

Public Document Pack



To: Councillor Boulton, Chairperson; and Councillors Macdonald and Nicoll.

Town House,
ABERDEEN 4 October 2018

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet for a Site Visit at **20 WEST MOUNT STREET, ABERDEEN on TUESDAY, 9 OCTOBER 2018 at 12 Noon.** Following which, Members will then meet in Committee Room 4 – Town House to determine the review.

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

1.1 Procedure Notice (Pages 3 - 4)

COPIES OF THE RELEVANT PLANS / DRAWINGS ARE AVAILABLE FOR INSPECTION IN ADVANCE OF THE MEETING AND WILL BE DISPLAYED AT THE MEETING

MEMBERS PLEASE NOTE THAT THE FOLLOWING LINK WILL TAKE YOU TO THE LOCAL DEVELOPMENT PLAN.

[Local Development Plan](#)

TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE FOLLOWING APPLICATIONS

PLANNING ADVISER - GAVIN EVANS

2.1 20 West Mount Street - Erection of 1.5 Storey Rear Extension - 180129

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 5 - 22)

Members, please note that all plans and supporting documents relevant to the review can be viewed online at the following link and add the reference number:-

Reference – 180129

<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

2.3 Planning Policies Referred to in Documents Submitted (Pages 23 - 24)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 25 - 32)

Members, please note that all plans and supporting documents relevant to the review can be viewed online at the following link and add the reference number:-

Reference - 180129

<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

2.5 Determination - Reasons for Decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Mark Masson on mmasson@aberdeencity.gov.uk / tel 01224 522989

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL


1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
3. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
4. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.
Any representations:
 - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
 - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
5. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
6. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
 - (a) written submissions;
 - (b) the holding of one or more hearing sessions;
 - (c) an inspection of the site.

7. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
8. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

DETERMINATION OF REVIEW

9. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
10. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-

“where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
11. In coming to a decision on the review before them, the LRB will require:-
 - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
 - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
 - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
12. In determining the review, the LRB will:-
 - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
 - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions.**
13. The LRB will give clear reasons for its decision in recognition that these will require to be intimated and publicised in full accordance with the regulations.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	20 West Mount Street, Aberdeen, AB25 2RJ,
Application Description:	Erection of 1.5 storey rear extension
Application Reference:	180129/DPP
Application Type:	Detailed Planning Permission
Application Date:	8 February 2018
Applicant:	Mr And Mrs Martin Wright
Ward:	Mid Stocket/Rosemount
Community Council:	Rosemount And Mile End
Case Officer:	Jacqui Thain

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application property is a traditional, granite-finished, 1.5 storey, mid-terrace dwellinghouse located on the northern side of West Mount Street and within the Rosemount Conservation Area. There is a single storey offshoot on part of the rear elevation of the property which projects 4.7m along the west-most boundary of the site.

Relevant Planning History

Planning permission (Ref: P150119) was approved in March 2015 for the installation of an enlarged rooflight.

APPLICATION DESCRIPTION

Description of Proposal

It is proposed to build an extension over two storeys on the rear elevation of the dwellinghouse; comprising a kitchen/living area at ground floor level, and bedroom at first floor level. The ground floor of the extension would project 4.7m (the same projection as the existing rear offshoot) and the first-floor element of the proposal would have a 4m projection. The overall height of the extension would be 6m from ground level. Materials would include roughcast, timber linings and a slate roof.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications>

PLANNING POLICY

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. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires, with respect to any buildings or other land in a conservation area that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)
- Historic Environment Scotland Policy Statement (HESPS)

Aberdeen Local Development Plan (ALDP)

- Policy H1 – Residential Areas
- Policy D1 – Quality Placemaking by Design
- Policy D4 – Historic Environment
- Policy D5 – Our Granite Heritage

Supplementary Guidance (SG)

- Householder Development Guide

Other Material Planning Considerations

- Managing Change in the Historic Environment – Extensions

CONSULTATIONS

ACC - Roads Development Management Team – whilst the extension would result in an increase from 2 to 3 bedrooms, the increase would not warrant an increase in the required number of parking spaces (it is acknowledged that no parking spaces are provided off-street at present). There no objection to the application.

