

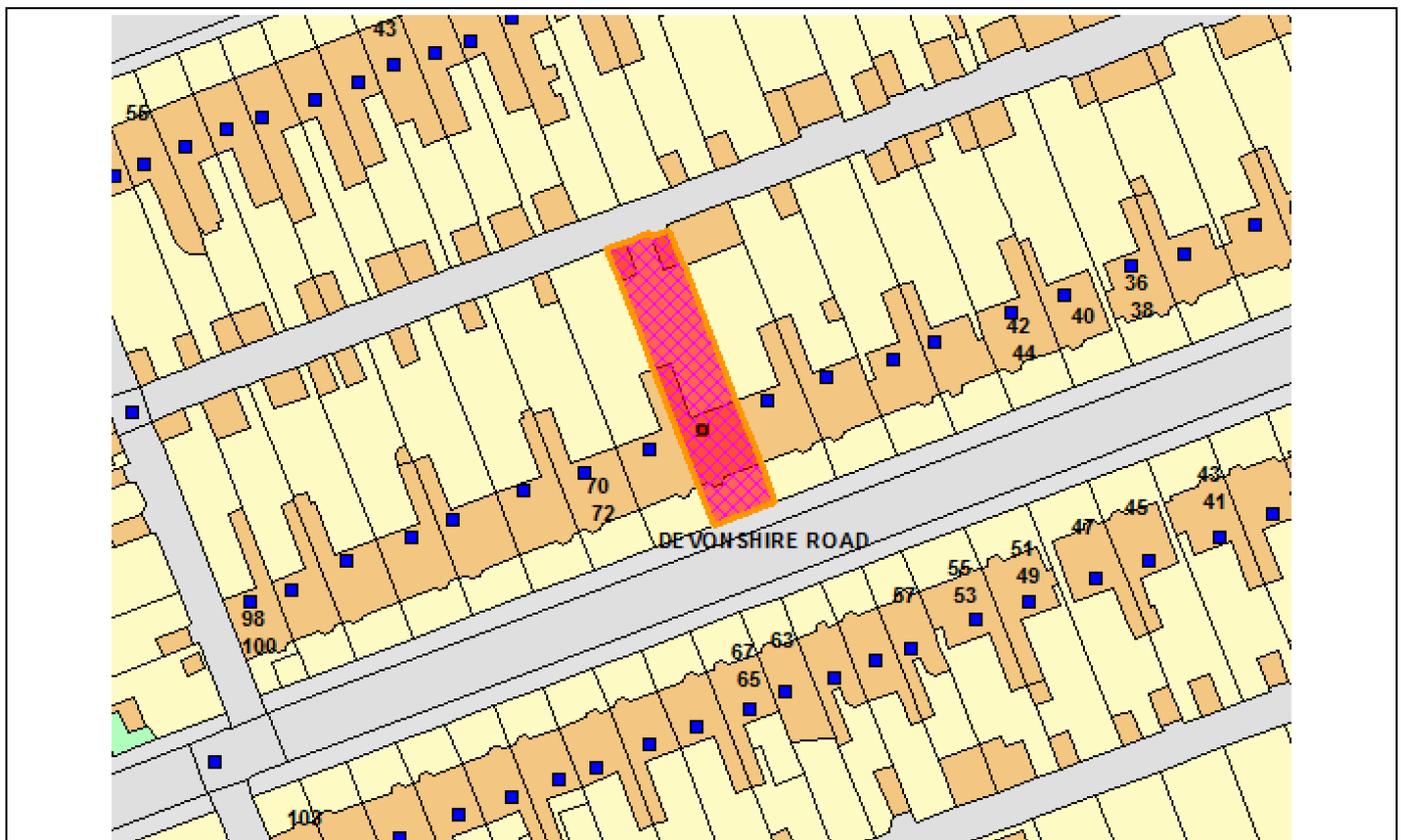


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 9 February 2023**

Site Address:	64 Devonshire Road, Aberdeen, AB10 6XQ
Application Description:	Installation of replacement front windows; formation of garden walls; and installation of hard surface and artificial grass (partially retrospective)
Application Ref:	221130/DPP
Application Type	Detailed Planning Permission
Application Date:	14 September 2022
Applicant:	Mr D Harris
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw
Case Officer:	Aoife Murphy



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## **RECOMMENDATION**

Approve Conditionally.

