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To: Councillor Donnelly, Convener; and Councillors Dickson, Lawrence and Stuart

Town House,
ABERDEEN, 18 November 2014

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in Committee Room 2 - Town House on **FRIDAY, 21 NOVEMBER 2014 at 10.00 am.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

- 1 Procedure Notice (Pages 1 - 2)

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

- 2 55 Carden Place - Partial demolition of boundary wall, removal and replacement of a tree and formation of two parking spaces - P140608

PLANNING ADVISER - ROBERT FORBES

- 2.1 Delegated Report (Pages 3 - 10)
- 2.2 Planning policies referred to in documents submitted (Pages 11 - 22)

Scottish Planning Policy is available here:-
<http://www.scotland.gov.uk/Resource/0045/00453827.pdf>

The Scottish Historic Environment Policy (SHEP) is available here:-
<http://www.historic-scotland.gov.uk/shep-dec2011.pdf>

The Managing Change in the Built Environment: Boundaries (MCBE) is available here:-
<http://www.historic-scotland.gov.uk/boundaries.pdf>

- 2.3 Notice of Review with supporting information submitted by applicant (Pages 23 - 70)
- 2.4 Determination - reasons for decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.5 Consideration of conditions to be attached to the application - if members are minded to over-turn the decision of the case officer

TO REVIEW THE CASE UNDER SECTION 43A(8)(C) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 ON THE BASIS THAT THE APPOINTED OFFICER FAILED TO GIVE THE APPLICANT NOTICE OF THEIR DECISION OR DETERMINATION WITHIN THE PERIOD ALLOWED FOR DETERMINATION OF THE APPLICATION

- 3 6 Cheyne Road - Extension to rear elevation and proposed annex to rear garden - P140936

PLANNING ADVISER - TOMMY HART

- 3.1 Notice of Review (Pages 71 - 74)
- 3.2 Location map, images and plans previously submitted (Pages 75 - 102)
- 3.3 Representations (Pages 103 - 110)
- 3.4 Determination - reasons for decision
- 3.5 Consideration of conditions to be attached to the application - if members are minded to approve

**TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE
FOLLOWING APPLICATION**

- 4 28 Albert Terrace - Removal of dormer windows and erection of new dormer windows - P140833

PLANNING ADVISER - GAVIN EVANS

- 4.1 Delegated Report (Pages 111 - 120)
- 4.2 Planning policies referred to in documents submitted (Pages 121 - 158)
Scottish Planning Policy is available here:-
<http://www.scotland.gov.uk/Resource/0045/00453827.pdf>

The Scottish Historic Environment Policy (SHEP) is available here:-
<http://www.historic-scotland.gov.uk/shep-dec2011.pdf>
- 4.3 Notice of Review with supporting information submitted by applicant
(Pages 159 - 174)
- 4.4 Additional representation received since submission of the Notice of Review (Pages 175 - 176)
- 4.5 Determination - reasons for decision
- 4.6 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 Martyn Orchard, tel. (52)3097 or email morchard@aberdeencity.gov.uk or

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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. 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.
5. 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.
6. 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.
7. 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

8. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.

9. 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.”
10. 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.
11. 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.
12. 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.

Agenda Item 2.1

Signed (authorised Officer(s)):

55 CARDEN PLACE, ABERDEEN

PARTIAL DEMOLITION OF BOUNDARY WALL, REMOVAL AND REPLACEMENT OF 1 NO.TREE AND FORMATION OF 2 NO.PARKING SPACES

For: Salmac Ltd

Application Type : Detailed Planning Permission

Application Ref. : P140608

Application Date : 05/05/2014

Advert : Section 60/65 - Dev aff LB/CA

Advertised on : 21/05/2014

Officer : Andrew Miller

Creation Date : 27 August 2014

Ward: Hazlehead/Ashley/Queen's Cross(M Greig/J Stewart/R Thomson/J Corall)

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The site forms the rear garden area of an end terraced 1½ storey granite built villa used as an office (Use Class 4) on Carden Place, backing on to Albyn Terrace Lane. The rear of the property contains an area of garden enclosed by a random granite rubble wall 1.6 metres in height with Seaton brick coping.

The building is category B listed, forming part of a larger category A listed building group and also falls within the Albyn Place/Rubislaw Conservation Area.

RELEVANT HISTORY

P140609 – Application for Listed Building Consent for partial demolition of wall and formation of two parking spaces. Currently pending consideration alongside this application.

PROPOSAL

Detailed planning permission is sought for the part demolition of the rear boundary wall and the provision of a parking area for two cars and turning area. To accommodate the works, the removal of a Crab Apple tree to the north of the site at the proposed entrance. The outbuilding within the rear garden area would also be demolished. Granite Setts would be used to pave the first two metres of the proposed new parking/access to Albyn Place Lane, whilst the remainder of the proposed parking area would be surfaced with gravel.

The opening of the proposed access would measure 4.5 metres wide, with a further section of wall to the west of the proposed access being reduced to an overall height of 1 metre, with the existing coping reused where the wall would be lowered. Two replacement trees would be planted to take account of the tree that would be lost.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at -

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref.=140608>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

CONSULTATIONS

Roads Projects Team – Following provision of a lowered wall to provide sufficient visibility, no objections.

Environmental Health – No observations.

Enterprise, Planning & Infrastructure (Flooding) – No observations.

Community Council – No response received.

REPRESENTATIONS

One letter of objection has been received. The objections raised relate to the following matters –

1. The proposals would damage the geometry of the end of Albyn Terrace Lane.
2. There would be a danger of vehicles colliding on a blind and very narrow corner at the west end of the lane
3. One of the most attractive trees on the lane would be removed.
4. Justification for in-garden parking is somewhat weak.
5. The case of a precedent from neighbouring properties should have been the subject of more rigorous scrutiny as those developments do destroy

the continuity of the boundary walls. However they are not as close to the dangerous corner as this proposal.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

Development should pay regard to the layout, design, materials, scale, siting and use of listed buildings, as well as their surrounding area's character and appearance. It also states development should either enhance or preserve the character or appearance of a conservation area.

Scottish Historic Environment Policy (SHEP)

Development should not adversely affect the special interest and character of Listed Buildings and Conservation Areas.

Managing Change in the Built Environment: Boundaries (MCBE)

Alterations or repairs to a historic boundary should protect its character. Walls and fences can be valuable in their own right as major elements in the design of a historic building and its setting, or in a broader streetscape or landscape.

Aberdeen Local Development Plan (ALDP)

D1 – Architecture and Placemaking

New development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, proportions, coupled with the physical characteristics of the surrounding area, will be considered in assessing that contribution.

D4 – Aberdeen's Granite Heritage

Consent will not be given for the demolition of granite-built garden or other boundary walls in conservation areas.

D5 – Built Heritage

Proposals affecting Conservation Areas will only be permitted if they comply with Scottish Planning Policy.

Other Relevant Material Considerations

The Council's Albyn Place and Rubislaw Conservation Area Appraisal and Management Plan (CAA) is a material consideration in this instance.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas

The main considerations in this instance relate to the impact of the works on the appearance of the Listed Building and grouping as well as the surrounding Conservation Area and the implications on road safety.

Within the surrounding area, there are a number of properties (residential and commercial) that have parking areas within rear garden areas. The opening of boundary walls to accommodate these has been identified as a threat in the CAA. Policy D4 of the ALDP states that consent will not be given for the demolition of granite built garden walls or other boundary walls, whilst MCBE states that boundaries walls are major features within the historic environment and the lowering of walls to create better sightlines can be damaging to the character of a boundary, echoing the requirements of SHEP. In this instance, the proposals would result in a significant proportion of the rear boundary wall being lost, taking account of the required opening and lowering of wall to provide sufficient visibility. The proposed opening up of the boundary wall would have a negative impact on the listed building and terrace as it undermines the strong linear character of the rear lane boundary, which is largely intact at the rear of these properties. It would also adversely affect the wider Conservation Area.

The supporting statement provided with the application is noted, particularly the investigations of alternative schemes with this option being highlighted as the preferred option, as well as the justification of the works in helping the business expand and provide parking for lone female employees. The points raised in the objection are also noted.

The loss of the original tree to accommodate the proposals would be mitigated by the planting of two replacement trees – it being considered that in principle this is acceptable, given the net gain of an additional tree within the Conservation Area as a result of the replacement planting proposed.

It is considered that this substantial alteration to the rear wall to accommodate the proposed parking would be detrimental to the character of the listed building with which it is associated, the wider grouping of listed buildings and the surrounding Conservation Area. The provision of two parking spaces is unlikely

to have a significant impact on the expansion of any business operating from the premises that would outweigh the impact of the proposals on special interest of the listed building and the Conservation Area.

Accordingly the proposals are considered contrary to the requirements of policies D4 and D5 of the ALDP, SPP and the guidance contained with the CAA and Historic Scotland's MCBE and SHEP.

Policy D1 of the ALDP requires development to be designed with due consideration to its context and make a positive contribution to its setting. Taking account of the above considerations on the removal of the original fabric of the wall outline above, it is considered the proposed development does not accord with the requirements of policy D1.

The Council's Roads Projects Team required sufficient visibility splays to be provided (lowering of wall to 1 metre in height to the west of the proposed access for 6 metres) as well as the provision of a 4.5 metre wide opening. Following amendments of the proposals to meet these requirements, Roads Projects raised no objections to the proposed development. It is therefore considered that the proposals provide a suitable and safe access to the public highway.

In relation to point 5 of the objection received (see above) the premises adjacent to the site (number 53) is currently a breach of planning control and the Council are seeking to resolve this.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The substantial alteration to the rear wall to accommodate the proposed parking would be detrimental to the character and setting of this Category B listed building with which it is associated, the wider grouping of listed buildings and the surrounding Conservation Area as it undermines the strong linear character of the rear lane boundary, which is largely intact at the rear of the terrace of properties of which the listed building forms the end of. It would also adversely affect the wider Conservation Area. Accordingly, the proposals are contrary to the requirements of policies D1 – Architecture and Placemaking, D4 – Aberdeen's Granite Heritage and D5 – Built Heritage of the Aberdeen Local Development Plan 2012, Scottish Planning Policy and the guidance contained within the Albyn Place and Rubislaw Conservation Area Appraisal and Management Plan and Historic Scotland's Managing Change in the Built Environment: Boundaries and Scottish Historic Environment Policy.

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From: webmaster@aberdeencity.gov.uk
Sent: 17 May 2014 13:21
To: PI
Subject: Planning Comment for 140608

Comment for Planning Application 140608

Name : Heather Auld
Address : 51 Carden Place

Telephone : [REDACTED]
Email : [REDACTED]
type :

Comment : The above application, if approved, will a) damage the geometry of the end of Albyn Terrace Lane, b) add to the danger of vehicles colliding on a blind and very narrow corner at the west end of the lane, and c) remove one of the most attractive trees on the lane (the crab apple sounds mundane but has glorious dark pink blossoms in Spring).

The justification for in-garden parking is somewhat weak. This part of the West End is not unsafe in the dark, and many of the ladies employed by Salmac arrive sufficiently early in the morning to capitalise on the available parking on Carden Place before staff in other offices appear.

Although the wall on Albyn Lane is not constructed of outstanding material, it does define the northern side of the lane and the boundaries of the Listed Buildings. The case of a precedent (by approving removal of the wall in the adjacent properties (No.53 and No 49)) should have been the subject of more rigorous scrutiny as those developments do destroy the continuity of the boundary walls. However, neither of these developments are as close to the dangerous corner as that proposed for No.55.

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Policy D1 - Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

To ensure that there is a consistent approach to high quality development throughout the City with an emphasis on creating quality places, the Aberdeen Masterplanning Process Supplementary Guidance will be applied.

The level of detail required will be appropriate to the scale and sensitivity of the site. The full scope will be agreed with us prior to commencement.

Landmark or high buildings should respect the height and scale of their surroundings, the urban topography, the City's skyline and aim to preserve or enhance important views.

Policy D4 - Aberdeen's Granite Heritage

The City Council will encourage the retention of granite buildings throughout the City, even if not listed or in a conservation area. Conversion and adaptation of redundant granite buildings will be favoured. Within conservation areas, neither conservation area consent nor planning permission will be given for the demolition or part removal of granite buildings (excepting those buildings that make an insignificant contribution to the character of the conservation area). Consent will not be given for the demolition of granite-built garden or other boundary walls in conservation areas. Where a large or locally significant granite building that is not listed or in a conservation area is demolished, the City Council will expect the original granite to be used on the principal elevations of the replacement building.

The City Council will seek to retain original setted streets and granite pavements in conservation areas, and elsewhere if they contribute significantly to a sense of place. Where the opportunities occur, greater use will be made of granite in resurfacing historic streets in the City Centre.

The City Council will seek to retain coach houses and other large granite-built outbuildings adjoining rear lanes in conservation areas and conversion to appropriate new uses will be encouraged.

Policy D5 - Built Heritage

Proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy. In relation to development affecting archaeological resources further details are set out in Supplementary Guidance on Archaeology and Planning.

Planning permission for development that would have an adverse effect on the character or setting of a site listed in the inventory of gardens and design landscapes in Scotland or in any addition to the inventory will be refused unless:

1. the objectives of designation and the overall integrity and character of the designated area will not be compromised; or
2. any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, economic and strategic benefit of national importance.

In both cases mitigation and appropriate measures shall be taken to conserve and enhance the essential characteristics, aesthetics, archaeological and historical value and setting of the site.



Supplementary Guidance

Topic: Transport and Accessibility

March 2012

8. PARKING IN CONSERVATION AREAS

Introduction

Large parts of Aberdeen, mainly to the south and west of the city centre, have been designated as conservation areas in order to protect and, where possible, enhance their architectural character and environmental amenity.

The typical layout of most of these areas consists of broad streets, often tree lined, occasionally having service roads and gardens between the street and the buildings. The buildings may vary in size and style, but generally they have small front gardens and long walled gardens to the rear, frequently accessed from a rear lane running parallel to the street.

The increasing demand for off street parking brought about by ever expanding car ownership, and the introduction of traffic management schemes, generates pressure for car parking in garden areas, both to the front and rear of commercial and residential properties in conservation areas.

Statutory and Other Requirements

In conservation areas, planning permission is required to form a car park within a front or rear garden, and in some situations, conservation area consent may also be required where the proposals entail demolition work. Planning permission is also required to form a car park within the curtilage of a listed building, whilst listed building consent is required if any structure within the curtilage of a listed building is to be altered or removed. In all cases, including those where no planning or listed building consents are required, there is a requirement to apply to the City Council to form a footway crossing. Applicants should contact the Planning Authority at the earliest opportunity.

Trees in conservation areas are statutorily protected, and their removal without prior consent from the Council constitutes an offence, as does the removal of any tree that is protected by a tree preservation order. Consent is also required before any work, such as lopping or thinning, is carried out to a protected tree.

Removal of existing parking spaces

Whilst generally the pressure from property owners is to create additional car parking space, there may be an occasion when an owner will wish to convert existing parking space back to landscaping. Residents will be encouraged to restore private car parking in conservation areas to its original use as garden space, to help restore the character of an area. The condition to this is that the planning authority must be satisfied that any loss of off-street parking will not have a detrimental effect on road safety.

PARKING IN FRONT GARDENS

The conversion of front gardens for car parking will only be permitted where:

- the site is outwith the West End Office Area;
- rear garden parking is not an option;
- where there are no implications for road safety;

- where there is no impact on significant street or garden trees; and
- where on-street parking is readily available in the vicinity.

Other situations will be considered on their own merit, but with the provision that the garden will have to be large enough to take a single car whilst leaving a reasonable space between the parked car and the house, and at least 50% of the garden ground for soft landscaping. A detailed list of the criteria for assessing proposals for new driveways are set out below.

Road Safety

All applications to form a driveway must be assessed against road safety standards to ensure they do not present hazards to other road users or pedestrians.

Definitions of Road Types

A **Classified Road** is a highway which has been identified as being of importance for the movement of traffic. Classifications given are Class A, B or C, and any new access onto a classified road requires planning permission. **Primary Distributor Roads** form the primary network for the urban area and comprise trunk roads and important classified roads. All **Trunk Roads** are Class A. **District Distributor Roads** may be class A, B or C whilst **Local Distributor Roads** may be Class B or C, but are generally unclassified. Trunk Roads and Primary Routes are shown in the Finalised Aberdeen Local Plan in the Additional City Wide Proposals maps.

Access onto Classified Roads

There is a presumption against granting planning permission for a driveway onto a trunk road or primary distributor road. On district distributor roads there is also a presumption against granting consent for driveways, but this may be relaxed provided the proposal meets road safety criteria, and vehicles are able to enter and exit the parking area in forward gear. Local distributor roads are treated similarly to district distributors but without the requirement to enter and exit in forward gear.

Visibility

Driveways must be positioned to allow adequate visibility, particularly on busy pedestrian routes, in accordance with national standards.

Proximity to Road Junctions

Driveways will not normally be closer to a junction than 15 metres, although this may be relaxed if the road is lightly trafficked.

Footpath Crossings

No more than one footpath crossing per property will be permitted, except in situations where a large house may have a long frontage when an 'in' and 'out' may be acceptable.

Driveways

Driveways must be at least 5.0 metres in length, and new houses must have a driveway of at least 6.0 metres. Where, however, a driveway is more than 7.0 metres long, it must be at least 10.0 metres in length to prevent the possibility

of two cars being parked, with the second car overhanging the footpath. The gradient of the driveway must not normally exceed 1:20, although 1:15 may be acceptable in some circumstances, depending on the surface texture employed. The first two metres of the driveway adjacent to the footpath must not be surfaced with loose material such as gravel, to prevent material being carried onto the footpath or roadway. The driveway must be drained internally, with no surface water discharging onto the roadway. A driveway might not be permitted if it is accessed from a 'Pay and Display Area', or via a parking lay-by, where the lay-by is regularly occupied.

Planning Criteria in relation to Parking in Front Gardens

Planning criteria considered when assessing whether consent may be granted for parking in front gardens of listed buildings or buildings in conservation areas. Similar criteria apply to front gardens of flats.

General Criteria

1. No more than 35% of the front garden area may be given over for the combined parking area, driveway and any turning area, or 50% if footpaths and other hard surfaced areas are included. At least 50% of the garden area should be left in topsoil to permit soft landscaping.
2. Where the property originally had cast iron railings, their reinstatement will be encouraged to lessen the impact of parked cars, failing which some other form of enclosure will be required, or appropriate soft landscaping.
3. The formation of the access driveway or parking area must not result in the loss of any street trees or significant garden trees.
4. Consent will not be granted where the property has a rear garden area, suitable for parking, which is accessible from a rear lane or side street.
5. Where the garden is owned by more than one resident, owners will not be permitted a separate driveway and parking area each unless they can be achieved without fragmenting the garden or unduly reducing on-street parking. A communal driveway and parking area may be permissible provided they occupy no more than 35% of the front garden, or 50% if footpaths and other hard surfaced areas are included.
6. Where the building is in multiple ownership, the formation of an access driveway for one or more owners should not result in any of the remaining owners having no opportunity to park in the street adjacent to their property.
7. Consent will not normally be granted for parking in garden areas in front of tenement flats.

