

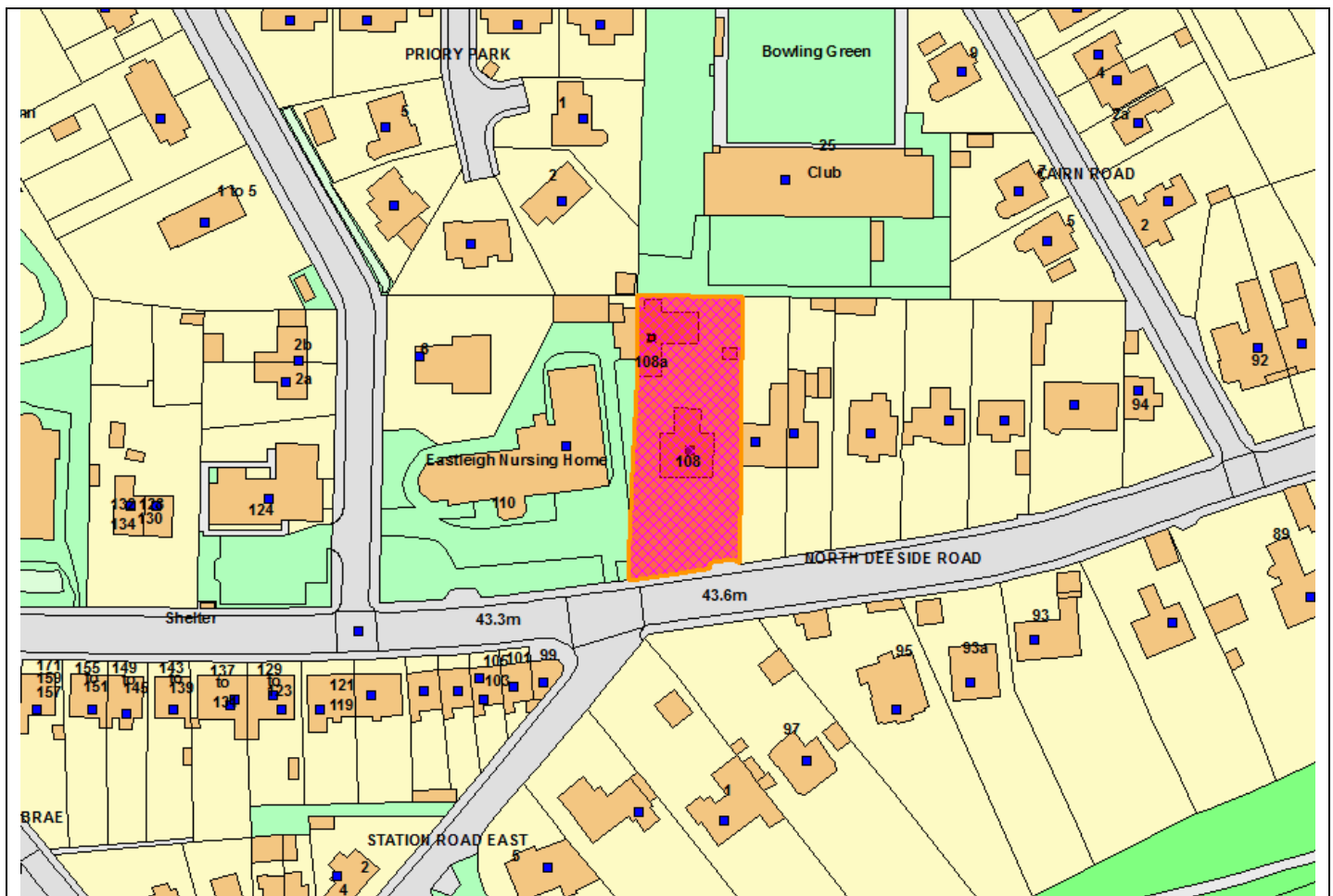


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 20 April 2023

Site Address:	108A North Deeside Road, Peterculter, Aberdeen, Peterculter, AB14 0QB
Application Description:	Erection of domestic detached garage
Application Ref:	221146/DPP
Application Type	Detailed Planning Permission
Application Date:	21 September 2022
Applicant:	Mr Rod Nicolson
Ward:	Lower Deeside
Community Council:	Culter
Case Officer:	Roy Brown



