

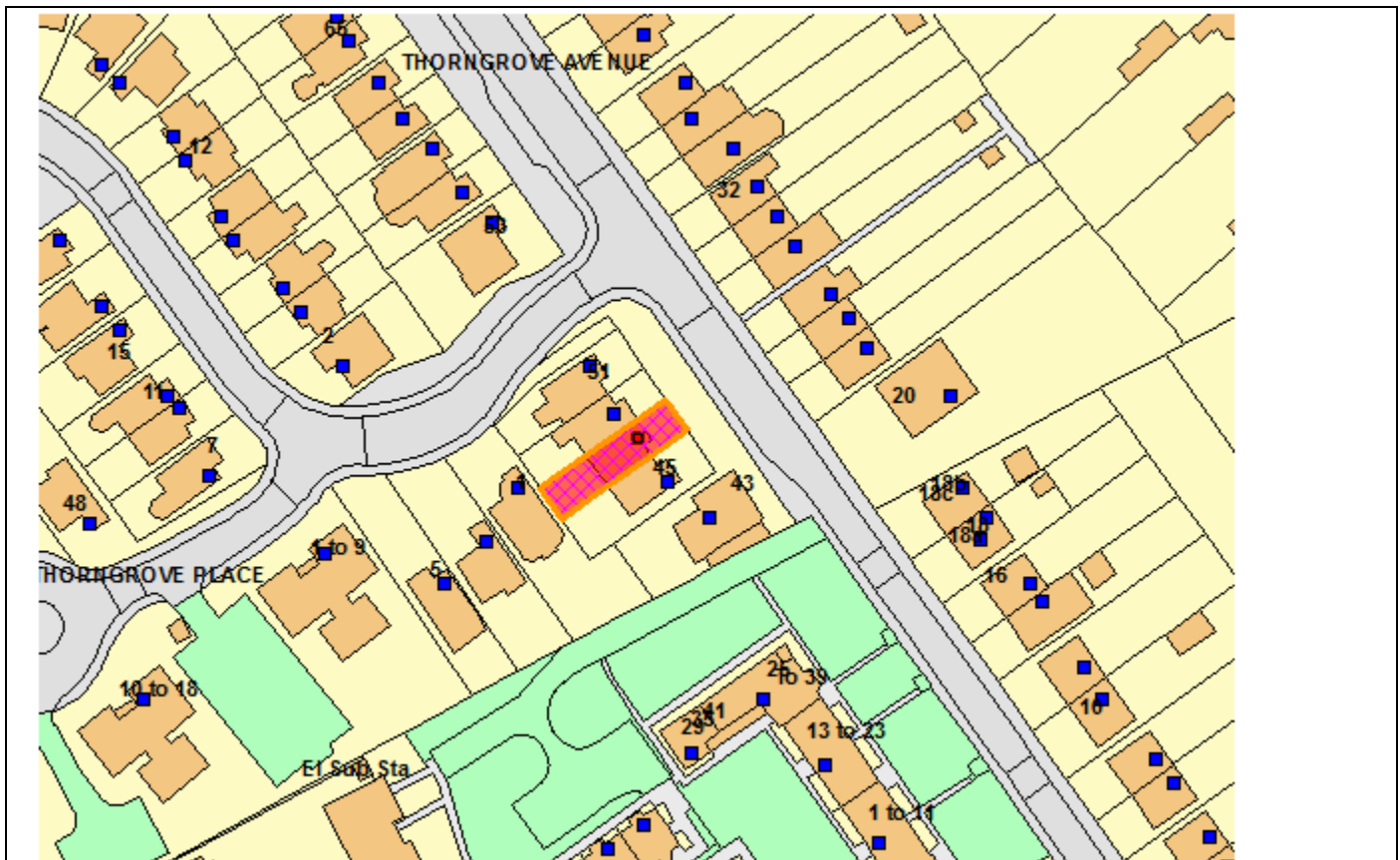


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:**

<b>Site Address:</b>	47 Thorngrove Avenue, Aberdeen, AB15 7FG
<b>Application Description:</b>	Erection of single storey extension to rear
<b>Application Ref:</b>	240888/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	22 July 2024
<b>Applicant:</b>	Mr Peter Taylor
<b>Ward:</b>	Airyhall/Broomhill/Garthdee
<b>Community Council:</b>	Braeside and Mannofield



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## **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The site to which this application relate is the curtilage of a two storey mid-terrace dwellinghouse constructed in the late 20<sup>th</sup> century as part of a wider development of the former Robert Gordon playing fields. The dwelling and its neighbours face onto Thorngrove Avenue which is to the west of Aberdeen city centre and is designated on the Proposals Map of the Aberdeen Local Development Plan 2023 (ALDP) as a residential area (Policy H1). Thorngrove Avenue runs from Great Western Road at the south to Seafield Road to the north and has a linear building line on the east side of the road which is characterised by granite faced early 20<sup>th</sup> century one-and-half storey, gable fronted, linked terraced dwellinghouses.