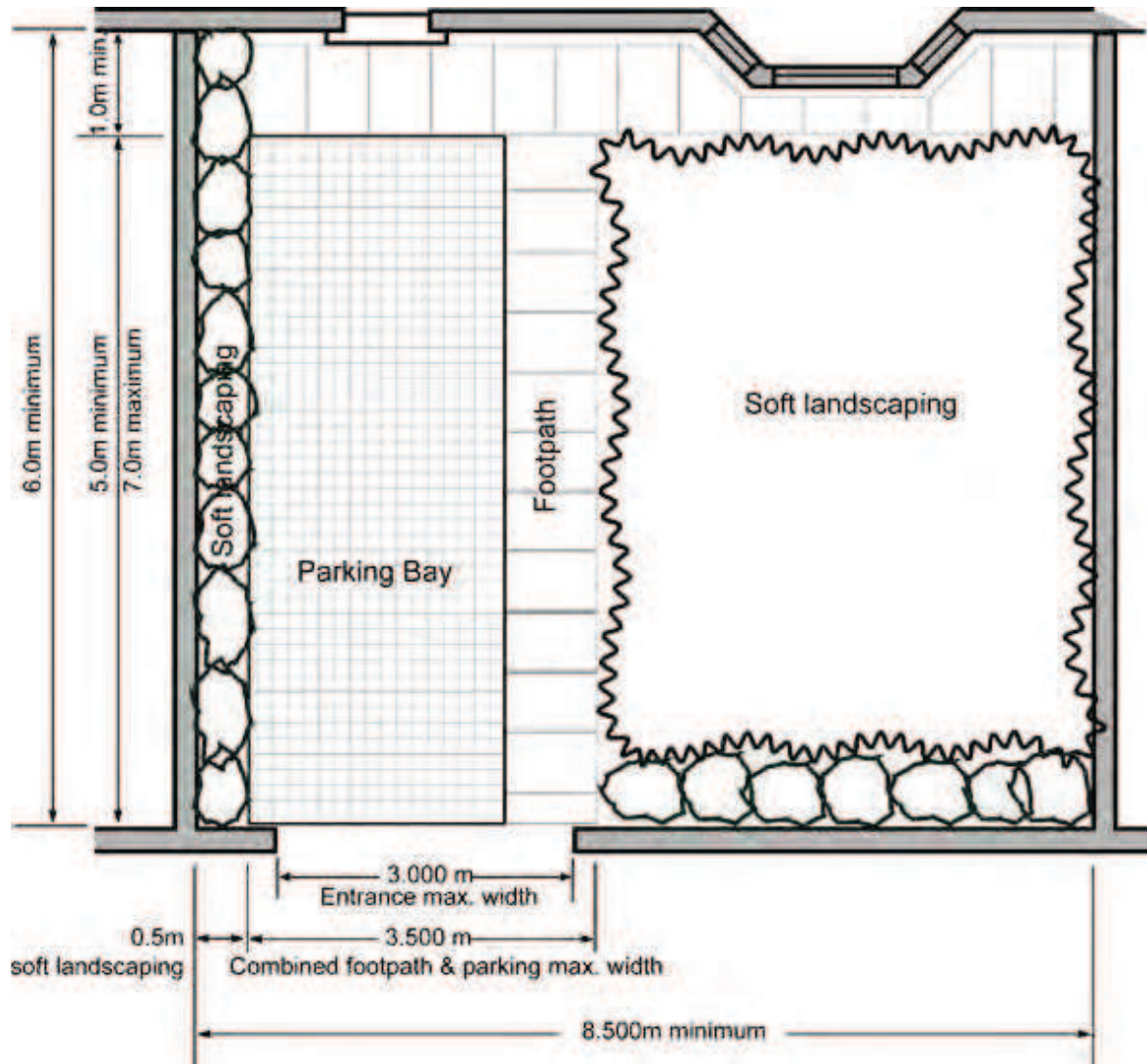
Situations where classification of road and location of driveway permits reversing out from the parking area

1. The parking area should be no closer to the front wall of the property than 1.0 metre.
2. The driveway must be no wider than 3.0 metres, or 3.5 metres if combined with the footpath.

Situations where classification of road permits garden parking provided it can be entered and exited in forward gear

1. The parking and turning areas should be no closer to the front wall of the property than 1.0 metre.
2. The design of any turning area should be such that it can be used only for turning and not as additional parking area.

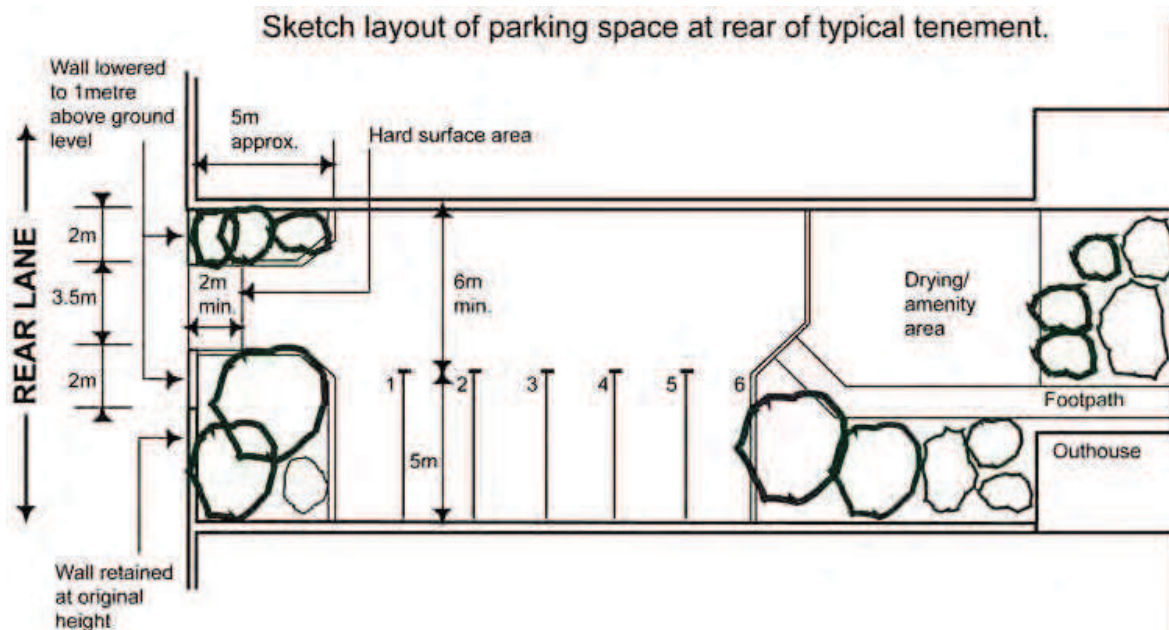
3. Suitable landscaping should be provided to screen both parking and turning areas, and generally to soften the intrusive effect of cars parked in front of the property.



Sketch layout of smallest front garden capable of accepting a single car parking space whilst retaining 50% garden ground for soft landscaping.
 Total area + 51m²approx
 Total area of landscaping = 25m²approx

PARKING IN REAR GARDENS

In certain areas of the City, where rear lanes provide access to back gardens, it may be acceptable to convert part of these back gardens to car parks. In order to preserve as much as possible of the amenity provided by these gardens, the area given over to parking will be the minimum required to provide no more than one car space for each flat, and the treatment of other areas, including boundary walls, landscaped areas and screen planting, will require careful consideration. In the case of houses, or houses which have been subdivided into a small number of flats, it may be easier to provide parking space, as most rear gardens will be able to accommodate a small number of cars, whilst still leaving a good proportion of garden ground unaffected.



General requirements for Parking areas in Gardens

1. The car park should be internally drained and should incorporate Sustainable Urban Drainage Systems to deal with surface water run off.
2. Parking spaces should be delineated on the site.

Parking Layout in Rear Gardens

Where car parks in rear areas are permissible, their layout will vary depending on the site characteristics and parking requirements. A high priority is placed on retaining significant trees, original outbuildings such as stables or coach houses, boundary features such as granite walling and even changes in level which add interest to the site.

Parking bays should be 5.0 metres by 2.5 metres, and access aisles around 6.0 metres wide. Adequate space should be allowed to permit turning entirely within the site. A generous space of around 5.0 metres should be allowed between the parking area and the rear lane to permit adequate landscaping, and for trees to develop without threatening boundary walls.



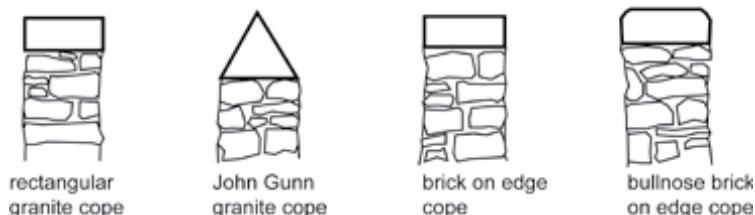
Surfacing of Parking Areas

An area of granite setts or other similar finish is required at the entrance to the car park, to provide an identifiable boundary between the lane and the car park and to retain any loose materials which may be used to surface the car park. The parking surface may be constructed in a variety of durable materials such as block pavers, tarmac or gravel. Water bound materials such as clay and sand based hoggin or granite dust are temporary measures which are not acceptable. Where the surface of the parking area is to be gravel, the length of granite setts or similar material at the entrance to the car park must be at least 2metres, to prevent gravel being dragged onto the public road or lane.

Rear Boundary Walls

Boundary walls are generally around two metres high, built of granite pinnings or granite rubble, usually left exposed but occasionally harled. They will normally have a granite or red brick-on- edge coping. Openings formed in rear boundary walls should be of a width of around 3.5 metres to allow vehicular access. A length of boundary wall on each side of the opening will likely have to be reduced in height to permit visibility in each direction for parking areas serving commercial premises or more than a single residential unit. Beyond this the wall must step back up to its original height, to provide a degree of screening of the car park. Materials matching the original should be used in any alterations to boundary walls.

COMMON TYPES OF COPE



Gates

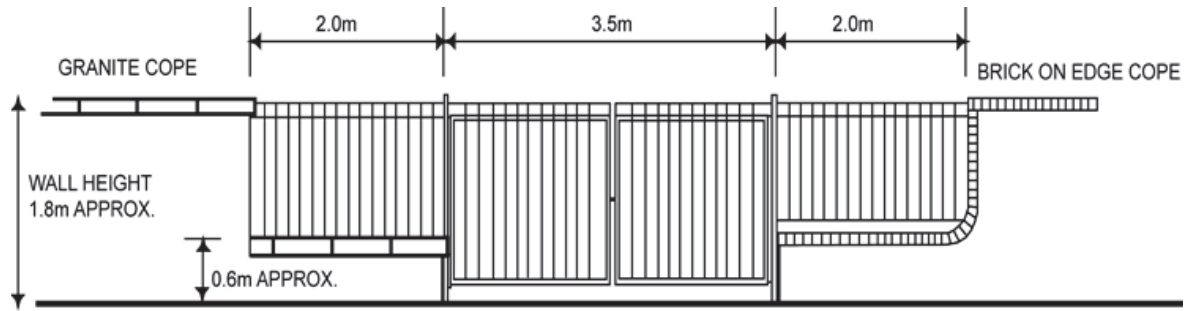
Close-boarded timber pedestrian pass gates, or vehicular gates to a single residential unit, either stained or painted and constructed to the same height as the boundary wall, are a common feature of these lanes, and provide reasonable security and privacy. Cast and wrought iron or mild steel gates can be used at entrances to commercial premises or flatted developments, and can be effectively employed in conjunction with railings on top of an adjacent lowered wall. Ornate scrollwork is however, alien to Aberdeen's special architectural character, particularly in the context of rear or service lanes, and ought to be avoided. Gates must always open into the garden rather than into the lane.

Trees and Landscaping in Rear Gardens

Where rear garden ground is to be given over for car parking there will be an inevitable loss of amenity space, or potential amenity space where the ground in question has been neglected. This type of space is of great importance for visual stimulation, wildlife, air quality, sustainable drainage, and practical and leisure uses such as clothes drying or simply gardening and sitting outdoors. The area given over for parking should therefore, be kept to an absolute minimum. In order that garden ground remains the dominant feature of the garden it is suggested that no more than 45%-50% be given over for parking and other areas of hard surfacing, although these percentages may increase slightly in flatted situations to allow one parking space per flat. Where consent is given for the formation of parking area in garden ground, it will be a condition of that consent, that the remainder of the garden will be landscaped in accordance with an approved scheme. It is a normal requirement of such conditions that the landscaping be maintained for a period of five years following the implementation of the landscaping.

The Council has a statutory duty to have regard to the preservation of existing trees and to require the planting of new trees in appropriate circumstances. In that respect it should be noted that trees within conservation areas are statutorily protected, and that it is an offence to remove a protected tree before express consent has been granted by the City Council. A tree survey is required if there are any trees over 75mm in diameter at chest height. Existing trees contribute greatly to the attractiveness and character of a locality, and must be retained and protected from any damaging construction activities. An area no less than half the tree height or canopy spread, whichever is the greater, (British Standard 5837; Trees in Relation to Construction), must be kept free of any disturbance such as changes in ground levels, excavation and compaction. Where there is insufficient space to comply with the British Standard, encroachment into the protected area will be permissible only if it can be demonstrated to the satisfaction of the planning authority, that the proposal can be carried out in a manner which will not cause damage to the trees, or detrimentally affect their setting.

The council will normally require the planting of new trees as part of proposals for the landscaping of parking areas. Such trees can be particularly effective when planted just inside the feu, near the rear lane. The species of tree chosen should be the largest type suitable for the particular site, as these will tend to produce the greatest impact and environmental benefits. Native species of trees should be used where suitable.




Alternative methods of finishing lowered walls at rear parking areas

Lock-up Garages in Rear Gardens

The formation of lock-up garages off rear lanes, serving houses or a small number of flats, can usually be achieved satisfactorily. The design and positioning of the garage should be given careful consideration, particularly with regard to the effect the garage will have on the appearance of the lane. Where, as in most situations, the garage opens onto the lane, the outer wall of the garage should be on the same line as the garden wall, and not recessed back from it, as this helps to maintain the delineation of the lane. This may affect the choice of garage door as it is not acceptable for the door to encroach onto the lane as it is opened.

The formation of ranks of garages in the rear gardens of tenements has an extremely detrimental effect on the appearance of rear garden areas, and will not normally be permitted. They occupy more garden ground than simple parking spaces. They also protrude above garden walls and cannot easily be screened by trees or other landscaping measures. It is virtually impossible to recreate any sense of enclosure in these situations, and the turning space in front of the garages tend to become desolate areas which attract vandalism. Additionally the formation of banks of garages can greatly increase the built footprint of the feu to the extent that it could push it over the 33% maximum area which is generally considered permissible to be developed.

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 ABERDEEN CITY COUNCIL			
Business Hub 4, Ground Floor North Marischal College, Broad Street ABERDEEN AB10 1AB			
Tel: 01224 523 470			
Fax: 01224 523 180			
Email: pi@aberdeencity.gov.uk			
Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.			
Thank you for completing this application form:			
ONLINE REFERENCE	000088067-006		
The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.			
Applicant or Agent Details			
Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)			
<input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Agent			
Agent Details			
Please enter Agent details			
Company/Organisation:	<input type="text" value="Space Solutions"/>	You must enter a Building Name or Number, or both:*	
Ref. Number:	<input type="text"/>	Building Name:	<input type="text" value="Prospect III"/>
First Name: *	<input type="text" value="Ryan"/>	Building Number:	<input type="text" value="23"/>
Last Name: *	<input type="text" value="Cathro"/>	Address 1 (Street): *	<input type="text" value="Gemini Crescent"/>
Telephone Number: *	<input type="text"/>	Address 2:	<input type="text" value="Technology Park"/>
Extension Number:	<input type="text"/>	Town/City: *	<input type="text" value="Dundee"/>
Mobile Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Fax Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD2 1SW"/>
Email Address: *	<input type="text"/>		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both:*	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name:	ANDREW	Building Number:	55
Last Name:	WALKER	Address 1 (Street): *	CARDEN PLACE
Company/Organisation: *	SALMAC LTD	Address 2:	<input type="text"/>
Telephone Number:	<input type="text"/>	Town/City: *	ABERDEEN
Extension Number:	<input type="text"/>	Country: *	SCOTLAND
Mobile Number:	<input type="text"/>	Postcode: *	AB10 1UN
Fax Number:	<input type="text"/>		
Email Address:	<input type="text"/>		

Site Address Details

Planning Authority:	Aberdeen City Council		
Full postal address of the site (including postcode where available):			
Address 1:	55 CARDEN PLACE	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	ABERDEEN
Address 3:	<input type="text"/>	Post Code:	AB10 1UN
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northing	805866	Easting	392628
----------	--------	---------	--------

Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

PARTIAL DEMOLITION OF BOUNDARY WALL, REMOVAL AND REPLACEMENT OF 1 NO. TREE AND FORMATION OF 2 NO. PARKING SPACES at 55 CARDEN PLACE, ABERDEEN

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

PLEASE REFER TO APPEAL DOCUMENT ATTACHED
-THE IMPACT OF THE PROPOSED OPENING ON THE GROUPING OF LISTED BUILDINGS HAS BEEN SIGNIFICANTLY OVERSTATED
-THE BOUNDARY WALL IS MOST LIKELY MORE RECENT TO THE ORIGINAL BUILDING DUE TO THE POORER QUALITY AND NATURE OF CONSTRUCTION.
THERE IS NO 'STRONG LINEAR CHARACTER' AS REFERED TO IN THE REFUSAL NOTICE
ANY LINEAR CHARACTER OF THE SITE BOUNDARY IS STILL MAINTAINED BY THE LOWERING ONLY OF THE WALL WHERE REQUIRED BY THE ABERDEEN CITY COUNCIL ROADS TEAM.

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

Yes No

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. You can attach these documents electronically later in the process: * (Max 500 characters)

PLANNING APPEAL DOCUMENT
DRAWINGS AS SUBMITTED TO PLANNING AUTHORITY
TREE REPORT
REFUSAL NOTICE
CONSERVATION CONSULTATION RESPONSE
ROADS PROJECTS TEAM CONSULTATION RESONSE

Application Details

Please provide details of the application and decision.