## **APPLICATION BACKGROUND**

### **Site Description**

The application site relates to a ground floor flat contained within a two-storey, terraced building and its associated curtilage. The building has a south-east facing principal elevation fronting Devonshire Road; adjoins 58/60 Devonshire Road and 66/68 Devonshire Road to the north-east and south-west respectively; and a rear service lane bounds the site to the north-west. The traditional, late 19th Century, granite building incorporates a two-storey bay window projection to the front elevation. The flat has four windows on its front elevation, three of which form the bay window. The windows are all one-over-one, white-painted, timber-framed, sliding sash and case units. The front curtilage of the property was previously predominantly covered by vegetation and bound by a 150mm granite plinth with low-rise railings atop. However, the garden has since been cleared. A 575mm high granite wall has been built along part of the south-eastern boundary and works have been undertaken to form hard surfaces. The site lies in a residential area within the Albyn Place and Rubislaw Conservation Area.

### **Relevant Planning History**

No relevant planning history.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought partly retrospectively for the installation of replacement front windows; the formation of garden walls; and the installation of a hard surface and artificial grass.

The flat's four timber-framed sash and case windows would be replaced with white-painted, double-glazed, timber-framed sash and case units. The new windows would match the existing fenestration pattern (one-over-one, 50/50 split).

A 575mm high granite wall would be erected along the majority of the south-eastern boundary of the front curtilage.

On the western half of the front curtilage, slabs and artificial grass would be laid. On the eastern half, between the existing paths to the front doors of 62 and 64, the plan states that shrubs, slabs and chuckies would be reinstated as per the previous garden arrangement. In terms of what previously existing, it can be seen from Google Maps (2019 & 2020), the area consisted of mainly shrubs and paving. Chuckies do not seem to be apparent, but the images from Google are not conclusive. As such it is expected that some form of hard and soft landscaping would be reintroduced in this area.

### **Amendments**

The application has been amended since original submission at the request of the Planning Authority in that the driveway and electric vehicle charging point have both been removed from the proposal and the garden wall is now proposed to extend along the majority of the southern boundary. Reference to a 'putting green' has been removed from the proposal as planning permission is only required for the installation of artificial grass. Planning permission is not required for private ancillary activities that take place within residential curtilages.

## **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=RI5LQ0BZJNB00>

Existing Window Condition Survey by Thistle Windows

## **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because more than 5 timeous objections have been received and thus falls out with the Council's Scheme of Delegation.

## **CONSULTATIONS**

**ACC - Roads Development Management Team** – Following the removal of the driveway from the application, Roads Development Management have no objection.

**Queen's Cross and Harlaw Community Council** – No response received.

## **REPRESENTATIONS**

A total of 28 representations have been received for this application, with all 28 initially objecting to the proposal, however the upon receiving amended plans, the Planning Service carried out the neighbour notification process again, 5 additional comments were received, but these were from neighbours who had already submitted representations, 2 of these advise that they are maintaining their objection to the development, 1 now supports the proposal and 2 are neither objecting or supporting, but note that they are satisfied with the proposal, which is taken as being in support of the application. No representation was withdrawn so the final number of representations stands at 28, with 25 objecting to the development and 3 in support. The matters raised are as follows:

Objections:

1. Car parking in front gardens is not a feature in Devonshire Road.
2. The driveway would diminish the attractive quality of the streetscape.
3. The loss of available parking as a result of the driveway is detrimental to other residents.
4. Giving permission for one driveway would create an unwelcome precedent.
5. Visibility concerns regarding the driveway.
6. The driveway would result in the removal of a street tree.
7. The proposed mounting of an electrical vehicle charging point on the front elevation is unsuitable.
8. The boundary wall is not in keeping with the street.
9. There is no reference to the signage that has been erected on the outer face of the new unapproved boundary wall.
10. A 'putting green' might lead to further golf related developments.
11. Artificial grass combined with slabs and tarmac will result in no vegetation in the front garden, contrary to current policy for encouraging more green spaces.
12. Artificial grass is not in keeping with the street.
13. Slabs and artificial grass increase flooding risk for both the property and the street as a whole.
14. Only a minimal number of addresses were informed directly of the works.

Support:

1. Initial comments have been taken on board.
2. Suitably satisfied with the revised plans.

## **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)

#### **National Planning Framework 4**

National Planning Framework 4 (NPF4) was given final Parliamentary approval on 11th January 2023 and is anticipated to be adopted in February 2023. The weight to be given to NPF4 prior to its adoption is a matter for the decision maker. Although NPF4 has not yet been formally adopted it has now been approved by Parliament and is, therefore, now considered to be a significant material consideration in the assessment of planning applications. The relevant provisions of NPF4 that require consideration in terms of this application are:

- Policy 7 – (Historic Assets and Places)
- Policy 16 (Quality Homes)

### **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 D4 – Historic Environment

Policy D5 – Our Granite Heritage

Policy H1 – Residential Areas

## **Supplementary Guidance (SG)**

The Householder Development Guide (HDG)

The Repair and Replacement of Windows and Doors

## **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. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 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 the relevance of these matters to the application under consideration.

