

Planning Officer's Report

07 February 2017

Planning Matters

Kinaldie Crescent Planning Appeal Dismissed

22 Kinaldie Crescent, Aberdeen, AB15 8HX

Sub-Division Of Residential Curtilage And Construction Of New Dwellinghouse And Associated Works.

The controversial planning application for the construction of a new house in Kinaldie Crescent has been refused after the appeal to Scottish Ministers was dismissed.

Planning and Environmental Appeals Division



Scottish Government
Riaghaltas na h-Alba
gov.scot

Telephone: 01324 696497 Fax: 01324 696444

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To Interested Parties by e-mail

Our ref: PPA-100-2075
Planning Authority ref:P150311

2 February 2017

Dear Sir/Madam

PLANNING PERMISSION APPEAL: 22 KINALDIE CRESCENT ABERDEEN AB15 8HX

Please find attached a copy of the decision on this appeal

The reporter's decision is final. However you may wish to know that individuals unhappy with the decision made by the reporter may have the right to appeal to the Court of Session, Parliament House, Parliament Square, Edinburgh, EH1 1RQ. An appeal **must** be made within six weeks of the date of the appeal decision. Please note though, that an appeal to the Court of Session can only be made on a point of law and it may be useful to seek professional advice before taking this course of action. For more information on challenging decisions made by DPEA please see <http://www.gov.scot/Topics/Built-Environment/planning/Appeals/ourperformance/commentsandcomplaints>.

I trust this information is clear. Please do not hesitate to contact me if you require any further information.

Yours sincerely

Marie Buchanan

MARIE BUCHANAN
Case Officer
Planning and Environmental Appeals Division



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

- Planning appeal reference: PPA-100-2075
- Site address: 22 Kinaldie Crescent, Aberdeen, AB15 8HX
- Appeal by Mr Neil Greig against the decision by Aberdeen City Council
- Application for planning permission dated 27 February 2015, reference P150311, refused by notice dated 8 June 2016
- The development proposed: erection of new dwelling house and associated works
- Date of site visit by Reporter: 5 October 2016

Date of appeal decision: 2 February 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 the change in the use of the area of public open space off Kemnay Place and the loss of four trees along the existing boundary between the garden area at 22 Kinaldie Crescent and the open space.
2. The development plan context has changed since the appeal was submitted, as the council adopted a new local development plan on 20 January 2017. The policies it contains that are relevant to the proposed development are similar to those of the previous plan.
3. The proposed house would be constructed in the rear and side garden area of the house at 22 Kinaldie Crescent. Vehicular access would be taken from Kemnay Crescent at the south eastern end of the plot, via an area of grassed public open space associated with the houses in Kemnay Crescent and requiring the removal of four trees. This area of open space would contain the gravelled driveway access.
4. There are three areas of open space associated with the housing development at Kemnay Place. Of these the council considers that the area of open space that would be affected by the proposed development makes the least significant contribution to the character and amenity of the area. This is because this area is peripherally sited with no through route for pedestrians, whereas one of the other areas provides the pedestrian path link from Kemnay Place to the core path route around the Walker Dam. The other open

space area is more prominently sited at the heart of the development and is overlooked by adjacent properties. In addition, the affected area of open space is less than half the size of the other areas, at approximately 200 square metres compared to 440 and 590 square metres.

5. However, the council also points out that this smaller area of soft landscaping incorporates a row of alder and rowan trees along its northern edge and provides a pleasant green backdrop on entry to Kemnay Place via Kildrummy Road, contributing positively to the character and amenity of the area. Notwithstanding its limited size, the council considers that this area of open space is 'valuable' for the purposes of assessment against the previous local development plan policy H1. The council also draws attention to the fact that many of the representations from local people concerned about the proposed development make reference to the loss of this area of open space, concluding that it appears that the area is very much valued locally.

6. I agree with the council's analysis of the contribution the open space area makes to character and amenity in Kemnay Place. While I am not entirely convinced this area is as well used for active recreation as adjacent residents would have me believe, it is the case that the proposed development would effectively change the use of the area from public open space to what is tantamount to private garden ground. I acknowledge that the open context of the area would remain. However, even though there would be no structure erected on the area of open space, it would be a driveway associated with the proposed house.

7. During the processing of the planning application a council planning officer acknowledged that the open space would still be available to members of the public. Be that as it may, it is not likely that people living in Kemnay Place would use what would appear to be part of the new house's garden for informal recreation. I believe the construction of the driveway through the area would change its character and that it would be perceived to be part of the garden area associated with the proposed house.