What is the application reference number? *

P140608

What date was the application submitted to the planning authority? *

05/05/14

What date was the decision issued by the planning authority? *

10/09/14

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? * (Max 500 characters)

INSPECTION REQUIRED TO ASSESS IMPACT OF PROPOSALS IN RELATION TO CONSERVATION AREA

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? * (Max 500 characters)

PROVIDE FORUM TO DISCUSS PROPOSALS

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

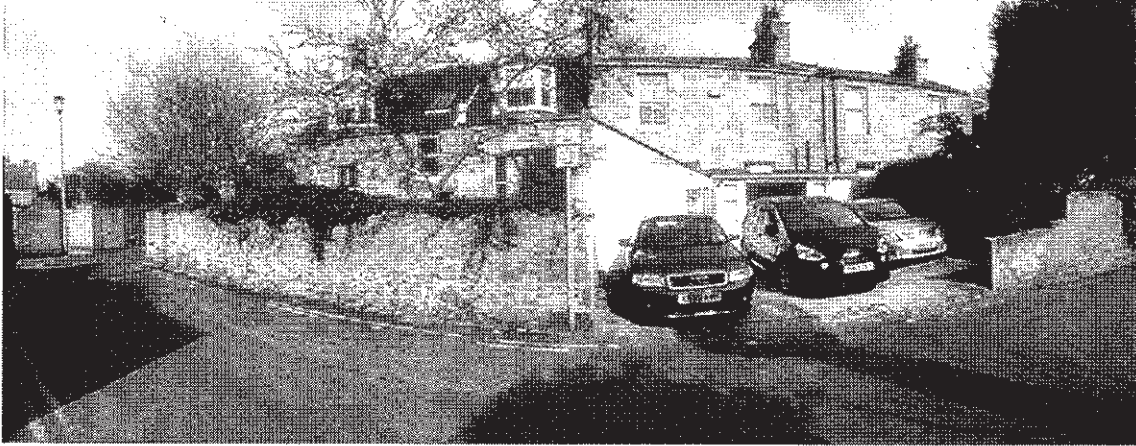
Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Ryan Cathro

Declaration Date: 02/10/2014

Submission Date: 02/10/2014



PLANNING APPEAL STATEMENT

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION (REF P140608)
BY
ABERDEEN CITY COUNCIL
FOR
PARTIAL DEMOLITION OF BOUNDARY WALL, REMOVAL AND
REPLACEMENT OF 1 NO. TREE AND FORMATION OF 2 NO. PARKING
SPACES.
AT
55 CARDEN PLACE, ABERDEEN
ON BEHALF OF
SALMAC LTD

CONTENTS

- 1.0 Introduction
- 2.0 The Proposals
- 3.0 Planning Application
- 4.0 Relevant Planning Policy
- 5.0 Conclusion

DOCUMENTS

- A1. Planning Refusal Document
- A2. Aberdeen City Council Conservation Officer Memo
- A3. Aberdeen City Council Roads Projects Memo

1.0 INTRODUCTION

This planning appeal statement has been produced by Space Solutions on behalf of Salmac Ltd in relation to the refusal of an application for Full Planning Permission for the 'Partial demolition of boundary wall, removal and replacement of 1 no. Tree and formation of 2 no. Parking spaces, 55 Carden Place, Aberdeen' (Ref P140608). This application was refused under delegated powers by Aberdeen City Council on 10 September 2014. The reasons for refusal of the application were outlined in refusal notice as follows:

1. The substantial alteration to the rear wall to accommodate the proposed parking would be detrimental to the character and setting of this Category B listed building with which it is associated, the wider grouping of listed buildings and the surrounding Conservation Area as it undermines the strong linear character of the rear lane boundary, which is largely intact at the rear of the terrace of properties of which the listed building forms the end of. It would also adversely affect the wider Conservation Area. Accordingly, the proposals are contrary to the requirements of policies D1 – Architecture and Placemaking, D4 – Aberdeen's Granite Heritage and D5 – Built Heritage of the Aberdeen Local Development Plan 2012, Scottish Planning Policy and the guidance contained within the Albyn Place and Rubislaw Conservation Area Appraisal and Management Plan and Historic Scotland's Managing Change in the Built Environment: Boundaries and Scottish Environment Policy.

2.0 THE PROPOSALS

55 CARDEN place, Aberdeen is a stone built domestic cottage built in the 19th century and forms part of a terrace of cottages running from Carden Place into Albert Terrace. Like many of the properties in the West End Office Zone the building has been converted to commercial use. The Historical interest of the building is derived from its character as one of the typical 19th Century cottages of Aberdeen as well as the assumed links to Archibald Simpson in the plan design.

This terrace of cottages are bounded to the rear by random rubble granite and lime mortar walls which whist defining the geometry of the lane there have been a significant amount of large openings and contemporary extension created on this boundary edge. The wall to the site is not a fine example of this construction with a both a mixture of brick/ granite copes as well as being compromised by the adjacent block addition to the neighbouring property which was formally a garage.

There is a widespread existing precedent for the development of parking within rear garden ground in both Albyn Terrace Lane and in adjacent streets and lanes with large openings and visibility splays throughout. The proposal therefore continues the well-established precedent for this development within the area.

The proposal is to develop 2no parking spaces within the rear garden of 55 Carden Place. To facilitate this a section of 4.5m of wall requires to be carefully removed by hand to allow a new access to the rear garden. A further additional section of wall requires to be lowered to allow visibility splays as instructed by Aberdeen City Council Roads Projects Team. An existing garden tree also requires to be felled however an additional two trees are proposed. Refer Astell Associates drawing CPA-1404-DR for Tree report and replacement planting.

An existing contemporary concrete block store building not referenced within the Historical Listing currently impacts visually on the existing wall within the site and is to be carefully taken down by hand to prevent any damage to the existing wall. By removing the store this also creates additional garden ground which mitigates the loss of grass area by the proposed parking.

There is a significant lack of off street parking in the area and within walking distance of the business which is currently impacting on the viability of operations.

The client also has significant concerns for their predominantly female workforce leaving the office during dark hours or during winter months and having to walk some distance to reach cars alone.

The provision of limited onsite parking is intended to mitigate these safety concerns whilst also maintaining the viability of the business moving forward.



Existing view from South West



Existing view from South East



Existing view from Carden Place



View from Albert Terrace

3.0 PLANNING APPLICATION

During initial pre-application discussions the Planning Case Officer expressed concern over the loss of part of the traditional boundary wall and of a significant garden tree. It was also noted in this response that the initial proposals had been discussed with the Conservation Officer although we have not seen any written memo thereof. No other consultations were expressed at this time. During a subsequent meeting however on 17 March 2014 at Aberdeen City Council Offices the Planning Case Officer recommended an opening of 3.5m in the wall and noted that due to the existing precedent in both the lane and surrounding area that Aberdeen City Council would find it hard to refuse the proposals. The application was then subsequently submitted on this basis and validated on 5 May 2014. It should be noted at this point that during pre-application discussions with the Planning Case Officer no mention was made of any anticipated issues with the Road Projects Team.



Albyn Terrace Lane – Large contemporary opening directly adjacent to site.

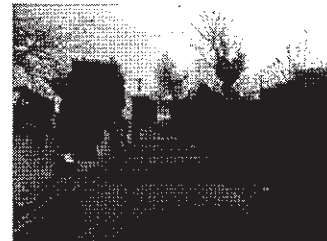


Albyn Terrace Lane – Liner edge of lane broken up by large contemporary openings and garages.

3.1 CONSULTATION RESPONSE

The consultation response from the Roads Projects Team received on 22 May 2014 commented as follows

1. Note that vehicular access to the proposed driveways is 3.5m wide. However In order to accommodate two car parking spaces, the access should be widened to at least 4.5m. A revised drawing to this effect should be provided.
2. The proposed access is required to provide the vehicular visibility splays of at least 2.4m X 33m.
3. I note that to improve visibility at the western end of the proposed access, section of wall would be lowered to 1m height for a distance of 900mm. However to achieve the visibility splays closer to 2.4m x 33m an additional sections of the existing wall would have to be lowered. I would advise that the wall should be lowered to 1m up to the distance of at least 6m at western end of the proposed access. A revised drawing to this effect should be provided.



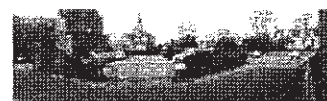
Albyn Terrace Lane – Liner edge of lane broken up by large contemporary openings and garages.



Albyn Terrace/ Carden Place – Loss of visual boundary to lane from Carden Place which is retained in the proposal.

Our comments on this response are as follows:

1. Designing Streets: A Policy Statement for Scotland guidance notes that vehicular visibility splays of 2.4mx33m assumes a 25mph SSD (Stopping Sight Distance) on quiet lanes. As the corner at Albyn Terrace Lane is a 99deg corner there would be no possible way that a 25mph SSD would be appropriate in this situation. Alternatively we suggested that vehicular traffic would be crawling at a speed more in the region of 5-10mph at this point. This would significantly reduce the need for a potential visibility splay to a point where no lowered or a very limited section of lowered wall would be required as was originally proposed.



Albyn Terrace/ Carden Place, – Large openings to existing stone walls visual from Carden Place.

2. The nature of Albyn Terrace Lane is that it is a very quiet back lane with larger adjacent roads of Carden Place, Prince Arther Street and Albyn Terrace dealing with the majority of vehicular and pedestrian traffic. As the principle entrances to the properties in this area are from adjoining streets, and there is no formal footpath, the pedestrian traffic is also extremely limited in the lane. Vehicular traffic in the Lane is predominantly restricted to a limited amount of cars generally arriving in the morning and leaving in the evening without significant through traffic during the day.
3. There are numerous existing contemporary openings in the Lane which have adopted a large openings without any lowered section of wall to improve visibility. There are also existing garages at the East end of Albyn Terrace Lane which open out directly into the lane at the T junction with Prince Arthur Street without any visibility at all.

3.2 PROPOSALS AMENDED

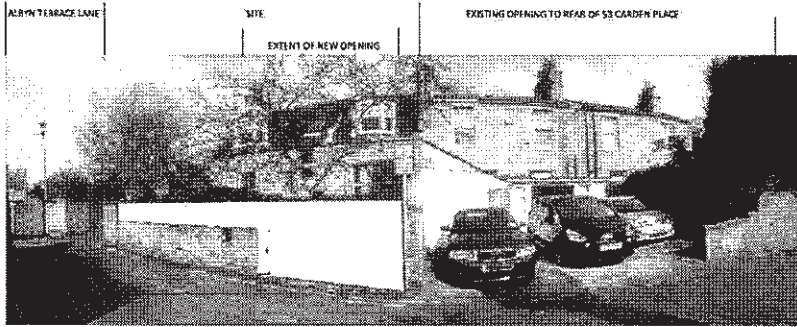
Despite disagreeing with the Roads Team Consultation and challenging the response on the grounds above, we were advised by the case officer that the application would be refused on the following basis:

- If the existing proposals were retained as submitted with 3.5m opening the application would be refused on the basis of not satisfying the consultation response from the Roads Project Team.
- Amend the proposals to satisfy the Roads Team Consultation and the application would be refused on the basis of the impact on the Listed Building.

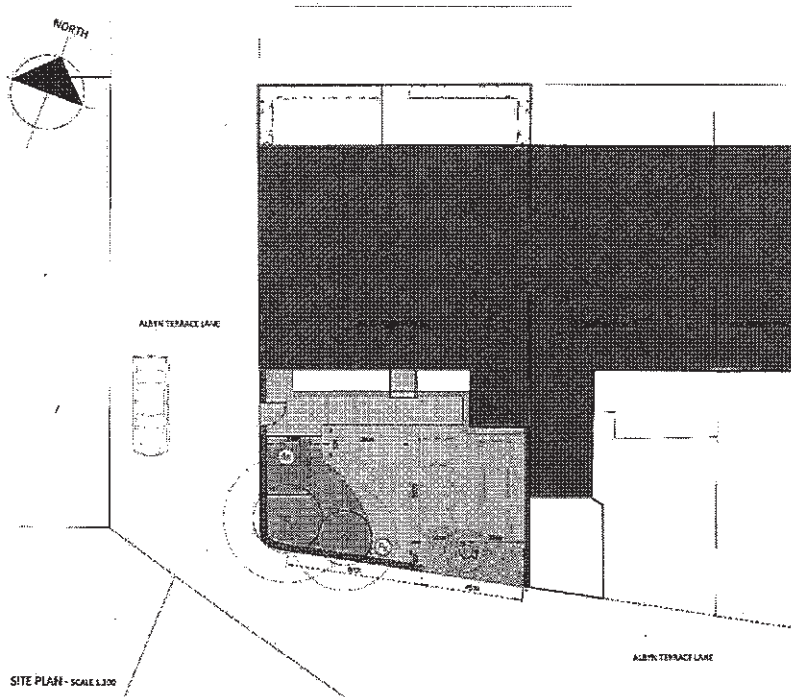
The decision was made with our client to amend the proposals to reflect the demands of the Road Projects Team to increase the opening to 4.5m wide and extend the lowered wall section to the west.



View from south - showing wall retained at full height to the west elevation and the rounded corner maintained which could be argued provides the most visually interesting and defining element of the wall and boundary to the lane. This is unaffected by the proposals and by lowering the wall and not removing for the visibility splay the linear character of the lane is not altered here.



View from south east - showing the majority of the boundary retained all but the required opening for vehicle access. The lowered wall still defines the boundary.



Proposed Site Plan NTS

3.3 REFUSAL OF PLANNING PERMISSION

The refusal notice contains a number of statements which we would comment on as follows:

'The substantial alteration to the rear wall to accommodate the proposed parking would be detrimental to the character and setting of this Category B listed building with which it is associated, the wider grouping of listed buildings and the surrounding Conservation Area as it undermines the strong linear character of the rear lane boundary, which is largely intact at the rear of the terrace of properties of which the listed building forms the end of.'

1. Whilst defining the geometry of the lane the wall to the site is not a fine example of this construction with both a mixture of brick/ granite copes as well as being compromised by the adjacent block addition to the neighbouring property which was formally a garage. It could also be argued the wall is a more recent addition than the original build due the method of construction and materials being of a poorer quality and workmanship.

2. We would argue that there is no strong linear character to the lane as referenced in the refusal document. There are currently a significant amount of large openings and contemporary extensions created on this boundary edge which have already eroded this edge. The boundary opposite also has a large opening to each property. We would in fact suggest that the liner edge is extremely weak and not impacted on in any great extent by the proposals.

4.0 RELEVANT PLANNING POLICY

Aberdeen Local Development Plan 2012

Contained within the Aberdeen Local Development Plan 2012 are key planning policies relevant to this proposal and referenced in the planning refusal document as listed below:

POLICY D1 - ARCHITECTURE AND PLACEMAKING

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

To ensure that there is a consistent approach to high quality development throughout the City with an emphasis on creating quality places, the Aberdeen Masterplanning Process Supplementary Guidance will be applied.

The level of detail required will be appropriate to the scale and sensitivity of the site. The full scope will be agreed with us prior to commencement.

Landmark or high buildings should respect the height and scale of their surroundings, the urban topography, the City's skyline and aim to preserve or enhance important views.

It is noted within this document that car parks within rear gardens, 'are permissible,' and that, 'layout will vary depending on site characteristics.' The majority of the 'guidelines' of this policy have been adhered to with any deviations only amended as demanded by the Roads Project Team regarding the width of the opening and lowered section of wall.

POLICY D4 - ABERDEEN'S GRANITE HERITAGE

The City Council will encourage the retention of granite buildings throughout the City, even if not listed or in a conservation area. Conversion and adaptation of redundant granite buildings will be favoured. Within conservation areas, neither conservation area consent nor planning permission will be given for the demolition or part removal of granite buildings (excepting those buildings that make an insignificant contribution to the character of the conservation area). Consent will not be given for the demolition of granite-built garden or other boundary walls in conservation areas. Where a large or locally significant granite building that is not listed or in a conservation area is demolished, the City Council will expect the original granite to be used on the principal elevations of the replacement building.

The majority of listed buildings are adaptable and have met the needs of successive generations while retaining their character. Change should therefore be managed to protect a buildings special interest while enabling it to remain in active use. Each case must be judged on its own merits but in general terms listing rarely prevents adaption to modern requirements but ensures that work is done in a sensitive and informed manner. (SHEP para 3.35)

Whilst the revised opening to the wall required by the Roads Team consultation response is larger than the original proposal we would argue that there is little impact on the Listed Building group. Care has been taken to retain the wall at full height to the west elevation and to maintain the rounded corner which could be argued provides the most visually interesting part of the wall. There is also an existing widespread precedent within the lane and adjoining area for this type of development and in the majority of instances these are a large number of recent examples with limited or no visibility splays which is contrary to the response received in this instance

The proposals therefore do not also erode this boundary to any further great extent. The opening has been minimised to the extents demanded by the Roads Project Team and the lowering of the wall only instead of removal clearly maintains the defined linear edge of the lane.

Whilst defining the geometry of the lane the wall to the site is not a fine example of this construction with a both a mixture of brick/ granite copes as well as being compromised by the adjacent block addition to the neighbouring property which was formally a garage. It could also be argued that it is a more recent addition then the original build due the method of construction and materials being of a poorer quality.

Policy B13-West End Office Area

Whilst not referred to in the refusal document Policy B13 is relevant here as it supports commercial office development in the 'West End Office Area' in which 55 Carden Place lies. The policy states:

The area is a prestigious, high quality office location on the edge of the city centre, readily accessible by public transport and which also provides off street car parking and space for expansion'. The site currently is within this strategy but is not afforded off street parking. The proposal is for the provision of two spaces only and is fundamental to the ongoing viability of the business. Traffic management has also been considered in the provision of visibility splays to meet the requirements of the Roads Projects Team.

5.0 CONCLUSION

55 Carden Place provides the operations for our client's successful business within the West End Office Area. Continued viability requires the provision of a small amount of off street parking to support the business. They also have significant concerns for their predominantly female workforce leaving the office during dark hours or during winter months and having to walk some distance to reach cars alone.

It has been demonstrated in this document that the proposal to create parking at 55 Carden Place complies with relevant planning policy and where it has been argued that it does not within the refusal document there are sufficient policies within the Local Plan which contradict these such as policy B13 covering the West End Office Area. The proposals were amended to reflect the Technical consultation response from the Roads Project Team despite being unable to agree the relaxation of conditions which are in our opinion were excessive.

To summarise:

- Whilst the revised opening to the wall required by the Roads Team consultation response is larger than the original proposal we would argue that there is little impact on the Listed Building. There is little or no detriment to the character of the listed building as it could be argued the wall is a more recent addition than the original build due to the method of construction and materials being of a poorer quality and workmanship.
- There is a significant precedent for large openings and contemporary and recent extensions created on this boundary and within the surrounding area where it would appear that a detriment to listing has not been considered an issue.
- It can be seen from the provided images or a Site inspection that there is no 'strong linear character' as referred to in the refusal document. The proposals therefore do not undermine this as stated.
- The openings proposed have been limited only to the dimensions demanded by the Roads Projects Team with the lowered section of wall for visibility still defining the boundary edge.

We believe that the reasons provided for refusal are not sound and would therefore respectfully request that this appeal be sustained with Full Planning Permission granted.