The following policies are relevant –

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy D6 – Historic Environment

Policy D7 – Our Granite Heritage

Policy D8 – Windows and Doors

Policy H1 – Residential Areas

## **Other Material Considerations**

Albyn Place and Rubislaw Conservation Area Character Appraisal and Management Plan (July 2013)

Historic Environment Scotland (HES) - Managing Change in the Historic Environment: Boundaries and Windows

## **EVALUATION**

### **National and Local Policy Context**

As outlined within NPF4, consideration must be given to Policy 7 – Historic Assets and Places, which advises that the intent of the policy is to protect and enhance historic environment assets and places. Furthermore, Policy 16 – Quality Homes advises that householder development should not have an impact on character and amenity of the surrounding area.

SPP (para. 137) states that the planning system should: promote the care and protection of the designated and non-designated historic environment and its contribution to sense of place, culture identity, social well-being, economic growth, civic participation and lifelong learning and enable positive change in the historic environment which is informed by a clear understanding of the importance of heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

HEPS (p. 13) in its policies for managing the historic environment states that decisions affecting the historic environment should be informed by an inclusive understanding of its breadth and cultural significance; when considering changes to a specific asset and their context, detrimental impacts should be avoided. Also of relevance is Historic Environment Scotland's 'Managing Change in the Historic Environment: Windows' guidance.

Policy D1 (Quality Placemaking by Design) requires 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.

Policy D4 (Historic Environment) states that the Council will protect, preserve and enhance the historic environment in line with SPP, HEPS and its own Supplementary Guidance and Conservation Area Appraisals and Management Plan. 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, Conservation Areas and Historic Gardens and Design Landscapes, will be supported.

Policy D5 (Our Granite Heritage) seeks the retention and appropriate re-use, conversion and adaption of all granite features, structures and buildings, including setted streets, granite kerbs and granite boundary walls.

### **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 accord with this policy in principle if it does not constitute overdevelopment; the character and amenity of the surrounding area is not adversely affected; it does not result in the loss of open space; and it complies with the relevant Supplementary Guidance. As outlined above, these requirements are echoed by Policy 16 of NPF4.

The proposal relates to a residential property and its curtilage and therefore, would not result in the loss of open space. The remaining issues are assessed in the evaluation below.

### **Scale, Design & Impact on the Historic Environment**

#### Windows

The Supplementary Guidance on the Repair and Replacement of Windows and Doors sets out that replacement of original/historic windows will only be supported where it can be demonstrated to the satisfaction of the Council that they have deteriorated beyond practicable/economic repair. In this case, a window condition survey has been submitted that details the condition of each window subject to this application. It has been stated that the windows for replacement are in a poor state of repair due to water ingress resulting in the decay of the timber, with poor quality repairs having taken place to keep the windows operational. The Planning Authority accept that the windows are beyond practicable repair and thus, the principle of their replacement is acceptable, subject to the replacement units being of an appropriate design.

The proposed replacement windows would be timber-framed, one-over-one, sash and case units. The style of each window and opening method is considered appropriate, matching the style and proportions of those to be replaced and to adjacent properties. The submitted horizontal and vertical cross-sections demonstrate compliance with the requirements of both 'Managing Change' guidance and the Council's SG in respect of glazing, materials, arrangements, opening method, vents, etc. As such, it is considered that the proposed replacement windows would have a positive impact on both the property and the wider area.

#### Wall

The previous 150mm high granite boundary plinth along the south-eastern boundary of the site has been removed and partially replaced by a 575mm high granite wall. It is proposed to erect this wall along the entire south-eastern boundary, leaving clear the existing paths leading to the application property and adjoining flat.

Devonshire Road is predominantly characterised by 150mm high granite plinths along the front boundary of properties. Historically, pre-war, these would have contained iron railings. Now, the granite plinths along Devonshire Road incorporate reinstated railings, hedging or nothing at all.

It is acknowledged that a 575mm high wall is not common within the immediate vicinity, although it is noted that 46/48 Devonshire Road have carried out similar works. Although uncharacteristic of

the surrounding area, the wall would be suitably constructed of granite and as works have already been partially undertaken, it can be seen to be of a suitably high quality. Additionally, in line with Policy D5 of the ALDP, the original 150mm high granite blocks have been reused and thus, the historic character of this front boundary has not been entirely lost. Overall, the wall would not be unduly high – retaining a low front boundary – and would be of suitable material and quality. Once completed, it is not considered this element of the proposal would cause significant harm to the character or appearance of the conservation area.