8. Four of the trees along the boundary between the open space and the current garden area of the house at 22 Kinaldie Crescent would be felled to allow for the construction of the driveway to the proposed house. The appellant's tree survey considers these to be Category C – trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm. The survey describes them as trees with no material conservation or other cultural value.

9. I agree that these four trees are, individually, not good specimen trees. They are close to each other and have suppressed canopies as a result. However, I do not agree with the conclusion expressed in the survey that they are of no material conservation or other cultural value. Together with the trees on either side of the area of open space, these trees form a pleasant backdrop to the grassed open space area when approaching along Kemnay Place from its junction with Kildrummy Road. Their loss would create a noticeable gap in this group of trees. Having said that, had the loss of these trees been the only detrimental impact of the proposed development I do not consider that would have been sufficient alone to withhold planning permission.

10. In my view, the change in the use of the area from public open space to what would appear to be private garden ground when considered together with the loss of the four trees would have an unacceptable impact on the character and amenity of the surrounding area. It would also result in the de facto loss of an area of open space which is valued locally. For these reasons, I conclude that the proposed development would conflict with local development plan policy H1 – Residential Areas, which is in similar terms to policy H1 in the superseded plan.

11. The council referred to a number of policies of the previous local development plan in its reasons for refusal. I have considered the equivalent policies in the new local development plan. I do not have any concerns in relation to policy D1, which addresses similar issues as the predecessor policy; the proposed house is an acceptable design for this residential area, it is now proposed to be sited far enough away from the mature trees on the boundaries and the plot is large enough to provide both the proposed and existing houses with sufficient amenity space. I do not consider that the loss of the trees alone is sufficiently serious to lead to a conflict with policy NE5 (similar to the previous policy) and the protection of the other trees during the construction period could be controlled by planning conditions. The proposed house would be visible from the Walker Dam core path, but then so are many other houses which back onto it. There would be no other impact on the Walker Dam site and, therefore, no issue with policy NE8, which addresses the same issues as the predecessor policy but contains more detail.

12. Despite the lack of conflict with many of the local development plan policies, I consider that the conflict with policy H1 is sufficient to conclude that the proposed development does not accord overall with the relevant provisions of the development plan. I have identified 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

Hill of Rubislaw Development

Major development of 280 Flats and multistorey car park with associated amenities including Reception, Cafe/Bistro, Gym and outside amenity space at Hill of Rubislaw, Queens Road, Aberdeen for Cartera Private Equities Inc.

Public Consultation Meeting was held on the 18th November at the Chester Hotel on Queens Road.

Members of the Design Team and client body were in attendance to answer any queries.