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a 1½ storey detached granite dwelling within a long-established shared curtilage of two residential dwellings in a residential area. The application dwellinghouse is located at the north of the site to the rear of 108 North Deeside Road and does not front any public road, but it does have a south facing principal elevation due to the presence of its existing extension approved under 190441/DPP. An existing garage, part of a former garage, and a shipping container lie to its south. Beyond these developments lies 108 North Deeside Road, which is located centrally within the overall site and has a south facing principal elevation which fronts North Deeside Road to the south, from where the site is accessed. Eastleigh Nursing Home lies to the west; Culter Mills Sports and Recreation Club is situated to the north; and a residential dwelling, 106 North Deeside Road, can be found to the east.

A condition of the planning permission (Ref: 190441/DPP) was that no development could take place unless the two garages were removed, however, as one of the garages and the floor of the other are still in existence, there is a breach of planning control, but this is separate to this application and is currently being considered by the Planning Service.

Relevant Planning History

Planning permission was refused under delegated powers, which was upheld by the Local Review Body, for the erection of a 1½ storey extension to the front of the dwellinghouse in January 2019 (Ref: 181783/DPP).

Planning permission was thereafter granted in June 2019 by the Planning Authority by way of the Local Review Body for the erection of a 1½ storey extension to the front of the dwellinghouse (Ref: 190441/DPP) subject to conditions, including:

‘(3) That, unless otherwise agreed in writing by the planning authority, no development pursuant to the construction of the approved extension shall take place unless the 2no existing garages to the south of the dwelling have first been demolished.’

Reason: In order to ensure removal of the existing garages and thereby ensure compliance with the Council’s Householder Development Guide Supplementary Guidance as regards cumulative footprint.’

As noted above, these garages have not been removed, as such there is a breach of planning control due to non-compliance with this condition. This is the subject of an on-going planning enforcement investigation (Ref: ENF220186).

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the erection of a single storey domestic garage in the residential curtilage to the southeast of the dwellinghouse of 108A North Deeside Road c.1m from the eastern boundary of the site.

The garage would have a built footprint of c.46.5sqm and be c.6.2m in width and c.7.5m in length. It would have a gable roofed form with an eaves height of c.2.8m and a ridge height of c.4.6m. Due to the slope of the site, the development would be set into the slope at the east of the site and ground to a maximum of c.1m in height would be excavated to facilitate the garage. Its walls would be finished in render and granite quoins, and it would have a slated roof. The garage would have two anthracite grey single garage doors and rooflights on its western elevation and a vertically proportioned window on its south elevation.

Amendments

The application has been revised since submission in that:

- The height of the garage has been reduced from c.4.9m to c.4.6m and its internal dimensions have been adjusted so that instead of being c.6m in width and 8.5m in length, it would be 6.2m in width and 7.5m in length.
- Cross sections have been provided to show how the garage would be situated on the site, the level of excavation, and establish the height of the development in relation to the curtilage of the adjacent dwellinghouse to the east.
- The garages on the south elevation, one of which has since been partially removed, are no longer included on the proposed plans.

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=R1I3P5BZJST00>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it is being recommended for approval and has been the subject of formal timeous objection by the local Community Council within whose area the application site falls.

CONSULTATIONS

Roads Development Management Team – No objection – As revised, the garage would be of dimensions that comply with the Supplementary Guidance: Transport and Accessibility.

Culter Community Council – Objection. The revised proposal to reduce the height does not allay the concerns of neighbours with respect to the impact on amenity. They specifically had concerns with the proximity to the eastern boundary and its height.