The application site is adjoined by two attached terraced dwellinghouses, 45 Thorngrove Road to the south and 49 Thorngrove Road to the north. To the rear of the site is the side elevation of a two storey dwellinghouse 1 Thorngrove Place. These properties, including the application site and surrounding properties, have an external finish which consist of a palette of materials which include Fyfestone block work, pale coloured render and dark brown hung tiles on a rear projecting half-dormer window and roof. Across the wider development there are examples of terracotta coloured tiles and a mix of render colour finishes. The rear curtilage is stepped down slightly lower than the floor level of the dwelling and is hard surfaced in the form of paving stones. The rear curtilage of the application site and adjoining properties is visible from Thorngrove Crescent. The boundary treatment of the rear curtilage is vertical board timber fencing of approximately 1.7 – 1.8m in height. The footprint of the dwelling is approximately 61m<sup>2</sup> including an integral garage.

Dwellinghouses within the wider development have seen a variety of extension types. These include rear conservatory extensions in UPVC framed glazing including the two properties to the north, single storey rear extensions with solid roofs, an example of which can be seen at 1 Thorngrove Crescent, and side extensions including the extension at 53 Thorngrove Avenue which has a asymmetric designed pitched roof.

### **Relevant Planning History**

The application site has not seen previous extensions or alterations which would have required planning permission.

The wider development was approved under planning permission reference 920603 and attached to this planning permission is a condition which removes permitted development rights from the development. It is as follows -

That no development or extensions, whether or not permitted by virtue of Schedule 1, Parts 1 and 2 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 shall be erected either on, or in the gardens of the dwellings approved herewith without the prior consent in writing of the City Planning Officer - In the interest of visual amenity.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Planning permission is sought for the erection of a single storey lean-to extension to the rear elevation of the dwelling. The proposed extension would project a maximum of 3.0m from the rear elevation and would have an eaves height of 3.0m from ground level. The maximum height of the

proposed extension would be approximately 3.8m where the extension abuts the exterior wall of the existing dwelling house.

The proposed extension would be approximately 6.0m wide which would bring the side walls of the proposed extension within close proximity to the boundary of the application site. The proposed extension would be finished in a mixed palette of materials with Fyfestone side elevations, red pigmented standing seam metal rear elevation and roof covering, with a timber panel or timber effect composite panel inset panel in the rear elevation. The proposed extension would not have windows in the side elevation and would have a sliding rear door which would be full height glazing and a top hung rear window. In the roof it is proposed that there would be a single roof light.

## **Amendments**

In agreement with the applicant, the following amendments were made to the application:

- Alteration of position of rear extension to reflect property boundary.
- Reduction in projection of extension to 3.0m.
- Change of external finish on the side elevations to Fyfestone.
- Reduction in height of extension.
- Roof design amended to a lean-to design.
- Removal of the previously proposed raised deck.

## **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=SH12Z7BZHXS00>

## **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because the application is being recommended for approval and has been the subject of six or more timeous letters of representation (following advertisement and/or notification) containing material planning considerations that express objection or concern about the proposal.

## **CONSULTATIONS**

### **Braeside and Mannofield Community Council – Objection**

- The proposal is not sympathetic to the style or scale of surrounding properties
- The materials proposed (red zinc) would be visually intrusive in the neighbourhood
- The large scale of the proposal would compromise light levels and privacy of some surrounding properties.

## **REPRESENTATIONS**

Nine objections have been submitted in regards to the application from the occupants of six neighbouring properties. The matters raised can be summarised as follows:-

- The proposed red coloured standing seam metal finishing material is not in keeping with the surrounding area and would be incongruous due to this colour.

- The proposed Fyfestone should match that of the existing house as the drawings show it to be a darker colour than existing.
- The scale of the extension, in its height, full width and projection is not sympathetic to the size surrounding properties and would be dominant and overbearing.
- The use of metal roofing would lead to noise pollution during heavy rainfall harming the amenity of neighbouring residents.
- The extension would be visible from Thorngrove Crescent as well as from adjoining properties and would be incongruous.
- The size of the extension would considerably limit the size of the application properties rear garden and would harm the amenity of the neighbouring properties.
- The proximity of the amended extension position would still be too close to the boundary relying on access to neighbouring properties, damage to existing fences, and require foundations within neighbouring land.
- The height of the extension would impinge on light in neighbouring properties particularly during the year when the sun does not rise high and therefore the 45 degree test is less relevant.
- The kitchen and rear garden at 49 Thorngrove Avenue would be overshadowed and would be adversely affected by the proposed extension.
- Loss of privacy at the host property from overlooking from a stairway window at 1 Thorngrove Crescent to the roof light in the proposed extension and vice versa.
- The sun path drawing inaccurately shows the orientation of the houses.
- The extension exceeds the maximum dimensions set out in the Householder Development Guide/ permitted development rights.