Photograph above appeared in the Evening Express on 15th October 2016

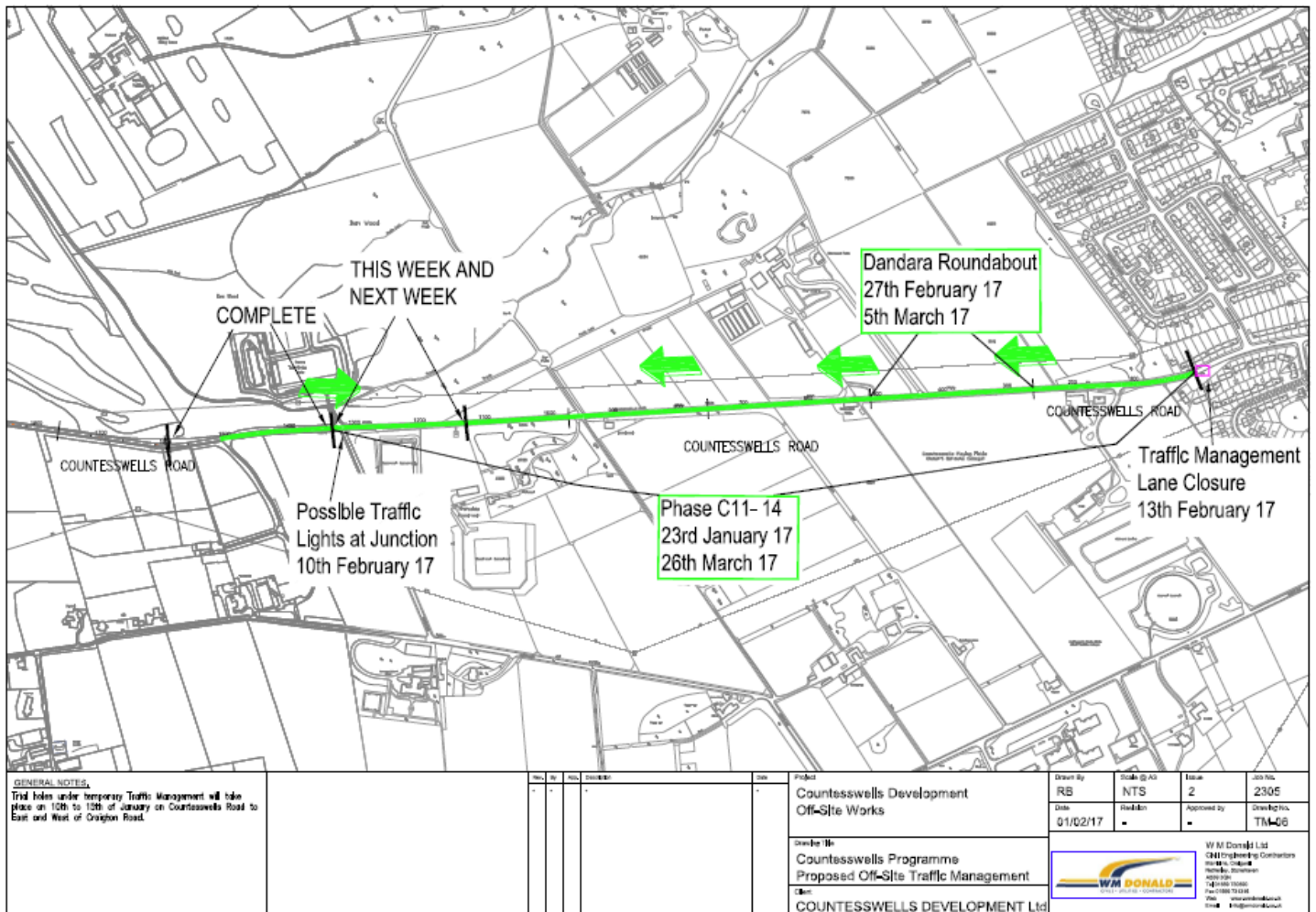


Countesswells Development

Planning Permission granted 1st April 2016

Application Reference:	140438
Local Authority Reference:	
Proposal Description:	Residential-led mixed use development including approximately 3000 homes, employment, education, retail, leisure and community uses and associated new and upgraded access roads, landscaping and ancillary engineering works
Application type:	Planning Permission in Principle
Address:	Aberdeen Local Dev' Plan Site OP58 Countesswells Lying West of Hazlehead Park between Cults & Kingswells

Countesswells Road will be closed from 16th January to 26th March 2017



Countesswells Road will be closed until 26th March to allow power cables to be laid to the new Countesswells housing development. There will still be access to Ben Reid Garden Centre and Robert Gordon College playing fields. It was very difficult to find the road closure information as the City Council road closure website isn't being updated. Councillor Martin Greig has been following this up. He asked for better provision of information and was given the

following information from the City Council: "Unfortunately, our IT department switched off the Council's 'Smart Journey' website with very little notice. This was due to the fact that the provider was no longer updating the system. This has left us in a bit of a hole as we can now only notify of roadworks using Transport Scotland's 'Tell-me-Scotland' website (link attached).

<https://www.tellmescotland.gov.uk/notices/aberdeen-city/>

Unfortunately, the issue with this site appears to be that it is not updated regularly, and some closures are not entered in a timely manner. IT have confirmed that they are looking into a replacement for 'Smart Journey' at present."

Aberdeen City Council adopted its second Local Development Plan on 20 January 2017.

This replaces the Aberdeen Local Development Plan 2012.

The Supplementary Guidance associated with this plan is currently out for consultation, Proposed Supplementary Guidance 2017

Planning Applications as per weekly planning list December 2016 to January 2017:

Reference 161791/TPO

Application Received Thu 22 Dec 2016

Application Validated Thu 22 Dec 2016

**Address Small Shelterbelt Adjacent To Countesswells Road & To The East Of Macaulay Drive Aberdeen
AB15 8FR**

Proposal Works to protected trees;

Works to 7 trees as per Schedule of Works

Status Awaiting decision

Appeal Status Unknown

Appeal Decision Not Available

Reference 161794/TPO

Application Received Thu 22 Dec 2016

Application Validated Thu 22 Dec 2016

Address Adjacent To Macaulay Drive

Proposal Works to protected trees;

Works to 3 trees as per Schedule of Works

Status Awaiting decision

Appeal Status Unknown

Application Received Wed 21 Dec 2016

Application Validated Wed 21 Dec 2016

Address The Gate Lodge 1 Rubislaw Park Road Aberdeen AB15 8DA

Proposal Works to Protected Trees;

