



Garioch Area Committee Report – 31 October 2017

Reference No: APP/2017/1720

Full Planning Permission for Alterations & Extension to Dwellinghouse at 8 Spring Tyne, Westhill, Aberdeenshire, AB32 6NH

Applicant: Mr Dave McGuiken
Agent: Mike Mair Architectural Services

Grid Ref:	E:381959 N:807347
Ward No. and Name: and District	W13 – Westhill and District
Application Type:	Full Planning Permission
Representations:	2
Consultations:	None
Relevant Proposals Map	Within Westhill settlement
Designations:	
Complies with Development Plans:	No
Main Recommendation:	Refuse



NOT TO SCALE

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1. Reason for Report

1.1 The Committee is able to consider and take a decision on this item in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.3.1i of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but at least two Local Ward Members in the Ward in which the development is proposed, have requested that the application be referred to the Area Committee.

- Councillor Aitchison – Committee should consider impact on neighbouring properties.
- Councillor McKelvie – to allow discussion on the impact on neighbouring properties.

1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

2.1 This application seeks full planning permission for alterations and the extension of a dwellinghouse. The development proposed is to raise the height of the current roof by approximately 2 metres and add an extension at the new height to the rear of 8 Spring Tyne, Westhill. The rear extension aligns with the current east elevation backwards by 3.8 metres at the new roof height of just under 2 metres. Spring Tyne lies north of Old Skene Road off Crombie Acres and Harvest Hill. Harvest Hill continues round to run north, parallel and significantly higher than Spring Tyne.

2.2 This area north of Old Skene Road in Westhill has marked changes in ground level with significant rising ground levels as one moves north as well when moving west on Spring Tyne itself. The significant changes in ground level between Spring Tyne and Harvest Hill to the north means that the walls and roof ridges of bungalows behind on Harvest Hill are clearly visible from Spring Tyne and although in relative close proximity these higher level properties do not impinge on private space on Spring Tyne due to these very extreme changes in ground level and because the building type is dominated by bungalow single storey type development. These changes in ground level does however mean that number 8 Spring Tyne sits on land slightly higher than 6 Spring Tyne and this change of ground level continues as one moves west along Spring Tyne. Numbers 6 and 8 Spring Tyne are separated by a public footpath approximately 2.5m in width, with several flights of steps connecting to the north onto Harvest Hill.

2.3 Spring Tyne is dominated by bungalows with garages beneath on the north side to make the most of the significant change in ground levels, while the properties on the south of Spring Tyne are dominated again by bungalows but no garages beneath reflecting relatively flatter ground. There are however three units of two storey semi-semi-terraced properties on the south side on the road half way up Spring Tyne. They have modest frontages and are joined together by single storey garages set between the properties on the south side. The remaining properties to the south and widely spaced bungalows sit on either side of these three two-storey properties.

- 2.4 The extension to roof height would raise the existing roof by just under 2 metres and the new two-storey extension would extend 3.8 metre into the rear garden. The alignment of the rear extension would be from the NE corner of No. 8 with an alignment along the eastern boundary of the rear garden. This extension would take the rear elevation of No. 8 Spring Tyne to just under 10 metres from the sun lounge on the rear elevation of number 11 Harvest Hill and this new second floor would be approximately level with the ground floor of the properties on Harvest Hill.
- 2.5 The proposed rear extension would extend the present kitchen to form a family room and utility room, with bi-folding doors to north elevation and utility room window on west elevation. The upwards roof extension would create a new upper floor with living accommodation within new roof space. This requires an increase in roof height and a commensurate increase in roof pitch on all existing elevations. The new roof pitch on the north south aligned roof (east facing roof) would be 45 degrees and the roof pitch on that aligned east west would be 41 degrees. Two new gables of increased height would be introduced associated with the proposal, one facing north on the rear extension and one facing west on the western elevation.
- 2.6 The garden area to the rear of 8 Spring Tyne is approximately 110 sq.m. and the rear extension would result in a 35 sq.m. loss of rear garden ground. The rear elevation of the extension would be approximately 5 metres distant from the retaining wall at the end of the garden.
- 2.7 The new windows forming part of the proposed development are as follows:
- two new south facing Velux windows to serve the western bedroom and staircase (1140 mm x 1600 mm) and (940 mm x 1600 mm) respectively;
 - one new north facing small Velux (660 mm x 980 mm) to serve shower room with sill height of 1380mm;
 - one north facing gable window to serve en-suite with obscured glazing (1600mm wide) with sill height estimated as 1 metre; and
 - three east facing Velux windows serving a bedroom and the landing/upper hall. The two larger Velux (1140 mm x 1600 mm) are in a bedroom and on landing with a sill height of 1100 mm. The smaller is higher up the roof within the same bedroom but no sizes given.
- 2.8 Relevant Planning History APP/2013/3952 Number 4 Spring Tyne – Alterations and extension with an additional upper floor to Dwellinghouse and Full Planning Permission was approved on 15 April 2014. This development uses the same building footprint as previous except for a new porch development to the front of the property.
- 2.9 A Supporting Planning Statement was submitted by the Agent on the 30 August 2017. This sought to address concerns raised by the Planning Service regarding overlooking and overshadowing as well as making comment on the representation received by the Council. It also highlighted the previously consented proposal at 4 Spring Tyne.
- 2.10 A Section Drawing was submitted 17 August 2017 with reference 17/922/03 (dated June 2017). This allowed an appreciation of where the new upper floor height would be positioned within the extended structure. No indications of

