

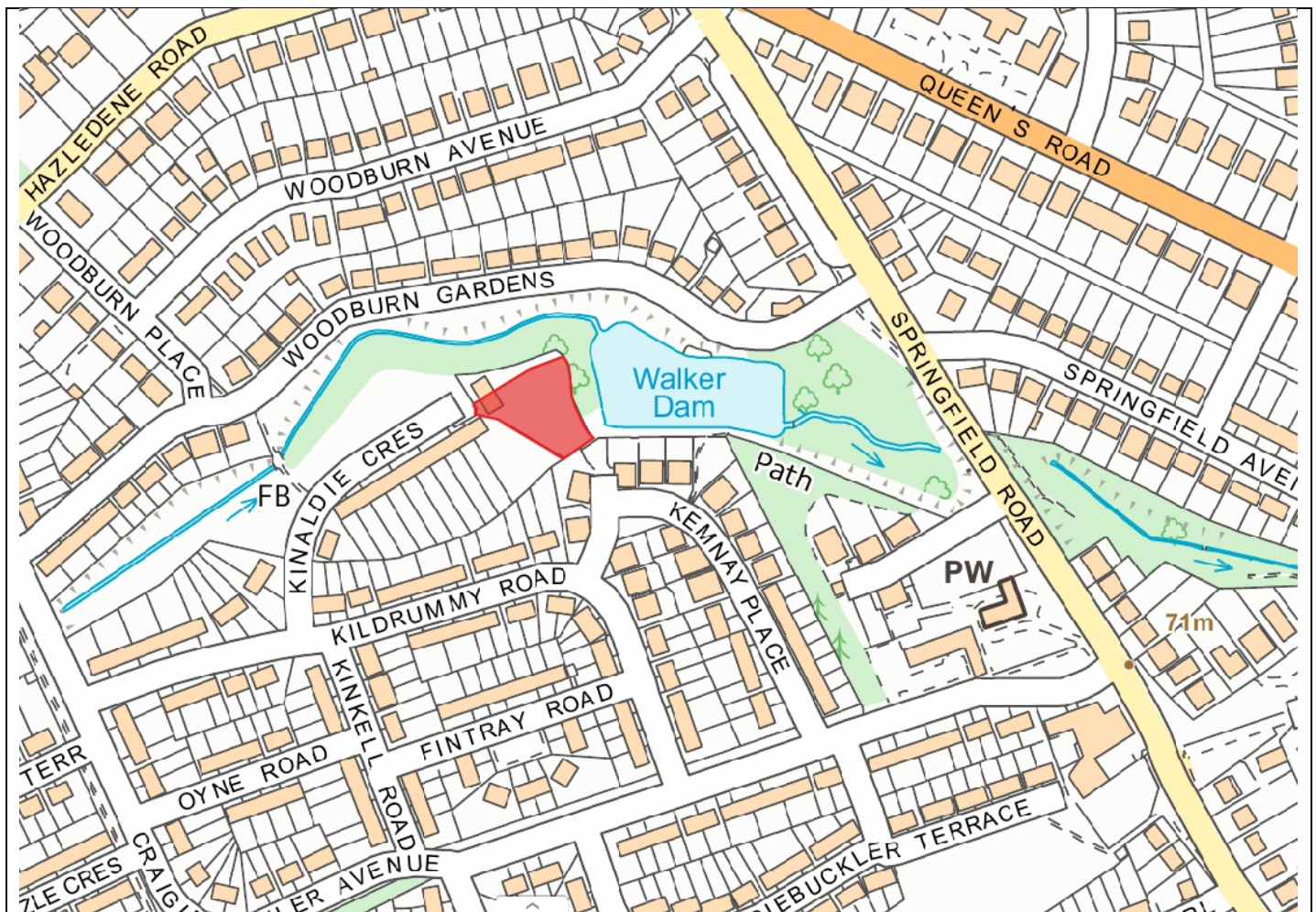


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 20 September 2018**

<b>Site Address:</b>	22 Kinaldie Crescent, Aberdeen, AB15 8HX,
<b>Application Description:</b>	Subdivision of residential curtilage and erection of residential dwellinghouse and associated works, including demolition of existing garage.
<b>Application Ref:</b>	171196/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	5 October 2017
<b>Applicant:</b>	Mr Neil and Nicola Greig
<b>Ward:</b>	Hazlehead/Ashley/Queens Cross
<b>Community Council</b>	Craigiebuckler And Seafield
<b>Case Officer:</b>	Gavin Evans