T1 - Sycamore - fell for health and safety as overhanging garden

Status Awaiting decision

Reference 161748/DPP

Application Received Fri 09 Dec 2016

Application Validated Tue 13 Dec 2016

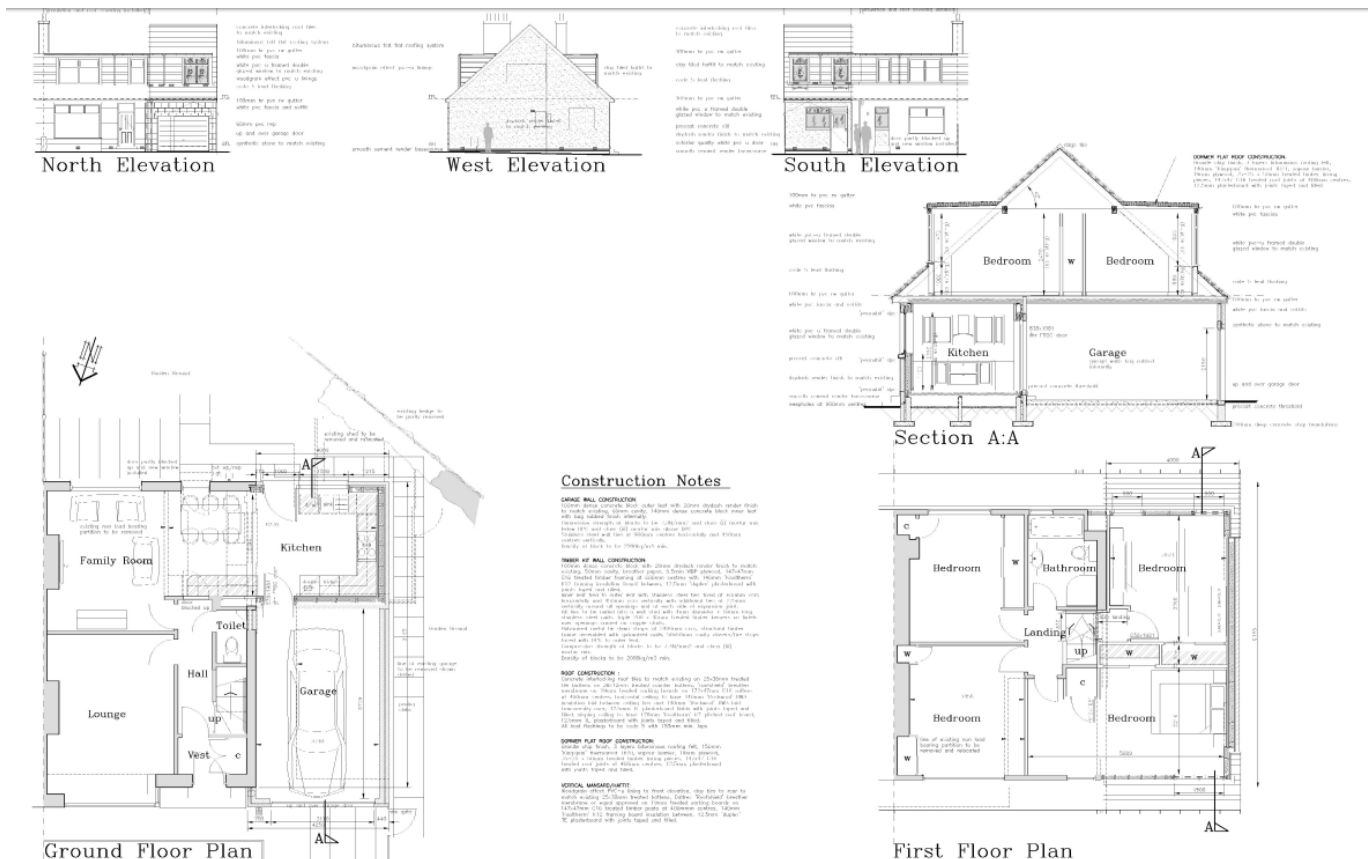
Address 59 Craigiebuckler Avenue Aberdeen AB15 8SF

