

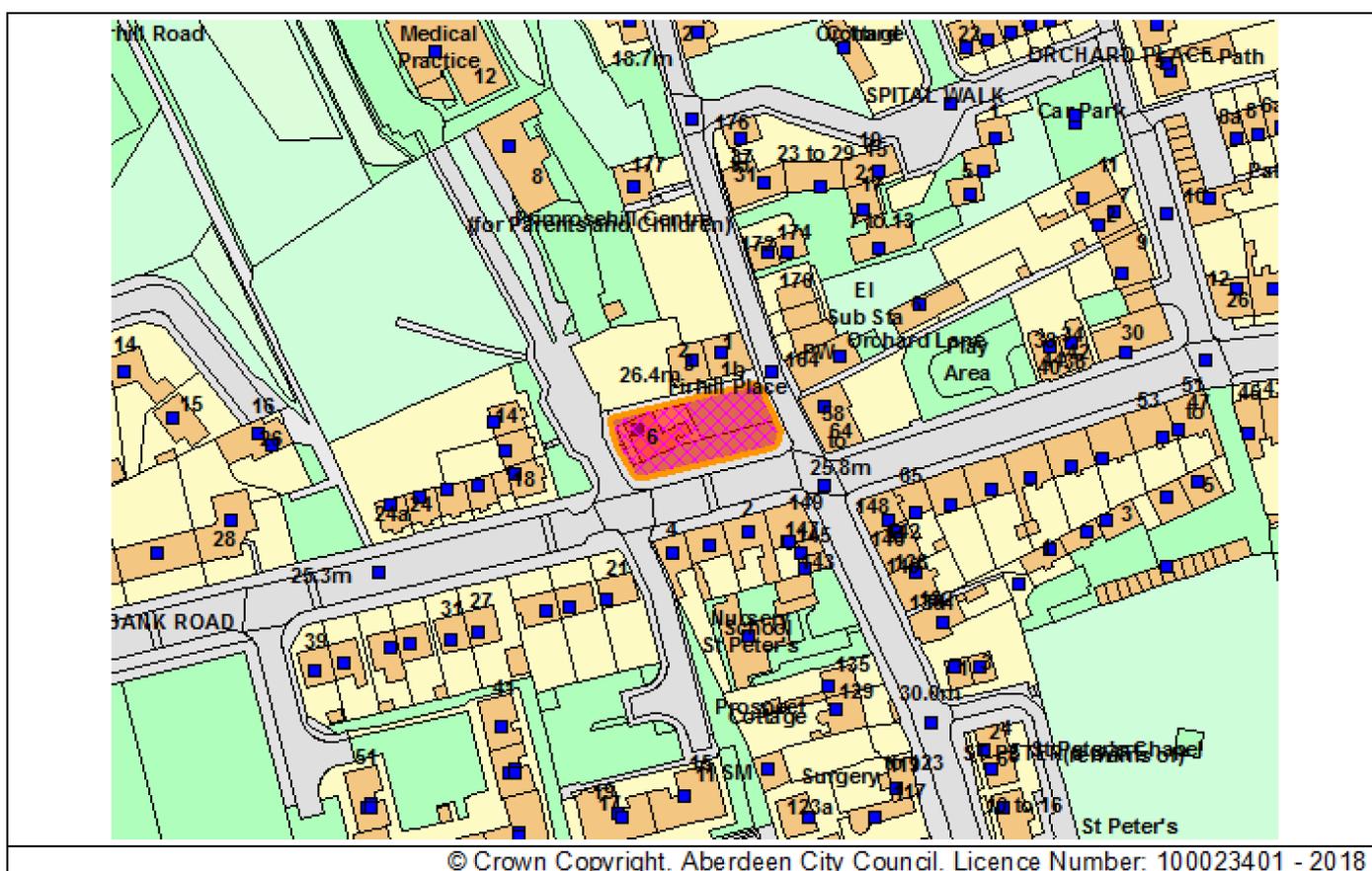


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 29 September 2022

Site Address:	Bank Cottage, 6 Sunnybank Road, Aberdeen, AB24 3NG
Application Description:	Erection of garden shed (retrospective)
Application Ref:	220896/DPP
Application Type	Detailed Planning Permission
Application Date:	15 July 2022
Applicant:	Dr Anna Helene Katrin Rieman
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Old Aberdeen
Case Officer:	Jemma Tasker



RECOMMENDATION

Refuse.

