

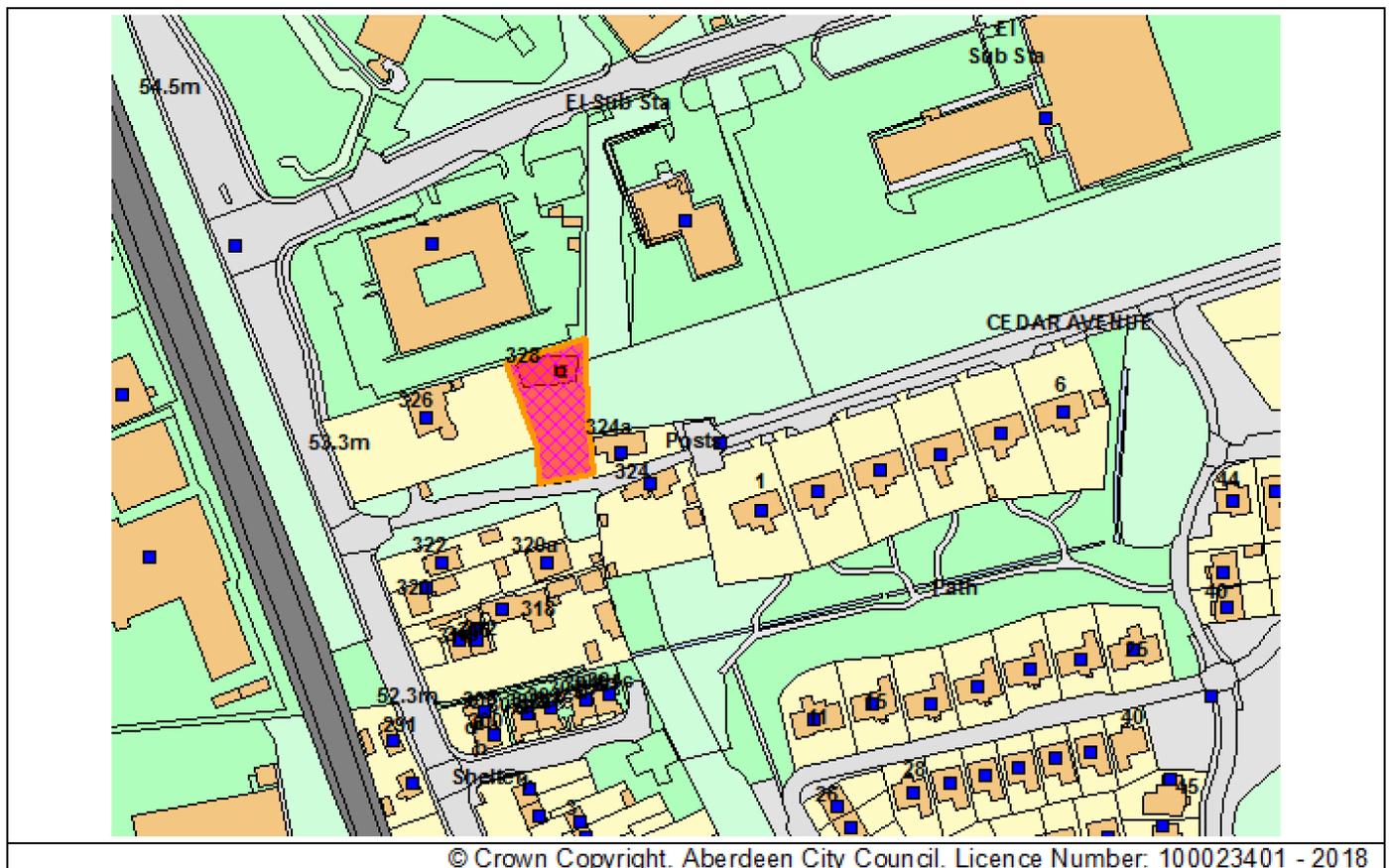


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 3 November 2022

Site Address:	328 Stoneywood Road, Aberdeen, AB21 9JX
Application Description:	Erection of garden room with wood burning stove flue to front
Application Ref:	220880/DPP
Application Type	Detailed Planning Permission
Application Date:	18 July 2022
Applicant:	Mr Iain Andrew
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce and Stoneywood
Case Officer:	Jemma Tasker



RECOMMENDATION

Approve Conditionally.

APPLICATION BACKGROUND

Site Description

The application site relates to a modern, detached dwellinghouse and its associated curtilage, accessed via a private road to the east of the main Stoneywood Road thoroughfare. The dwelling is the result of a curtilage split, sitting within the former rear garden of 326 Stoneywood Road. The dwelling sits at the very rear (north) of the site and has a south facing principal elevation looking over the garden ground. The site is enclosed on northern, eastern and southern boundaries by a 2m high wall, and on the western boundary by hedging. A 7.1m wide timber gate is located on the southern boundary, providing access to the dwelling. The surrounding area has a semi-woodland character, with detached houses of differing architectural styles present in the immediate surrounding area.

Relevant Planning History

Application Number	Proposal	Decision Date
160654	Change of use from road verge to private garden ground, erection of boundary wall and relocation of existing access gate	11.11.2016 Status: Approved Conditionally.
121746	New Build, 4 Bedroom 2 Storey Dwelling	02.05.2013 Status: Approved Conditionally.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a garden room with a wood burning stove flue to the front (south) of the dwellinghouse.

