

Kincardine & Mearns Area Committee Report 3 March 2020

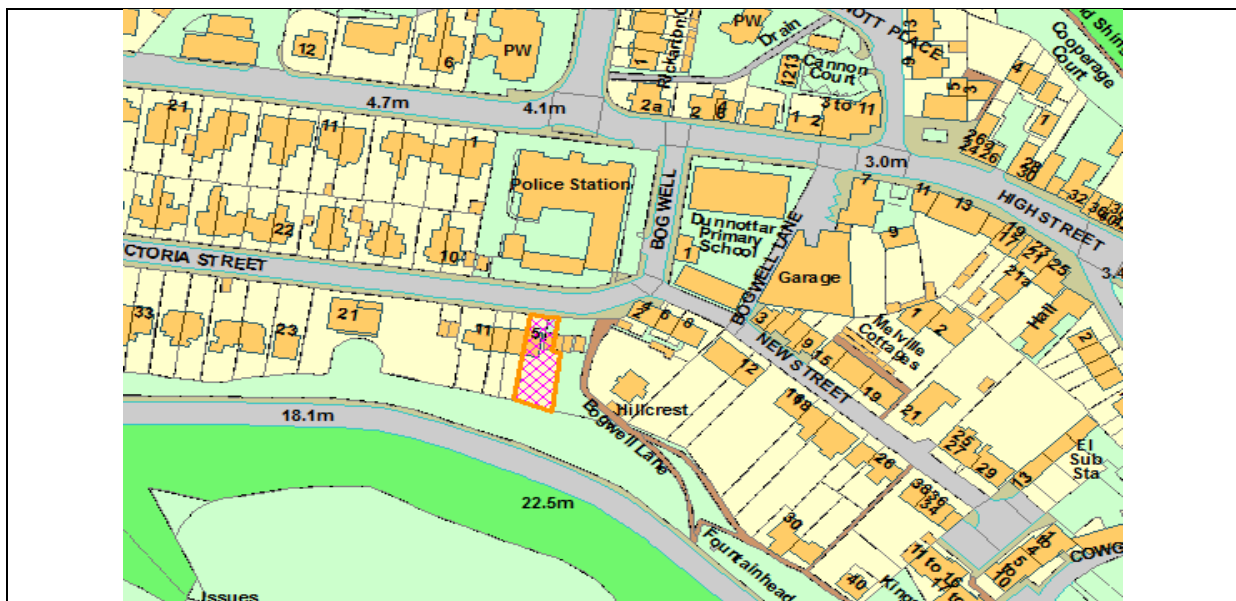
Reference No: APP/2019/2667

**Full Planning Permission For Installation of Decking and Balustrading
(Retrospective) at 5 Victoria Street, Stonehaven, Aberdeenshire, AB39 2LH**

Applicant: Mr Gary Core, 5 Victoria Street, Stonehaven, AB39 2LH

Agent: John Aitken, John G Aitken Architectural Services,
2 Cameron Court, Stonehaven, AB39 2FH

Grid Ref: E:387404 N:785524
Ward No. and Name: W18 - Stonehaven And Lower Deeside
Application Type: Full Planning Permission
Representations: 2
Consultations: 0
Relevant Proposals: Aberdeenshire Local Development Plan
Map
Designations: Stonehaven Conservation Area
Complies with: No
Development Plans:
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.8.1 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 Agnew – Further discussion required in respect of finish of decking.
 - Councillor Dickinson – The impact from overlooking merits further consideration in committee.
- 1.2 This application was deferred at the last meeting of the Kincardine and Mearns Area Committee on 11 February 2020 for a site visit in order for the Committee to better understand the visual impact of the proposed development and the potential overlooking impact towards neighbouring residents. The site visit has now been carried out.
- 1.3 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 Retrospective planning permission is sought for the erection of decking at 5 Victoria Street, Stonehaven.
- 2.2 The application site is an end-of-terrace house in a line of four 1½ storey properties which are finished in natural stone, roughcast render, slate roof tiles and timber windows. The houses have a mansard roof design and flat roof dormers on the front and back. The rear garden ground rises relatively steeply to the south and is bounded by timber fencing and hedging. Further to the rear is an area of trees with a public road beyond. A retaining wall is located at the bottom of the garden, approximately 1.3m from the back of the dwellinghouse.
- 2.3 A large area of decking has been erected at the back of the garden ground and measures approximately 9m by 4m. The floor level of the decking above the garden ground is 1.85m and a 1m high balustrade has been installed around the perimeter. A trellis is proposed along the north facing elevation of the supporting stands for climbing plants. The decking timber is currently unpainted. The distance between the edge of the decking and neighbouring windows on the rear elevation is approximately 11.5m.

3. Representations

3.1 A total of 2 valid representations (2 support) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

- Welcome addition to the area and enhances the garden;
- Good use of land previously unusable.

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.

From the 29 March 2019, the Strategic Development Plan 2014 went beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

5.3 Aberdeenshire Local Development Plan 2017

Policy P3 Infill and householder developments within settlements (including home and work proposals)
Policy HE2 Protecting historic and cultural areas

5.4 Other Material Considerations

None.