REPRESENTATIONS

One letter of representation (objection) has been received. The matters raised can be summarised as follows: -

- Right to light. The proposals would significantly reduce the natural light available to the objector's dining room, 2 bedrooms, sun room and kitchen. These windows face out on to the proposed extension and due to their proximity and orientation; the proposed extension would have a marked reduction in the quality and duration of natural light entering their living spaces, which would result in a detriment to their quality of life and health; and
- The proposed extension does not consider the guidance given in the BRE publication "Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice" with regard to plan and elevation angles in relation to the existing windows in their property. Had these points been considered then a design with less impact on neighbouring properties could have been produced.

Other matters were discussed that are not material planning considerations and cannot therefore be considered during assessment of the Planning Application i.e. the proposal would lead to increased electricity bills due to the extra artificial lighting required to compensate.

EVAULATION

Principle of Development

The application site is located within a residential area, under Policy H1, and the proposal relates to householder development. Householder development would accord with this policy in principle provided it does not constitute over development, adversely affect the character and amenity of the surrounding area, and it complies with any associated SG, in this case the Householder Development Guide These issues are assessed in the below evaluation.

Layout, Siting and Design

The Householder Development Guide states under section 3.1.4 (General Principles) *“Proposals for extensions....should be architecturally compatible in design and scale with the original house and its surrounding area.....Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale.”* A further general principle is that *“No extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected.”* The Guide also states under section 3.1.5 that *“extensions of more than one storey will normally be refused unless it can be demonstrated that the specific circumstances of the site and the proposal would ensure that there would be no detrimental impact on the character amenity of the area... Single storey extensions (to which part of the application relates) will be restricted to 3m along a mutual boundary.*

The proposal relates to an extension over two storeys which would have a projection of 4m (over two storeys) and 4.7m for the single storey extension (although it is noted this element is located off-the mutual boundary). The proposal would therefore conflict with the aforementioned guidance, unless site specific circumstances would allow a departure. In this instance, the extension, at first floor level, would project 4m along the mutual boundary with 22 West Mount Street and would have an adverse impact on the level of amenity afforded to windows at both ground and first floor level, as well as on the area of garden ground immediately adjacent to it. With a projection of 4.7 metres and set only 0.5 metres off the mutual boundary with 18 West Mount Street, there would also be loss of amenity and some daylight to the ground and first floor, west-facing windows on the extension to No.18, which would be only a short distance from the extension.. The windows would overlook a large expanse of blank wall. The impact would be greater at ground floor level due to the extension being situated close to the boundary. For this reason, the proposal fails to comply with the Householder Development Guide.

The proposal is contrary to the Supplementary Guidance - the extension is a two storey structure to the rear of a one-and a-half storey property; and the projection at both ground and first floor levels is significantly greater than the 3 metres permitted to the rear of terraced dwellings. Although the ground floor element of the extension would be 0.5 metres off of the boundary to the east, that offset does not address the adverse impacts that arise from the projection of the extension. Therefore, the extension also conflicts with Policy D1 of the ALDP, which requires proposals to be designed with due consideration for their context.

When viewed at the rear from neighbouring properties, the proposed extension, due to its 2 storey height and its scale and massing, would not be subservient to the main dwelling which would no longer remain visually dominant. It would overwhelm the rear elevation of the house. It would significant alter and undermine its original form. The first-floor element of the extension would introduce an incongruous structure which would be at odds with the existing 1.5 storey dwelling.

The siting, scale, massing and proportions of the proposal are inappropriate with regard to the main property.

The proposal would also result in a detrimental impact on neighbouring dwellings with regard to amenity, particularly the impact on the dormer to the rear of 22 South Mount Street and on the general residential amenity of the neighbouring properties to the east and west and on the wider area. Although the extension would not be readily visible from West Mount Street and View Terrace, the proposal would be visible to the neighbouring residents, mainly to the west and to the south-facing windows of the flats at Westburn Court immediately to the north.