The garden room would be located a minimum 0.9m from the southern boundary wall, located almost centrally on this boundary. It would measure 4.1m x 4.1m and would have a flat roof design at a height of 2.7m, incorporating a 1m high flue to serve a wood burning stove. The north and west elevations would be extensively glazed. Finishing materials would include horizontal larch cladding and aluclad bi-folding doors.

Amendments

The application has been amended since original submission at the request of the Planning Authority in that the garden room has been reduced in scale and an external terrace is no longer proposed.

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=REWS57BZHRW00>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because an objection from Dyce and Stoneywood Community Council has been received.

CONSULTATIONS

ACC - Environmental Health – No objection.

Dyce and Stoneywood Community Council – Object to the application as the proposed garden room at the front of the property is not consistent with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) and the Householder Development Guide.

REPRESENTATIONS

None.

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.

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 five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight 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 D1 – Quality Placemaking by Design

Policy H1 – Residential Areas

Supplementary Guidance

The Householder Development Guide (HDG)

Proposed Aberdeen Local Development Plan 2020

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. The PALDP constitutes the Council’s settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The following policies are relevant –

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy H1 – Residential Areas

EVALUATION

Principle of Development

The application site is located in a residential area under Policy H1 of the ALDP and the proposal relates to householder development. The proposal would comply with this policy in principle if it does not constitute overdevelopment; does not adversely affect the character and amenity of the surrounding area; does not result in the loss of open space; and it complies with the associated Supplementary Guidance.

The proposal would be located with a residential curtilage and therefore, would not result in the loss of open space. The remaining issues are discussed in the evaluation below.

Scale and Design

To determine the effect the proposal will have on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. This policy states that all development must ensure high standards of design and have a strong and distinctive sense of place, which is a result of: context appraisal, detailed planning, quality architecture, craftsmanship and materials. Additionally, the Supplementary Guidance expects ancillary structures, such as the one proposed, to be architecturally compatible in design and scale with the original building and its surrounding area; materials should be complementary to the original building; any development should not overwhelm or dominate the original form or appearance of the building; and no more than 50% of the garden should be covered.

The garden room is considered to accord with both the general principles and applicable criteria relating to outbuildings contained in the HDG for the following reasons: it would be of domestic proportions, subordinate in scale and secondary to the existing property by way of its size, scale and position relative to the existing building; with a footprint 16.8sqm the new garden room would be of acceptable domestic scale and would maintain the existing low built site coverage; and more than 50% of the garden ground would be retained.

In terms of design and location, the proposal would be appropriately sited and scaled so as not to mask or obscure the parent building. Although the HDG sets out that *'outbuildings will not usually be acceptable in front gardens because of the damaging impact development forward of a front building line can have on the visual character of an area'* it is recognised that the arrangement of the application property and its garden ground is unusual and different from most other residential properties. In this instance, all private, usable garden ground is located to the front of the property, with no rear garden ground available. Additionally, due to the character of the area, there is no apparent established building line. The garden room would be predominantly screened by the existing 2m high boundary wall, with only the very top of the garden room being visible. As a result, the garden room would not be particularly obvious or intrusive from a public viewpoint. Additionally, it is recognised the site is located off a private road, not forming part of the main Stoneywood Road streetscape. In light of the above, it is considered the garden room would have no significant adverse impact on the character or visual amenity of the area and therefore, on this basis, a departure from the criteria contained within the Householder Development Guide can be accepted.

Impact on Residential Amenity

No development should result in a situation where amenity is "borrowed" from an adjacent property, or there is an impingement of the amenity enjoyed by others. The garden room would be located sufficiently distant from neighbouring properties not to result in any adverse impact in terms of internal daylight receipt or overshadowing. Due to existing screening around the site, there would be no adverse impact on neighbouring privacy.

Additionally, it is not considered that the associated flue would have any significant adverse impact on the amenity of the surrounding area and Environmental Health has advised that it has no objection. The Service has recommended that an advisory be attached to any grant of permission regarding the operation of the stove.

Overall, current levels of residential amenity would be retained, in compliance with Policy H1 of the ALDP and the HDG.

Matters Raised by the Community Council

It is considered there is sufficient justification to accept the location of the garden room to the front of the property.

Proposed Aberdeen Local Development Plan 2020

The Report of Examination does not affect Policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

RECOMMENDATION

Approve Conditionally.

REASON FOR RECOMMENDATION

The garden room, in terms of its design, scale and materials, does not result in overdevelopment and has no impact on the original building. The proposal would have no significant adverse impact on the residential amenity of neighbouring properties in terms of overshadowing, or on daylight receipt and privacy. Although the proposal causes tension with the Householder Development Guide due to its positioning within the front curtilage, there would be no adverse impact on the character or visual amenity of the surrounding area as a result of this. The proposal therefore complies with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the current Aberdeen Local Development Plan 2017; generally with the associated Supplementary Guidance: 'The Householder Development Guide'; and Policies H1, D1 and D2 of the proposed Aberdeen Local Development Plan 2020. There are no material planning considerations that warrant refusal of planning permission in this instance.

CONDITIONS

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

ADVISORY NOTES FOR APPLICANT

(01) FLUE OPERATION

Any stove appliance installed is to be operated in line with the manufactures operating, cleaning and maintenance instructions. Improper use, including use of inappropriate including damp fuel resulting in unreasonable smoke/fume emissions likely to impact on amenity of neighbours are to be prevented.