

<b>APPEAL DECISION (DPEA)</b>
<b>Appeal Reference</b>
PPA-110-2381
<b>Planning Reference</b>
APP/2019/0777
<b>Planning Proposal</b>
Full planning permission for erection of dwelling house (renewal of planning permission APP/2015/1686)
<b>Summary of Decision</b>
<p>The appointed Reporter allows the appeal and grants Full Planning Permission subject to conditions.</p> <p>Impact on character of the area (Policy P3)</p> <p>The proposed house would be a detached dwelling of similar scale and appearance to the cottages on either side and as such, the reporter considers that the proposed design would preserve the character and appearance of the conservation area.</p> <p>Impact on residential amenity (Policy P3)</p> <p>The reporter considers that the position of the proposed house whit its site is as such that it would not result in any significant adverse impact on the privacy or amenity of the houses on either side. Although the front of the house would look onto houses on the opposite side of New Street, which is relatively narrow, the degree of overlooking would not be any different from elsewhere in the street.</p> <p>In terms of potential impact of the proposal on the number of car parking available on New Street, the reporter agrees with the views expressed in the Council's report of handling and by the Local Review Body when it decided to overturn the decision to refuse planning permission, that the additional parking generated by the proposed house would not significantly exacerbate the present situation. In a densely built-up area of traditional buildings such as that around the appeal site, it is clearly not always possible to provide on-site parking in most cases and as such, it is accepted that all parking spaces in the street would be used by residents on a first-come, first-served basis.</p> <p>Although the reporter acknowledges that the effect of construction operations at the site would have some adverse impact on the convenience and amenity or existing residents, this would be for a temporary period. He agrees with the views expressed in the report of handling that it is not an overriding issue in the consideration of the intrinsic planning merits of this development. He agrees that the potential impact of the development on</p>

amenity and land stability could be dealt with through the approval and subsequent implementation of a Construction Traffic Management Plan and a Construction Method Statement which could both be conditioned as suggested by the Council.

**Policy Issues**

None.

**Additional Points**

None

**Actions**

None

**Note Decision**

Approve Full Planning Permission

**Other**

None

Planning and Environmental Appeals Division  
Appeal Decision Notice



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Decision by Mike Shiel, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-110-2381
- Site address: Site to the west of 18 New Street, Stonehaven AB39 2LE
- Appeal by Mr Steven Brown against the decision by Aberdeenshire Council
- Application for planning permission no. APP/2019/0777, dated 8 April 2019, refused by notice dated 4 September 2019
- The development proposed: Erection of a dwellinghouse (renewal of planning permission no. APP/2015/1686)
- Application drawings: 1513.PD.001 Rev A (Location Plan); 1513.PD.002 Rev A (Proposed Site Plan); 1513.PD.003 Rev A (Proposed Plans & Section); 1513.PD.004 Rev A (Proposed Elevations); 1513.PD.005 (Boundary Fence Detail)
- Date of site visit by Reporter: 4 December 2019

Date of appeal decision: 13 December 2019

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## Decision

I allow the appeal and grant planning permission subject to the five conditions listed at the end of the decision notice. Attention is drawn to the three advisory notes at the end of the notice.

## Reasoning

1. Planning permission for the erection of a dwellinghouse on this appeal site was granted on 20 May 2016 by the Local Review Body, which reversed the decision of an appointed officer of the council to refuse permission. The permission was subject to the provisions of section 58(1) of the Town and Country Planning (Scotland) Act 1997, as amended, that it would lapse on the expiration of a period of three years from the date of the decision, unless the development had been commenced before that date. That was the situation in this case, and the appellant submitted a new application for permission, with identical plans to those previously approved.

2. 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: (a) whether there has been any material change in circumstances since planning permission was previously granted; and (b) the impact of the proposed development on the amenity of neighbouring residents, including its effect on the parking situation in the street.



3. As the site lies within Stonehaven Conservation Area I am also required by section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
4. The development plan for this area comprises the Aberdeen City and Shire Strategic Development Plan 2014 and the Aberdeenshire Local Development Plan 2017, together with any relevant statutory supplementary guidance. Given the scale and nature of this development, I do not consider that it raises any issues of strategic significance.
5. The appeal site lies on the southern side of New Street, and currently forms part of the garden ground of no.12, a nineteenth century, 1½-storey cottage at the western end of a terrace of three similarly-scaled cottages. It forms the only gap in the frontage on this side of the street, which is characterised by cottages and houses of a traditional vernacular appearance. They are situated at a slightly higher level than the road carriageway, from which they are separated by a low retaining wall, and have long rear gardens rising up to the south.
6. The proposed house would be a detached dwelling, of a similar scale and appearance to the cottages on either side, with two dormer windows to the front and a larger, flat-roofed extension at first floor level at the rear, which would be linked by a bridge to the rising land behind. The council has raised no objections to the design of the house itself, and I agree that it would be of an appropriate size and appearance to fit into its surroundings. As such, I also consider that it would preserve the character and appearance of the conservation area.
7. The position of the proposed house within its site is such that I do not consider that it would result in any significant adverse impact on the privacy or amenity of the houses on either side. Although the front of the house would look onto houses on the opposite side of New Street, which is relatively narrow, the degree of overlooking would be no different from elsewhere in the street.
8. The council's principal concern over this development, which reflects views expressed in the letters of representations received, is that an additional house would exacerbate existing parking difficulties on New Street. The street is some six metres wide and has no footways. Although a few houses on the north side of the street have space for on-site parking, because of the nature of the development on either side, most residents must rely on parking along the street. Given the narrow width of the road, on-street parking is only available on the southern side of the street. In addition, turning within the street is difficult, and most people rely on the use of a private parking area for a group of modern flats at the end of the street to facilitate turning.
9. The council's roads department objected to the development because of the lack of parking provision. A parking survey submitted with the previous application showed that there are generally no parking spaces available on New Street after 8.00 pm. I understand the concerns of local residents about the parking situation. Even at the time of my site inspection (11.30 am) there were only a few parking spaces available, and I recognise that the situation would be more pressured in the evenings and weekends, when many occupants will not be away at work. However, I agree with the view expressed in the