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ABERDEEN
CITY COUNCIL

PLANNING & SUSTAINABLE DEVELOPMENT
Business Hub 4, Marischal College, Broad Street,
ABERDEEN. AB10 1AB

APPLICATION REF NO P140608

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Refusal of Planning Permission

Space Solutions
Prospect III
23 Gemini Crescent
Technology Park
Dundee
DD2 1SW

on behalf of Salmac Ltd

With reference to your application validly received on 5 May 2014 for Planning Permission under the above mentioned Act for the following development, viz:-

PARTIAL DEMOLITION OF BOUNDARY WALL, REMOVAL AND REPLACEMENT OF 1 NO. TREE AND FORMATION OF 2 NO. PARKING SPACES at 55 Carden Place, Aberdeen

the Council in exercise of their powers under the above mentioned Act hereby REFUSE Planning Permission for the said development as specified in the application form and the plan(s) and documents docketed as relative thereto and numbered as follows:-

001 Rev A, 002 Rev A, 005 Rev B, 006 Rev B, CPA-1404-DR

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

The substantial alteration to the rear wall to accommodate the proposed parking would be detrimental to the character and setting of this Category B listed building with which it is associated, the wider grouping of listed buildings and the surrounding Conservation Area as it undermines the strong linear character of the rear lane boundary, which is largely intact at the rear of the terrace of properties of which the listed building forms the end of. It would also adversely affect the wider Conservation Area. Accordingly, the proposals are contrary to the requirements of policies D1 - Architecture and Placemaking, D4 - Aberdeen's Granite Heritage and D5 - Built Heritage of the Aberdeen Local Development Plan 2012, Scottish Planning Policy

GORDON McINTOSH
DIRECTOR

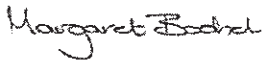
APPLICATION REF NO P140608

Continuation

and the guidance contained within the Albyn Place and Rubislaw Conservation Area Appraisal and Management Plan and Historic Scotland's Managing Change in the Built Environment: Boundaries and Scottish Historic Environment Policy.

The plans, drawings and documents that are the subject of this decision notice are numbered as follows:- 001 Rev A, 002 Rev A, 005 Rev B, 006 Rev B, CPA-1404-DR

Date of Signing 10 September 2014



Dr Margaret Bochel
Head of Planning and Sustainable Development
Enc.

Gordon McIntosh
Corporate Director

MEMO

Masterplanning, Design & Conservation
 Planning & Sustainable Development

Enterprise Planning & Infrastructure

Business Hub 4, Ground Floor North, Marischal College



ABERDEEN
 CITY COUNCIL

To	Andrew Miller Planning & Infrastructure		
From	Bridget Turnbull, Senior Planner (Masterplanning, Design & Conservation)		
Email	bturnbull@aberdeencity.gov.uk	Date	19/06/2014
Tel.	01224 523953	Our Ref.	
Fax.	-	Your Ref.	P140609 (ZLF)

Application Reference Number	P140609
Application Type	Listed Building Consent
Address	55 Carden Place, Aberdeen
Description	Partial demolition of boundary wall to form opening, demolition of existing storage building and formation of 2 No. parking spaces
Designation(s)	Listed Building (B lbcat) Albyn Place/Rubislaw Conservation Area
Relevant Policies & Guidance	Scottish Historic Environment Policy Managing Change in the Historic Environment: Boundaries Aberdeen Local Development Plan Policy D4 Aberdeen's Granite Heritage Policy D5 Built Heritage Conservation Area Character Appraisals and Management Plan Interim Planning Advice

Andrew

Thank you for consulting me on this application. I have the following comments to make in relation to the historic environment:

Context

31-55 Carden Place is a category B listed terrace, dating from the 19th century with number 55 being at the terrace's western end. Its small rear garden is bounded by traditional granite boundary walls to the west and south. Access to the rear is by virtue of a pedestrian gate on the western boundary.

Together with Albyn Place, Albert Terrace and Victoria Street, Carden Place forms a triangle of some of the earliest planned development in the area, that are group listed as category A. The terrace, including its boundaries, makes an important contribution

Gordon McIntosh
 Corporate Director

to Albyn Place/Rubislaw Conservation Area, as identified in the recent character appraisal. "The north side of"...Rubislaw terrace Lane..." backs to the residential street of Albert Terrace and comprises a high stone coursed rubble wall with pedestrian access gates and single storey garages in a variety of materials and styles "

Proposal

The proposal is to remove a section of the southern boundary wall to create two car parking spaces. An 800mm pier of residual granite wall would remain between the proposed parking and the adjoining property, number 53, whose rear boundary wall has been largely removed.

Policy

Managing Change in the Historic Environment: Boundaries, that underpins SHEP, identifies that "Walls and fences can be valuable in their own right as major elements in the design of a historic building and its setting, or in a broader streetscape" (5.1). All alterations to historic boundaries should respect their character and it also highlights that the "lowering of walls to create better sightlines can be damaging to the character of the boundary" (5.1).

The Conservation Area character appraisal (Conservation Area Character Appraisals and Management Plan Interim Planning Advice 2013) also identifies rear lane boundary walls as being a key feature that contributes to the Conservation Area A and one that needs to be retained. Across the whole of the Conservation Area one of the weaknesses and threats identified was the "Loss of the original pattern and boundary walls of back land development due to car parking ...".

Conclusion

The proposed opening up of the boundary wall would have a negative impact on the listed building and terrace as it undermines the strong linear character of the rear lane boundary, which is largely intact at the rear of these properties. It would also adversely affect the wider Conservation Area.

Whilst I appreciate that consent has been given in the past to boundary openings on the south side of the lane, to the rear of Albyn Terrace, and indeed to the adjoining property, 53 Carden Place, the current policy guidance is quite clear that significant boundary walls should be protected. In my opinion this application should be refused on the grounds of its adverse impact on the listed building and Albyn Place/Rubislaw Conservation Area.

Kind Regards

Bridget Turnbull
Senior Planner
Masterplanning, Design & Conservation

MEMO



ABERDEEN
CITY COUNCIL

To	Andrew Miller Planning & Infrastructure	Date	20/05/2014
		Your Ref.	P140608 (ZLF)
		Our Ref.	TR/KS/1/51/2
From	Roads Projects		
Email	Kasyed@aberdeencity.gov.uk		
Dial	01224 523426		
Fax			

Roads Projects
 Enterprise, Planning &
 Infrastructure
 Aberdeen City Council
 Business Hub 4
 Ground Floor North
 Marischal College
 Broad Street
 Aberdeen AB10 1AB

Planning Application No. P140608

55 Carden Place, Aberdeen

Partial demolition of boundary wall, removal and replacement of 1 No. tree and formation of 2 No. parking spaces

I have considered the above planning application and have the following observations:

1 Development Proposal

- 1.1 I note that the applicant plans to form a driveway spaces to accommodate two car parking spaces. The proposal involves the partial demolition of a boundary wall.
- 1.2 I note that vehicular access to the proposed driveways is 3.5m wide. However in order to accommodate two car parking spaces, the access should be widened to at least 4.5m. A revised drawing to this effect should be provided.
- 1.3 The proposed access is required to provide the vehicular visibility splays of at least 2.4m X 33m.
- 1.4 I note that to improve visibility at the western end of the proposed access, section of wall would be lowered to 1m height for a distance of 900mm. However to achieve the visibility splays closer to 2.4m x 33m an additional sections of the existing wall would have to be lowered. I would advise that the wall should be lowered to 1m up to the distance of at least 6m at western end of the proposed access. A revised drawing to this effect should be provided.

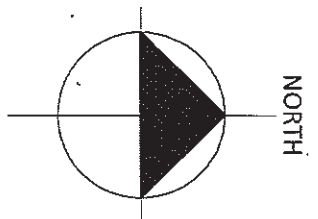
Conclusion

A revised drawing incorporating the above comments should be submitted before I am able to provide my final comments on this application.

Kamran Syed
 Technical Officer (Roads Project)

Gordon McIntosh
 Corporate Director

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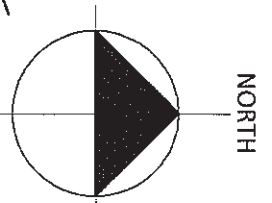
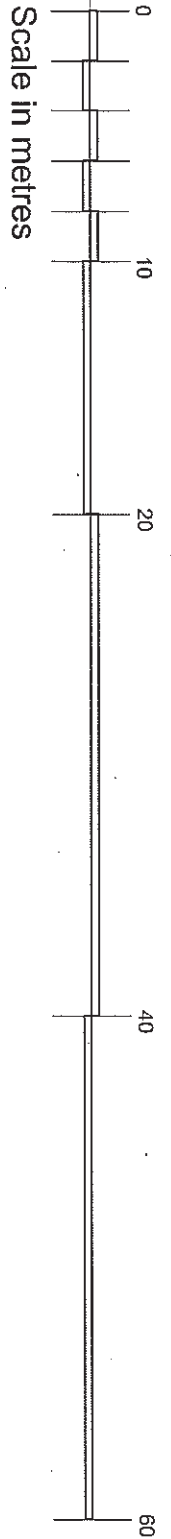
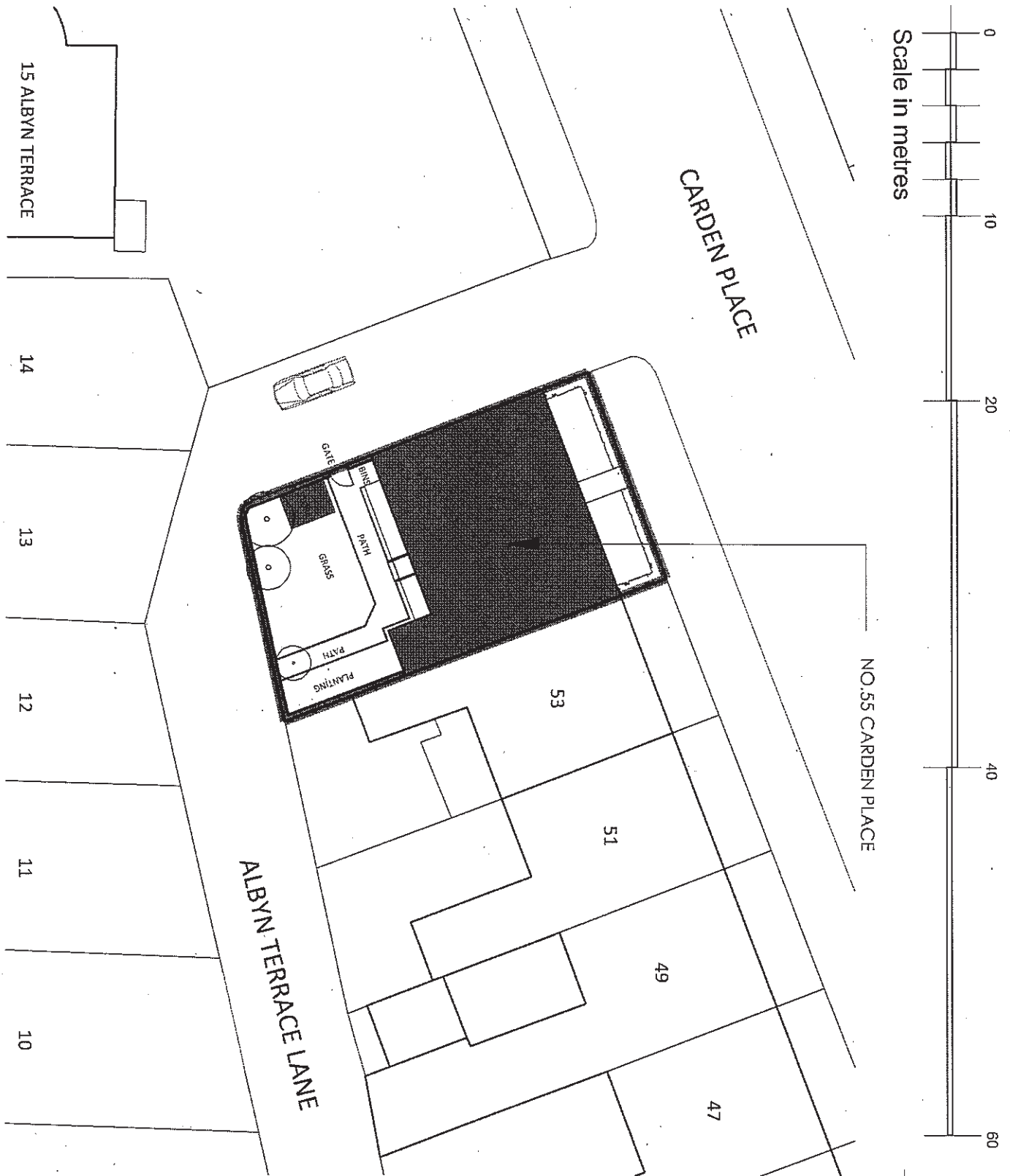
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 Gemini Crescent Technology Park
 Dundee, DD2 1SW
 tel: 01382 569960 fax: 01382 569961
 e mail: contact@spacesolutions.info
 Aberdeen : Dundee : Edinburgh : Glasgow

client SALMAC	date 04/04/14
address 55 GARDEN PLACE	scale 1:1250
drawing title LOCATION PLAN	drawn RC
file reference 00:EXISTING	checked
drawing number A19377PRO	
discipline PLANNING	sheet no 001
	rev A



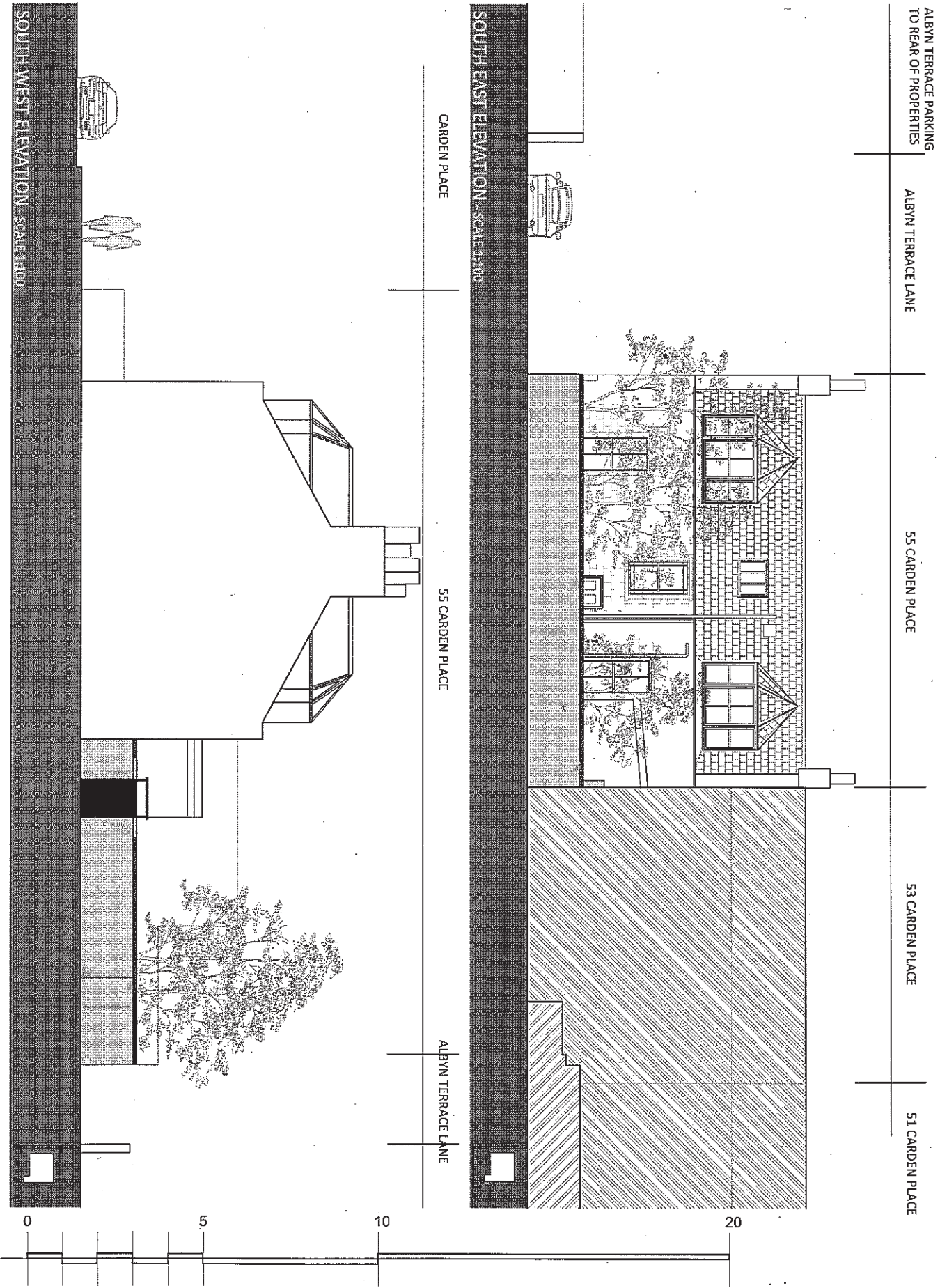
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client SALMAC	date 04/04/14
Unit 23, Prospect III Gemini Crescent Technology Park Dundee, DD2 1SW tel : 01382 569960 fax : 01382 569961 e mail : contact@spacesolutions.info	scale 1:200
address 55 CARDEN PLACE	drawn RC
drawing title EXISTING SITE PLAN	checked
rev reference 00:EXISTING	
Aberdeen : Dundee : Edinburgh : Glasgow	project number A19377PRO
PLANNING	draw no 002
	sheet A