## RECOMMENDATION

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Approve Conditionally

## APPLICATION BACKGROUND

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### Site Description

The application site, which extends to approximately 1400sqm, lies to the south-west of the Walker Dam and incorporates part of the rear garden to 22 Kinaldie Crescent, along with an area of open space between Nos. 30 and 32 Kemnay Place. These are currently two separate and distinct parcels of land, which would be combined to facilitate the proposed development.

The grounds to the rear of 22 Kinaldie Crescent slopes moderately down towards Walker Dam, with the land immediately to the east of the site characterised by mature trees. The generous plot of No. 22 is largely laid to grass. The eastern boundary, to the adjacent Walker Dam, is enclosed by a wooden stake fencing in a state of collapse.

An area of open space between 30 and 32 Kemnay Place lies to the south-east of 22 Kinaldie Crescent. It falls gently to the north, towards Walker Dam, and is largely laid to grass, with planted borders. Its eastern and western edges are enclosed by standard timber fencing, however its northern edge is defined by post-and-wire fencing and a row of existing trees, predominantly Alder and Rowan.

### Relevant Planning History

Application Number	Proposal	Decision Date
150311	Sub-division of residential curtilage and erection of new dwellinghouse and associated works	08.06.2016 Status: Refused
140029	Formation of new dwelling house	
120489	Change of use of amenity ground to garden ground	12.04.2012 Status: Withdrawn
120446	Change of use of Amenity Ground to Garden Ground	29.05.2012 Status: Withdrawn

In addition to these various applications for planning permission, there was an appeal to the Scottish Government in relation to the refusal of planning application ref 150311, which involved the construction of a new dwelling which would be accessed via Kemnay Place, through the construction of a new driveway across an existing area of open space. That appeal was dismissed in February 2017. The appointed reporter expressed no concerns in relation to design, density or impact on the Walker Dam Local Nature Conservation Site (LNCS), but upheld the Council's decision due to a conflict with policy H1, arising from proposed driveway resulting in both the loss of existing trees and the loss of an existing area of open space on Kemnay Place.

## APPLICATION DESCRIPTION

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### Description of Proposal

This application seeks detailed planning permission for the sub-division of the existing residential curtilage at 22 Kinaldie Crescent and the construction of a single dwellinghouse, along with associated parking, landscaping and hard surfacing.

The site would be accessed via Kinaldie Crescent, sharing the existing driveway for 22 Kinaldie Crescent, with some modifications.

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OXAXKHBZG9O00>.

The following documents have been submitted in support of the application –

- Plans and Elevations
- 3-D visualisations
- Sun-path Study
- Tree Survey and Report
- Tree Protection & Management proposals
- Planning Statement
- Site sections

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because officers are recommending approval of the application where there is an objection from the local Community Council (Craigiebuckler and Seafield Community Council).

### **CONSULTATIONS**

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**ACC - Roads Development Management Team** – Note that the existing property would retain 2no car parking spaces, and that 4no spaces would be provided for the proposed new dwelling. This level of parking is considered appropriate. Queries whether the driveway would be internally drained and free from loss material within 2m of the public footway. Queries gradient. Notes that the slight increase in traffic at the end of this cul-de-sac would not be of concern, and that visibility at the access appears to be sufficient. Queries whether there would be any changes to the existing footway and what refuse storage/collection arrangements are proposed.

Following written clarification from the applicants, further email correspondence from the Roads Development Management team confirms satisfaction.

