal of six trees and the pruning of seven trees within the garden of the property. The tree removals are to prevent the further damage to a wall. Species include Sycamore, Holly, Norway Maple, Lime, Horse Chestnut, Cherry and Birch.	Permitted 04.04.2013
101611	All tree work for increased light and space in garden. Remove 1 Cherry and 1 Sycamore. Crown thin by 20% 6 Cherry, 2 Norway Maple, 3 Lime, 1 Horse Chestnut and 1 Sycamore. Tidy up 1 Copper Beech to remove branch stubs from previous pruning.	Permitted 11.11.2010

BACKGROUND AND PROPOSED DEVELOPMENT

Background

Planning permission was granted at appeal on the 29th of October 2014 for the erection of a two storey dwelling on the Site together with alterations to the boundary wall to create vehicular and pedestrian accesses. Whilst the condition precedent conditions were discharged in 2017, development was not commenced and the permission subsequently lapsed.

The current application, save further tree information and revised parking arrangements, is an identical submission to that allowed at appeal. It is on the basis of the allowed appealed scheme that the Applicants are seeking to secure planning permission for the same development form.

Proposed Development

In brief, planning permission, is sought as with the 2013 application, for the erection of a dwelling providing accommodation across two levels, together with parking/turning area and amenity space. At ground level, the accommodation incorporates kitchen/dining room, two bedrooms and bathroom. The upper level comprises a master bedroom, lounge and associated balcony to the rear.

Externally the dwelling would be finished with granite to the frontage, and return quoins to the side elevations. Granite would also be used on the balcony edge screens. Other elevations would utilise a white 'k' render, while a small area would also utilise dark grey lead cladding. The balcony itself would be formed by a glass balustrade. It is proposed that the roof would be formed in slate, while windows and doors would be powder coated aluminium. A chimney is also proposed on the north west facing roof plane.

The dwelling house would have its own driveway accessed off Craigie Park Place (a one way street in the section towards Craigie Loanings), in a position that was previously the subject of an opening, and has since been built up in a combination of granite rubble, brick, and blockwork. A total of 7 no. trees have been identified as requiring removal to allow development (consistent with the appealed scheme). Additional planting is shown to the north west boundary along Craigie Park Place to provide a screen between the application site, and the adjacent flatted properties. Pedestrian access to the site would be formed through a new slapping onto the footway at Craigie Loanings. It would include new granite piers, and a dark grey painted timber gate.

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=PJ06JQBZJD700>.

- Design Statement
- Tree Report
- Tree Protection and Monitoring Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the Proposal has been the subject of 11 representations of objection; is being recommended for approval and has been the subject of formal objection from the Roads Authority; and one of the Applicants is a sitting Councillor. Accordingly, the Application falls outside the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Flooding and Coastal Protection – no comments or objections

ACC - Roads Development Management Team – whilst accepting that there is adequate off-street parking the Roads Development Management Team objects as the proposed visibility splay of 2.0 x 17.0m is not acceptable to their standards - the proposed access should provide adequate visibility of at least 2.5 x 22.0m.

ACC - Waste Strategy Team – no comment

Queen's Cross and Harlaw Community Council – no response

REPRESENTATIONS

11 representations have been received all of which object to the proposed development. The objection can be summarised as follows, the proposed development:

- would create an increase in the volume of traffic on Craigie Park and Craigie Park Place;
- would damage walls would damage trees
- would have an access road that is a private road;
- would cause a loss of light to neighbouring properties;
- is a 2 storey dwelling which has too much glass / would harm character of area;
- creates the wrong access to the dwelling;
- would create an increased burden on parking; and
- would be detrimental to road safety.

PLANNING POLICY FRAMEWORK AND 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.

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (PLBCAA) requires that in the exercise of its planning functions that local planning authorities shall pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

National Planning Policy and Guidance

- 3rd National Planning Framework
- Scottish Planning Policy
- Historic Environment Policy for Scotland – 1st May 2019

- Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent – 25th April 2019
- Planning Advice Note 71 Conservation Area Management
- Planning Advice Note 74 Housing Quality

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan 2017 (ALDP)

- D1 Quality Placemaking by Design
- H1 Residential Areas
- D4 Historic Environment
- T2 Managing the Transport Impact of Development
- T3 Sustainable and Active Travel
- NE5 Trees and Woodlands
- NE6 Flooding Drainage and Water Quality
- R6 Waste Management Requirements for New Development

Supplementary Guidance

- Transport and Accessibility
- The Sub-division and Redevelopment of Residential Curtilages

Other documentation

- Draft Rosemont and Westburn Conservation Area Character Appraisal (the Appraisal)

Appeal Decision Letter of October 2014

It is considered that the Decision Notice of the Reporter in 2014 carries significant weight in the decision-making process. In terms of considering how to assess the developmental impact upon the character and appearance of a conservation area the position adopted by the Reporter in 2014 has not changed.

A copy of the Decision Notice is appended to this Report as Document 1.