Proposal Erection of a 1.5 storey extension to the gable wall of the house

Status Awaiting decision

Appeal Status Unknown

Appeal Decision Not Available



Reference 170035/ADV

Application Received Tue 17 Jan 2017

Application Validated Wed 18 Jan 2017

Address Corner of Hill of Rubislaw and Queens Road

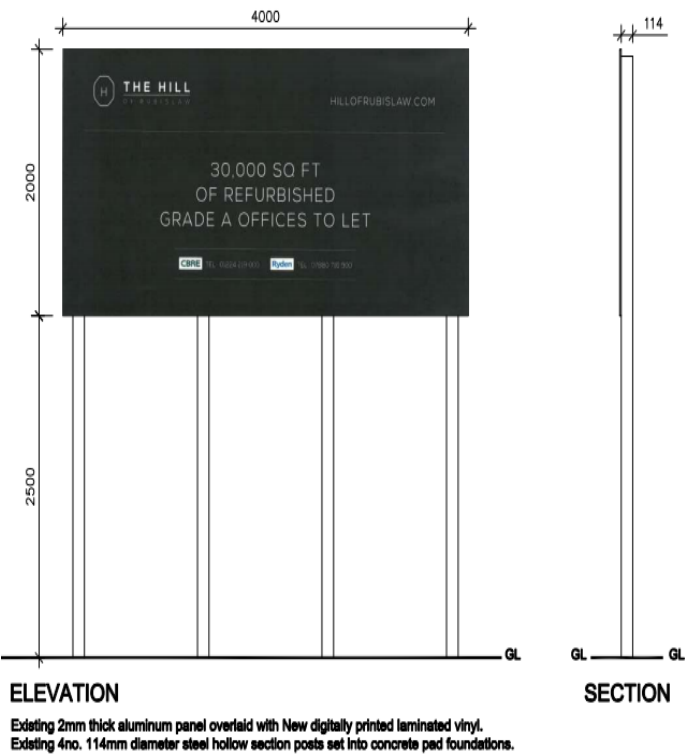
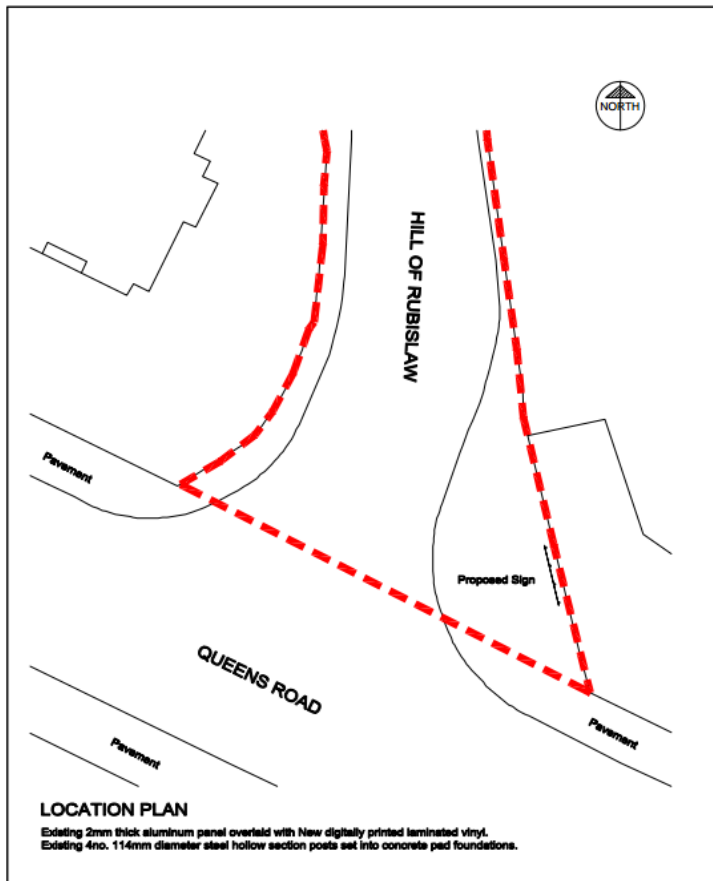
Proposal Installation of 1 non-illuminated free standing sign

Status Awaiting decision

Appeal Status Unknown

Appeal Decision Not Available

Temporary, free standing 'to let' sign board. This will replace the existing sign board at that location.