Reference is made to the ongoing planning enforcement investigation regarding the non-compliance Condition (3) of application with reference: 190441/DPP, which required the removal of the garages on the south elevation. If the applicant were to comply with that condition, it would be possible to site the garages close to the south elevation where it would not impact the amenity of the neighbours. They would not object to that outcome. They also note that they have not received an update regarding the enforcement case.

REPRESENTATIONS

Neighbours were re-notified of the application because of the revisions that were made to the application. Following both notification periods, the application has been the subject of two objections. The matters can be summarised as the following:

- The proposed garage would be of a height that would overshadow 106 North Deeside Road to the east, notably the patio in their rear curtilage.
- Concern with respect to overdevelopment. It is noted that an issue with the previous application was the additional footprint of that previous extension. The proposed garages are larger so this may have an impact on the new footprint exceeding the main house.
- Concerns with respect to impact on privacy.
- The impact on the structural integrity of the shared wall between the site and 106 North Deeside Road from excavation.
- The proposed plan does not include the existing garages that are on the site.
- The precedent that this proposal would set.
- It is noted in both objections that if the garage was in place of the existing garage, which must be removed as part of the previous permission 190441/DPP, the proposal would be considered more favourably.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 5 (Soils)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

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. The ALDP is beyond this five-year period.

The following policies are relevant –

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking by Design)

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 H1 (Residential Areas)
- Policy D1 (Quality Placemaking)

Supplementary Guidance

- The Householder Development Guide
- Transport and Accessibility

EVALUATION

Principle of Development

The application site is zoned within Policy H1 (Residential Areas) of the Aberdeen Local Development Plan (ALDP) and the proposal relates to householder development. Householder development would accord with this policy in principle if it does not constitute overdevelopment, adversely affect the character and amenity of the surrounding area, does not result in the loss of valued open space, and it complies with the Supplementary Guidance, in this case the Householder Development Guide.

As this proposal would concern development that would be located in existing private residential curtilage, it would not result in the loss of publicly valued open space. The other issues are assessed in the below evaluation.

Climate Change

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 states that when considering all development proposals significant weight will be given to the global climate and nature crises. Policy 2 (Climate Mitigation and Adaptation) states that development proposals will be sited and

designed to minimise lifecycle greenhouse gas emissions as far as possible and that development proposals will be sited and designed to adapt to current and future risks from climate change. Finally, Policy 3 (Biodiversity) states that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance.

In respect of these policies, given the nature of the development as a domestic outbuilding within existing residential curtilage, the proposal would not result in any materially greater risk from climate change. The proposal would have on no significant impact on climate change given no significant natural features or species would be affected by this proposal. The proposed additional soft landscaping on the site by way of areas of grass to the south and east of the dwellinghouse would be consistent with the aims of Policies 1 (Tackling the Climate and Nature Crises) and 3 (Biodiversity). Policy 5 (Soils) seeks to minimise disturbance to soils from development. The proposed level of excavation would be minimal, in compliance with Policy 5 of NPF4. Commensurate with the scale of the development proposed, the proposal would accord with the aims of Policies 1, 2, 3 and 5 of NPF4.

Design Scale

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4 and Policy D1 of the ALDP. Policy 14 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 16 requires householder development to not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials. Policy D1 of the ALDP recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

The building would comply with the Supplementary Guidance: The Householder Development Guide in that it would be subordinate in scale to the original dwellinghouse of 108A North Deeside Road by way of its single storey gable roofed form and scale, relatively minor eaves and ridge height and its overall massing, which would be diminished by it being set into the slope of the site. The proposed slated roof finish and anthracite grey garage doors would correspond with the finish of 108A North Deeside Road and the use of render as a finishing material would be domestic in appearance and would be appropriate in its context whereby it would not be prominent from the streetscape of North Deeside Road behind 108 North Deeside Road.