EVALUATION

MAIN ISSUES

Having regard to the aforementioned policies of the ALDP and government guidance, together with the appeal decision it is considered that; the main issues in determining this matter are; firstly, the principle of the proposed development; secondly, the impact upon the character and appearance of the area; thirdly, the impact upon trees; and fourthly, parking and roads.

Principle of the Proposed Development

Policy H1 of the ALDP in respect of residential areas is constructed positively by permitting in principle development where, in part, it does not constitute overdevelopment, does not harm the character, appearance or amenity of the area, and complies with relevant Supplementary Guidance.

The consideration of the developmental impact upon the character and appearance of the area within policy H1 follows the advice on Conservation Areas set out within ALDP policy D4, paragraph 143 of Scottish Planning Policy (SPP) and paragraphs 4 and 12 of Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (the Interim Guidance).

Therefore, the principle of the proposal is acceptable subject to the requirements of ALDP policies H1 and D4, other relevant policies of the ALDP and national guidance. The 2014 Decision Notice supports the principle of the proposed development.

Impact upon the Character and Appearance of the Area

The character of any area is more than the visual flow of the type of buildings and their associated materials; it also embraces the juxtapositions of buildings, their setting and the spaces they create. Any development ranging from the adaptation through to new build of whatever scale should not be considered in isolation and must be informed by the immediate and wider context.

The site falls within character area A of the Appraisal. The Reporter described the character of the area in the Decision Notice at paragraph 4 as follows:

“The north-west side of Westfield Terrace comprises 8 detached and semi-detached late 19th century houses set well back in generous landscaped gardens with mature trees, that together make a valuable contribution to the character of this part of the Westburn and Rosemount Conservation Area. However, the appeal site fronts Craigie Loanings, where the character is defined by the 3 storey granite terraced houses and tenements in the streets off the northeast side of the road. There is little development on the appeal site side of the street, except for a recent bungalow on an infill plot at No.1 and the modern 2 and 3 storey flats adjacent to the appeal site to the north.”

then comments at paragraph 11:

The Rosemount and Westburn Conservation Area covers a wide area of the city’s growth area during the late 19th century, and comprises a variety of housing types from grand mansions and large villas to detached, semi-detached and terraced houses and blocks of tenements, coupled with open spaces and parks...The character of Craigie Loanings onto which the appeal site fronts from which it can be seen that, even though it lies adjacent to the rear of 2 & 4 Westfield Terrace, the proposed house would be more closely related to

the rather featureless modern flats at Craigie Park Place and facing the higher density dwellings in Wallfield Place opposite.

In turn, the purpose of design is to consider its context (i.e. character and appearance of the area) and respond accordingly. This is not to imply that one of the aims of design should necessarily be to 'fit in'; at its worst, this can be little more than an excuse for mediocrity. Difference and variety can be virtues in new proposals as much as sameness and conformity; and of course, different contexts can themselves be more, or less, uniform in their nature. The design of any building or group of buildings should look to establish its own character and add another layer of positive interest to the area within which it will sit. In turn, at both the local and national level policy and guidance is not prescriptive on design.

The question of overdevelopment; the site coverage equates to some 27%, which compares favourably with the 33% in the Sub-division and Redevelopment of Residential Curtilages Supplementary Guidance. It is therefore considered that the proposed development does not constitute over-development.

On the matter of height; there are dwellings in the immediate and wider area that are two and three storey in height and therefore the scale of the proposed dwelling would not be out of character with the residential form of the area. With regard to elements of the design; whilst the proposed dwelling is contemporary in form the detailing carries elements from the surrounding areas (e.g. use of granite and slate & incorporation of a chimney) and the fenestration is a modern interpretation of glazing arrangements to living room and hallway areas.

Allowing for the existing built form, and the scale, design and composition of the proposal, it is considered that such a development will add another layer of interest to the area without harming its character or appearance. The scheme thereby complies with policies D1, D4, and H1, of the ALDP together with national guidance

Effect upon Trees

Whilst ALDP policy NE5 establishes a presumption against the loss of, or damage to trees that contribute to the character and amenity of the area, the policy does permit compensatory planting where there is loss of trees to enable development to proceed.

The Applicant submitted a Tree Report to reflect the elapsed time since the appeal decision setting out the protection measures to trees and area for landscaping. It is considered that a planning condition addressing landscaping, including new tree planting, will ensure that the loss of trees will have no adverse impact on the character of the area. Thereby, complying with ALDP policy NE5.

Parking and Road Issues

The Transport and Accessibility Supplementary Guidance sets out maximum parking standards against geographical areas of the City, and in this context the proposal meets the standards.

The Roads Development Management Team (RDMT) are seeking a visibility splay of 2.50 metres by 22.00 metres in accordance with the Design Manual for Roads and Bridges. However, the Applicant is only able to achieve 2.00 metres by 17.00 metres that corresponds to that considered as acceptable within the appealed scheme. Notwithstanding this fact, the RDMT have objected to the adequacy of the visibility splay.

Having due regard to the weight to be attached to the appeal decision, it is considered that the visibility is adequate and can be achieved by way of an appropriately worded planning condition.

Representations were submitted regarding the use of the private road to gain access to the site. The arrangements regarding access rights are not a material consideration.