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Scale in metres

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 Dundee, DD2 1SW
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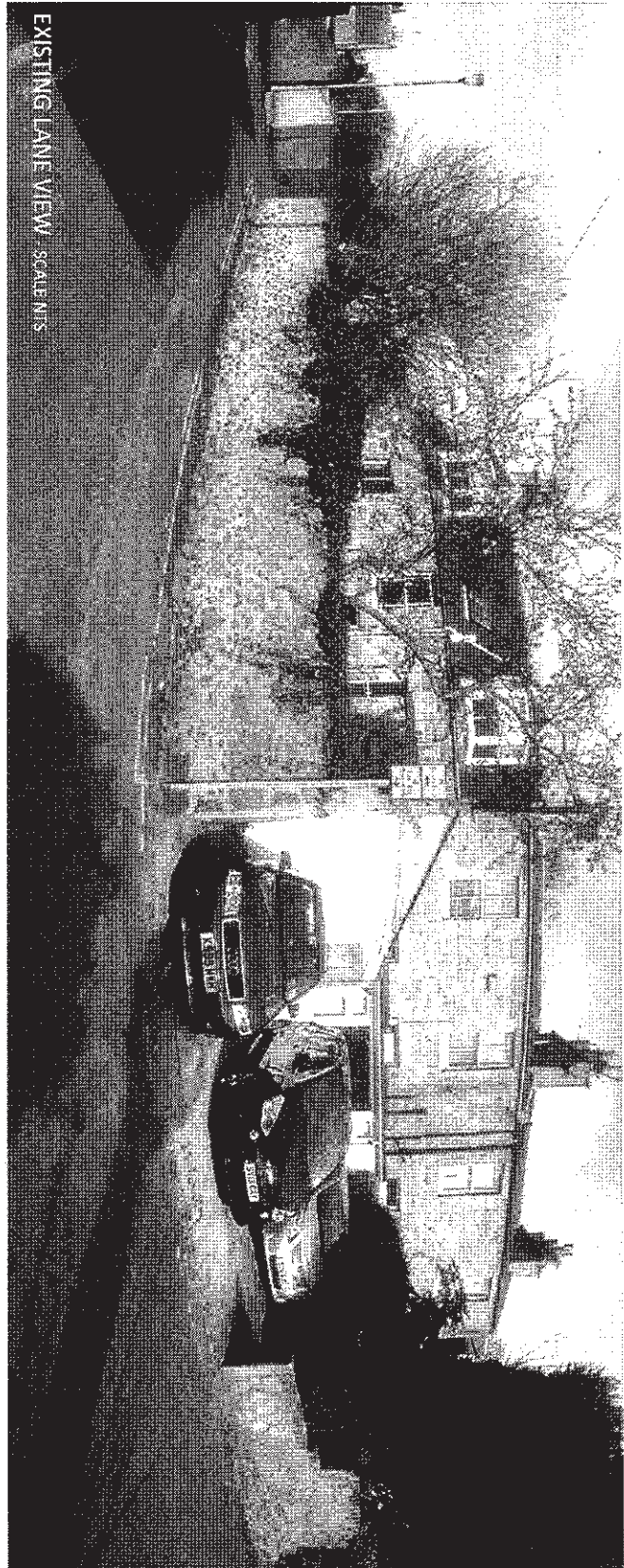
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drawing title EXISTING ELEVATIONS	drawn RC
the reference 06:EXISTING	checked
plan number A19377PRO	sheet no 003
PLANNING	rev A



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EXISTING GARDEN VIEW - SCALE NTS




EXISTING LANE VIEW - SCALE NTS

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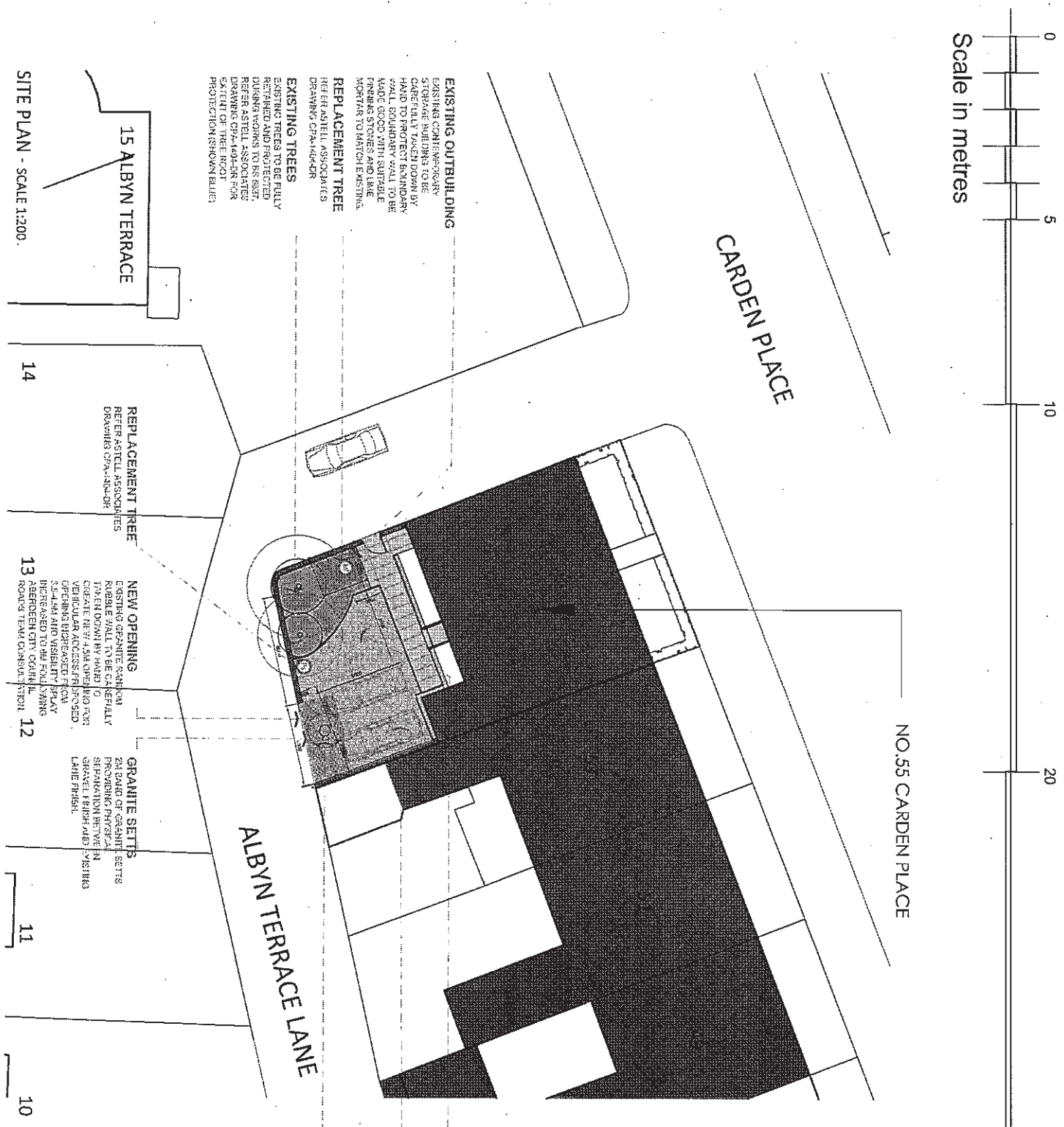
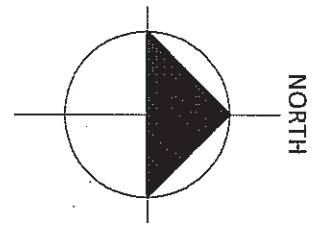
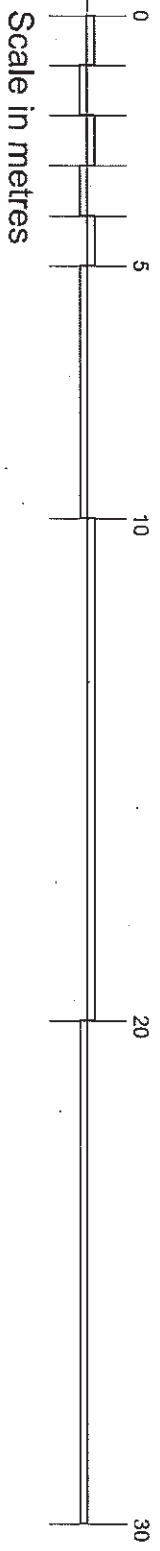
Drawings to be read & fully understood before work commences.
BY THE DRAWING AGENT.

DO NOT SCALE. Use figures shown on drawings only.

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client SALMAC	date 04/04/14	
Unit 23, Prospect III Gaminl Crescent Technology Park Dundee, DD2 1SW	scale NTS	
tel : 01382 569960 fax : 01382 569961 e mail : contact@spacesolutions.info	drawing title EXISTING PHOTOGRAPHS	
Aberdeen : Dundee : Edinburgh : Glasgow	drawing ref 06:EXISTING	
	PLANNING	drawing number A19377PRO
		drawing no 004

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EXISTING OUTBUILDING
 EXISTING CONCRETE/PAVER
 SLAB FOUNDATION ON
 CARDEN PLACE SIDE
 HAND TO PROTECT BOUNDARY
 WALL EQUALLY TO BE
 MADE GOOD WITH SUITABLE
 FINISHING STONES AND LIKE
 MORTAR TO MATCH EXISTING.

REPLACEMENT TREE
 REFER ASTELL ASSOCIATES
 DRAWING CPA-104-01-01

EXISTING TREES
 EXISTING TREES TO BE FULLY
 RETAINED AND PROTECTED
 DURING WORKS TO BS 5837.
 REFER ASTELL ASSOCIATES
 DRAWING CPA-104-01-01 FOR
 EXTENT OF TREE ROOT
 PROTECTION (SHOWN BLUE)

15 ALBYN TERRACE

REPLACEMENT TREE
 REFER ASTELL ASSOCIATES
 DRAWING CPA-104-01-01

NEW OPENING
 EXISTING GRANITE GAMBON
 ROBBLE WALL TO BE CAREFULLY
 TAKEN DOWN BY HAND TO
 CORRECT NEW 1.5M OPENING PER
 PERMITS AND ACCESS TO
 5.5M HIGH AND 1.5M WIDE
 INCREASED TO 2M TO ALLOW
 ROADWAY TO BE CONSTRUCTED

GRANITE SETTS
 2M GARDEN GRANITE SETTS
 PROVIDING PHYSICAL
 SEPARATION BETWEEN
 GRANITE FINISH AND PAVING
 LANE FINISH.

ALBYN TERRACE LANE

MANEUVERING SPACE
 MAINTAINING SPACE TO ALLOW
 TURNING WITHIN SITE.
**NOTIONAL 5MX2.5M PARKING
 SPACES FOR 2 CARS**

EXISTING TREE REMOVED
 EXISTING TREE CAREFULLY
 REMOVED. REFER TREE SPECIALIST
 REPORT.

**FOR MORE DETAILS
 REFER DRAWING
 A19377PRO/006**

SITE PLAN - SCALE 1:200.

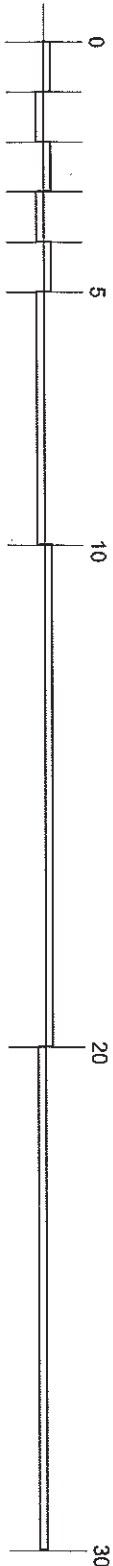
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 on site by Contractor prior to construction. Any discrepancies to
 be resolved prior to commencement.

Client SALMAC	Date 04/04/14
Unit 23, Prospect III Gemini Crescent Technology Park Dundee, DD2 1SW tel: 01382 569960 fax: 01382 569961 e mail: contact@spacesolutions.info	Scale 1:200
Project title PROPOSED SITE PLAN	Client RC
Rev reference 06:PROPOSED	Contract 062214
Aberdeen : Dundee : Edinburgh : Glasgow	Rev number A19377PRO
PLANNING	Draw No 005
	Rev B



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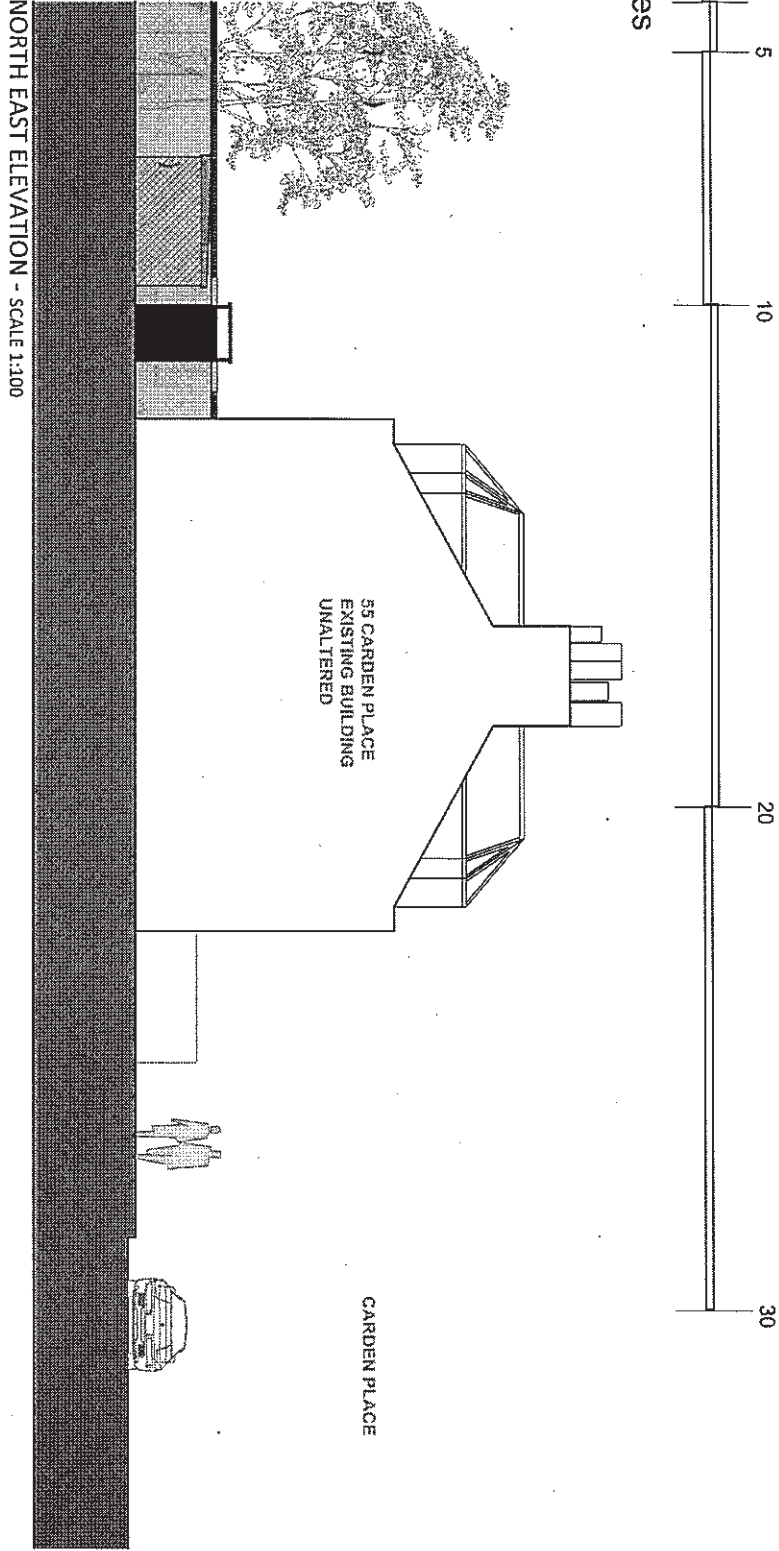


Scale in metres

NOTE:
THERE IS NO SOUTH WEST ELEVATION AS BUILDING ADJUTS EXISTING TO THE WALL WHICH IS TO BE REMOVED.

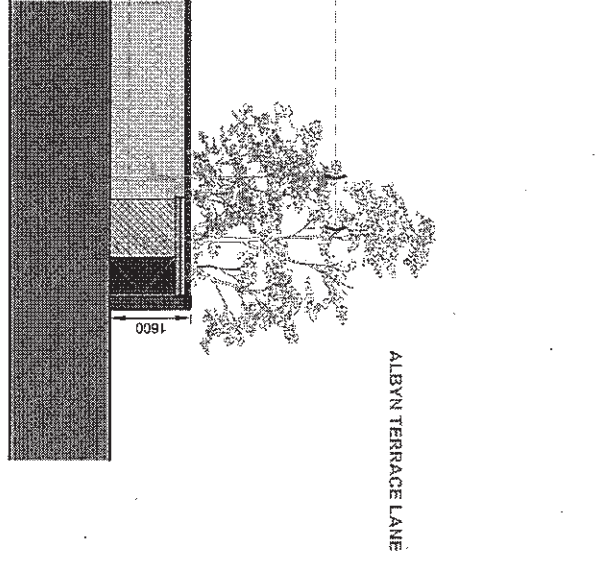
EXISTING TREES
EXISTING TREES TO BE FULLY RETAINED AND PROTECTED DURING WORKS TO BS 5837. REFER ASTEL ASSOCIATES DRAWING SPA-110-04R FOR EXTENT OF TREE ROOT PROTECTION (SHOWN BLUE)

EXISTING OUTBUILDING
EXISTING BLOCK AND REINER COATING/POSSIBLY STORAGE BUILDING TO BE CAREFULLY TAKEN DOWN BY HAND TO PROTECT BOUNDARY WALL. BOUNDARY WALL TO BE MADE GOOD WITH SUITABLE FINISHING STONES AND BE WORKED TO MATCH EXISTING AS REQUIRED.



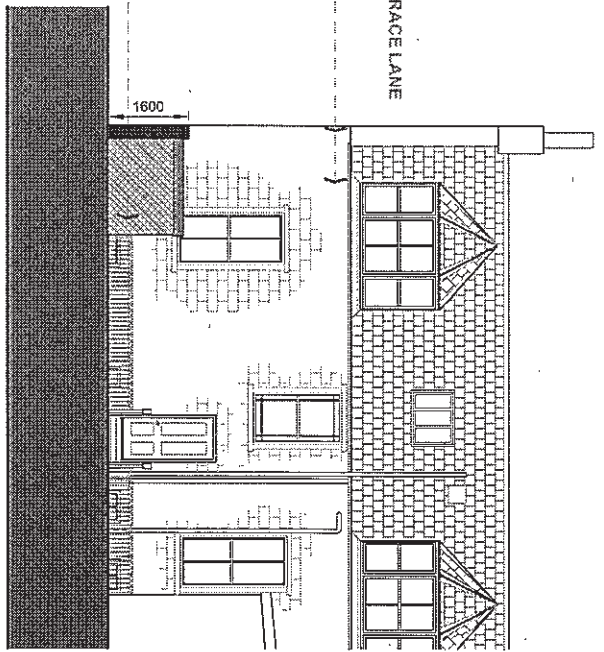
EXISTING TREES
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EXISTING TREES
EXISTING TREES TO BE FULLY RETAINED AND PROTECTED DURING WORKS TO BS 5837. REFER ASTEL ASSOCIATES DRAWING SPA-110-04R FOR EXTENT OF TREE ROOT PROTECTION (SHOWN BLUE)

EXISTING OUTBUILDING
EXISTING COINTEGRATED STORAGE BUILDING TO BE CAREFULLY TAKEN DOWN BY HAND TO PROTECT BOUNDARY WALL. BOUNDARY WALL TO BE MADE GOOD WITH SUITABLE FINISHING STONES AND BE WORKED TO MATCH EXISTING AS REQUIRED.