where the sections were within the new building, but could be deduced from other information to approximate locations.

- 2.11 Revised drawings of floor plans and elevation with minor changes, additional information and Section locations submitted 30 August 2017, reference 17/922/02 (same reference as original and dated June 2017).
- 2.12 Section Drawing submitted 30 August 2017 showing references to sections indicated on floor plans (same reference as original) Reference 17/922/03 (dated June 2017).
- 2.13 A further drawing 17/922/04 (dated August 2017) was submitted on the 18 September 2017 to replace drawing 17/922/04 (dated August 2017) which the agent advised did not show the sight lines from upper floor east facing windows as intended. The drawing was however available as Figure 1 within the Supporting Planning Statement referred to above.

3. Representations

- 3.1 A total of two valid representations (1 support/1 objection) have been received as defined in the Scheme of Delegation. All issues raised have been considered. The letters raise the following material issues:
 - *The first representation was in response to the original neighbour notification (1 objection) from a neighbour to the rear of the property raised concerns about loss of privacy from the development and in particular the two proposed windows on the north elevation.*
 - *The second representation was received prior to the press advert published on the 6 October 2017. This submission was made by a neighbour to the west of the property and raised no objections or issues regarding the proposed development and potential overshadowing or overlooking. The representation also expressed the view that this application was a 'similar extension to that previously approved at No. 4 Spring Tyne' and that it raised no issues that would affect their property.*

4. Consultations

- 4.1 No consultations undertaken.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

5.3 Aberdeenshire Local Development Plan 2017

Policy P3 Infill and householder developments within settlements (including home and work proposals).

5.4 Other Material Considerations

None.

6. **Discussion**

- 6.1 The key consideration is whether the proposed development meets the requirements of Policy P3: Infill and householder developments within settlements (including home and work proposals) of the Local Development Plan 2017. Policy P3 outlines the key tests against which a house extension should be considered. This states that a house extension should respect the character of the surrounding area and the design / scale of the existing house, and should not significantly reduce the amenity of neighbouring residents.

Design and impact on the area

- 6.2 The extension of 8 Spring Tyne will increase the roof height by approximately 1.7m and the massing of the roof considerably compared to the existing situation when viewed from the public road and adjacent footpath. It is acknowledged that other examples of properties that have been subject to similar types of development can be found in the street and that this point is made by the agent in the supporting statement. Clearly there is no objection in principle to the extension of these dwellings, but each application must be judged on its merits and the specifics of each site and proposal considered.
- 6.3 Whilst the proposal will result in a more top-heavy appearance to the house, exacerbated by the already high frontage, it is not considered to be so

significant to justify refusal based on the impact on the existing house or the wider character of the area and on balance, the proposal complies with these elements of Policy P3.