APPLICATION BACKGROUND

Site Description

The application site relates to a historic, detached, single storey dwellinghouse and its associated front and rear curtilage, located on the corner of Sunnybank Road and Spital, Old Aberdeen. The dwelling is accessed via an access road to the north of the main Sunnybank Road thoroughfare, which serves a small number of dwellings and the Old Aberdeen Medical Practice. The dwelling has a west facing principal elevation fronting this road; Sunnybank Road bounds the site to the south; Spital bounds the site to the east; and to the north lies Firnhill Place. The rear curtilage, to which this application relates, spans an area of approximately 505sqm and slopes down from the rear elevation of the property towards both Spital and Sunnybank Road. The curtilage is bound by a low-rise boundary wall and shrubs along the southern boundary and due to level changes, this wall rises along the eastern boundary of the site to approximately 1.8m in height. The site is located within the Old Aberdeen Conservation Area.

Relevant Planning History

Planning permission (ref. 211702/DPP) was refused by the Planning Development Management Committee on 17th February 2022. This application was largely the same as the current application; however, the shed had a maximum ridge height of 4.1m and no landscaping scheme was proposed at the time.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought part retrospectively for the erection of a shed to the rear (east) of the dwellinghouse.

The outbuilding is located in the south-east corner of the site, approximately 2.5m and 2.3m from the eastern and southern boundaries, respectively. It measures approximately 2.5m x 2.8m and has a pitched roof – which features a flat roof at the top – with an eaves height of c.1.6m and a maximum ridge height of 3.6m. A single entrance door with windows above and to the side are located on the west elevation and two 0.6m wide windows are located on the east elevation. Finishing materials include timber cladding and a sedum roof.

As this application is partially retrospective – although it is noted that works are substantially completed – some parts of the proposal have not yet been carried out, including the reduction in the height of the shed, the installation of the sedum roof and further landscaping elements.

Amendments

None.

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=RF0958BZHWC00>

Design Statement by All Design (Scotland Limited) (July, 2022) – provides details of the existing dwelling, the site and the proposed structure and planting.

Supporting Statement by Aurora Planning (July, 2022) – assess the application against policy and guidance, details how the application has been amended to resolve concerns of the previous planning application and suggests that a planning condition regarding the retention of the planting is a valid condition to impose.

Supporting Statement by Miss Anna H K Riemen (September, 2022) – address concerns raised by objectors.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee as more than 5 timeous objections from the public and an objection from the Old Aberdeen Community Council have been received and thus, the application falls out with the Council's Scheme of Delegation.

CONSULTATIONS

Old Aberdeen Community Council – Object to the application for the following reasons:

1. The only material change evident to the current application is that the peak of the shed is proposed to be flattened, with the overall height of the shed reduced by c.50cm. The current application has increase attention to both existing and new planting, which is not considered a material change.
2. The proposed flattening-off of the top of the shed has not in itself addressed or improved on the previously established design deficiencies of the shed.
3. The current application hinges predominantly on the use of soft landscaping to mitigate what has already been built and refused permission – rather than achieving design which is appropriate to the site and its context.
4. When the foliage drops in the autumn such screening is substantially reduced (the hedges appear to be mostly hawthorn which is deciduous).
5. The shed is in a highly visible location and out-of-keeping with its immediate vicinity.
6. The development does not achieve an appropriate standard of design for the location.
7. Development in this location may be both detrimental to the character of this area and disruptive to key views in the larger conservation area.
8. Concerns regarding the sustainability of the sedum on a steep roof. Technical details of this should be clearly presented.

REPRESENTATIONS

24 representations have been received, 11 in support and 13 objecting to the development. The matters raised can be summarised as follows:

Support

1. The shed is appropriate for the location and materials used are environmentally in keeping and will fade to blend with its surroundings.
2. There is a mixture of architecture in the surrounding area.
3. We should be encouraging wildlife in the city.