Non material issues were also raised which are not considered to be relevant to determining the planning application. These include that the proposal would not accord with the deeds of the property and neighbouring land, issues related to the applicants' dogs, and insufficient space on site or within the road to accommodate construction traffic and building materials.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act") 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.

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

#### **Aberdeen Local Development Plan 2023(ALDP)**

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)

## **Aberdeen Planning Guidance**

- Householder Development Guide.
- Materials

## **EVALUATION**

### **Key determining factors**

The key determining factors in the assessment of this application are whether the proposed development would:

- impact upon the character and appearance of the existing dwelling or the surrounding area;
- impact upon the amenity of the area, including the residential amenity of immediately neighbouring properties;

### **Principle of development**

Policy 16 (Quality Homes), paragraph (g) of National Planning Framework 4 (NPF4) states that householder development proposals will be supported where they:

- do 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; and*
- do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.*

The application site also lies within a Residential Area, as zoned in the Aberdeen Local Development Plan 2023 (ALDP) Proposals Map. Policy H1 (Residential Areas) of the ALDP states that within existing residential areas, proposals for new householder development will be approved in principle if it:

- does not constitute over-development; and*
- does not have an adverse impact to residential amenity and the character and appearance of an area; and*
- does not result in the loss of open space.*

### **Impact on the character and appearance of the area**

In determining whether the proposed development would adversely affect the character and appearance of the existing dwelling, and the surrounding area, Policy 14 (Design, Quality and Place) of NPF4 is relevant. Policy 14 of NPF4 encourages and promotes well-designed development that makes successful places by taking a design-led approach. Policy D1 (Quality Placemaking) of the ALDP substantively reiterates the aims and requirements of Policy 14 of NPF4.

### **Design, scale, siting and materials**

Whilst planning permission is required in this case due to the quoted planning condition, this size and design of extension would normally be 'permitted development' under Class 3A, Part 1,

Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). The reason the condition was added to the original planning permission was for the Council to retain control over development "In the interest of visual amenity."

The Council's Householder Development Guide Aberdeen Planning Guidance (HDG) states: '*Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area*'.

Within the majority of the objection representations the design of the structure, its scale and finish in terms of material and colour are set out as being unacceptable and out of character with the area. It is also noted in the objections that whilst this is a rear extension, the proposal would be visible from Thorngrove Crescent.

The comments relate to the first and second of three design iterations. The last design retains the same metal red tinted finish, but has been slightly amended in height, projection and the roof design whilst also removing a proposed deck. However the general principle of a single storey rear extension remains and therefore the objections received remain relevant.

The use of a lean to roof design in place of a parapet roof reduces the height of the eaves to 3.0m whilst the tallest point of the extension, at the lead upstand/flashing juncture with the house would be a maximum of 4.0m although the roof itself is shown to be approximately 3.8m at its highest point. This single storey rear extension is considered a typical form of domestic extension, and its 3.0m rear projection is compliant with the maximum projection for extensions to terraced houses as specified in the HDG. The design retains the majority of the rear garden. On the basis of the height, projection, and full width design and lean-to roof, whilst the objections are noted, the scale of the design, is considered to be acceptable and not atypical of residential extensions.

The exterior would have Fyfestone (reconstituted stone blocks) side elevations to match that on the front elevation, standing seam metal cladding in a red colour, and a timber or timber effect rear facing panel. The choice of exterior finishing materials are not wholly typical of the forms of extension in this area or the wider architectural character. It was noted that directly neighbouring properties have UPVC framed glazed conservatories and there are examples of rendered extensions in the vicinity. The use of a metal clad roof and exterior and timber panelling is therefore not typical of other extensions.

However, it is considered in this instance that the proposal would be architecturally compatible with the dwelling and surrounding area whilst not matching the existing rear elevation finishes. The use of none traditional materials such as UPVC framed conservatories, single ply-membrane roof coverings, concrete roof tiles or modern renders are typical in this development or the later extensions. Fyfestone is seen at the front of the property but not at the rear. However the use of Fyfestone on the sides of the proposed extension would link visually to the wider development and be a more regressive finish when viewed from neighbouring properties and Thorngrove Crescent.