**ACC - Environmental Health** – No observations.

**ACC - Flooding and Coastal Protection** – ACC Flood Team would like to make the applicant aware that there is a risk of Surface water flooding from the North and the East of the proposed site, from the Walker Dam and the West Burn of Rubislaw. We would strongly recommend the use of permeable materials and the use of rain water harvesting where suitable in the design.

**Craigiebuckler and Seafield Community Council** – Highlight concerns expressed by a representative of 'Friends of Walker Dam' that, during hours of darkness, artificial light from the proposed dwelling and its white rendered finish would be harmful to the wildlife habitat around the Walker Dam. It is suggested that this may result in the loss of a number of bird and animal species

from the area. The Community Council is sympathetic to these concerns and states that possible adverse affects on the natural environment should be of prime importance in consideration of this application.

## **REPRESENTATIONS**

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Three letters of representation have been received in relation to this application. These express the following objections to the proposal:

- Loss of privacy and overlooking (to 24 Kinaldie Cres)
- ACC responsibilities under Human Rights Act – person’s right to peaceful enjoyment of all their possessions, including the home and other land.
- Over-development: The proposed dwelling would be ‘crammed’ in to the site, with the new dwelling afforded a very small garden for a house of this size, and in comparison to the gardens afforded to neighbouring plots
- The dwelling is not in character with its surroundings or the neighbouring properties, and would be unduly prominent from neighbouring dwellings
- Access: visibility is insufficient at the access, creating a hazard for cyclists, pedestrians and other vehicles
- Loss of on-street car parking
- Impact on amenity
- Potential for damage caused by construction vehicles
- Loss of natural light / overshadowing to 24 Kinaldie Cres
- Loss of existing views, due to the siting of the new house and the additional vehicles parked on-street
- Undesirable precedent for development in rear gardens
- Impact on existing drainage
- Structural damage to car-port at number 20, which sits on the site boundary
- Disruption caused by construction traffic
- Impact on existing trees, including their root systems
- Highlights earlier refusals and queries why access from Kinaldie Crescent should be any different
- Highlights that the garage to be demolished at 22 Kinaldie Crescent forms part of the boundary wall with no20.
- Contends that there is a surfeit of high-quality housing in the local area
- Concerns regarding access to the site during construction

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

### **Aberdeen Local Development Plan (2017)**

T2: Managing the Transport Impact of Development  
D1: Quality Placemaking by Design

D2: Landscape  
H1: Residential Areas  
H3: Density  
NE1: Green Space Network  
NE5: Trees and Woodland  
NE6: Flooding, Drainage & Water Quality  
NE8: Natural Heritage  
R6: Waste Management Req for New Development  
R7: Low & Zero Carbon Buildings & Water Efficiency  
T3: Sustainable and Active Travel

### **Supplementary Guidance and Technical Advice Notes**

Flooding, Drainage and Water Quality  
Landscape  
Natural Heritage  
Resources for New Development  
Sub-division & Redevelopment of Residential Curtilages  
Transport and Accessibility  
Trees and Woodlands

### **Other Material Considerations**

Scottish Planning Policy

## **EVALUATION**

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### **Principle of Development**

The application lies within a predominantly residential area, which has been zoned as such in the Local Development Plan, with policy H1 applicable. Policy H1 allows for residential development, provided a series of criteria can be satisfied. There is significant overlap between these criteria and the principles set out in the 'Sub-division and Redevelopment of Residential Curtilages' Supplementary Guidance, so it is appropriate for later sections of this report to consider these matters in parallel.