It is recognised that the proposed outbuilding would have tensions with the Supplementary Guidance: The Householder Development Guide, which states 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. This is because the proposed garage would be located at the front of 108A North Deeside Road. Nevertheless, the long-standing layout of the site is unusual in that this dwellinghouse does not have a street facing principal elevation and is of a subordinate scale and massing to, as well as being sited to the rear of, the dwellinghouse of 108 North Deeside Road. As such, from North Deeside Road, the proposed garage would appear as being an outbuilding within the rear curtilage of 108 North Deeside Road. Its presence at the front of 108A North Deeside Road would not detract from the existing dwelling and it would not adversely affect the character and visual amenity of the surrounding area, as required by the above policies.

In considering whether the footprint of the proposed garage and the cumulative footprint of development on the site is acceptable, it is fully at the attention of the planning authority that the previous permission on the site for the extension to 108A North Deeside Road had a condition

which required no development to take place until the two garages to the south of the extension were removed. As one of these garages has not been demolished and the other has only been partially demolished there is a breach of planning control. It must be highlighted that the presence of the existing garage is the subject of a separate live planning enforcement investigation and proposed plans show that the garages on the south elevation will be removed. It will be addressed separately through enforcement irrespective of the outcome of this application.

The proposed garage would be subordinate in terms of its footprint to both 108 and 108A North Deeside Road, the site, and the other dwellings in the surrounding area, and would appear as an ancillary outbuilding. The Supplementary Guidance: The Householder Development Guide states that no more than 50% of the front or rear curtilage shall be covered by development. Given the application site comprises shared curtilage, assessment of site coverage cannot meaningfully be considered against this guidance.

If the entirety of the curtilage of 108A North Deeside Road, including the dwellinghouse of 108A itself is interpreted as being within the rear curtilage of 108 North Deeside Road, the combined footprint of the existing dwelling of 108A (excluding the garage which is being addressed through separate enforcement action) and the proposed garage would cover only c.20% of the entire area of to the rear of 108 North Deeside Road. It is noted in the proposed site plan that a boundary line is to be established on the site to allow for the formal separation of the curtilage, subject to title deeds being finalised. Whilst establishing that boundary would be a civil matter, if such a boundary was formed, c.22% of the area indicated as the front curtilage of 108A North Deeside Road would be covered by development. 35% of the entire indicative curtilage would resultantly be covered by development. It is considered that the resulting cumulative footprint from the proposed outbuilding would not result in overdevelopment of the site and that it would not in itself, or cumulatively, detract from the pattern of development in the surrounding area by any significant degree.

To summarise, the proposed garage would be architecturally compatible in its design, size, materials, form, height and footprint with the original dwelling, the existing site and the surrounding area. It would not adversely affect the character and visual amenity of the surrounding area and would not constitute overdevelopment, in accordance with Policy 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4; Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) and the Supplementary Guidance: The Householder Development Guide.

Residential Amenity

Policy 16 (Quality Homes) of NPF4 supports householder development that would not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

Using the 45-degree method in the Supplementary Guidance: The Householder Development Guide, the proposed garage would not adversely affect the existing levels of sunlight or background daylight afforded to any neighbouring dwelling or curtilage, notably 106 North Deeside Road to the east of the site. This is because of the minor height of the development from the adjacent curtilage due to its single storey pitched roofed height and form and it would be partially set into slope of the site and thus its base would partially be set below the ground level the curtilage of 106 North Deeside Road. The proposal would therefore not adversely affect the level of sunlight and daylight afforded to the neighbouring residential dwellings and curtilage.

The proposed outbuilding would not adversely affect the existing levels of privacy afforded to the neighbouring properties given its non-habitable nature as a domestic garage. Furthermore, its only window would be on the south elevation, which would face the shared driveway on the site and indirect overlooking would not occur given the presence of boundary treatment to the east.

Whilst the proposed garage would be located 1m from the boundary of 106 North Deeside Road, given its minor height and length, the presence of a boundary wall and vegetation along this boundary in the curtilage of 106 North Deeside Road, the development would not be of a scale, massing or siting whereby it would be overbearing to the neighbouring residential dwelling or its curtilage by any significant degree.