Impact on Historic Environment

Scottish Planning Policy (SPP), which is the Scottish Government's policy document on planning, states that proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area. For the reasons set out in this report, the proposal neither preserves nor enhances the character of the conservation area and thus is contrary to SPP.

The proposal is for a substantial addition to the rear of this historic property. The scale, design and massing of the proposed extension does not respect the character, appearance and setting of the existing historic property and would be detrimental to its special architectural and historic character which is contrary to Policy D4 of The Aberdeen Local Development Plan which states '*High quality design that respects the character, appearance and setting of the historic environment*'. The proposed new extension obscures almost three quarters of the rear elevation. This substantially alters and detracts from the special historic character of the building and to the overall historic environment.

The proposal would result in an extensive loss of the original fabric of the existing building order to accommodate the first floor element of the extension; a significant proportion of the original roof slope would be lost. At ground floor level, a large expanse of the existing rear wall of the main dwelling would be removed in order to create an open plan kitchen/dining area. These alterations would substantially and irreversibly alter the form and character of the building. It is not intended to re-use the granite within the extension, so the proposal is contrary to Policy D5 which seeks the retention and appropriate re-use of all granite features, structures and buildings. The Policy also states that the demolition of any granite building, structure or feature, partially or completely, will not be granted Planning Permission.

The overall bulk of the proposed extension is inappropriate in relation to the existing one-and-a-half storey terraced property and would have a detrimental impact on the wider historic environment. The ground floor of the extension would cover most of the existing rear elevation of the property and the first floor element above would extend approximately half of the width of the building from the boundary to the existing dormer window. After development, only a small proportion of the rear wall of the original dwelling-house would remain.

Historic Environment Scotland Policy Statement

The extension fails to uphold the principles of Historic Environment Scotland's Policy Statement. HESPS states '*there should be a presumption in favour of preservation of individual historic assets and also the pattern of the wider historic environment; no historic asset should be lost or radically changed without adequate consideration of its significance and of all the means available to manage and conserve it*'. The alteration is inappropriate with regard to scale, design, loss of historic fabric and would detract from the overall character and integrity of the existing property and the amenity of the conservation area. The extension would not be sympathetic to or complement the existing dwelling. The special interest of the property would be eroded and there

would be significant loss to the historic fabric of the dwelling. The proposal would be out of place within the conservation area as a whole.

Historic Environment Scotland Managing Change – Extensions

The extension fails to comply with Managing Change “Extensions” on the following grounds:

- (1) The extension is not subordinate to the main dwelling and would dominate the existing property.
- (2) The proposal does not protect the character and appearance of the dwelling as it obscures almost three quarters of the rear elevation
- (3) The design is not of a high quality utilises inappropriate materials such as roughcast.

Householder Development Guide

Compliance with the SG has been discussed above. The extension does not comply with the Supplementary Guidance (Householder Development Guide) for the following reasons:

- (1) The proposal would be a two-storey extension to the rear of a one-and-a-half storey property. The Supplementary Guidance dictates that extensions of more than one storey will normally be refused where the proposal runs along a mutual boundary, unless it can be demonstrated that there would be no detrimental impact on either the character or amenity of the area. For reasoning detailed previously, the proposal would not be acceptable.
- (2) Projection. The extension would project 4.7m at ground level & 4m at first floor level. The guidance states that extensions to terraced dwellings shall be restricted to 3m in projection along a mutual boundary.
- (3) The proposed extension is not architecturally compatible in design and scale with the original house and within the surrounding area.
- (4) The extension would overwhelm and dominate the original form and appearance of the dwelling and would not be visually subservient in terms of height, mass and scale.
- (5) The amenity of the neighbours, particularly the residents immediately to the east and west, would be adversely affected by the 4.7m ground floor and 4m upper floor projection of the extension.
- (6) The roughcast finish to the gables of the first floor element of the extension would be at odds with the existing traditional, granite-finished property.