### **Transport and Accessibility**

The Council's 'Transport and Accessibility' SG identifies 'City Centre', 'Inner City' and 'Outer City' car parking zones and sets guidelines for the provision of off-street car parking accordingly. This site lies within the 'Outer City' zone, dwellings of more than 4 bedrooms should provide 3 spaces. The proposal indicated 4no spaces for the proposed new dwelling, with 2no spaces for the existing dwelling at 22 Kinaldie Crescent (as is currently the case). Whilst concern is raised in representations regarding a loss of on-street car parking as a result of the development, both the new dwelling and the existing house would be served via a reconfigured driveway which uses the same single footway crossing as the current house. Further exchanges with the applicant have confirmed that the gradient and materials to be used in the construction of the driveway are acceptable, and its drainage can be agreed via further submissions related to a planning condition in the event that members are minded to approve the application. ACC RDM colleagues have confirmed that visibility at the site access is acceptable. On that basis, the proposed access arrangements would not result in any loss of existing on-street car parking. Whilst it is recognised that there would be a slight increase in the number of vehicles using the road, this is considered to be negligible, and by making adequate provision for car parking off-street, the demand for on-

street parking should not be significantly increased. Existing bus services operate in the area, and can offer connections to various parts of the City, including the City Centre, where the bus and railway stations can provide for onward travel. On this basis, the proposal is considered to demonstrate accordance with policy T2 (Managing the Transport Impact of Development) of the ALDP, along with the associated 'Transport and Accessibility' SG.

Existing streets and footpaths provide adequate infrastructure for pedestrian and cycle movements, ensuring that the development can be accessed by a range of means, including cycling and walking, as required by policy T3 (Sustainable and Active Travel). Core Path 60 runs close to the eastern site boundary, offering an amenity route through the Walker Dam before joining up with Hazledene Road to the west and Johnston Gardens to the east. The proposal would not interfere with the Core Path route, which would continue to offer access to the Walker Dam Local Nature Conservation Site (LNCS).

### **Density, Scale and Pattern of Development**

The proposal involves the construction of a detached 4-bedroom dwelling across three levels in the south-western corner of the site. Due to the site levels falling from west to east, the dwelling would present a 1 ½ storey face to its western (front) elevation, but would allow for access to a lower ground floor level from its eastern (rear/garden) elevation. The proposal involves an existing residential plot being sub-divided to form an entirely new plot for the proposed dwelling. This development therefore represents 'curtilage splitting' as described in the Council's relevant 'Sub-Division and Redevelopment of Residential Curtilages' SG. This sets out a general expectation that the location and size of new dwellings will be 'in keeping with the established spatial character and built form of the surrounding area' and sets out further detailed guidance to that end.

The residential plots at Nos. 20 and 22 Kinaldie Crescent are among the largest in the local area. This proposal would result in the sub-division of the exceptionally large (2185sqm) plot at No. 22 in order to provide two plots of broadly the same size. It should be noted that, despite that sub-division, the two resultant plots would still compare favourably (at 1077sqm for the new house and 1008sqm for the retained no.22) to many of those in the surrounding area – as a comparison, Nos. 18 and 24 Kinaldie Crescent measure circa 570 and 520 sqm respectively, and 32 Kemnay Place is estimated at circa 650sqm. So far as plot size is concerned, it is considered that the density of development would be no less consistent with that seen in the surrounding area than is presently the case.

The relevant SG sets out that new development should reflect the density of the surrounding area, for both the new dwelling and the donor property. As a general guide, no more than a third (33%) of the total site area for each individual curtilage should be built upon. In this instance, the submitted design statement puts the plot coverage at around 20%, which is significantly below the guideline maximum of 33% suggested by the relevant SG and certainly no higher than is characteristic in the surrounding area.

It is not considered that the siting of the dwelling would be to the detriment of residential amenity or of the character of this area generally. Similarly, the density of the proposed development, with regard to building footprint and plot coverage, is appropriate in this setting, subject to consideration of the impacts arising from the proposal. In this regard, there is considered to be no material conflict with policy H3 (Density).