Objection

1. Although a small section of the apex of the roof would be removed, the proposed building still reads as an Alpine chalet in visual terms. The design is not in keeping with the granite buildings and cobbled streets of the Old Aberdeen area.
2. The structure is unacceptable in the prominent position it has been constructed on and is found to be very dominant.
3. The existing hawthorn hedge would be leafless in late Autumn, Winter and early Spring, and so would not serve to hide the shed.
4. A planning condition requiring the planting to be retained in perpetuity would be very difficult to enforce.
5. Concerns regarding the setting of a precedent.

6. Concerns regarding the sedum roof – the shed’s ability to take the weight of this and its growth given it will likely be shaded due to proposed screening.
7. Privacy concerns as the large windows look directly into the windows of neighbouring properties.
8. Concerns regarding the fact that is going to be used for the nesting of birds and roosting of bats.

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 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

Historic Environment Policy for Scotland (HEPS)

Development Plan

Aberdeen City and Shire Strategic Development Plan 2020

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan 2017 (ALDP)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: “Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

Policy CF1 – Existing Community Sites and Facilities

Policy D1 – Quality Placemaking by Design

Policy D4 – Historic Environment

Supplementary Guidance (SG)

The Householder Development Guide (HDG)

Proposed Aberdeen Local Development Plan 2020

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. The following policies are relevant –

Policy CF1 – Existing Community Sites and Facilities

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy D6 – Historic Environment

Other Material Considerations

Old Aberdeen Conservation Area Character Appraisal and Management Plan (December, 2015)

Managing Change in the Historic Environment: Setting

EVALUATION

Principle of Development

The application site lies within an area on the ALDP Proposals Map covered by Policy CF1 (Existing Community Sites and Facilities), by virtue of its proximity to the University of Aberdeen campus which lies to the north. Policy CF1 is more specifically applicable to existing community sites or facilities such as those used for healthcare, education or other community uses, and it is not particularly relevant to residential properties, such as the application site. Nevertheless, the policy does note that:

'Where a CF1 area contains uses other than that for which the area has been designated and these uses make a positive contribution to the character and community identity of the area, any proposals for development or changes of use, whether or not for the community use recognised in the designation, will be opposed if a likely result would be significant erosion of the character of the area or the vitality of the local community.'

The proposed development relates to the curtilage of a residential property, situated within the historic setting of the Old Aberdeen Conservation Area. As such, in order to ensure compliance with Policy CF1, it is necessary to assess the impact of the proposed works on the character of the area and specifically the Householder Development Guide (HDG).

Scale and Design

The Design Statement submitted with the application states the proposed shed has been designed to provide an inside working area, specifically for holding garden utensils and occasionally carrying out potting. Within the Design Statement, it is also stated that it has been designed to provide shelter for local wildlife and to accommodate climbing plants.

In terms of the HDG, it is considered that the scale of the proposed shed, when viewed in isolation, would be appropriate in terms of the existing dwellinghouse and plot size and would not result in overdevelopment, given that the shed would occupy a footprint of some 7sqm within the curtilage, which extends to an area of some 505sqm, and would therefore remain within the 50% of development allowed in terms of the HDG.

However, under Policy CF1 (Existing Community Sites and Facilities), there is a fundamental requirement that development should not adversely affect the character of an area and in terms of the basic principles of the HDG, due consideration is required to be given to the scale, context and siting of development. In the context of this application site, which lies within the Old Aberdeen Conservation Area, such consideration is clearly of particular relevance.

The HDG sets out general principles which apply to all householder development, one of which states 'proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area'. It further outlines specific criteria to be addressed when considering outbuildings, which would include this type of development and in this respect there is further emphasis that such development should not have a negative impact on the character of the surrounding area. The HDG states that 'where highly visible and especially in conservation areas, detached garages should be of a scale and design that respects the prevalent context of the surrounding area'. Although the HDG refers to detached garages here, it is nevertheless pertinent to all outbuildings and thus, this application.

In assessing the proposal against Policy D1 (Quality Placemaking by Design) of the ALDP, while this policy recognises that not all development will be of a scale that makes a significant placemaking impact, it recognises that good design and detail adds to the attractiveness of the built environment. Furthermore, under Policy D1, the design of the proposed development is considered within the context of the site and surrounding area, with factors such as siting, scale, massing, materials, design detail, proportions and the established pattern of development all deemed to be relevant in assessing its contribution and impact.