Residential amenity

- 6.4 The remaining criteria relates to the amenity of the neighbouring properties. Matters relating to overshadowing, loss of daylight and sunlight, overlooking, visual impact or overbearing and loss of visual amenity can affect neighbours from inappropriately designed extensions. As previously stated, across the footpath lies 6 Spring Tyne which sits at a slightly lower level. To the rear is 11 Harvest Hill at a considerably higher level than the application site. The dwellinghouse to the west would see an increased gable and ridge height if the development proceeded.
- 6.5 The agent was asked to provide information regarding the potential overshadowing effect on neighbouring properties. While information was submitted regarding overshadowing within the supporting statement, this solely considered the property in the elevated position to the rear on Harvest Hill. No assessment was included in relation to potential overshadowing to 6 or 10 Spring Tyne which sit to the east and west of the application site. It is the view of the Planning Service that the proposed rear extension has the potential to have an adverse impact in terms of overshadowing, loss of daylight and sunlight on both these properties and that it is incumbent on the applicant to demonstrate this is not the case. Until, this is provided for consideration, the failure to satisfy the Planning Service warrants a reason for refusal against Policy P3.
- 6.6 A further issue relates to potential overlooking and again relates to the third criteria set out in Policy P3. Two windows are shown on the rear elevation, one for the en-suite serving the bedroom in the rear extension and one which serves the toilet accommodated off the corridor in the roof extension (660 mm x 980 mm with sill height of 1380mm). Both these windows can be conditioned to be have obscured glazing. The windows to the front (south) elevation face the public road and front gardens or distant windows in properties opposite.
- 6.7 Three side (east) facing rooflights are proposed on the upper floor to serve a bedroom and the landing/upper hall. One large rooflight (1140 mm x 1600 mm) is in a bedroom and the second serves the landing. Both of these large rooflights are proposed with a sill height of 1100 mm. A third, smaller rooflight is higher up the roof within the bedroom but no size is given. It is expected that the two larger rooflights will lead to potential overlooking to rooms at the west side and parts of the garden of 6 Spring Tyne. The Supporting Statement suggests that the window sill height is necessary as a means of escape in the case of fire but Building Standards has advised this is not the case. The new window on the rear (north) elevation can satisfy the need for a means of escape for the bedroom and therefore the sill height could meet the requirement of a minimum of 1.6m sill height to avert the potential for overlooking towards 6 Spring Tyne. 1.6m is the accepted minimum height for windows for habitable rooms as any new windows should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings. Where the windows are for non-habitable rooms they should be fitted with obscure glass.

- 6.8 The agent for the applicant submitted a Supporting Planning Statement on the 30 August 2017. This sought to give a detailed justification for rooflight sill height and assess the potential for overlooking and potential for overshadowing raised. This document makes reference to a previous application which received planning consent and it is suggested that what is promoted is similar. However, the concerns over the rooflight height have not been satisfactorily addressed and a full assessment was not been undertaken on potential overlooking and overshadowing in spite of the potential for adverse effects from the increased roof height and the rear extension proposed again at this increased roof height.

Similar proposal

- 6.9 APP/2013/3952 for 4 Spring Tyne was granted subject to conditions. This included an increase in height but no rear extension was included. Further adjacent properties were less impacted due to development being less close for those north and east while the property on the west is already higher due to rising ground levels. In addition, the only additional footprint to that already established related to a minor extension to the front elevation which was thought to tie in well in terms of design. This porch extension to the front of the property has not been built.
- 6.10 This similarity is therefore disputed given that although the previous design did indeed raise the roof to accommodate further living accommodation the location and relationship to neighbouring properties was very different and no rear extension was included as part of the consented development. The neighbouring properties to 4 Spring Tyne have a very different relationship. Property no. 6 on its immediate western boundary sits in an elevated position and as such is not significantly impacted in terms of overshadowing and also because no rear extension was included in as part of the application. The other properties to the east and north of 4 Spring Tyne are established at a greater distance and this along with the alignment of the property limits the impact from the upper floor extension.

Conclusion

- 6.11 To conclude, the Planning Service seeks to accommodate proposals that allow home owners to adapt and extend their homes. In this case, the general design of the proposal is considered on balance acceptable and will not affect the streetscene or wider area. However, there is significant concern that the applicant has not demonstrated that there will be no impact of the proposed extension on neighbouring properties through overshadowing. In addition, it is concluded that there will be overlooking from the new windows on the east elevation. These two issues means that the proposal cannot meet the policy criteria of Policy P3 of the Local Development Plan and is therefore recommended for refusal.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An equality impact assessment is not required because the proposed development does not have a differential impact on any of the protected characteristics.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

Policy P3: Policy Infill and householder developments within settlements (including home and work proposals).

- 10.3 The application is a Departure from the valid Local Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations expired.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to the Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 REFUSE Full Planning Permission for the following reason:-

The applicant has failed to demonstrate that the proposed development will not have an adverse impact on neighbouring properties from overshadowing. In addition, there is considered to be an unacceptable opportunity for overlooking from the rooflights on the east elevation and taking these two reasons, the proposal is considered to be contrary to Policy P3: Infill and

householder developments within settlements (including home and work proposals) of the Aberdeenshire Local Development Plan 2017.

Stephen Archer
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Date: 11/10/2017