Over and above simple plot size, proposals must demonstrate due regard for any established pattern of development in the surrounding area. The properties on Kinaldie Crescent are generally set within long rear gardens whose width broadly corresponds with that of the dwellings. The notable exceptions to this are nos 20 and 22, at the eastern end of Kinaldie Crescent, where the rear gardens are much larger and widen out significantly to the rear. The size of these gardens is such that the sub-division of the plot at number 22 would not result in either the existing or the new

dwelling sitting in an incongruously small plot, but rather that the size of their plots would be closer to those in the remainder of the street. As number 22's plot narrows to the front, there is something of a 'pinch-point' in the site, such that a new dwelling cannot be accommodated immediately side-by-side with the existing property. The proposed dwelling is sited further back from Kinaldie Crescent as a result, but due to the width of 22's plot, does not sit directly behind the donor property in a manner characteristic of 'backland' development. Representations highlight a concern that this development could set a precedent for such 'backland' development where new dwellings are built to the rear of an established street pattern and a second building line is created. It is considered that the specific circumstances of this site, such as its corner location and the exceptional size of the rear garden at number 22, mean that this site is quite different from the remainder of Kinaldie Crescent, where the plots are of a more uniform size and shape. In that regard, and bearing in mind that it is for the planning authority to determine each application on its merits rather than draw broad comparisons between distinct sites and developments, it is not considered that any unwelcome precedent would arise from approval of this application. Whilst there is a narrowing of the plot that means the new house would share a driveway with number 22, both houses would retain adequate off-street car parking and generous plots. Notwithstanding the new dwelling's position slightly further back from Kinaldie Crescent, it is considered that the proposal is designed with a frontage facing Kinaldie Crescent, and adequately demonstrates regard for the established pattern of development in the surrounding area, as required by the Council's 'Sub-Division and Redevelopment of Residential Curtilages' Supplementary Guidance.

### **Design & Materials**

The proposed house accommodates an integral double garage within a broadly L-shaped form, with pitched roof dormer windows present within the roofspace, which in turn would be formed using slate-effect tiles. Elevations would incorporate grey granite, white wetdash render and larch timber cladding. The 1 ½ storey scale of the building's public face, use of dormer windows, timber cladding and granite at ground floor are all found in properties on Kinaldie Crescent, albeit these component parts are presented in a slightly more contemporary arrangement. The properties in Kinaldie Crescent are characterised by single garages adjoining the side wall of the house, whereas a double garage would be incorporated within the proposed house. Nevertheless, the building's siting is such that this and the alternative building footprint would not be immediately apparent from the street and certainly not incongruous in the streetscape. Similarly, whilst the wallhead height appears to be higher than that of neighbouring properties, the overall scale of the 1 ½ storey frontage is considered to be sufficiently sympathetic to its context, and the increased set-back from the street and drop in ground levels is such that any differences between the design of the new house and its neighbours would not be to the detriment of the character and amenity of the area. It is therefore considered that the proposal demonstrates a high standard of design, which demonstrates due regard for the site's context and the surrounding built form, as required by policy D1 (Quality Placemaking by Design) of the ALDP.

### **Privacy, Amenity, Daylight, Sunlight**

The closest neighbouring properties would be numbers 22 and 20 Kinaldie Crescent, both of which would lie to the west of the proposed dwelling. The rear garden of no.22 lies to the north, with the rear garden of no.20 to the south and southeast.

In terms of shading, the proposed new dwelling lies to the east of its immediate neighbours, so morning shade would be most relevant. A submitted Sun Study shows that impact would be at its greatest during winter, when a significant proportion of the rear garden at number 22 would be shaded. At other times of year, the study demonstrates no significant shading impact on either of these neighbouring properties. It is noted also that number 20 is circa 21m away at its closest point, which is comparable to the 18m distance commonly recommended as being desirable for new residential layouts.



In terms of daylight, the neighbouring properties at 20 and 22 are sufficiently separated from the new dwelling to ensure that there would be no unacceptable loss of light to the windows of habitable rooms.

As regards privacy, the SW and NW elevations of the dwelling would face towards no. 20. It is noted that there are no SW-facing windows in the ground or lower ground floors. At first floor level there is a small en-suite window (which would normally be frosted and is otherwise not treated as a 'habitable room') in the SW gable, along with a dormer window into the master bedroom above the garage. This window looks towards the garden of no.20, but is circa 9.5m from the boundary, which is comparable to the depth of a residential garden in a modern development. An upper floor window to bedroom 3 faces back towards no.20, but at a distance of circa 24.5m, which does not give rise to any concern regarding loss of privacy. There are also two rooflights to habitable rooms, but these are also not considered to result in undue loss of privacy.