It is therefore considered, that subject to appropriately worded planning conditions, the parking and access arrangements are in accordance with the provisions of the ALDP and other material considerations.

OTHER ISSUES

Amenity

It is accepted that privacy and the protection of general amenity constitutes a material consideration in determining development proposals and is an important design objective in ensuring that residents of properties bounding any development site and those occupying new accommodation feel at ease within and outwith their accommodation. This position is reflected within ALDP policy D1 and Scottish Planning Policy.

It is accepted that in any urban environment there will be a degree of overlooking, and this tends to be oblique and the protection of amenity can be addressed through design solutions. The roof pitch of 25° should not result in an unacceptable loss of sunlight or daylight in the neighbouring ground floor flats. There would also be an angle of 65° between the new dwelling and the back of 4 Westfield Terrace, which provides a separation of 13.5 metres, which is not considered to harm residential amenity. Side screening on the 1st floor balcony, would minimise any direct overlooking.

As the proposed development replicates the scheme allowed at appeal it is considered that the proposed dwelling would not harm the residential amenity afforded to neighbouring residences or occupiers of the proposed dwelling.

RECOMMENDATION

Approve conditionally

REASON FOR RECOMMENDATION

The proposed development, incorporating associated works, by reason of its design, siting, scale, mass and form would not harm the character and appearance of the area; amenity afforded occupiers of the proposed dwelling or that associated with neighbouring properties; pedestrian and road safety. The proposed development therefore accords with policies D1 (Quality Placemaking by Design); H1 (Residential Areas); D4 (Historic Environment); T2 (Managing the Transport Impact of Development); T3 (Sustainable and Active Travel); NE5 (Trees and Woodlands); NE6 (Flooding Drainage and Water Quality); and R6 (Waste Management Requirements for New Development) of the Aberdeen Local Development Plan 2017; Supplementary Guidance (Transport and Accessibility and The Sub-division and Redevelopment of Residential Curtilages) to the Aberdeen Local Development Plan 2017; together with national guidance within Scottish Planning Policy; Historic Environment Policy for Scotland of 1st May 2019; Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent issued 25th April 2019; and Planning Advice Note 71 (Conservation Area Management).

CONDITIONS

1.

No development shall commence until full details and samples of all the external materials to be used in the development, hereby permitted, have been submitted to and approved in writing by the planning authority, and the works shall be carried out using only those approved materials.

Reason: in the interests of visual amenity of the area and to comply with policies D1 and D4 of the Aberdeen Local Development Plan 2017

2.

Before commencing the construction of the dwellinghouse, hereby permitted, the new vehicular access from Craigie Park Place shall be formed, together with a visibility splay of 2 metres x 17 metres from its centre line in a south-westerly direction and, once formed, the visibility splay shall be kept free of any obstruction for as long as the access remains.

Reason: in the interests of pedestrian and highway safety

3. The dwellinghouse, hereby permitted, shall not be occupied until the car parking areas shown on Drawing No. 100 Rev A have been laid out, constructed and drained unless otherwise approved in writing by the planning authority, and the approved car parking areas shall thereafter be used only for that purpose.

Reason: in the interests of public safety and the free flow of traffic

4.

No development shall commence until a scheme for all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the planning authority. The dwellinghouse, hereby permitted, shall not be occupied until the works have been carried out and completed strictly in accordance with that approved scheme.

Reason: to ensure that the development is adequately drained and to safeguard water quality in adjacent water courses and to comply with policy NE6 of the Aberdeen Local Development Plan 2017

5.

No development shall commence until a detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all existing trees to be retained on the land, with details of their protection during construction, any that are to be felled and proposed areas of tree/shrub planting specifying numbers, species, locations and sizes.

Reason: for the protection of existing trees and in the interests of the amenity of the area, to safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with policies D1 and NE5 of the Aberdeen Local Development Plan 2017.

6.

All planting, seeding and turfing in the approved landscaping scheme shall be carried out in the first planting season following the completion of the development and, within a period of 5 years from that date, any trees or plants which die, are removed or seriously damaged or diseased shall

be replaced in the next planting season with others of the same species and sizes, unless the planning authority give prior written approval to any variations. †

Reason: in the interests of the amenity of the area to enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 and NE5 of the Aberdeen Local Development Plan 2017

7. The dwellinghouse, hereby permitted, shall not be occupied until a method statement, showing the management proposals for the care and maintenance of all trees and planting, including the timing of works and inspections, has been submitted to and approved in writing by the planning authority. Any works shall be carried out strictly in accordance with the approved method statement, unless the planning authority give prior written approval to any variations.

Reason: to preserve the character and visual amenity of the area and to ensure the maintenance of the trees and to enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 and NE5 of the Aberdeen Local Development Plan 2017

8.

The dwellinghouse, hereby permitted, shall not be occupied until provision has been made on the site for refuse storage and collection in accordance with a scheme submitted to and approved in writing by the planning authority.

Reason: in the interests of public health and to preserve the amenity of the neighbourhood and to comply with policies D1 and R9 of the Aberdeen Local Development Plan 2017