### Slabs and Artificial Grass

The creation of the slabbed area and the laying of artificial grass is considered acceptable given this would cover approximately 50% of the front curtilage. As this would cover approximately half the garden which is a relatively small area – with the other half containing natural vegetation – it is not considered this would cause harm to the character or appearance of the conservation area. As noted above the remaining half of the garden would be reinstated as per the previous arrangement, but it is unclear what that will look like, as such it is considered appropriate to attach a condition requesting details of a landscaping plan, this would give an overview and just advise the Planning Service what type of hard and soft landscaping is being proposed.

For the aforementioned reasons, the proposal is considered to be of an appropriate design that would preserve the character and appearance of the Albyn Place and Rubislaw Conservation Area, in accordance with the provisions of NPF4, SPP, HEPS and Policies D1, D4, D5 and H1 of the ALDP.

### **Impact on Residential Amenity**

No development should result in a situation where amenity is “borrowed” from an adjacent property, or there is an impingement on the amenity enjoyed by others. Due to the nature of the works, there would be no increase impact on neighbouring privacy levels, nor any impact on any sunlight or daylight receipt to neighbouring properties. Therefore, the proposal would be in compliance with the provisions of NPF4, Policy H1 of the ALDP and the HDG.

### **Issues Raised in Submitted Representations (Objections)**

1. *Car parking in front gardens is not a feature in Devonshire Road.*
2. *The driveway would diminish the attractive quality of the streetscape.*
3. *The loss of available parking as a result of the driveway is detrimental to other residents.*
4. *Giving permission for one driveway would create an unwelcome precedent.*
5. *Visibility concerns regarding the driveway.*
6. *The driveway would result in the removal of a street tree.*

In relation to points 1 to 6 above, the proposed driveway has since been removed from this proposal.

7. *The proposed mounting of an electrical vehicle charging point on the front elevation is unsuitable.*

This element has been removed from the drawings and is no longer part of the proposal.

8. *The boundary wall is not in keeping with the street.*

The proposed boundary wall has been discussed in the foregoing evaluation: ‘Scale, Design & Impact on the Historic Environment’ where it is not considered to cause a significant harm to the character of the street.

9. *There is no reference to the signage that has been erected on the outer face of the new unapproved boundary wall.*

This element is considered to be de-minimis and therefore no planning application is required.

*10. A 'putting green' might lead to further golf related developments.*

Reference to the putting green has been discussed in the foregoing section: 'Amendments' where it is noted that planning permission is not required for activities the applicant personally wishes to undertake with their private curtilage.

*11. Artificial grass combined with slabs and tarmac will result in no vegetation in the front garden, contrary to current policy for encouraging more green spaces.*

The application has since been amended to include some form of vegetation, with details being requested via condition.

*12. Artificial grass is not in keeping with the street.*

The artificial grass is discussed in the foregoing evaluation: 'Scale, Design & Impact on the Historic Environment'.

*13. Slabs and artificial grass increase flooding risk for both the property and the street as a whole.*

Given the relatively small area that would be covered by slabs and artificial grass, flood risk is not considered significant.

*14. Only a minimal number of addresses were informed directly of the works.*

As per legislation, the Planning Authority are required to notify addresses within 20m of the site, in this case the Neighbour Notification has been carried out correctly.

## **Conclusion**

The proposed replacement windows would have a neutral impact on the character and appearance of the conservation area, being widely similar to the existing windows. In terms of the boundary wall, artificial grass and slabbed area, while this may be slightly uncommon within the surrounding area, it is not considered they would have any significant adverse impact on the character and appearance of the conservation area to warrant refusal of the application. Thus, the proposal complies with requirements of NPF4, SPP, HEPS; Policies D1, D4, D5 and H1 of the ALDP; and the guidance contained within HES's Managing Change in the Historic Environment: Boundaries and Windows.

## **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 proposed alterations are considered to be satisfactory in terms of design, scale, materials and appearance. The proposal would have no adverse impact on the residential amenity of neighbouring properties thereby retaining current residential amenity. The proposal is therefore considered to be compliant with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 and with the Supplementary Guidance: 'The Repair and Replacement of Windows and Doors' and 'Householder Development Guide', and the guidance contained in Historic Environment Scotland's Managing Change Documents: 'Windows'. The character and appearance of the Albyn Place and Rubislaw Conservation Area would also be preserved in compliance with Scottish Planning Policy; Historic Environment Policy for Scotland; and thereby with Policies D4 (Historic Environment) and D5 (Our Granite Heritage) of the Aberdeen Local Development Plan 2017. The proposal has also been considered against the provisions of National Planning Framework 4 and is deemed to be appropriate. On the basis of the above and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations that would warrant refusal of the application.

## **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.

### **(02) LANDSCAPING SCHEME**

No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- a) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- b) The location, design and materials of all hard landscaping works including paving/slabs/chuckies.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason - To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.