The new dwelling itself would be afforded adequate privacy to its habitable rooms and rear garden, and would not be unduly overshadowed by neighbouring dwellings or by the mature trees within the adjacent Walker Dam LNCS. In summary, the proposal is considered to provide a high-quality residential environment for those residing in the new dwelling, whilst also respecting the amenity, privacy and environment afforded to neighbouring residents. In this regard, the proposal is considered to accord with the aims of policy H1 (Residential Areas) and the relevant 'Sub-Division and Redevelopment of Residential Curtilages' Supplementary Guidance.

### **Impact on Trees & Landscape**

Whilst the proposal does not involve the removal of any existing trees, it is noted that there are a number of trees outwith the site but in close proximity to the site boundary. These include large mature trees within the Walker Dam LNCS. The submitted Tree Survey indicates that the house footprint is entirely outwith the Root Protection Areas of these large mature trees, which offers some reassurance that they would not be harmed as a result of the proposal. Appropriate conditions can ensure satisfactory tree protection measures are adopted to protect canopies and Root Protection Areas from encroachment during construction. Given the significance of the trees in the adjacent Walker Dam LNCS it is appropriate to require that tree protection fencing is inspected by a qualified arboriculturalist prior to works commencing. The Council's 'Trees and Woodlands' Supplementary Guidance highlights that it is also necessary to consider the relationship between trees and buildings to ensure that inappropriate siting does not lead to increased pressure for tree removal for safety reasons or to remove excessive shading. In this instance, the revised siting of the dwelling has taken it further away from the 'zone of influence', such that the retained trees should not be perceived as a safety risk. Whilst these trees are of a considerable size, they lie due east and the site is afforded a relatively open aspect to the south, such that there would be no excessive shading attributable to the trees within the Walker Dam LNCS. Having had regard to these matters, it is concluded that the proposal is consistent with policy NE5 (Trees and Woodlands) and the associated Supplementary Guidance.

### **Walker Dam LNCS and Protected Species**

The Walker Dam is identified as a Local Nature Conservation Site (LNCS), which is a non-statutory local designation relating to areas of local importance for nature conservation. This is described as 'a charming mixture of landscaped areas and semi-natural habitats', the main feature of which is the large pond with a small burn and areas of wet woodland. It is also recognised as being one of Aberdeen's more accessible areas of open water which, due to its location within a residential area of the City, is 'an important recreational and educational resource'. Earlier sections of this report have addressed the potential impact on existing trees, both as a direct result of the proposed works and the relationship between trees and the new dwelling, concluding that there would be no direct impact, nor any significant threat to the long-term retention of these mature trees as a result of the proposal. In this regard, the value of this locally designated nature



conservation site is maintained, consistent with policies NE1 (Green Space Network), D2 (Landscape) and NE8 (Natural Heritage).

As the proposal involves the demolition of the existing garage in a location of potentially good bat habitats and recorded activity, a bat survey was undertaken to explore this further. The survey concluded that the garage does not have bat roost potential and there was no evidence of bat activity. The survey further stated that the adjacent trees did not possess good roosting potential, and that the new house with its down lighters would not affect any bats foraging adjacent to these trees. In this regard, the proposal would not result in any adverse impact on bats in their capacity as a European Protected Species, and the proposal accords with the provisions of policy NE8 (Natural Heritage) of the ALDP.

### **Drainage and Flood Risk**

ACC's Flooding Team has highlighted a risk of surface water flooding affecting the site and has therefore recommended that, in addition to a scheme of drainage within the site to ensure that there is no additional discharge of surface water than presently exists, the applicants should also consider the use of permeable materials and rainwater harvesting within the proposal. In this instance it is considered that a condition requiring the use of these measures would be warranted. Subject to these measures, the proposal would not result in any additional surface water flowing from the site and surface water would be subject to appropriate treatment before discharge. On that basis, flood risk would not be increased and the water environment would be adequately protected, as required by policy NE6 (Flooding, Drainage and Water Quality) of the ALDP.