NORTH WEST ELEVATION - SCALE 1:100

SOUTH EAST ELEVATION - SCALE 1:100

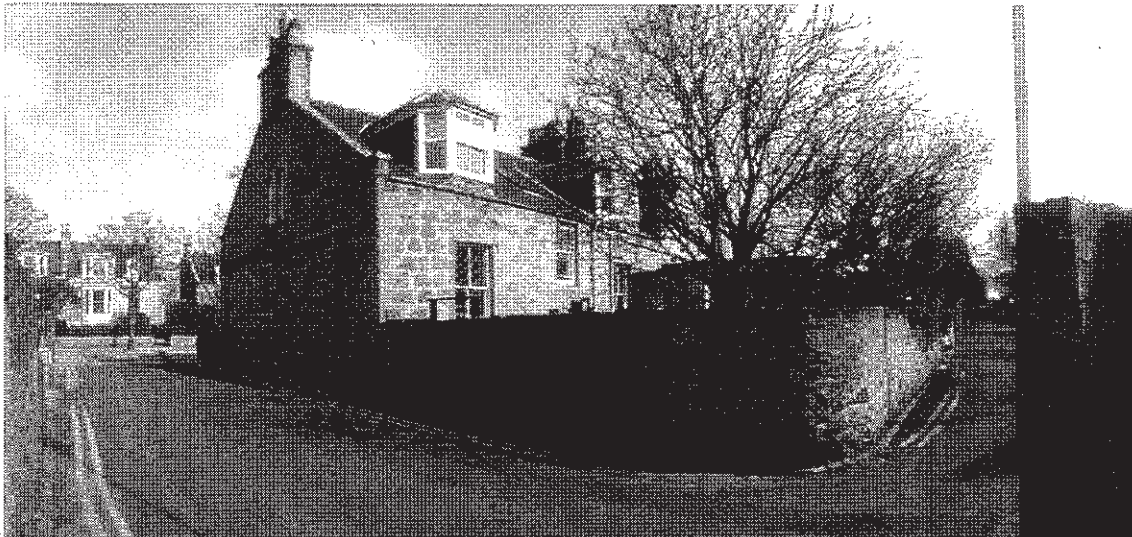
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description EXISTING OUTBUILDING ELEVATIONS	status RC
reference 08:PROPOSED	job number A19377PRO
Aberdeen : Dundee : Edinburgh : Glasgow	PLANNING
	drawing no 007



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2014



CONSERVATION/ DESIGN STATEMENT

55 CARDEN PLACE

SPACE SOLUTIONS FOR SALMAC LTD

Summary

55 CARDEN place, Aberdeen is a stone built domestic cottage built in the 19th century and forms part of a terrace of cottages running from Carden Place into Albert Terrace. Like many of the properties in the West End Office Zone the building has been converted to commercial use.

Area History

The area encompasses development mostly from the second phase of Aberdeen's growth, from 1820 to 1900. Prior to 1820 the area was known as the Freedom Lands and consisted of open countryside with a handful of small hamlets, small farms and the occasional mansion with rough access routes running to and from Aberdeen.

The Historical interest of the building is derived from its character as one of the typical 19th Century cottages of Aberdeen as well as the assumed links to Archibald Simpson in the plan design.

Aberdeen City Conservation Area Character Appraisal Strategic Overview and Management Plan does not call for a design statement however the following will be based on Planning Advice Note 68 Design Statements and is intended to highlight the significance and impact of the proposals on both the Conservation area and listed building



Contents

Listing

Description

National/ Local Policy

Justification of the Proposals

The Proposals

Appendix

Background

Listing

55 Carden Place, Aberdeen was listed Category B in 1967 but also forms part of a larger A group listing

Listing Description

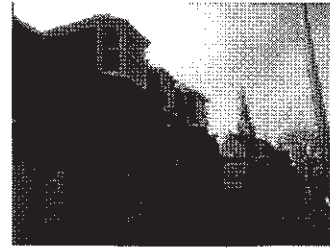
Historic Scotland – Aberdeen City Of Council and the Aberdeen Burgh.

The building forms part of a larger A Group listing with 1-23 Albert Street, 2-18 Albert Street, 1-34 Albert Terrace and 1 Prince Arthur Street, 2-16 Albyn Place, 1-6 Rubislaw Place and 21 and 23 Waverley Place, 7-11 Victoria Street, 17 Victoria Street, 19 Victoria Street, 21-59 Victoria Street and 181 Skene Street, 18-28 Victoria Street and 2, 6, 10 and 16 Waverley Place and 30-56 Victoria Street

A continuation of 1-34 Albert Terrace and 1 Prince Arthur Street, 31-55 Carden Place and 2 and 4 Prince Arthur Street are typical of the 19th century cottage terraces of Aberdeen. The attics are lit by canted dormers windows, materials usually granite rubble or ashlar (as employed here), the corning and consoles over the door and window openings unify the row. The adjacent Albert Terrace was designed by Archibald Simpson. Although the architect for Carden Place is not known it seems likely that Simpson influenced the architect, or that his plans were re-worked to suit this site. The initials GH, George Hall, the builder during this phase of the work, appear on the eaves course of No 47 flanked by the date.

Description

55 Carden Place was completed primarily by Mackenzie and McMillan, circa 1881. The building form is a single storey, 3 bay cottage with attic and basement accommodation. Tooled coursed granite ashlar finely finished to margins. Base course; pilastered timber doorways some with fretwork timber lintel; letterbox fanlights; doorways and windows corniced with consoles; panelled timber doors, some 2-leaf; panelled aprons to ground floor windows; long and short quoins; eaves course; predominantly canted dormers to attic, some later additions. PRINCIPAL ELEVATION to Carden Place: 3-bay; doorway to centre of principal floor flanked to left and right by single window 4-pane timber sash and case windows. Canted dormers to either side of central bipartite rectangular dormer to centre bay



55 Carden Place



Albert Terrace



Albert Street



Rubislaw Terrace

WINDOWS: Predominantly 4-pane timber sash and case windows with some modern glazing to dormer windows.

ROOFS: Grey slate roof with lead ridges.

STONE DETAILS: Coped stone skews with blocked skewputts. Corniced gablehead and ridge stacks with circular and octagonal cans.

RAINWATER GOODS - Cast-iron

BOUNDARY WALLS AND RAILINGS: Low level hedge to NW elevation boundary. Granite rubble coped walls with mixture of brick and granite copes

A-Group with 1-23 Albert Street, 2-18 Albert Street, 1-34 Albert Terrace and 1 Prince Arthur Street, 2-16 Albyn Place, 1-6 Rubislaw Place and 21 and 23 Waverley Place, 7-11 Victoria Street, 17 Victoria Street, 19 Victoria Street, 21-59 Victoria Street and 181 Skene Street, 18-28 Victoria Street and 2, 6, 10 and 16 Waverley Place and 30-56 Victoria Street (see separate listings).

Planning Policy

The area of Carden Place was designated as part of the Albyn Place/ Rubislaw Conservation Area in July 1968 and was extended in March 1975 and January 1978.

Despite not specifically mentioning 55 Carden Place, the policy describes the characteristics of the buildings within the Conservation Area as Character Area A.

The area forms a triangle of some of the earliest planned development in this area. It comprises a mixture of Aberdeen Cottage residential dwellings on Victoria Street, Albert Terrace and Carden Place and a number of terrace buildings which are now office accommodation. The area is home to Rubislaw Terrace and Queen's Terrace Gardens and two listed churches. A scheme was developed in 1819 by Archibald Elliot consisting of a mixture of linked houses, terraced houses and open space. Only the southern section proceeded and the scheme was revised a number of times before it was completed. Skene, working in conjunction with Archibald Simpson, developed Albyn Place (1820) which took shape over a period of 20 years.

Aberdeen City Conservation Area Character Appraisal Strategic Overview and Management Plan is intended to add more detail, where required, to Scottish Planning Policy as set out in the Scottish Historic Environment Policy (2011), and to policies within the Aberdeen Local Development Plan 2012 specifically Policy D4 – Aberdeen’s Granite Heritage and D5 – Built Heritage (Appendix 1).

The proposals should also be considered as part of memorandum of guidance on listed buildings and conservation areas sections; 1.8.1 car parking in garden ground; 1.8.2 boundary walls, railings, gates and gate piers & 1.8.3 steps, footpaths and drives.

Justification of the Proposals

There is a significant lack of off street parking in the area and within walking distance of the site which can especially be a concern during winter or dark hours.

The client also has concerns for their predominantly female workforce leaving the office during dark hours or during the winter and having to walk some distance to reach cars alone.

The provision of limited onsite parking is intended to mitigate these concerns whilst also aiding the development of the business moving forward

There is a widespread existing precedent for this type of development both in Albyn Terrace Lane and in adjacent streets and lanes.

The ACC Strategic Overview and Management Plan whilst expressly stating front gardens should be devoid of parking except in isolated situations the document does not expressly deter parking to rear gardens. This should however be considered in the context of the preservation of the character of the conservation area and the listed building which has been paramount in the development of the proposals.



Albyn Terrace Lane – Contemporary openings and garages widespread.



Albyn Terrace Lane – Contemporary openings and garages widespread.



Albyn Terrace/ Carden Place – Loss of visual boundary to lane from Carden Place.



Rubislaw Terrace Lane – Contemporary openings and garages widespread.

The Proposals

The proposal to develop parking within the rear garden of 55 Carden Place requires careful consideration as not to materially impact on the character of the listed building and Conservation Area as a whole.

The rear garden is bounded by a random rubble granite and lime mortar wall which whilst clearly defining the geometry of the lane and boundary is not a fine example of this construction. Whilst describing the wall within the historical listing it also does not describe this as a fine example of this construction.

The wall encompasses both a mixture of brick and granite copes as well as being compromised by the adjacent block addition to the neighbouring property which was formally a garage.

The walls to the rear of the properties in Albyn Terrace Lane are also of a significantly poorer quality in terms of materials and workmanship compared to that of the granite construction of the buildings and that of walls to front gardens in the area.

That being said the wall visually defines the geometry of Albyn Terrace Lane and creates a visual barrier of the rear garden from Carden Place which has been lost to the adjacent property (shown opposite).

Early proposals investigated the widening of the existing gate to facilitate entry for vehicles however the visual impact from the street was deemed to be too significant.

The proposals involve the provision of 2 number car parking spaces with a smaller adjacent space to allow manoeuvring within the site to facilitate front entry and exit.

A 3.5m section of the existing random rubble wall will be carefully removed by hand to allow a new access to the rear garden. An existing garden tree also requires to be felled. Refer Astell Associates drawing CPA-1404-DR for Tree report and replacement planting.

An existing contemporary concrete block store building not reference within the Historical Listing currently impacts visually on the existing wall within the site and is to be carefully taken down by hand to prevent any damage to the existing wall. By removing the store this also creates additional garden ground which mitigates the loss of grass area by the proposed parking.



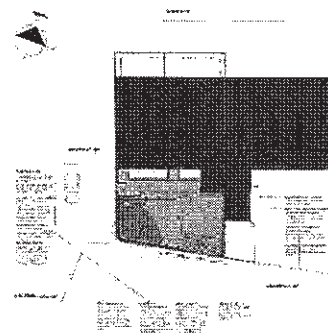
Existing view from South West



Existing view from South East



Albyn Terrace/ Carden Place – Large openings to existing stone walls visual from Carden Place.



Site Plan Proposed

Aberdeen Council Supplementary Guidance – Topic: Transport and

Accessibility – March

A high priority is placed on retaining significant trees, outbuildings and boundary features such as granite walling.

The guidance places a high importance on tree retention however despite consideration of a number of alternative options the removal of 1 tree is fundamental to enable the proposal.

Whilst clearly an established tree the proposed Crab-apple to be felled it can be argued is not a hugely significant tree in both the context of the garden and the lane due to the sparse canopy and the greater significance of the remaining two trees.

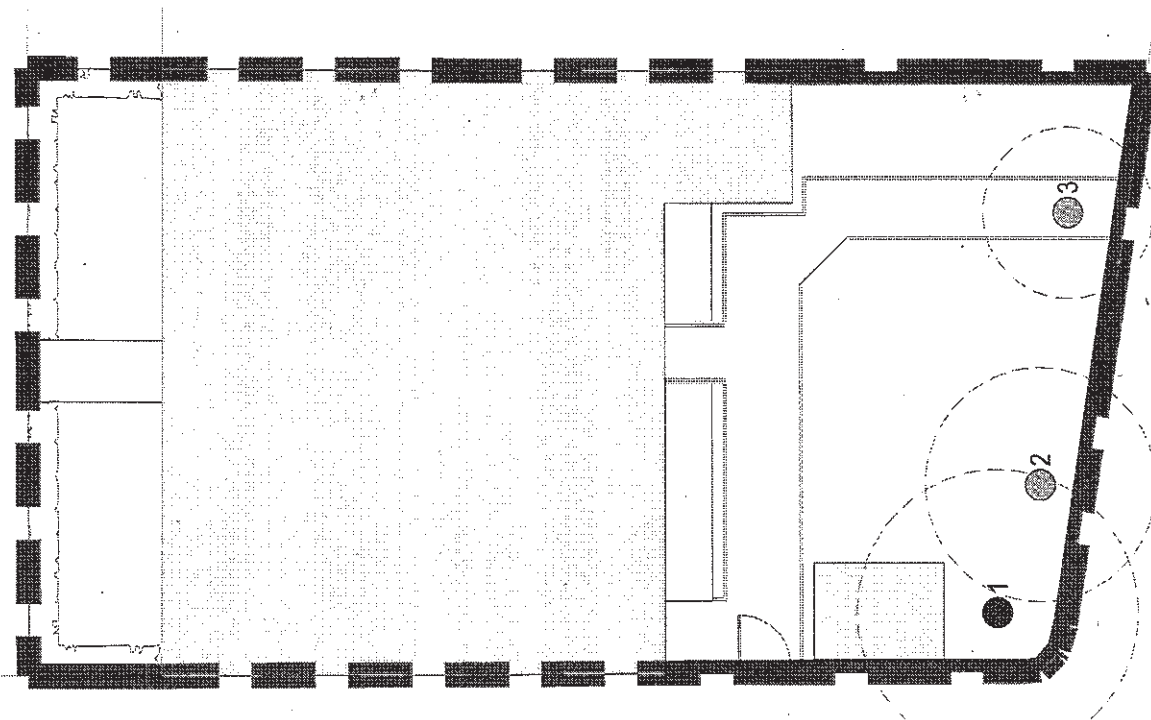
The proposals also incorporate the planting of two new trees to replace the tree to be felled. For details refer Astell Associates drawing CPA-1404-DR

The proposed landscaped area shown on drawing A19377PRO- L005 has been allocated to protect the route structure of the two existing trees to be retained. Measure will also be put in place to protect the trees during the works.

In line with ACC Supplementary Guidance a 2m wide section of granite sets is proposed to separate the road and new parking finish. The proposed granite gravel chip finish to the parking area is intended to create a softer less permanent finish which complements the existing house and wall materials. The gravel finish is also used to facilitate self-draining with no transfer to the adjacent road.

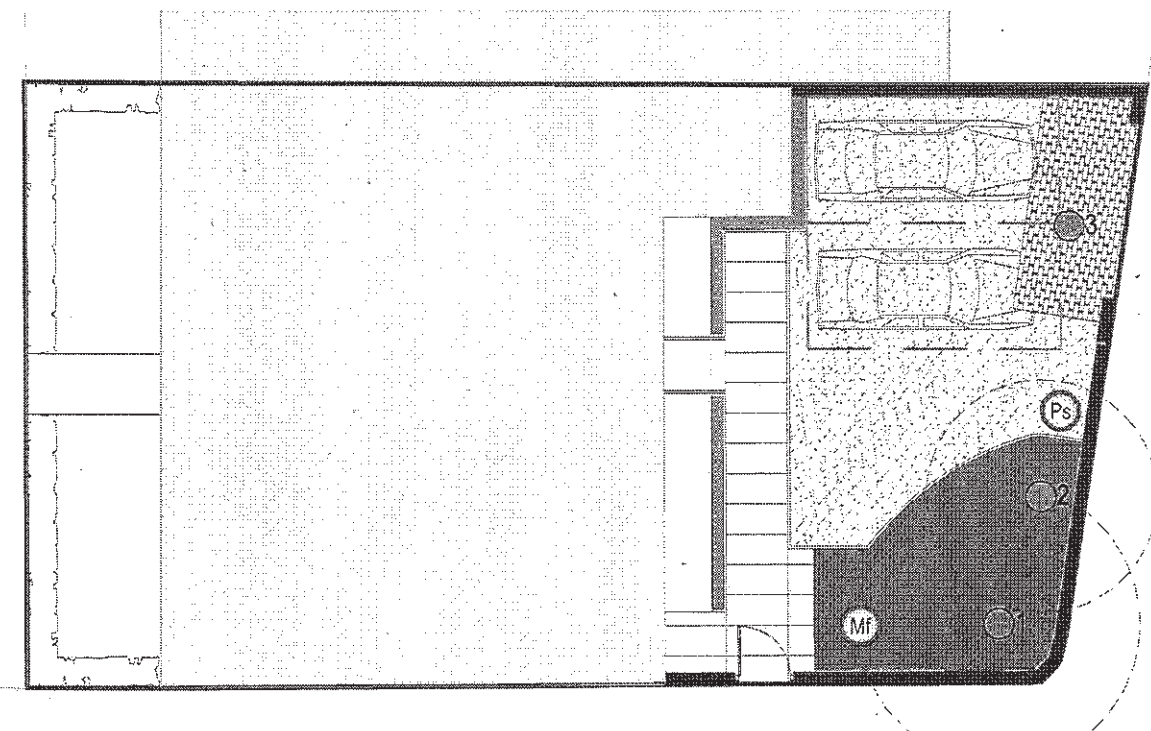
The guidance also states that openings formed in rear boundary walls should be of a width of around 3500mm with a length of walls either side lowered to allow visibility. In an effort to retain as much of the existing wall as possible the proposed opening has been kept to 3500mm with a lowered section to one side only to increase visibility. It was important to retain the existing inbands/ outbands to the corner of the adjacent property which not only define the geometry of the properties but are an integral element of the visual quality of the wall.

For greater detail of the proposals please refer drawings A19377-005-006



Arboricultural Assessment

- Category A Trees
- Category B Trees
- Category C Trees
- Category R Trees



Tree Protection & Management

- Trees to retain
- Fell for health and safety
- Fell for development
- Root Protection area

55 Carden Place, Aberdeen

This is the rear garden of 55 Carden Place which lies adjacent to the back lane and is separated from it by a boundary wall. There are three trees/shrubs in the area, a Rowan, a Lilac and a Flowering Crab Apple.

It is proposed to make an entrance/exit for car parking through the wall, and make a hard standing in the existing garden area. One tree, Crab Apple 3, will be felled for the proposal.

Two trees are to be planted as replacement trees for the tree to be felled.