Reference 170037/DPP

Application Received Tue 17 Jan 2017

Application Validated Wed 18 Jan 2017

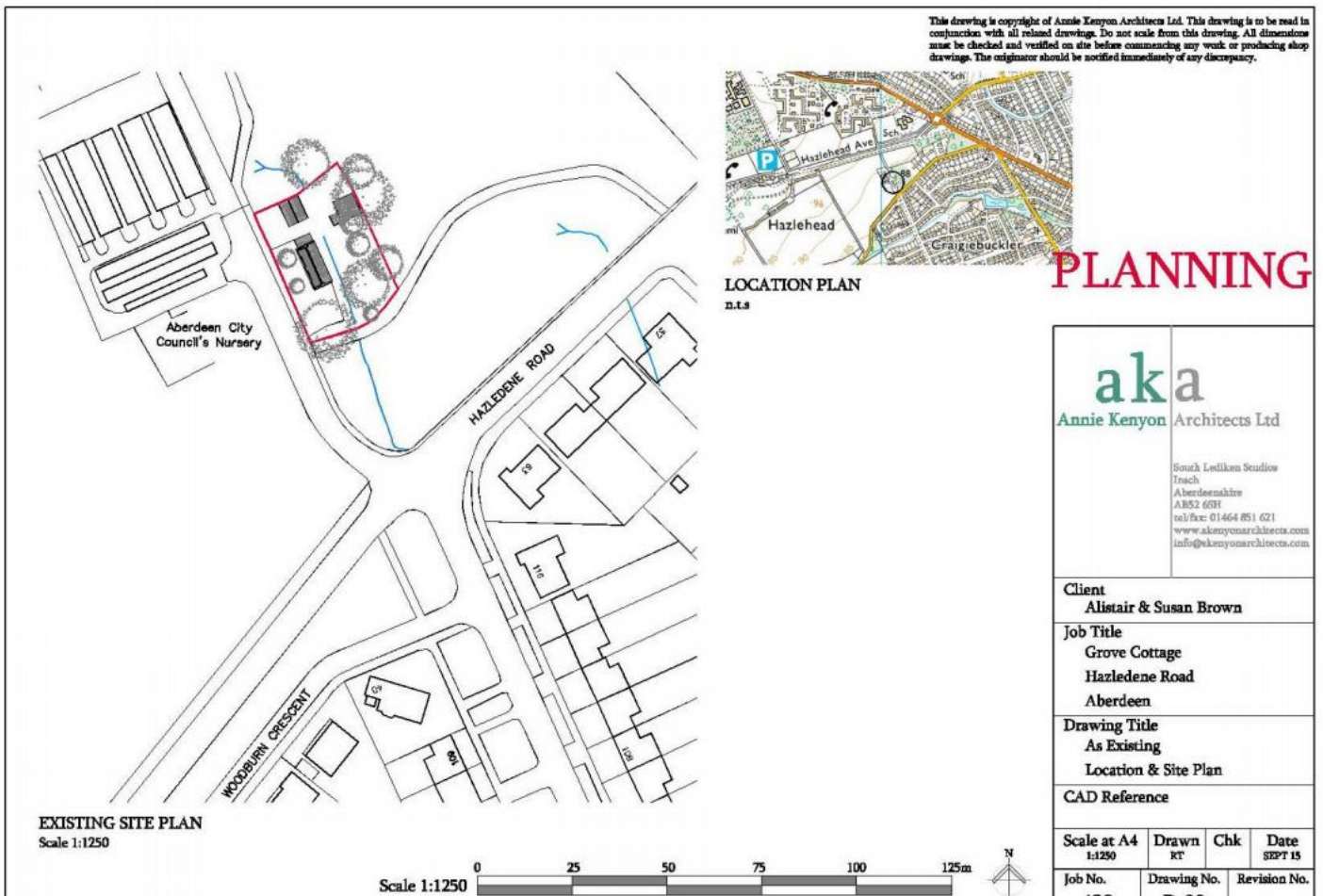
Address Grove Cottage Hazledene Road Aberdeen AB15 8LD

Proposal Erection of single storey extension and formation of dormers and rooflight to existing dwellinghouse

Status Awaiting decision

Appeal Status Unknown

Appeal Decision Not Available



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To be read in conjunction with Treehugger Visual Ecology Ltd tree survey & report.

--- TREE ROOT PROTECTION ZONES
(Refer to Tree Logic survey & report for further information)



PLANNING

#	23/07/2018	Approved on Planning	RT
A	21/06/2018	Design Change	RM

 aka Annie Kenyon Architects Ltd			
South Lifford Street South Aberdeen AB10 1JL tel/fax: 01464 851 621 www.anniekenyonarchitects.com info@anniekenyonarchitects.com			
Client			
Alistair & Susan Brown			
Job Title			
Grove Cottage Hazledene Road Aberdeen			
Drawing Title			
As Proposed Site Plan			
CAD Reference			
Scale at A3	Drawn	Chk	Date
1:200	RT	AK	SEPT 15
Job No.	Drawing No.	Revision No.	
428	P-03	B	

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PLANNING

R	23.07.2015	Re-issued to Planning	RT
A	23.06.2015	Design Change	SM

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info@anniekenyonarchitects.com