### **Low and Zero Carbon Buildings**

The Council's 'Resources for New Development' Supplementary Guidance is a relevant material consideration. No details of the incorporation of Low and Zero Carbon generating technologies or other compliance with this guidance has been provided in support of the application, and it will therefore be necessary to attach a condition to any consent in order to obtain such details and to ensure compliance, should members resolve to approve the application. This will also ensure compliance with policy R7 (Low and Zero Carbon Buildings and Water Efficiency).

### **Equalities Impact Assessment**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics. In coming to this assessment, the planning authority has had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010, to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Matters raised in representations**

Matters relating to: potential loss of privacy; potential impact on amenity; loss of daylight and overshadowing; density, scale and design; accessibility and car parking; road safety; drainage and flood risk; and impact on existing trees have been addressed in the foregoing sections of this report. Other points are addressed below:

- *ACC responsibilities under Human Rights Act – person's right to peaceful enjoyment of all their possessions, including the home and other land.*

The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community, and this balancing of interests is embedded in the policies of the Development Plan. Officers are satisfied that, having assessed the impact of the proposal on amenity, privacy and other factors as set out in the policies of the Development Plan, approval of the application would not be incompatible with the rights afforded under the Human Rights Act.

- *Potential for disruption and damage caused by construction vehicles/traffic*

Construction traffic associated with the construction of a single dwelling is not likely to be of any great intensity. It is regrettable that there can be a degree of disruption and disturbance during any construction works, however this is generally of a temporary nature and would not warrant refusal of this application.

- *Loss of existing views, due to the siting of the new house and the additional vehicles parked on-street*

The loss of a particular view is not a material planning consideration. The visual impact of the house in the context of the streetscape and surrounding pattern of development is discussed in earlier sections of this report, along with impact on the amenity afforded to neighbours, which would include any undue visual impact when seen from neighbouring gardens.

- *Undesirable precedent for development in rear gardens*

All planning applications must be considered on their merits, however planning authorities must also be mindful of the implications of any given decision. In this instance, the application site is far larger than other sites on Kinaldie Crescent and its shape is such that the proposed dwelling would not sit directly behind the donor property in an undesirable 'backland' form. In this regard, it is not considered that any unwelcome precedent would be set by approval of this application.

- *Structural damage to car-port at number 20, which sits on the site boundary*
- *Highlights that the garage to be demolished at 22 Kinaldie Crescent forms part of the boundary wall with no20.*

As a general principle, any property damage or intrusion into land owned by another party resulting from the implementation of a planning consent would be a civil matter between the two parties. This is not a material consideration.

- *Highlights earlier refusals and queries why access from Kinaldie Crescent should be any different*

The current application must be assessed on its merits and the refusal of an earlier proposal does not preclude approval in this instance. In particular, it is notable that the earlier proposal had involved a different means of access, across an area of open space, and had involved both the removal of existing trees and encroachment into the Root Protection Areas of several mature trees within the Walker Dam site. Furthermore, that decision was taken under an earlier Local Development Plan, the policies and supplementary guidance of which differ from the current Plan.

- *Contends that there is a surfeit of high-quality housing in the local area*

The planning process does not require an assessment of whether there is demand for this development.

- *Concerns regarding access to the site during construction*

The practicalities of accessing the site for construction of the proposed dwelling would be a matter for the appointed contractor to address, with due regard to property rights and existing rights of access, and is not something that is for the planning authority to address in this evaluation of the proposal's merits.

### **Matters raised by Community Council**

The local Community Council has expressed concern that the white rendered finish to parts of the dwelling would be detrimental to the Walker Dam's value as a wildlife habitat, specifically by discouraging a number of bird and animal species from frequenting this area. Having queried this matter with Environmental Policy colleagues, officers are satisfied that the white rendered finish on parts of the proposed building is not likely to give rise to any particular disturbance to wildlife or the

value of the Walker Dam as a wildlife habitat generally. There are also existing dwellings equally close to the Walker Dam, which could be painted without any requirement for planning permission.