Conclusion

Taking deliberation of the above, it is concluded that the proposal would have a damaging effect on the form and context of the application dwelling and would be detrimental to the wider Rosemount Conservation Area. The proposed extension is contrary to Policies H1, D1, D4 & D5 of the Aberdeen Local Development Plan and does not comply with the Council’s Supplementary Guidance “Householder Development Guide.” The alteration also conflicts with Historic Environment Scotland’s Policy Statement and does not conform with HES “Managing Change – Extensions” guidance. In addition, the rear extension would have a detrimental impact on neighbouring residents’ amenity, particularly to the west. Therefore, for the reasons outlined

above, the application cannot be support by the Planning Authority. Full consideration has been given to all matters raised in the letter of objection.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

Due to its height, scale, design and massing, the proposed extension has not been designed with due consideration for its context and would have an unacceptable impact on residential properties in the surrounding area. The proposal would also result in the loss of part of the historic fabric of the building and due to its massing would have an unacceptable impact on the surrounding conservation area. The alteration is a substantial, two storey extension to the rear of a one-and-a-half storey property which would be out of place with and would result in a detrimental impact on the overall character and amenity of the wider conservation area. The proposal therefore fails to comply with Scottish Planning Policy, Historic Environment Scotland's Policy Statement, Policies H1: Residential Areas, D1: Quality Placemaking by Design, D4: Historic Environment and D5: Our Granite Heritage of the Aberdeen Local Development Plan, as well as its associated Supplementary Guidance: Householder Development Guide and Managing Change in the Historic Environment – Extensions. There are no material planning considerations which would warrant approval of consent in this instance.

180129/DPF

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (SCOTLAND) ACT 1997
The Town and Country Planning (Development Management Procedure) (SCOTLAND) REGULATIONS 2008

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR/M ^{rs}	Ref No.	—
Forename	MARTIN	Forename	MARTIN
Surname	WRIANT.	Surname	CAULDR
Company Name	—	Company Name	CAULDR DEKIN
Building No./Name	20 WEST	Building No./Name	66/68
Address Line 1	MOUNT	Address Line 1	ROSEMOUNT
Address Line 2	STREET	Address Line 2	AVENUE
Town/City	ABERDEEN	Town/City	ABERDEEN
Postcode	AB25 2RJ	Postcode	AB25 1SR
Telephone	—	Telephone	01224 633889
Mobile	—	Mobile	07841751490
Fax	—	Fax	01224 633889
Email	—	Email	cauldern@htrmc.com
3. Address or Location of Proposed Development (please include postcode)			
20 WEST MOUNT STREET. ROSEMOUNT ABERDEEN AB			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Describe the Proposed Works			
Please describe accurately the work proposed:			
REAR EXTENSION AT TWO LEVELS			
<div style="float: right; border: 1px solid black; padding: 5px;"> RECEIVED - 2 FEB 2018 ===== </div>			
Have the works already been started or completed Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, please state date of completion, or if not completed, the start date:			
Date started:	<input type="text"/>	Date completed:	<input type="text"/>

If yes, please explain why work has already taken place in advance of making this application.

[Empty box for explanation]

5. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes No

If yes, please provide details about the advice below:

In what format was the advice given? Meeting Telephone call Letter Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes No

Please provide a description of the advice you were given and who you received the advice from:

Name: Date: Ref No.:

357 BACK 500MM OFF BOUNDARY
ENSURE UPPER LEVEL 4M MAX OFF BUILDING REAR

6. Trees

Are there any trees on or adjacent to the application site? Yes No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

7. Changes to Vehicle Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes No

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes No

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangement for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total of existing and any new spaces or reduced number of spaces)

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

8. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes No

If you have answered yes please provide details:

DECLARATION

I, the applicant / agent certify that this is an application for planning permission and that accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant /agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes No N/A

Signature:



Name:

CAROL DUBLAN

Date:

1st Nov 18

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed:

On behalf of:

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997 **Detailed Planning Permission**

Calder Design
66/68 Esslemont Avenue
Aberdeen
AB25 1SR

on behalf of **Mr And Mrs Martin Wright**

With reference to your application validly received on 8 February 2018 for the following development:-