council's report of handling (where it was recommended that planning permission be granted) and by the Local Review Body, when it decided to overturn the previous decision to refuse planning permission, that the additional parking generated by the proposed house would not significantly exacerbate the present situation. In its current appeal submission, the council has argued that there is every likelihood that the occupants of the proposed house would have two cars. This, however, is supposition, and I consider that there is no particular reason to believe that the occupants of this relatively small dwelling would have more than one car. There is space along the road frontage of the site to accommodate one car, although I accept that all parking spaces in the street will be used by residents on a first-come, first-served basis.

10. Since the decision of the Local Review Body to grant permission in 2016, a new local development plan has been adopted. The council makes reference to two policies of that plan in its reasons for refusal. Of these, policy P3 (Infill and householder development within settlements) supports development on vacant sites within settlements provided that it respects the scale, density and character of its surroundings and will not erode the character or amenity of the surrounding area. I do not consider that the development would conflict with that policy.

11. Policy RD1 (Providing suitable services) includes the provision of adequate access for new developments, but makes no specific reference to parking facilities. The consultation response from the roads department indicates that the council's parking standards require the provision of two parking spaces for this development, but I have not been referred to any document containing these parking standards or indicating their status. In a densely built-up area of traditional buildings such as that around the appeal site it is clearly not possible to provide on-site parking in most cases.

12. All told, I conclude that the proposed new house on this site would not conflict with the relevant provisions of the local development plan. It therefore remains to consider whether there are any other material considerations that have a bearing on the decision.

13. 12 representations objecting to this development were received by the council from eight residents of New Street. As indicated above, the additional pressure on parking spaces within the street was a particular concern. Whilst I appreciate the reasons for that concern, I am not persuaded that the parking generated by one extra house would significantly exacerbate the difficulties that existing residents already face; or that this is sufficient reason to reject a development which is otherwise acceptable in land use and design terms.

14. I also understand the concerns expressed about the impact of construction activities, especially the additional traffic likely to be generated. This could undoubtedly cause some temporary inconvenience and disturbance to existing residents, as could any building operations at existing houses on the street. The conditions suggested by the council, if planning permission is granted, include the submission and approval of a Construction Traffic Management Plan, and this could contain measures for dealing with the delivery of materials to the site. The conditions also make provision for the submission and approval of a construction method statement, which would address concerns expressed about the effect of construction work on the stability of adjoining land, including the steeply rising land to the south of the appeal site, which has previously been affected by ground instability.

This is also a matter that would be covered through the necessary application for building standards approval.

15. Whilst I do not deny that the effects of construction operations at the site would have some adverse impact on the convenience and amenity of existing residents, this would be for a temporary period, and I agree with the view expressed in the report of handling that it is not an overriding issue in the consideration of the intrinsic planning merits of this development.

16. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would justify refusing to grant planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions. I have imposed five conditions, largely as recommended by the council.

*M D Shiel*

Reporter

### Conditions

1. No development in connection with the development hereby approved shall take place unless full details of the proposed means of disposal of surface water from the development have been submitted to and approved in writing by the planning authority.

Reason: to ensure the provision of an acceptable surface water drainage system in the interests of the amenity of the area.

2. The dwellinghouse hereby approved shall not be erected unless an Energy Statement applicable to that house has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:

- a) full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development; and
- b) calculations using the SAP or SBEM methods which demonstrate that the carbon dioxide emission rates for the development, arising from the measures proposed, will enable the development to comply with policy C1 of the Aberdeenshire Local Development Plan 2017.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: to ensure that the development complies with the on-site carbon reductions required in Scottish Planning Policy and with policy C1 of the Aberdeenshire Local Development Plan 2017.

3. 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) existing landscaping features and vegetation to be retained;
- b) indication of any existing trees, shrubs and hedges to be removed;
- c) the location of new trees, shrubs, hedges and grassed areas;
- d) a schedule of planting to comprise species, plant sizes and proposed numbers and densities;
- e) the location, design and materials of all hard landscaping works, including walls, fences and gates; and
- f) a programme for the implementation, completion and subsequent management of the proposed landscaping.

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, has been severely damaged or become 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 be permanently retained unless otherwise approved by the planning authority.

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.

4. No works in connection with the development hereby approved shall commence unless a detailed construction method statement and related site plan to demonstrate that the site can be developed without compromising the stability of the surrounding land and buildings has been submitted to and approved in writing by the planning authority. All construction works shall be carried out in accordance with the approved method statement.

Reason: in the interests of the amenity of the area and adjacent residential properties.

5. No works in connection with the development hereby approved shall commence unless a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with the approved CTMP.

Reason: in the interests of road safety, and to minimise the impact of construction traffic on the amenity and convenience of local residents.

### Advisory notes

1. **The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning

authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

**3. Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).