- 1 Mf Malus floribunda 2.5m - 2.8m
- 1 Ps Prunus sargentii 3.5m - 4.1m



No	Species	Dia at 1.5m (cm)	Canopy Radius (m)				Height (m)	RPA (m)	Age Class	Description	Action
			N	S	E	W					
1	Rowan (sorbus spp)	23	3	3	1	3	4	2.8	sm b	Multi-stemmed from 1.5 m, tree is one-sided to the south and south-west appears healthy.	Retain
2	Lilac (syringa vulgaris)	14, 14, 11	3	3	3	1	4	2.3	m c	Tree has blown over in the past, and is leaning on wall. Twin stemmed from .5 m and 3 stemmed from .75 m. One branch grows along the wall to the north-east. Tree appears healthy.	Retain
3	Crabapple (Malus eleyi)	14	3	3	2	2	4	1.7	sm c	This ornamental tree has a spreading, sparse canopy. There is some bark damage to the main stem but tree appears healthy.	Fell for driveway

astal associates
arboricultural, tree care, horticultural and landscape consultants

project: Proposed New Parking Area at 55 Carden Place

Client:	Space Solutions Ltd
Date:	14th April 2014
Drawing:	CPA-1404-DR
CAD File:	
Scale:	1:100 at A3
Order:	

28 Blyth Crescents, Millburn, Aberdeen, AB10 5EP
t:01572 424444 f:01572 424444 www.astalassociates.co.uk

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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)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

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

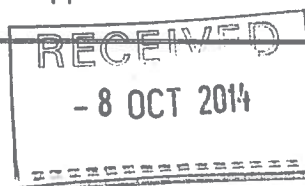
Site address

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:

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:

N/A

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.

PERIOD LAPSED FOR THE ~~LAST~~ DETERMINATION OF PLANNING PERMISSION APPLICATION.
 POOR COMMUNICATION & GENERAL LACK OF DIRECTION TOWARDS THIS APPLICATION.

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.

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.

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

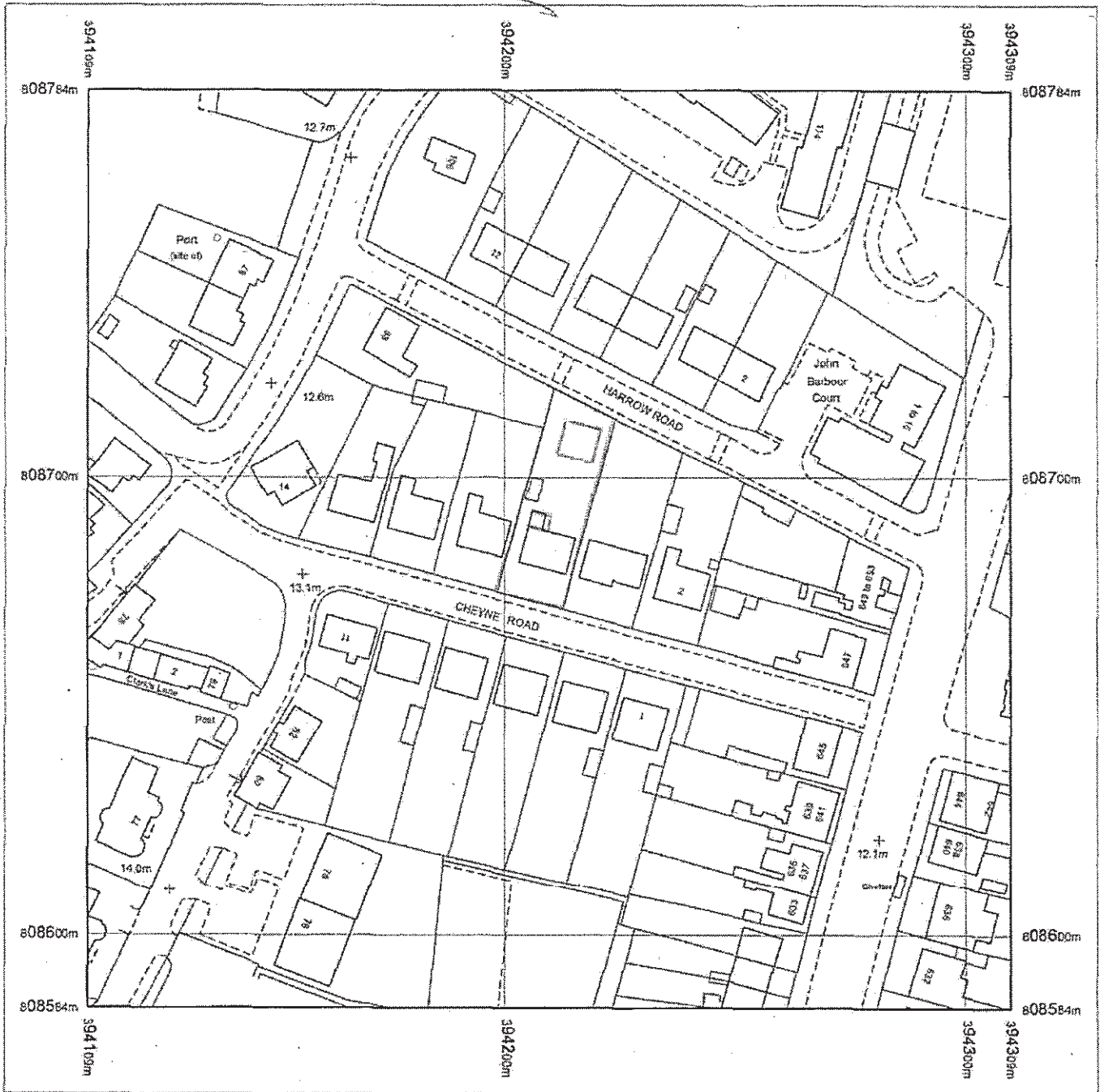
Date

5/15/14

Agenda Item 3.2

Agenda Item 3.2

OS Sitemap®



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The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

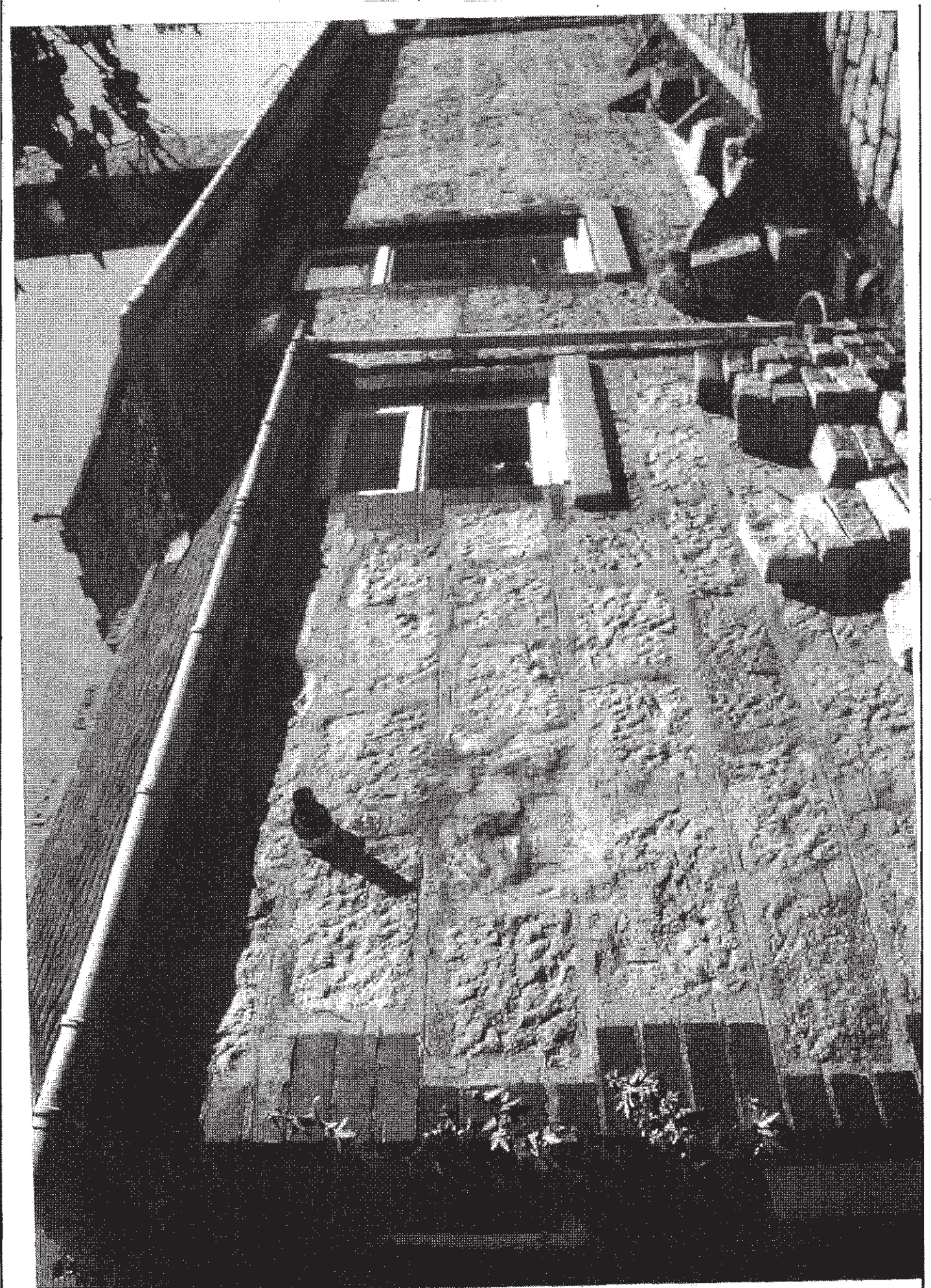


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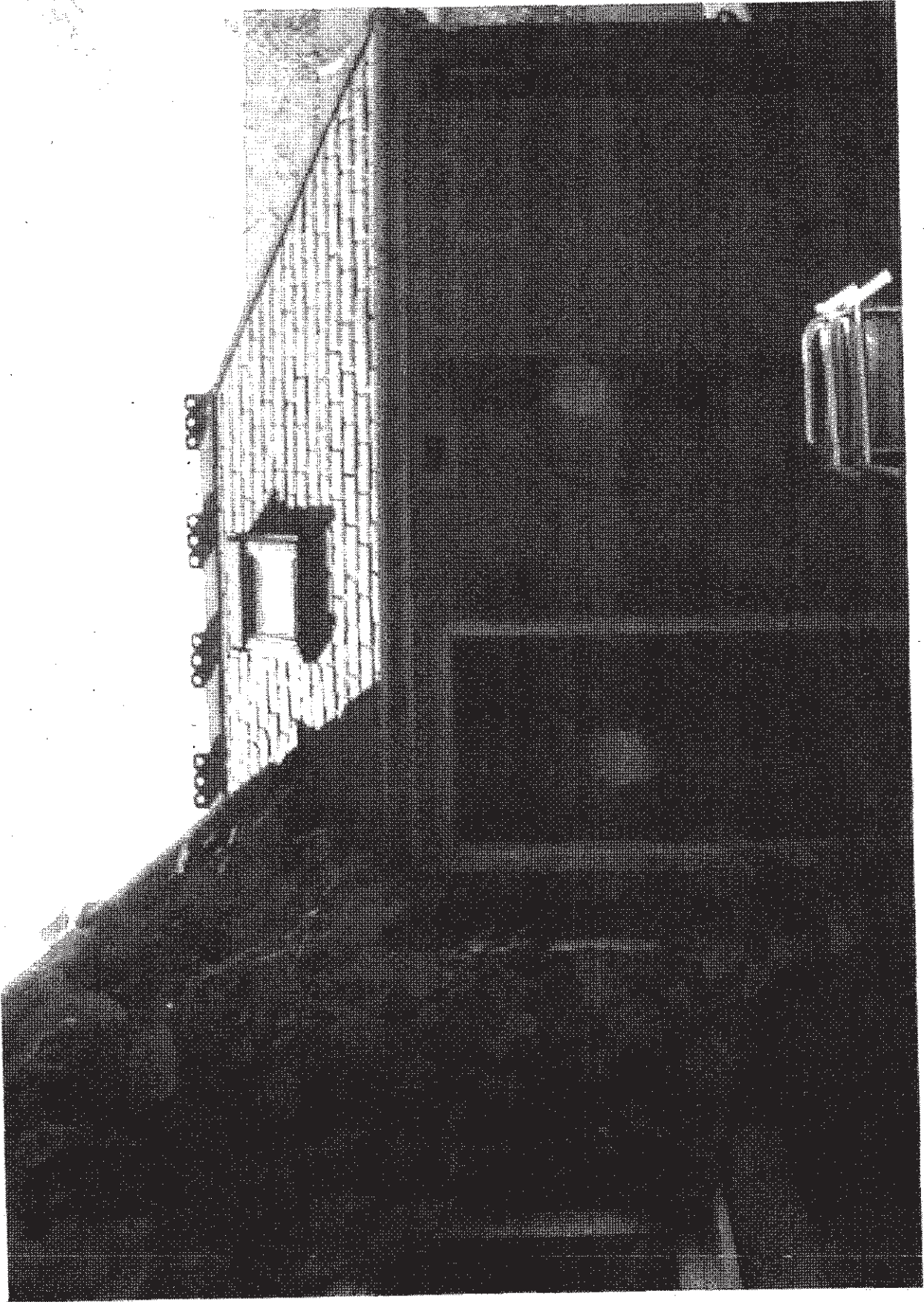
Supplied by: **Blackwell M and D C**
 Serial number: 00073100
 Centre coordinates: 394209.38 808684.13

Further information can be found on the OS Sitemap information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk

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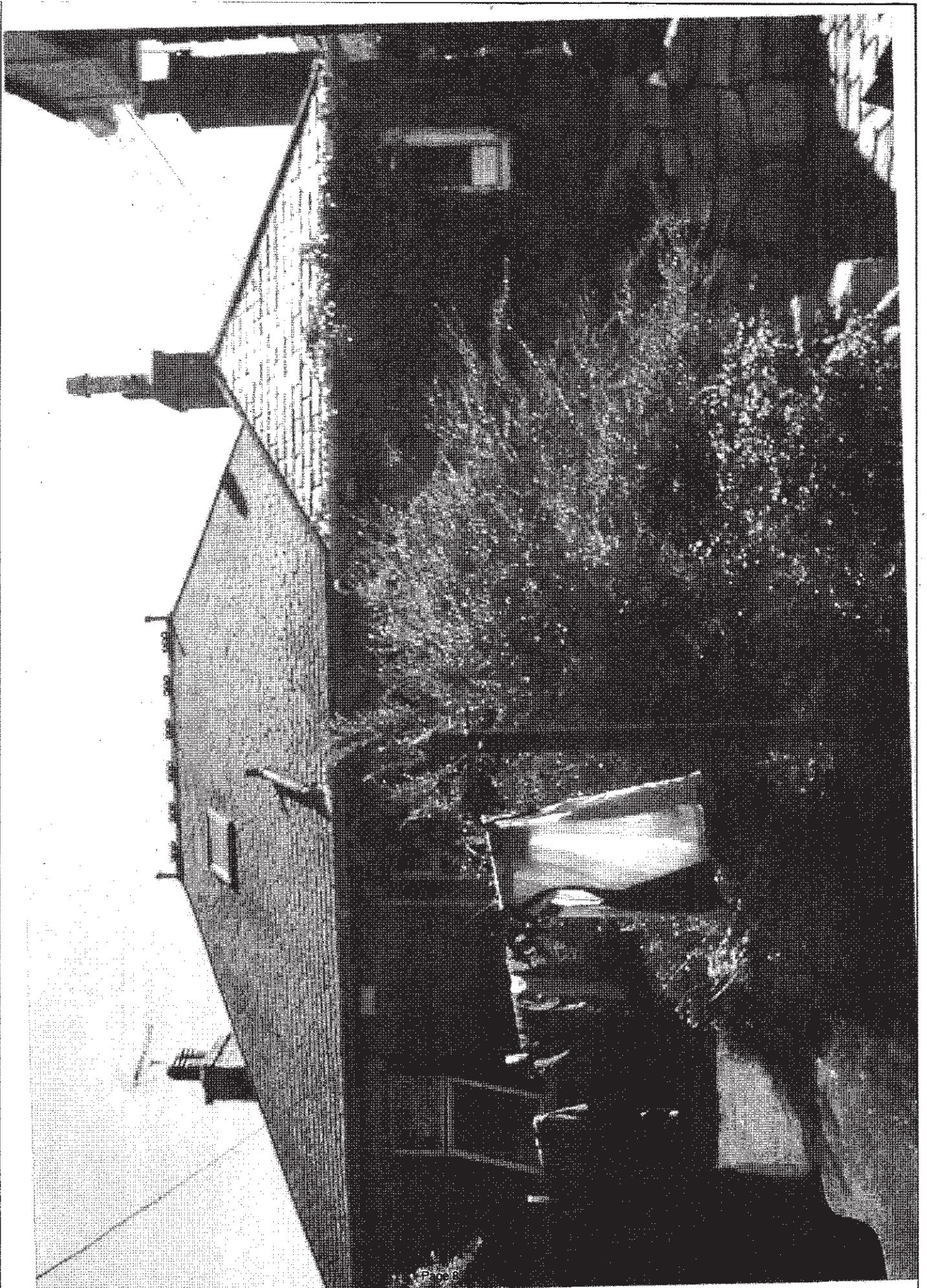
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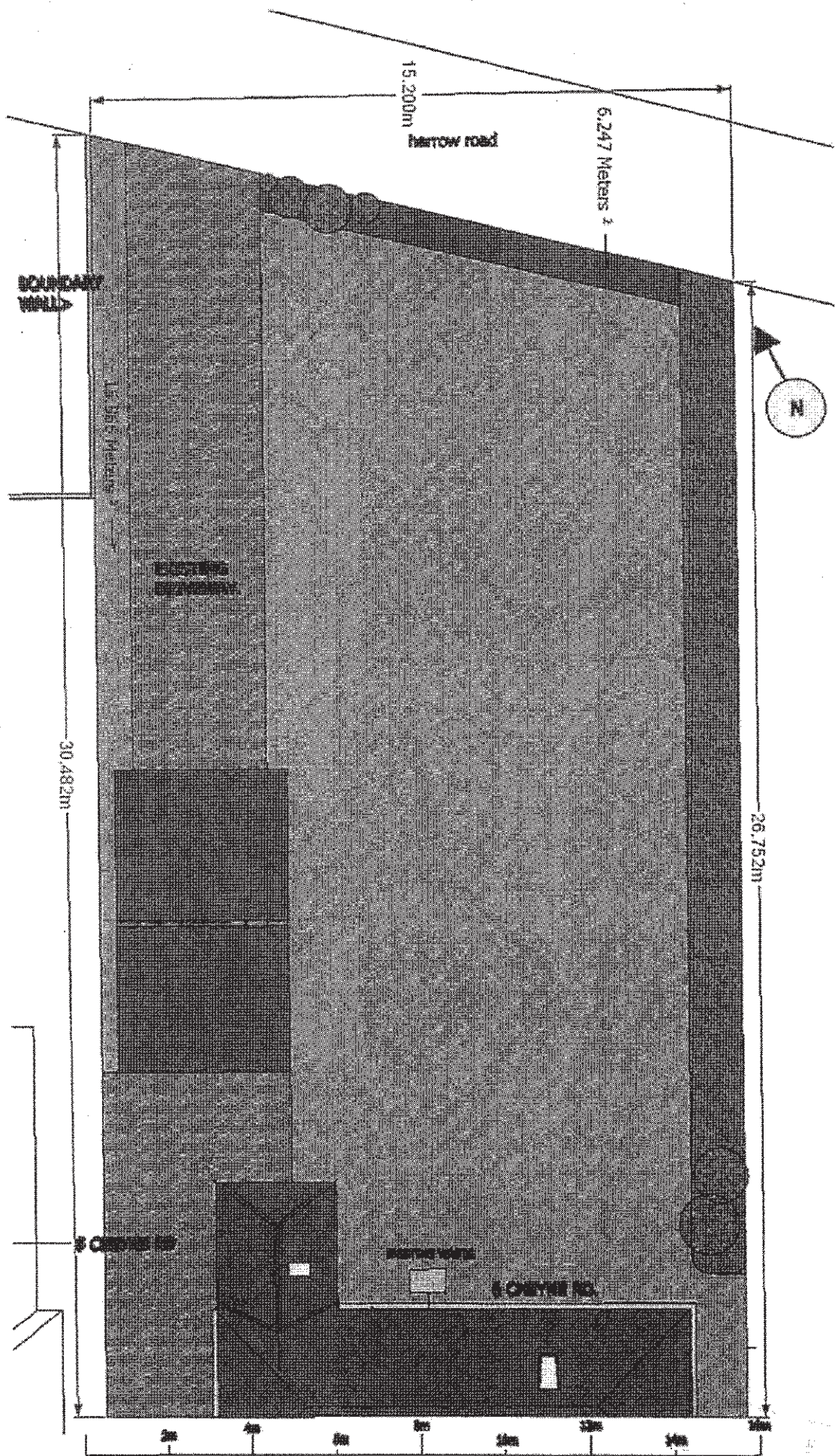
08/06/2014