The use of metal exterior finishes is not typical, however the use of a contrasting material in a subservient structure would result in a clear visual break between what was original and what is new. This could also be said for the UPVC structures visible within the area which have now become the norm architecturally, however would not be typical in the local vernacular prior to the late 20<sup>th</sup> century.

The Aberdeen Planning Guidance on materials sets out in terms of where metal cladding is proposed, it is *important to ensure that not only the scale, colour and texture of the cladding is sympathetic to the context but that it is carefully and finely detailed and jointed to ensure low maintenance and longevity... There is a long-standing history of light grey lead and anodised green*

*copper roofing in Aberdeen. Both those colours sit well within the Aberdeen context and contribute towards our 'sense of place'. More recently black and dark grey metal cladding have been used to replicate the colours of traditional slate roofs.*

However, the development in which the application site is located has terracotta coloured concrete roof tiles on some houses. The application dwelling has reddish brown stained timber fascia detailing and reddish brown hung tiles on the rear facing dormer windows. As such the use of a red finish would not be alien in this context. The use of modern materials allows for improved efficiency of the building, whilst ensuring weather proofing without needing bulky thicknesses of finish. This is a positive design consideration in this context as it can mean that the height of the structure is relatively low whilst still providing sufficient insulation and headroom to meet current efficiency requirements.

On balance therefore the proposed finish, including the use of a red tinted standing seam metal cladding, is considered to be architectural compatible with the wider area and would not lead to the loss of visual amenity.

### Overdevelopment

Guidance on what constitutes "overdevelopment" is set out within 'General Principles 4 and 5' at section 2.2 of the HDG This states that the built footprint of a dwellinghouse, as extended, should not exceed twice that of the original dwelling and no more than 50% of the rear curtilage of a dwelling should be covered by development. Technically the definition of development would include the use of paving slabs which currently cover the majority of the rear garden. This would mean that the rear curtilage as existing is 100 percent developed and that the extension would not result in anymore of the rear curtilage being developed.

In practical terms however, the open area of rear garden ground (which is noted as being paved) extends to 53m<sup>2</sup>. The proposed extension would reduce the area of open garden ground by approximately 18m<sup>2</sup>. The area of curtilage without buildings would be approximately 70% of the original rear garden ground. The size of the proposed extension would not result in the original house being more than doubled in footprint. The proposal in and of itself would not therefore constitute overdevelopment.

### Open space

The proposed householder development would be wholly contained within the existing residential curtilage of the application property and no open space would be lost.

### Summary

To summarise, the proposed development following amendment would be of an appropriate design for its context, would not constitute over development nor result in the loss of any open space, and would preserve the character and appearance of both the existing dwelling and the surrounding area, all in accordance with Policies 14 and 16 of NPF4 and Policies D1 and H1 of the ALDP, as well as the relevant guidance contained within the HDG.

### **Impact on the amenity of the area**

The reason permitted development rights were removed related to visual amenity, not the residential amenity of neighbouring residents. However, as planning permission is required in this case, this issue also needs to be considered in determining this application.

In relation to assessing impacts on residential amenity, Policy D2 (Amenity) of the ALDP seeks to ensure that existing levels of amenity would not be adversely affected to any significant degree by new development, noting in particular the importance of protecting the daylight and sunlight receipt, privacy and immediate outlook of occupiers. The HDG states: *'No extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected. Significant adverse impact on privacy, daylight and general amenity will count against a development proposal.'*

### Daylight and sunlight receipt

The design has been amended to a lean to roof which would mean that the eaves height would be 3.0m, the projection would be 3.0m and the maximum height closest to the house would be 4.0m as opposed to a 3.3m parapet roof. The extension would effectively be adjacent to the shared boundary. The extension would have some impact upon daylight and sunlight within the gardens and ground floor rooms of the two adjoining neighbouring properties. However, the application as amended is considered to have addressed the impact upon neighbouring residents amenity so as to avoid significant adverse impacts. The objections to the development on amenity grounds are noted however, the proposal would not fail the 45 degree daylight test as set out in the HDG appendix 2 in relation to the kitchen window of 49 Thorngrove Avenue to the north east as it would not be impinged by more than 50% within this 45 degree test (either the eaves or highest part of the roof).

The French doors to the south west in the rear elevation of 45 Thorngrove Avenue would be impinged slightly more than 50% when measured from the highest point of the roof. However, the impact would be limited as the roof slopes down further away from the property. These French doors would allow for significant levels of daylight into the space and therefore there would not be a significant adverse impact upon amenity.