6. Discussion

- 6.1 The main issues to consider in the determination of this application include the acceptability in principle of the development at this location and whether there would be an unacceptable impact on the character or amenity of the surrounding area.
- 6.2 Policy P3 Infill and householder developments within settlements (including home and work proposals) states that new development must respect both the character or area and the design/scale of the existing house and not significantly reduce the amenity of neighbouring residents. Furthermore, the site is located within the designated conservation area and Policy HE2 Protecting historic and cultural areas states that development must be of a high quality and respect the qualities of the conservation area.
- 6.3 It is acknowledged that the sloping nature of the site may limit the use of the garden area, however the proposed decking is of a scale which makes it highly visible from the immediate and wider surrounding area and is not considered an appropriate solution. The decking has a similar height to that of the terraced row of houses and within the context of the streetscape, the decking is not considered to contribute to the overall qualities of the conservation area.

- 6.4 The height of the proposal and sloping nature of the site causes direct overlooking into neighbouring windows on the rear elevation, in addition to the garden areas. While it is recognised that there would be a degree of overlooking from the top of the slope without the decking, the formalisation of the area encourages its use and thus exacerbating the loss of privacy on neighbouring properties, which is not considered to accord with the aforementioned policies.
- 6.5 Furthermore, the colour of the timber is relatively stark in its appearance and a finish which would reduce this could assist in integrating the decking with its background of trees, however even with a finish that would assist in integrating the proposal with its surroundings, this would not override the concerns relating to overlooking to neighbouring properties.
- 6.6 Supporting letters from neighbouring properties have been received and raise no issues regarding overlooking. However, the Planning Service must ensure that the amenity of future residents is also protected and the comments would not outweigh the concerns of overlooking.
- 6.7 Overall, the proposal is considered to cause an adverse overlooking impact given its proximity to neighbouring properties and is of a scale and finish which does not contribute to the immediate or wider conservation area. As such, the proposal fails to comply with the relevant policies of the Aberdeenshire Local Development Plan 2017 and is recommended to 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 proposal 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 Infill and householder developments within settlements (including home and work proposals)

Policy HE2 Protecting historic and cultural areas

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 has 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 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 reasons:-

01. By virtue of its siting and the sloping nature of the site, the proposed decking would have an unacceptable impact on the privacy and amenity of nearby properties and would be contrary to Policy P1: Layout, siting and design and Policy P3: Infill and householder developments within settlements of the Aberdeenshire Local Development Plan 2017.

02. By virtue of its location within the Stonehaven Conservation Area, nature of the development proposed and prominence of the site from public viewpoints, the development would not be considered to preserve or enhance the character or appearance of the conservation area and as such it would not comply with Policy HE2: Protecting historic and cultural areas of the Aberdeenshire Local Development Plan 2017.

Stephen Archer
Director of Infrastructure Services

Author of Report: Jenny Ash
Report Date: 29 January 2020

7 Victoria Street,
Stonehaven
Aberdeenshire
AB39 2LH
14th November 2019

Re: Decking at 5 Victoria Street, Stonehaven, AB39 2LH

To whom it may concern,

I am writing in connection with the constructed decking at 5 Victoria Street, Stonehaven, AB39 2LH. As the immediate neighbour, with an adjoining garden, I have no objections or concerns regarding the presence of this structure.

Prior to construction of the decking, the upper part of the garden at number 5 was mainly unusable land due to the steep nature of the slope and tree stumps. Mr Core has kept me fully informed of the changes he was making to the garden throughout.

The decking enhances the garden and makes excellent use of the land. It looks professionally constructed and when completed, with additional climbing plants along the front face, will be a vast improvement to the unusable slope.

Yours sincerely,



(ANISOW WANKER)

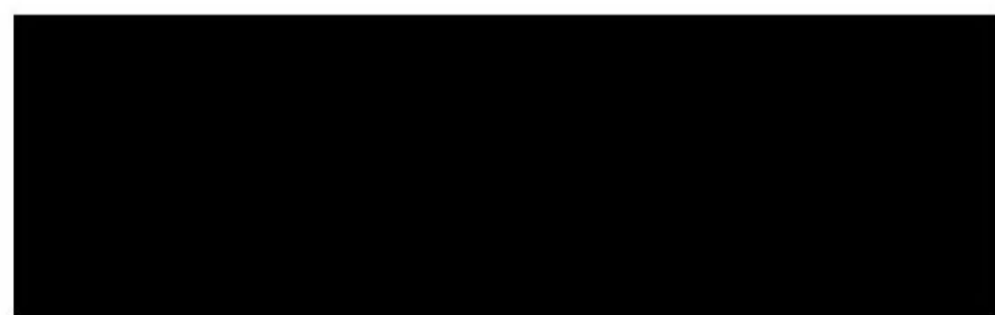
To whom it may concern,

We live at 9 Victoria Street, Stonehaven. This is 2 doors along on the same side as 5 Victoria Street where a sun decking has been constructed at the rear of the garden.

We can confirm that prior to, during and on completion of the structure we have had no concerns or complaints about it. We in fact consider it to be a welcome addition to the area which enhances the outlook from our windows.

Gary from the start of the project kept us informed of what he was planning and also checked to see if we had any concerns about it, which we did not.

Regards

A solid black rectangular box used to redact the signature of Alan Bowie.

Alan Bowie

9 Victoria Street, Stonehaven.

AB39 2LH