Taking all of the above into account it is considered that the proposal has failed to address the context of the site and its surrounding area. The shed would occupy a prominent location within this residential curtilage. Although considerable attention has been paid to both existing and proposed screening including both deciduous and evergreen trees and shrubs, which – particularly in the summer months – screens a considerable proportion of the shed, it is recognised that this will unlikely be as effective in the winter months, as many trees will be left bare from Autumn through to early spring.

Notwithstanding the level of screening provided, there is a fundamental requirement for good design and detail regardless of whether the development can be seen from a public viewpoint. Thus, in terms of design, the proposal is deemed inappropriate. Within the previous application, the shed was described as having an 'Alpine chalet' inspiration. Although this description has been omitted from the current application, it is noted that the design of the shed has not largely changed and thus, still represents a large, wooden structure with a steep roof, which has not taken any cue from the original architectural design of the existing dwellinghouse or those in the surrounding area. Although a reduction of c.0.5m in the overall height of the shed is noted, with a maximum height of 3.6m on the east elevation, fronting Spital, the shed would still be significant in terms of height, which is further exacerbated due to level changes between the application site and street level, heightening the shed's visibility within the streetscene, particularly in the winter months. Although timber is generally considered an acceptable building material for outbuildings such as this, it is due to the overall design and location of the development that it is not deemed appropriate.

Section 3.10 of the Planning Statement refers to a recently approved planning application at 177 Spital (ref. 211273/DPP) for the erection of a timber fence to a raised front garden area, arguing that the Council has previously approved the use of timber in prominent locations elsewhere in the Conservation Area. However, it should be noted that the Report of Handling for that application states 'as such, in order for the front garden area to be used by residents of the building, a fall barrier is required in order to meet building regulations. Given there is no other garden area available to residents within the curtilage of the building, it is considered appropriate to allow the installation of a fall barrier behind the wall'. Thus, it is apparent there was an overriding justification for the fence due to safety regulations.

Overall, notwithstanding the changes noted between the previous planning application and the current, the siting, form, height and overall quality of the shed fails to take account of its location, which would still be apparent within the streetscape in the winter months, thereby having a negative impact on the character of the area and adversely affecting the built environment.

As such, the proposal would fail to address the expectations of the Supplementary Guidance: 'The Householder Development Guide' and would be contrary to the requirements of Policies CF1 (Existing Community Sites and Facilities) and D1 (Quality Placemaking by Design) of the ALDP.

Impact on the Historic Environment

The application site lies within the Old Aberdeen Conservation Area. Scottish Planning Policy (SPP) states that 'proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance'. Historic Environment Policy for Scotland (HEPS) meanwhile outlines the importance of fully understanding the impact of decisions, with full consideration given to the level of impact of proposals on the historic environment, with negative impact avoided where possible. Policy D4 (Historic Environment) of the ALDP 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 its listed buildings and conservation areas will be supported'. Lastly, HES's 'Managing Change in the Historic Environment: Setting' document sets out that 'setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context' and that 'finalised development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets'.

The shed is sited in a highly prominent location, and as discussed above, will still be visible from within the Conservation Area, especially in the winter months. The immediate surrounding area is characterized by traditional properties and previously, this corner of the site was undeveloped and unoffensive. However, as mentioned above, due to the siting of the shed in the south-eastern corner of the site, in spite of the proposed screening, the proposal results in an obtrusive structure in a visible location. The structure is of an incompatible design – by virtue of its roof pitch, materials and overall quality – which is not reflective of the original dwellinghouse or the surrounding area. Thus, despite the changes made between the previous and current application, the structure has little regard for its setting and is completely at odds with the prevailing character of the surrounding area. It would erode the character of the conservation area by introducing a visually disruptive feature to the streetscape, at odds with the character and appearance of the surrounding area and altering the existing balance and character of this part of the Conservation Area, to its detriment.