In terms of sunlight, appendix 2 of the HDG also sets out a test to consider the potential impact of the proposed extension on neighbouring sunlight. This guidance does state that *"This method is intended as a tool to assist case officers in their assessment of potential overshadowing, and it is important that this be applied sensibly and with due regard for the context of a particular site. Where a proposal is not able to satisfy the requirements of the relevant test, it will then be appropriate for officers to consider other factors relevant to the likely impact on amenity"*.

In this case the proposal would not meet the test however the proposal is not considered to have a significant adverse impact upon the amount of sunlight entering the garden and rooms of the neighbours. When adjusting for the orientation of the property (the rear elevation faces south west), the property to the south east No. 45 Thorngrove Avenue, would only see a small proportion of the roof impinge on this 45 degree test. The bulk of the existing building or neighbouring buildings would cause shadowing before that of the proposed extension for parts of the day, and the extension would not cause significant overshadowing with sufficient garden unaffected.

The impact upon the neighbour to the north west, 49 Thorngrove Avenue, would be more noted at certain times of the year as referred to in one of the letters of objection, from the occupants of this property. However, because the projection of the proposed extension is limited to 3.0m and the lean-to roof has limited height eaves of 3.0m and a maximum height of approximately 3.8m the area of garden impacted would be minimal and much of the garden would not be affected. It is noted that there will be times of the year when sunlight is below a 45% sunpath as raised in the letter of objection, however, as stated above daylight would still be available to an acceptable limit.

On balance therefore it is considered that the relatively modest scale of the rear extension would not result in the adverse amenity impacts.



## Privacy and outlook

The extension would not result in direct overlooking to either adjoining neighbouring property on Thorngrove Avenue. Following the removal of a proposed deck the levels of privacy enjoyed by these neighbours would be maintained and is considered acceptable.

The rear elevation of the proposed extension would face the side elevation of 1 Thorngrove Crescent. There are now ground floor windows in this elevation and the first floor stairway window would be less visible from the proposed extension than the current rear elevation ground floor windows due to the change in angle. An objection has been received regarding loss of privacy via the proposed roof light to this stairway window however this is not considered to be a significant impact due to the acute angle and secondary nature of both windows.

## Other Matters

Objections were received regarding the potential for noise pollution due to the use of metal roof covering during rainfall. Zinc, other metal, bituminous felt, modern single ply membrane, and glazed covered roofs are all common but which have different properties to a tiled roof. However, the noise generated during rainfall is not considered to be sufficiently different between roof coverings in the context of domestic extensions to cause amenity harm sufficient to warrant refusal or require a noise impact assessment to be provided in support of the use of a metal roof.

## Summary

To summarise, the proposed development would preserve the amenity of the surrounding area, including the residential amenity of the neighbouring properties, in accordance with Policy 16 of NPF4 and Policies D2 and H1 of the ALDP, as well as the relevant guidance contained within the Householder Development Guide.

## **Tackling the climate and nature crises, climate mitigation and adaptation**

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise life-cycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change.

The proposed householder development would be sufficiently small-scale such that it would not make any material difference to the global climate and nature crises, nor to climate mitigation and adaptation. The proposals are thus acceptable and do not conflict with the aims and requirements of Policies 1 and 2 of NPF4.

## **Matters Raised in Representations**

Issues not covering in the above report raised within the representations include the following:

- Accuracy of drawings not being acceptable - The final amendment has altered the position of the extension in relation to neighbouring property boundaries and avoids the works infringing on other property. The drawings are now considered accurate. The assessment of sun and daylight were taken from the latest amended drawings.

- Foundations of the extension would encroach into neighbouring properties – The agent has confirmed that the foundation design would be such that this would be wholly within the application site. The design of the foundation would be subject to Building Warrant.

## **RECOMMENDATION**

Approve Conditionally

## **REASON FOR RECOMMENDATION**

The proposed development would preserve the character, appearance and amenity of the existing dwelling and the surrounding area, would not constitute over development and would not result in the loss of any open space, all in accordance with Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4) and Policies D2 (Amenity) and H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP). The proposed works are also compliant with the relevant guidance set out in the Householder Development Guide Aberdeen Planning Guidance.

The proposed works would be of an appropriate design, scale, siting and materials for the context of the application site, in accordance with Policies 14 (Design Quality and Place) of NPF4 and D1 (Quality Placemaking) of the ALDP.

The proposed householder development would be small-scale and would not have any material impact on the climate and nature crises, nor on climate mitigation and adaptation, therefore the proposals do not conflict with the aims and requirements of Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4.

## **CONDITIONS**

### 1) 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.