Erection of 1.5 storey rear extension at 20 West Mount Street, Aberdeen

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

Drawing Number	Drawing Type
17/13/03	Site Layout (Proposed)
	Location Plan
17/03/02	Multiple Elevations (Proposed)
17/13/01	Multiple Floor Plans (Proposed)

REASON FOR DECISION

The reasons on which the Council has based this decision are as follows:-

Due to its height, scale, design and massing, the proposed extension has not been designed with due consideration for its context and would have an unacceptable impact on residential properties in the surrounding area. The proposal would also result in the loss of part of the historic fabric of the building and due to its massing would have an unacceptable impact on the surrounding conservation area. The alteration is a substantial, two storey extension to the rear of a one-and-a-half storey

property which would be out of place with and would result in a detrimental impact on the overall character and amenity of the wider conservation area. The proposal therefore fails to comply with Scottish Planning Policy, Historic Environment Scotland's Policy Statement, Policies H1: Residential Areas, D1: Quality Placemaking by Design, D4: Historic Environment and D5: Our Granite Heritage of the Aberdeen Local Development Plan, as well as its associated Supplementary Guidance: Householder Development Guide and Managing Change in the Historic Environment - Extensions. There are no material planning considerations which would warrant approval of consent in this instance.

Date of Signing 5 June 2018



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)

None.

RIGHT OF APPEAL THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at www.eplanning.scot.

Notices of review submitted by post should be sent to Strategic Place Planning (address at the top of this decision notice).

SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Consultee Comments for Planning Application 180129/DPP

Application Summary

Application Number: 180129/DPP

Address: 20 West Mount Street Aberdeen AB25 2RJ

Proposal: Erection of 1.5 storey rear extension

Case Officer: Jacqui Thain

Consultee Details

Name: Mr scott lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: slynch@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note that this application is for the erection of a 1.5 storey rear extension. The site is located in the inner city, in controlled parking zone M.

The property currently has 0 off-street parking spaces, and 0 are proposed as part of this application. The extension proposed would result in an increase from 2 to 3 bedrooms - this extra room would not warrant an increase in the required number of parking spaces.

For the above reasons, there are no roads concerns with this application.

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Comments for Planning Application 180129/DPP

Application Summary

Application Number: 180129/DPP

Address: 20 West Mount Street Aberdeen AB25 2RJ

Proposal: Erection of 1.5 storey rear extension

Case Officer: Jacqui Thain

Customer Details

Name: Mr Mark McIlroy

Address: 18 West Mount Street Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to lodge an objection to the proposed extension on the grounds of "right to light".

The proposals will significantly reduce the natural light available to my Dining Room, 2 Bedrooms, Sun Room and Kitchen. These windows face out on to the proposed extension and due to their proximity and orientation, the proposed extension will have a marked reduction in the quality and duration of natural light entering our living spaces, which will result in a detriment to our quality of life, health and will lead to increased electricity bills due to the extra artificial lighting required to compensate.

The proposed extension does not consider the guidance given in the BRE publication "Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice" with regard to plan and elevation angles in relation to the existing windows in our property. Had these points been considered then a design with less impact on neighbouring properties could have been produced.

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National Planning Policy

Scottish Planning Policy (SPP)

<https://www.gov.scot/Resource/0045/00453827.pdf>

Historic Environment Scotland Policy Statement (HESPS)

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=f413711b-bb7b-4a8d-a3e8-a619008ca8b5>

Aberdeen Local Development Plan (ALDP)

H1 - Residential Areas;

D1: Quality Placemaking by Design; and

D4: Historic Environment

D5 - Our Granite Heritage

<https://www.aberdeencity.gov.uk/services/planning-and-building/development-plan>

Supplementary Guidance

Householder Development Guide

<https://www.aberdeencity.gov.uk/sites/default/files/2.1.PolicySG.HouseHoldDesignGuide.pdf>

Other Material Considerations

Historic Environment Scotland, Managing Change in the Historic Environment: Extensions