Client
Alistair & Susan Brown

Job Title
Grove Cottage
Hazledene Road
Aberdeen

Drawing Title
As Proposed
Elevations

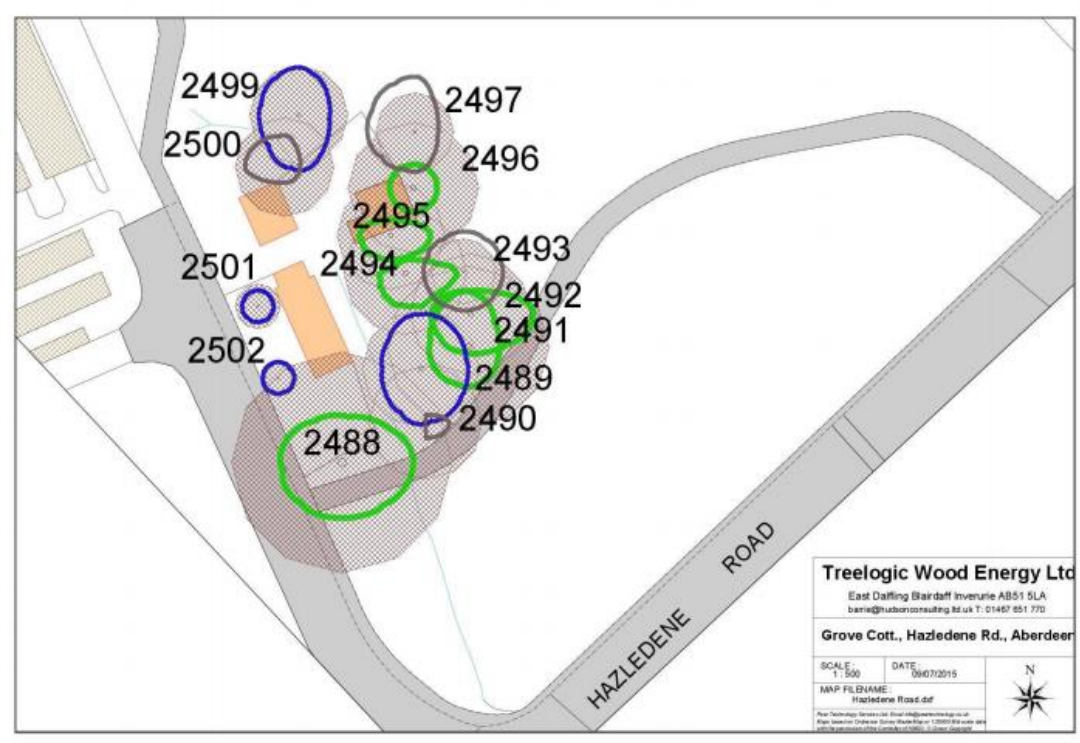
CAD Reference

Scale at A3	Drawn	Chk	Date
1:100	SM	RT	SEPT 15

Job No.	Drawing No.	Revision No.
428	P-05	B

Tree Survey and Woodland Report

Appendix 3 Site plan (not to scale) See CAD drawing: Hazledene Road.dxf (Scale 1:500)



Reference 170029/DPP

Application Received Fri 13 Jan 2017

Application Validated Fri 13 Jan 2017

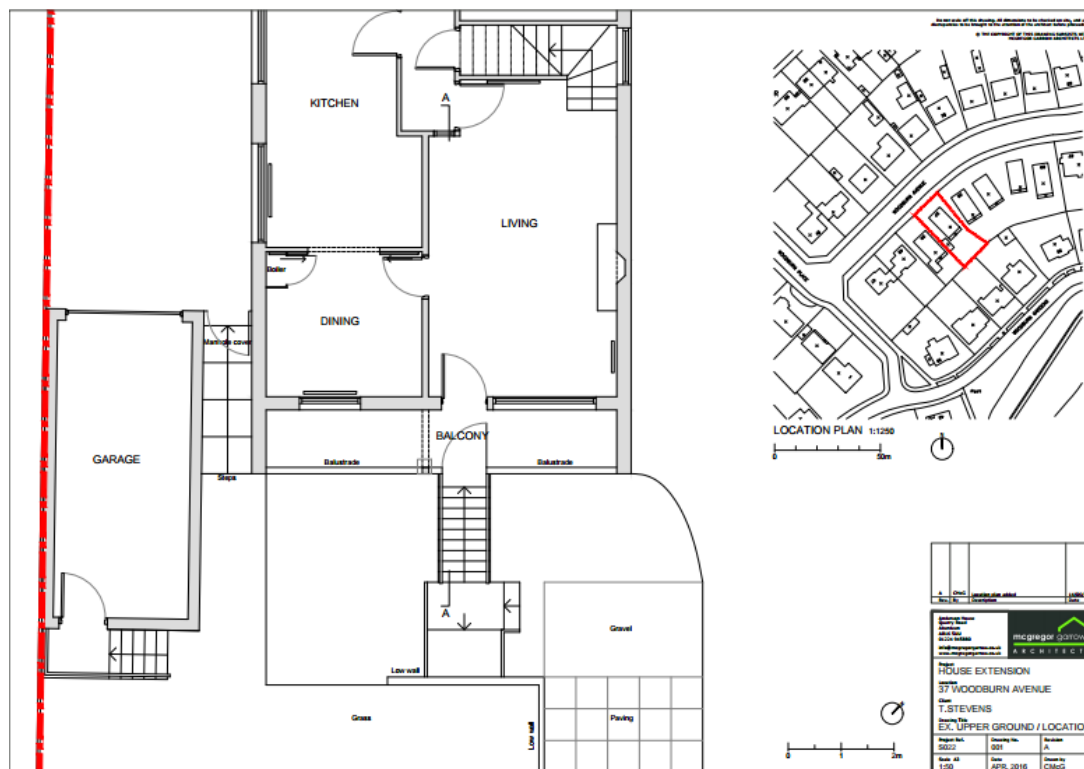
Address 37 Woodburn Avenue Aberdeen AB15 8JQ