It would therefore not adversely affect the existing levels of residential amenity of the surrounding area in terms of background daylight, sunlight, privacy and general amenity, in accordance with Policy 16 (Quality Homes) of NPF4; Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the ALDP; and the Supplementary Guidance: The Householder Development Guide.

Road Safety

The proposed garage would be of internal and entry dimensions to safely facilitate two parked vehicles, in accordance with the Supplementary Guidance: Transport and Accessibility. The Roads Development Management Team have not objected to the application.

Proposed Aberdeen Local Development Plan

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.

Matters Raised in the Representations

The matters raised in relation to overshadowing, cumulative footprint and privacy have been considered in the above application.

The matter relating to the non-compliance of Condition 3 of application with reference: 190441/DPP concerning the removal of the garages to the south elevation is a matter that is being addressed separately through an ongoing planning enforcement investigation (Ref: ENF220186). The garages to the south of the dwelling are not included on the proposed plans because it is proposed that these will be removed. It is recognised that both objections have raised that if this garage were be located to the west of the site where the existing garage is located, the development would be considered more favourable to the objectors. This was raised by the Planning Service with the applicant, however, development at the east of the site and the planning authority must determine the application based on the plans that have been submitted. Nevertheless, for the reasons set out in this assessment, the proposal would comply with the relevant material planning considerations, specifically the relevant policies of the Development Plan.

With respect to the matter of precedent, every planning application is assessed on its own merits in accordance with the relevant material planning considerations at the time of its determination. Nevertheless, given this proposal would comply with the relevant planning policies and guidance it is considered that this development would not set any unwelcome precedent.

The impact on the structural integrity of the shared boundary wall from excavation is not material planning consideration. It is a matter that would be addressed separately through building regulations.

Matters Raised by the Local Community Council

The matters raised with respect to the impact on residential amenity has been addressed in the above evaluation under the heading 'Residential Amenity'. The matter relating to the ongoing breach of planning control concerning the presence of the existing garage has been addressed above. It is noted again that this is a matter that is considered separately through an ongoing planning enforcement investigation (Ref: ENF220186). As above, the Planning Service raised the matter of re-siting the development to the west of the site to allay the concerns of the Local Community Council and the neighbouring properties. However, as highlighted above, the planning authority are required to assess the application submitted and in this case it is proposed to located the development to the east. Nevertheless, for the reasons set out in this assessment, the proposal would comply with the relevant material planning considerations, specifically the relevant policies of the Development Plan.

Whilst not relevant to this planning application, the update sought regarding the planning enforcement case (Ref: ENF220186) has been noted and has been addressed separately.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

In the context of the site and the surrounding area, the proposed garage would be architecturally compatible in design, scale and finish with the dwellinghouse, its setting to the rear of 108 North Deeside Road and the surrounding area. It would not in itself or cumulatively constitute overdevelopment and the development would not adversely affect the existing levels of residential amenity afforded to the neighbouring residential dwellings, notably that of 106 North Deeside Road, by way of impacting sunlight, daylight, privacy and general amenity. The garage would be of a scale whereby it could safely facilitate two parked cars. Commensurate with the scale and nature of development, the proposed garage would not be at undue risk from, or contribute to, climate change and the nature crises. Likewise, the level of excavation in terms of soil sealing would be minimal.

The proposal would therefore accord with the aims of Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity), 5 (Soils), 14 (Design, Quality and Place) and 16 (Quality Homes) of National Planning Framework 4; Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'The Householder Development Guide' and 'Transport and Accessibility'; and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Proposed Aberdeen Local Development Plan 2020.

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

For the benefit of any doubt, the outcome of this planning application does not authorise any existing breach of planning control on this application site. The development pursuant to this permission solely refers to the erection of the proposed detached garage at the east of the site on the proposed plans.