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=0a55e2b8-0549-454c-ac62-a60b00928937>

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NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Agent (if any)

Name

Name

Address

Address

Postcode

Postcode

Contact Telephone 1
Contact Telephone 2
Fax No

Contact Telephone 1
Contact Telephone 2
Fax No

E-mail*

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

I DISPUTE THE CLAIMS MADE BY THE PLANNING AUTHORITY IN THEIR DECISION NOTICE. I THEREFORE FEEL THAT IT IS NECESSARY FOR THESE CLAIMS TO BE REVIEWED INDEPENDENTLY.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

A SITE INSPECTION CAN BE ARRANGED AT A TIME THAT IS CONVENIENT. ACCESS IS REQUIRED VIA THE APPLICANTS HOME.

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

• I HAVE COMPLIED WITH ALL GUIDANCE PROVIDED BY THE PLANNING AUTHORITY DURING THIS PLANNING APPLICATION.

• THE PLANNING AUTHORITY HAVE MIS-LED ME AND MY AGENT REGARDING MY APPLICATION.

• I HAVE INCLUDED MY STATEMENT IN FULL ON A SEPARATE DOCUMENT, WHICH ACCOMPANIES THIS FORM.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

(Handwritten mark)

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

- | | |
|--|--|
| <p>① STATEMENT AND LIST OF SUPPORTING DOCUMENTS</p> <p>② APPENDIX 1 - EMAIL FROM SIOBHAN WOLVERSON</p> <p>③ APPENDIX 2 - EMAIL FROM JACQUI THAIN</p> <p>④ APPENDIX 3 - EMAIL FROM JACQUI THAIN</p> <p>⑤ APPENDIX 4 - EMAIL FROM JACQUI THAIN</p> <p>⑥ APPENDIX 5 - EMAIL FROM JACQUI THAIN</p> <p>⑦ APPENDIX 6 - MARTIN CALDER EMAIL TO JACQUI THAIN</p> <p>⑧ APPENDIX 7 - SITE VIEW FROM GARDEN</p> <p>⑨ APPENDIX 8 - SITE VIEW FROM HOUSE</p> <p>⑩ APPENDIX 9 - VIEW FROM INSIDE KITCHEN</p> <p>⑪ APPENDIX 10 - VIEW FROM REAR BEDROOM</p> | <p>⑫ APPENDIX 11 - VIEW FROM REAR BEDROOM</p> <p>⑬ APPENDIX 12 - REAR EXTENSION OF 16 WEST MOUNT STREET.</p> |
|--|--|

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

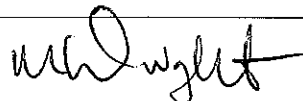
- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

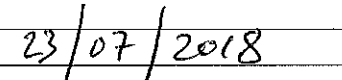
Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date



Statement

I am requesting a review of my application due to the following reasons:

- An initial pre-application query was made in March 2017, a response to which was received on 16th March 2017. It should be noted that 18 West Mount Street was referred to as a 'bad neighbour' due to the proximity of the two storey bay window which directly overlooks number 20 and therefore affords the occupants of number 20 no privacy whatsoever in the garden area, and kitchen. One of the major reasons for the application was to help address the issue of privacy to the benefit of both properties. This has been completely overlooked by the planning authority in their assessment of the application.
- Towards the end of 2017/early 2018, further pre-applications took place at which stage the requirements for the upper level was highlighted to the authority. During the pre-application period, two separate site visits were carried out by the planning officer to fully assess the present situation in respect of number 18, and the merits of the proposal. Numerous meetings, conversations, and emails were exchanged between appointed officer and applicants' agent, none of which cited any of the reasons now given for refusal. At this stage, specific instructions were given regarding the width, height, and projection of the proposed extension; all of which were taken into account when the application was formalised. During these discussions, no major concern was raised with the principle of a 1.5 storey element of the application.
- The application was validated on 8th February 2018, and consultation period was from 8th February to 1st March 2018. No comments were received from the conservation section during this period. During this period, numerous discussions between architect and case officer took place which related to minor adjustments in respect to the proposal. It should be noted that two extensions of time were agreed with the authority with respect to the decision deadline, the last of which was on 25th April 2018. At a meeting on the 25th April it was confirmed by the case officer that the conservation section were yet to comment on the application, and an internal meeting was arranged for the 1st of May in this respect. The applicant / agent received notification on the 2nd May that the application would not be supported by the local authority. This is contrary to all discussions that had taken place upto this point over the previous 6 months.
- Reasons cited for refusal by planning authority relate primarily to conservation (disruption of portion of roof and part of rear granite wall). Material down-takings (slates and granite stones) can be re-used in the new structure as specified in 'our granite heritage' policy document. No opportunity given to applicant or agent in discussing these conditions.
- The report of handling issued by Strategic Place Planning describes the application as 'Erection of 1.5 storey rear extension', yet within the report it is referred to as a 2 storey extension. The design was evolved to diminish the height of the extension in order to ensure that the ridge was well below the ridge of the main roof and internally the ceiling height was reduced to form lie-