## **Summary**

This application involves the construction of a single detached dwelling on a new plot, formed by sub-dividing the exceptionally large plot of number 22 Kinaldie Crescent. Both the donor property and the new dwelling would be afforded generous plots of their own, with no significant impacts on privacy or amenity to surrounding properties. Whilst the proposed dwelling takes advantage of the falling ground level to provide accommodation across 3 floors, it would not appear incongruous or out of place in the streetscape. Its scale and design are considered appropriate to its context and the density of the development is adequately compatible with the surrounding street pattern. The revised siting and footprint of the dwelling are such that it would not require the removal of any existing trees and would result in any impact on root systems. Relevant technical matters including adequate site drainage and tree protection during construction can be secured through the use of appropriately worded planning conditions. In conclusion, it is considered that the proposal demonstrates accordance with the provisions of the Development Plan, and that no material considerations have been identified that are of sufficient weight to warrant determination other than in accordance with the Plan.

## **RECOMMENDATION**

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Approve Conditionally

## **REASON FOR RECOMMENDATION**

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The construction of a new dwelling on this site is consistent with its location in a residentially zoned area. The site is of an adequate size to accommodate the proposed dwelling and provide sufficient private garden ground for both the new dwelling and the donor property. Whilst it would be sited further back from Kinaldie Crescent than is characteristic, it is nevertheless considered that the proposal would be consistent with the general pattern of development in the surrounding area, and the design and scale of the dwelling is appropriate to its context, consistent with policies D1 (Quality Placemaking by Design) and H3 (Density), as well as the relevant 'Sub-Division and Redevelopment of Residential Curtilages' Supplementary Guidance.

The application site is adequately accessible and makes provision for off-street car parking, as required by policy T2 (Transport and Accessibility), T3 (Sustainable and Active Travel) and the associated Transport and Accessibility supplementary guidance. Adequate provision can be made for drainage in accordance with a scheme to be secured by condition, as required by policy NE6 (Flooding, Drainage and Water Quality).

The proposal would not result in the removal of, or damage to, any existing mature trees, consistent with policies NE1 (Green Space Network), D2 (Landscape) and NE5 (Trees and Woodlands) as well as the associated supplementary guidance.

## **CONDITIONS**

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### **1. Boundary enclosures**

The dwelling hereby approved shall not be occupied unless the site boundaries have been enclosed in complete accordance with a scheme submitted to and approved in writing by the planning authority - in order to preserve the amenity of the neighbourhood.

**2. LZC compliance**

The building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Resources for New Development' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance.

**3. Drainage scheme**

No development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme (which shall include provision for the use of permeable surface materials and harvesting of rainwater) - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

**4. Car Parking**

The dwellinghouse hereby approved shall not be occupied unless provision has been made within the site for the off-street parking of motor vehicles in complete accordance with Plan No. or such other scheme as may be subsequently approved in writing by the planning authority - in the interests of road safety, the free flow of traffic and visual amenity.

**5. Tree Protection and Supervision**

No development shall take place unless the planning authority has approved in writing a scheme for the supervision of the arboricultural protection measures and works that have been approved by the planning authority for the construction phase of the development. Thereafter, development shall be undertaken in full accordance with the agreed scheme. Such a scheme shall include the timing and method of site supervision and record keeping. Supervision shall be carried out by a qualified arboriculturalist approved in writing by the planning authority but instructed by the applicant - in order to ensure adequate protection for the trees on site during the construction of the development.

**6. No activity within RPAs**

No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.

**7. Additional Tree Work**

That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the planning authority; any damage caused to trees growing on the site shall be remedied in accordance

with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.

## **ADVISORY NOTES FOR APPLICANT**

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### **Construction hours**

In the interests of protecting neighbouring properties from undue disturbance, it is recommended that no construction or demolition work shall take place:

- (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
- (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or
- (c) at any time on Sundays,

except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery].