

APPEAL DECISION (DPEA)
Appeal Reference PPA-110-2305
Planning Reference APP/2015/0948
Planning Proposal Demolition of existing filling station and erection of 16 flats
Summary of Decision
The reporter dismissed the appeal and refused planning permission.
Policy Issues
SG LSD2: Layout, siting and design of new development <ul style="list-style-type: none">• Development should respect its surrounding area.
Acceptance was given by the Reporter that locating flats to the front of the site is usually good practice. However, the Reporter raised concerns over the bulk and dominance of the building when viewed from the open countryside to the west and south, in relation to the surrounding houses and that it would look out of place in relation to the local pattern of development.
There was an acceptance that the viability of the site is affected by its former use. However, the Reporter considered that the benefits of developing the site in that manner did not outweigh the negative impact of the bulk and setting.
The Reporter did not raise any concerns over the design of the proposal as far as how it would look in isolation (i.e. on another site) nor were any concerns raised on overlooking or overshadowing.
Interestingly, the Reporter did not apply any weight to the adjacent allocated Cromleybank site. While it could be argued that the site will not be an edge of settlement development should the Cromleybank site be developed, the Reporter assessed the proposal against the surrounding area as it stood at the time of the application.
Additional Points
Layout and siting outweighs viability (Plan policy has primacy over other material considerations).

Actions
None



Decision by Karen Heywood, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-110-2305
- Site address: former fuel filling station on South Road, Ellon
- Appeal by Regency Oils Ltd against the decision by Aberdeenshire Council
- Application for planning permission reference APP/2015/0948 dated 30 March 2015 refused by notice dated 18 May 2016
- The development proposed: demolition of existing filling station and erection of 16 flats
- Date of site visit by Reporter: 6 October 2016

Date of appeal decision: 20 January 2017

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan the main issues in this appeal are whether the proposed development is of a scale that respects its setting and whether it would have a detrimental impact on the character and amenity of the surrounding area.
2. The appeal site comprises a former petrol filling station situated alongside the B9005 road, which is the southern approach to Ellon town centre. There is a disused single storey flat roofed former garage building located on the eastern part of the site and set back from the road which forms the site frontage. This building approximately aligns with a single storey house known as Strathfarrar to the east and which is also set back from the road. Strathfarrar is the first house in Ellon on the north side of the road when entering Ellon from the south. The site rises very steeply from the rear of the disused garage building to the rear site boundary. The rear part of the site, comprising about one third of the total site area, is much higher than the area which is occupied by the former garage and the forecourt area at the front of the site. The higher ground is covered with shrubby planting.
3. There are two houses, single and one and a half storeys in height, and an area of open space at the higher level to the north of the rear site boundary. To the west of the site there is an area of landscaped open space on either side of the junction of Craighall Crescent and the B9005. Craighall Crescent is a short cul-de-sac serving 21 one and a half storey houses, including eventually the two houses to the rear of the site. Opposite the site



on the other side of the road to the south there is an area of landscaped open space with mature trees. Beyond this open space is fencing forming the rear garden boundaries of the houses in Fechil Place and St Mary's Place, part of a housing area to the south of the site. These houses are also single storey and lie on the southern edge of the town. Further west and north, approaching the town centre along the B9005, the open space to the west side of the Craighall Crescent junction gives way to the graveyard surrounding the church of St Mary on the Rock. To the north and west on the southern side of the road, a number of houses have frontages to the B9005, these are all single or one and a half storeys in height.

4. The proposed development is for 16 flats in a single block comprising a central part which would be three storeys high flanked on either side by two storey wings. The block would be located on the site frontage, set back from the heel of the footpath on the site frontage by between approximately 2 and 4 metres. The 28 car parking spaces would be located to the rear of the flatted block. The higher ground towards the rear of the site would be excavated to form the parking area, and a 2.3 metre high retaining wall would be constructed to the rear of the parking spaces.

5. Locating the flatted block at the front of the site and the car parking to the rear hidden behind the building as proposed is normally good practice in urban design terms. Such an arrangement could ensure that a building made a positive contribution to the street scene. However, I do not consider that such a solution is appropriate in the context of the appeal site. I have described the site context above. I consider that the proposed building would appear incongruous and overly dominant in the context of the landscaped open space to the west and south and in relation to the other houses in the vicinity. The existing houses are all set back from the road in the immediate vicinity of the appeal site and these houses (and those on the other side further to the north) are much lower in height than the proposed building, all being single or one and a half storeys high compared to the predominantly three storey height of the appeal proposals.

6. I do not agree with the appellant's assertion that the proposed development would reflect the existing settlement pattern in this part of Ellon, complementing and integrating with it. I hold the opposite opinion and consider that the proposed building would look particularly out of place as the site is very close to the southern edge of the town. Urban development at this southern edge of the settlement tends to be low density and low in height. The higher buildings and more densely developed areas of the town are located closer to the town centre.

7. The proposed two storey wings flanking the central three storey main part of the block would indeed break up the massing of the building, as noted by the council planning officer, but only to a certain extent. The building frontage would measure approximately 49 metres. The two storey wings would comprise only 8 metres on either side of the central three storey section, which would span 33 metres. The overwhelming impression of the proposed development would still be of a high building very close to the road.

8. The appellant considers the scale of the proposed building would reflect that seen in nearby apartment blocks and that it would be consistent with its local surroundings, referring in particular to a flatted development further to the north on South Road. I saw this development when I visited the appeal site. I do not consider the circumstances of the two sites are comparable. The South Road flats occupy a much larger site, with frontages to

both Riverside Road and South Road. The development comprises a number of blocks of varying heights, two, three and four storeys, which have a very different relationship to the main road than would be the case at the appeal site. The topography descends from the appeal site to the South Road flats and the site occupied by these flats is also lower than Riverside Road and South Road. This has the effect of minimising the bulk of the higher buildings. That site is also quite close to the town centre, where development is much denser and many of the traditional buildings are much higher than those in the vicinity of the appeal site.

9. I do not consider that the proposed development optimises its response to the site's context. I also consider that it does not demonstrate respect for its setting. Furthermore, I believe the nature of the proposed development would erode the character and amenity of the surrounding area through its overly dominant appearance, giving the impression that the site would be over-developed in relation to its context. I conclude that the proposed development would be contrary to local development plan policy 8, as supported by SG LSD2: Layout, siting, and design of new development and SG LSD4: Infill development.

10. I appreciate that, as a former petrol filling station, remediation costs would make the site very expensive to develop. I note that the appellant has stated that a development of the size proposed is necessary, otherwise the project would not be viable. I do not doubt that this is the case. However, I do not consider that this is sufficient to outweigh the considerable harm to character and amenity in this area that I have concluded would result if the site were to be developed in the manner proposed.

11. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Karen Heywood
Assistant Chief Reporter