ins to both sides, again assisting in diminishing the overall height and scale of the proposal. The overall design and scale of the proposal will ensure that the profile of the property is not significantly diminished or subservient. The proposed scale is also relatively consistent with other properties in the terrace.

- One objection to the application was received from the occupant of 18 West Mount Street, and stated 'right to light' as the basis for the objection. It should be noted that this individual has since sold the property at number 18. It should also be noted that I have received words of support from occupants of other properties in the terrace, as there are none of the concerns felt as those raised by the planning authority in their decision notice.
- Failure by the planning authority to recognise precedent set by large rear extensions to neighbouring properties (namely, 24, 18, and 16 West Mount Street). Note: rear extension to 18 West Mount Street already acknowledged as a 'bad neighbour development' by the planning authority in email dated 16th March 2017.
- Planning authority document 'householder development guide' for the Rosemount Conservation Area states on page 11 in relation to extensions to terraced dwellings: "Extensions of more than one storey will normally be refused where the proposal runs along a mutual boundary unless it can be demonstrated that the specific circumstances of the site and the proposal would ensure that there would be no detrimental impact on either the character or amenity of the area". My agent and I have gone to every length possible in order to ensure that the proposal set forth satisfies this guideline. My proposal ensures that there would be no detrimental impact to either the character or amenity of the area.
- Of the extensions to the rear of the terrace, the majority of which are finished with roughcast walls, a major point of concern in respect to this application. Number 16, and number 18 have full two storey extensions to the property, again this was a major concern in respect to this application.
- Failure by the planning authority to adhere to self-imposed deadlines, and failure to meet deadline extensions set by mutual consent.
- Failure by the planning authority to communicate clearly and consistently with applicant and agent in matters relating to the application.
- I have made great efforts to approach this process in good faith and cooperate with the planning authority's advice throughout a very lengthy period of pre-application discussions. My architect and I have also taken time and consulted with neighbours on various occasions in order to ensure that no neighbouring property will be adversely affected by the proposal, and to ensure that the design is within the permitted guidelines as set forth by the planning authority.
- I disagree with the decision to refuse this application, and believe that the decision should be reviewed independently.
- I enclose copies all of the correspondence which I and/or my agent have received throughout this process, along with some photographs of the site and neighbouring properties.

- List of supporting documents:

Appendix 1_Email from Siobhan Wolverson 16th March 2017

Appendix 2_Email from Jacqui Thain 6th December 2017

Appendix 3_Email from Jacqui Thain 24th January 2018

Appendix 4_Email from Jacqui Thain 25th April 2018

Appendix 5_Email from Jacqui Thain 2nd May 2018

Appendix 6_Martin Calder email to Jacqui Thain 8th May 2018

Appendix 7_site view from garden (photograph)

Appendix 8_site view from house (photograph)

Appendix 9_view from inside kitchen (photograph)

Appendix 10_view from rear bedroom (photograph)

Appendix 11_view from rear bedroom (photograph)

Appendix 12_rear extension to 16 West Mount Street (photograph)

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