For the reasons stated above, it is considered that the proposed development would have an adverse impact on the character and appearance of the Old Aberdeen Conservation Area, and as such the proposal would be contrary to Policy D4 (Historic Environment) of the ALDP, and would fail to address the aims of SPP, HEPS and Managing Change in the Historic Environment: Setting.

Impact on Residential Amenity

No development should result in a situation where amenity is “borrowed” from a neighbouring property or there is an impingement on the amenity enjoyed by others. Due to the location of the shed in relation to neighbouring properties, it is considered the proposal would not result in any adverse impact on neighbouring properties in terms of daylight receipt or overshadowing. In terms of privacy, the shed would contain glazing on both the east and west elevations. It is considered the glazing on the west elevation, facing the dwelling, is minimal and causes limited privacy concerns. In terms of the glazing on the east elevation, this would be located some 11m from the properties opposite (58-64 Orchard Street). Although it is recognised that the non-habitable nature of a garden shed would ordinarily provide limited privacy concerns, given the structure sits in an elevated position, the glazing would likely provide opportunities to directly overlook the aforementioned neighbouring properties at first floor level. While the Planning Statement submitted as part of this application suggests that overlooking could already occur from the rear curtilage, it is recognised that the shed introduces a different form of overlooking, with the shed being much more intrusive. Therefore, it is considered there would be an infringement on the privacy currently afforded to these properties.

In terms of the claim that the structure would encourage wildlife and biodiversity, specifically the encouragement of birds and bats, due to the relatively small, domestic scale of the structure, it is not considered that this would cause any undue harm to the amenity of neighbouring properties.

Overall, due to privacy concerns, the proposal would be contrary to the guidance contained within the HDG.

Environmental Considerations

As noted above, the applicant claims the structure would encourage wildlife. The potential environmental benefits within this proposal are noted and are generally welcomed. However, policy currently focuses on existing heritage assets and their protection and enhancement and does not currently require individual development to provide environmental or biodiversity benefits. Thus, only limited weight can be attributed to this issue. This consideration does not outweigh the statutory duty on the Planning Authority to preserve and enhance the character and appearance of the conservation area.

Matters Raised by the Community Council

1. *The only material change evident to the current application is that the peak of the shed is proposed to be flattened, with the overall height of the shed reduced by c.50cm. The current application has increase attention to both existing and new planting, which is not considered a material change.*
The changes between the two applications are noted and have been considered above.
2. *The proposed flattening-off of the top of the shed has not in itself addressed or improved on the previously established design deficiencies of the shed.*
The design of the shed has been discussed in the foregoing evaluation: ‘Scale and Design’.
3. *The current application hinges predominantly on the use of soft landscaping to mitigate what has already been built and refused permission – rather than achieving design which is appropriate to the site and its context.*
Irrespective of the level of screening proposed, the design of the shed has still been discussed in the foregoing evaluation: ‘Scale and Design’.
4. *When the foliage drops in the autumn such screening is substantially reduced (the hedges appear to be mostly hawthorn which is deciduous).*

It is noted that evergreen and deciduous trees and shrubs are proposed. The seasonal effects of this are noted.

5. *The shed is in a highly visible location and out-of-keeping with its immediate vicinity.*
The shed's location has been discussed in the foregoing evaluation: 'Scale and Design'.
6. *The development does not achieve an appropriate standard of design for the location.*
The design of the shed has been discussed in the foregoing evaluation: 'Scale and Design'.
7. *Development in this location may be both detrimental to the character of this area and disruptive to key views in the larger Conservation Area.*
The impact on the Old Aberdeen Conservation Area has been discussed in the foregoing evaluation: 'Impact on the Historic Environment'.
8. *Concerns regarding the sustainability of the sedum on a steep roof. Technical details of this should be clearly presented.*
Although it is noted that a brochure of the sedum roof has been submitted, it is noted that this does not mention its suitability to a steep roof. Therefore, should members be minded to approve the application, it is recommended that a condition is attached regarding the provision of technical details of how it would be installed.