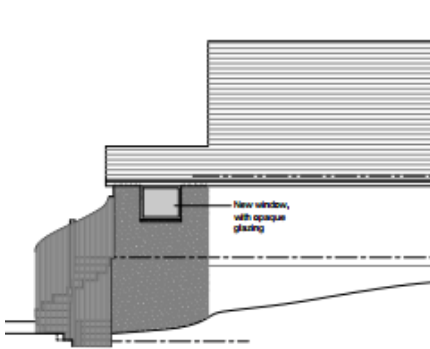
Proposal Two storey extension with balcony and external staircase to rear (re-submission of planning ref. 161179/DPP)

Status Awaiting decision

Appeal Status Unknown

Appeal Decision Not Available

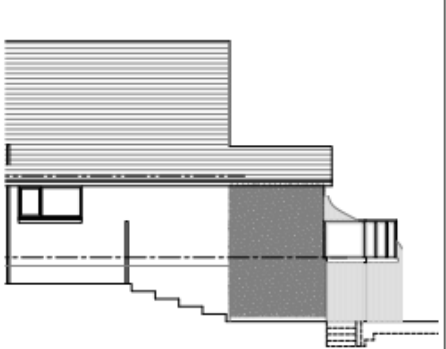




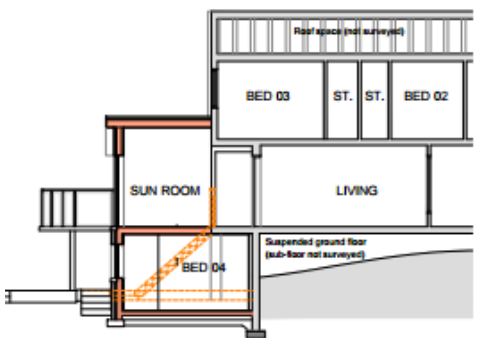
NORTH EAST ELEVATION



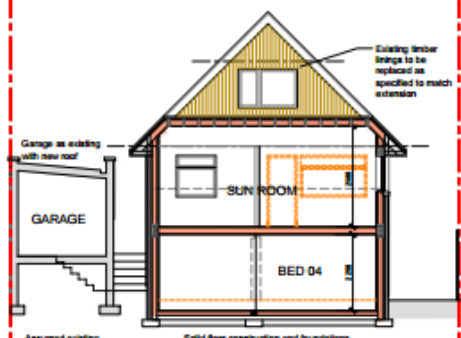
SOUTH EAST ELEVATION



SOUTH WEST ELEVATION



SECTION A-A



SECTION B-B

- FINISHES**
- WALLS**
 - Dry-lash render, buff / light grey to match existing
 - PVCu linings, timber appearance
 - ROOF**
 - Pitched - roof tiles to match existing
 - Flat - single-ply membranes, mid-grey
 - NEW WINDOWS & DOORS**
 - PVCu, white to match existing
 - SOFFITS & FASCIAS**
 - PVCu, white to match existing
 - RAINWATER GOODS**
 - PVCu, grey to match existing
 - STAR RAILING / PRIVACY SCREEN**
 - PVCu linings, timber appearance

Project Name	37 WOODBURN AVENUE
Client	T. STEVENS
Project No.	2022
Drawing No.	027
Scale	1:100
Date	JUN. 2025
Drawn by	CMcG
Checked by	IS

HOUSE EXTENSION
37 WOODBURN AVENUE
T. STEVENS
Drawing Title
ELEVATIONS & SECTIONS