Matters Raised in Representations

1. *Although a small section of the apex of the roof would be removed, the proposed building still reads as an Alpine chalet in visual terms. The design is not in keeping with the granite buildings and cobbled streets of the Old Aberdeen area.*
The design of the shed and its compatibility with the surrounding area have been discussed in the foregoing evaluation: 'Scale and Design'.
2. *The structure is unacceptable in the prominent position it has been constructed on and is found to be very dominant.*
The shed's location has been discussed in the foregoing evaluation: 'Scale and Design'.
3. *The existing hawthorn hedge would be leafless in late Autumn, Winter and early Spring, and so would not serve to hide the shed.*
It is noted that evergreen and deciduous trees and shrubs are proposed. The seasonal effects of this are noted.
4. *A planning condition requiring the planting to be retained in perpetuity would be very difficult to enforce.*
It is noted that conditions regarding landscaping schemes are legitimate; however, requiring the retention of this for the lifespan of the shed may be more difficult.
5. *Concerns regarding the setting of a precedent.*
Every application is assessed on its own merits. Nevertheless, it is acknowledged that approval of this application might make it difficult to resist similar development in prominent locations.
6. *Concerns regarding the sedum roof – the shed's ability to take the weight of this and its growth given it will likely be shaded due to proposed screening.*
Although it is noted that a brochure of the sedum roof has been submitted, it is noted that this does not mention its suitability to a steep roof. Therefore, should Members be minded to approve the application, it is recommended that a condition is attached regarding the provision of technical details of how it would be installed.

7. *Privacy concerns as the large windows look directly into the windows of neighbouring properties.*

Impact on neighbouring privacy has been addressed in the foregoing evaluation: 'Impact on Residential Amenity'.

8. *Concerns regarding the fact that is going to be used for the nesting of birds and roosting of bats.*

Within the Design Statement submitted as part of this application, it is stated that the structure is for holding garden utensils and carrying out potting, as well as providing opportunities for birds and bats. Given the domestic scale of the structure, there are limited concerns regarding the impact this would have on the amenity of neighbouring properties.

Proposed Aberdeen Local Development Plan 2020

In relation to this particular application, the Policies CF1, D1, D2 and D6 in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan 2017 and the proposal is not acceptable in terms of both Plans for the reasons previously given.

Summary

To conclude, although the changes between the previous planning application and current planning application are noted, these amendments are not sufficient to address the previous concerns of the Planning Authority. The shed would result in an intrusive, dominant feature within this prominent location, regardless of proposed screening, by virtue of its poor design, form and siting, to the detriment of the surrounding area.

For the reasons set out in the evaluation above, the proposal fails to preserve the character and appearance of the Old Aberdeen Conservation Area and is contrary to SPP; HEPS; Policies CF1 (Existing Community Sites and Facilities) and D1 (Quality Placemaking by Design) of the ALDP; and the associated Supplementary Guidance: 'The Householder Development Guide'.

The Planning Authority have concerns regarding the feasibility of installing a sedum roof on such a steep roofslope and no technical details have been provided regarding this. Therefore, should the Committee be minded to approve the application, it is recommended a condition is attached to the grant of consent requiring technical details of the roof to be submitted to the Planning Authority. Thereafter, the roof should be installed as per the agreed details, unless otherwise agreed in writing.

RECOMMENDATION

Refuse.

REASON FOR RECOMMENDATION

The proposal has failed to consider the context of the site and its surrounding area, and on the basis that the shed would occupy a prominent location within the rear curtilage which – despite existing and proposed screening – would still be visible, particularly in the winter months. Additionally, from a design perspective, the proposal fails to relate to the original dwelling or surrounding area. It is considered that such development would be incompatible with the original dwelling, and have an adverse effect on the character of the existing built environment. The proposal is therefore considered to be contrary to the requirements of Policies CF1 (Existing Community Sites and Facilities) and D1 (Quality Placemaking by Design) of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'The Householder Development Guide'; and Policies CF1, D1 and D2 of the Proposed Aberdeen Local Development Plan 2020.

The proposal would fail to preserve the character and appearance of the Old Aberdeen Conservation Area in line with the legislative requirements of Scottish Planning Policy and Historic Environment Policy Scotland and would therefore also fail to address the requirements of Policy D4 (Historic Environment) of the adopted Aberdeen Local Development Plan 2017 and Policy D6 of the Proposed Aberdeen Local Development Plan 2020.

Taking the above into account and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations of sufficient weight that would warrant approval of the application in this instance.