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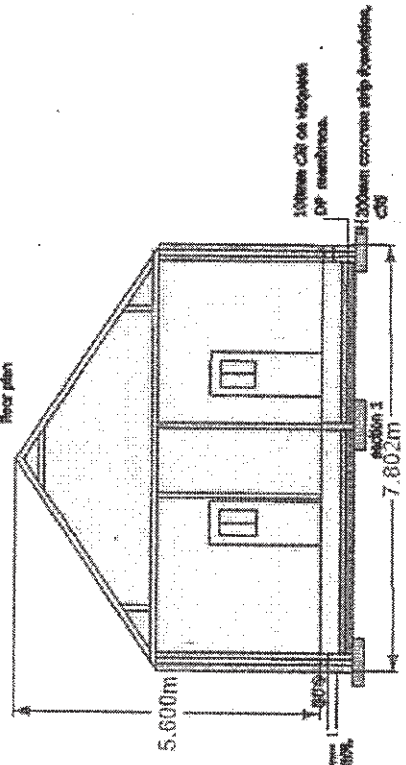
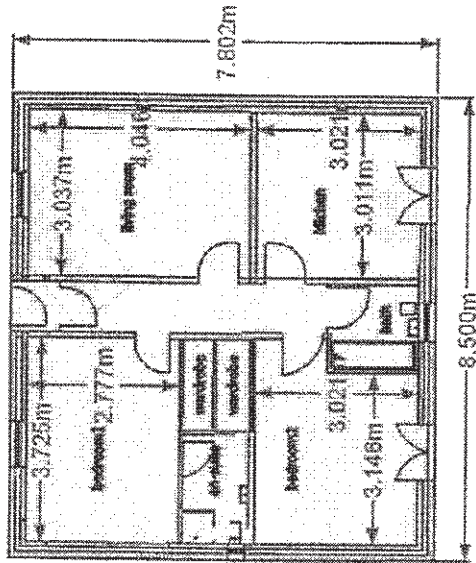
QUARRY
BLOCK PLAN.

SCALE 1:125

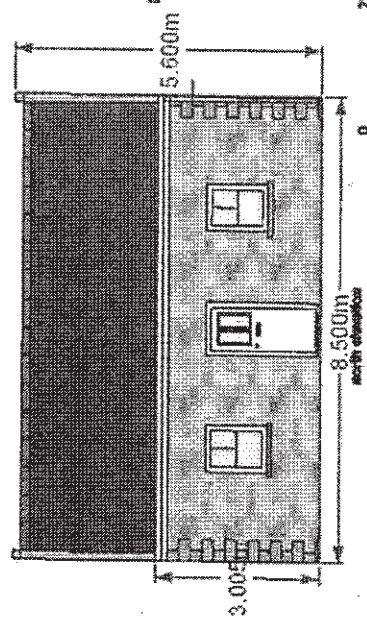
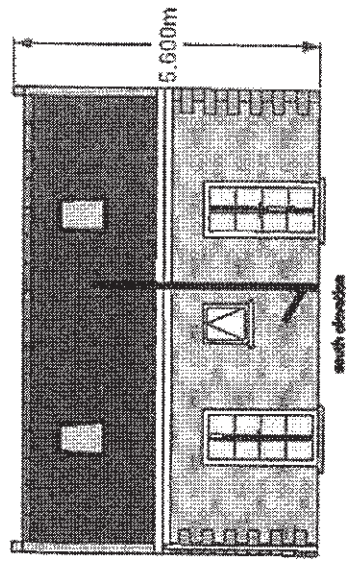
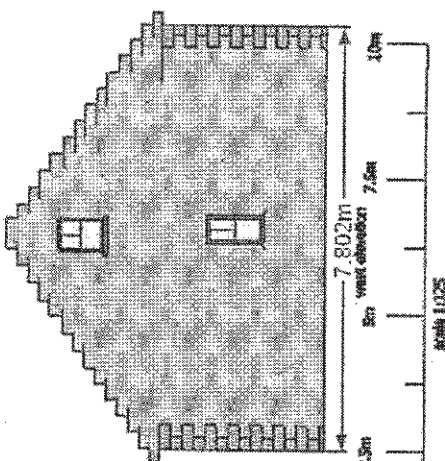
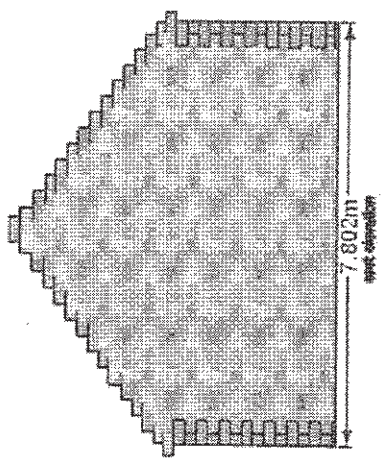
SICREYNE RD.	DRAWN
ABERDEEN	M. G. G. G.
	10/6/16

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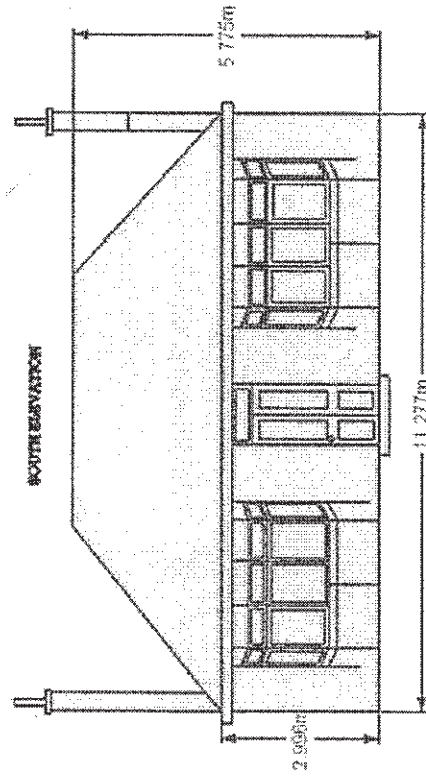
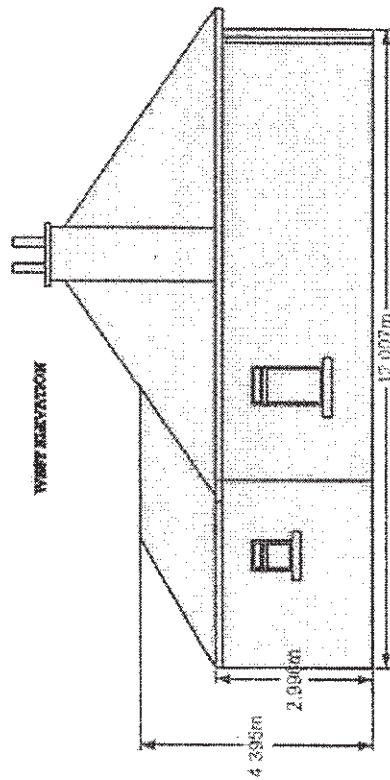
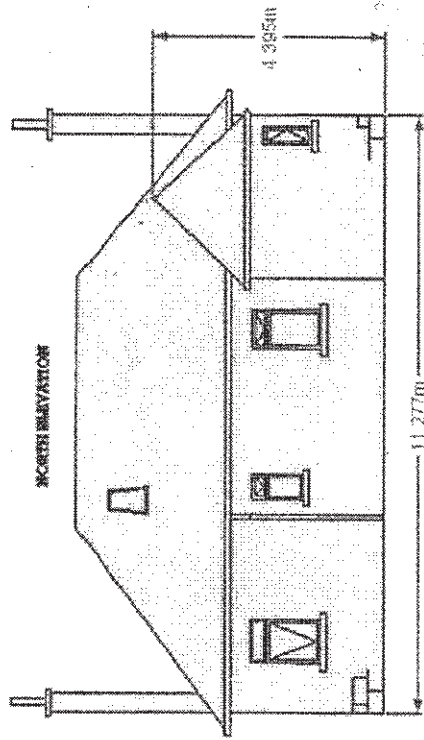
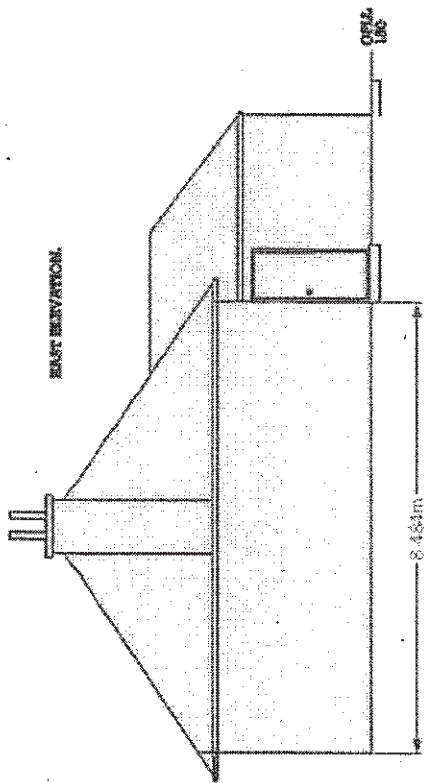
10/11/14



PROJECT
5 CHEYNE RD,
ABERDEEN
DRAWN 10/11/14
M. PROCTOR



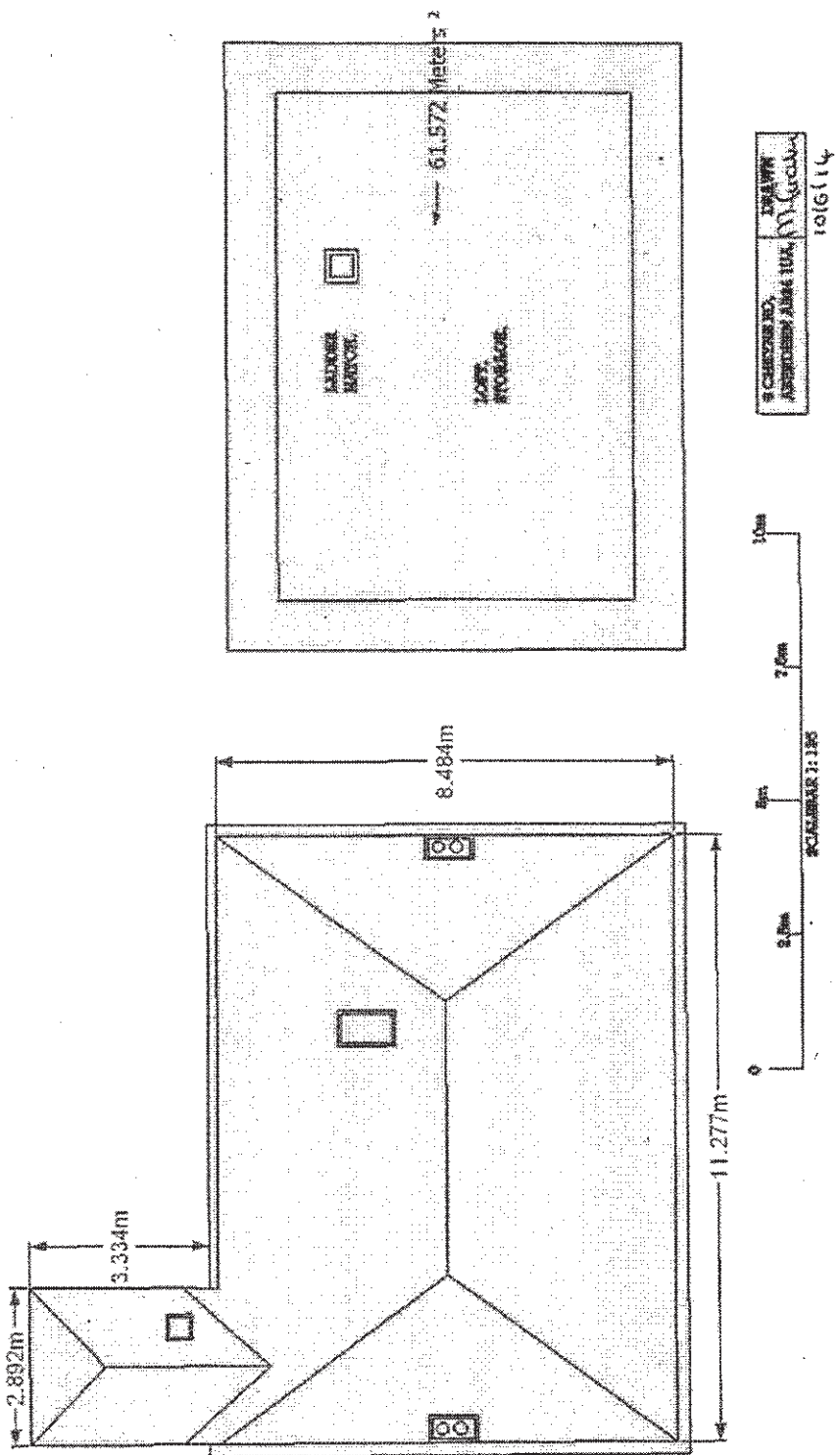
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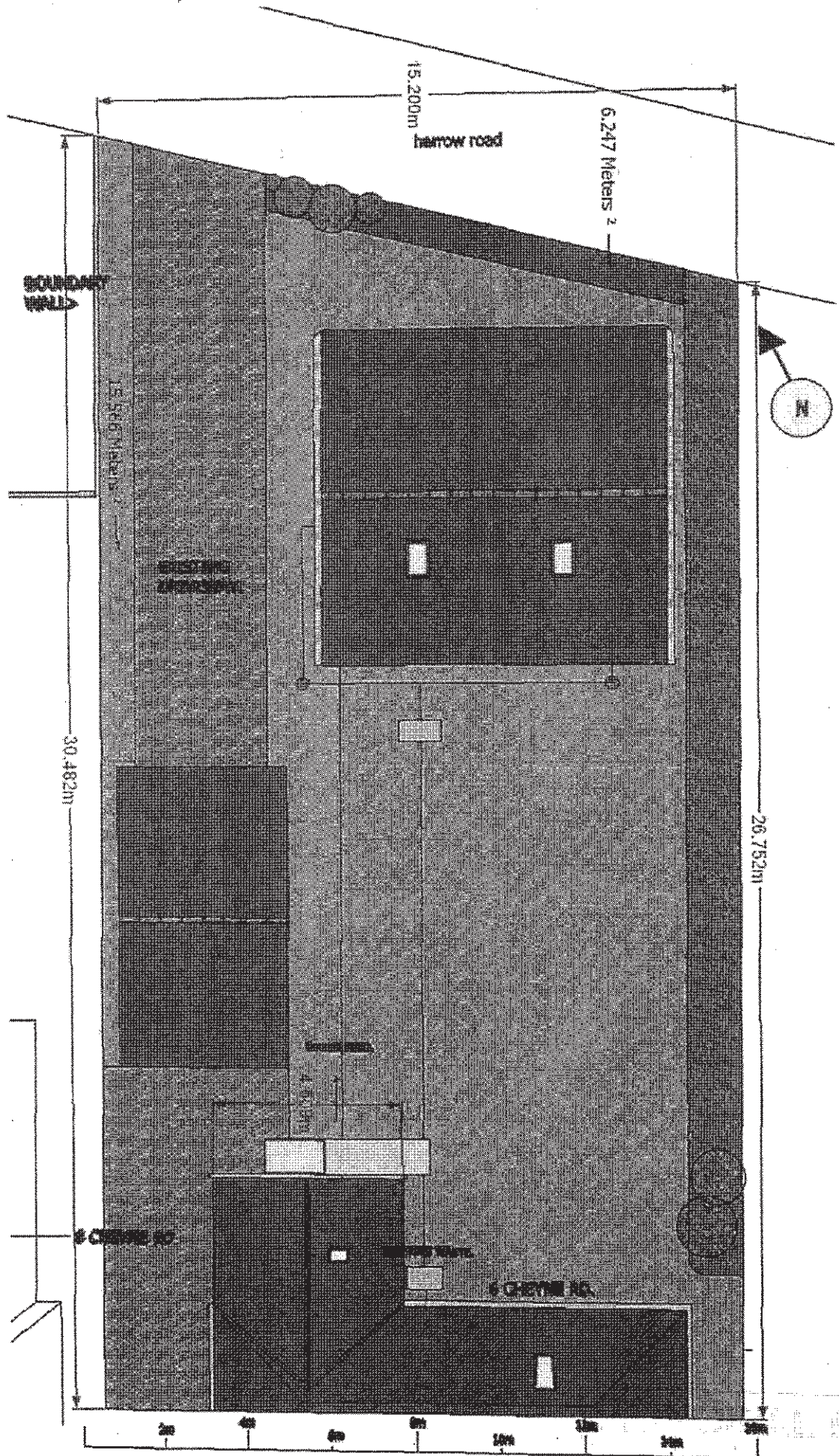
9 CARLTON ROAD, BIRBAHILL, QUEENSLAND
 ARCHITECTS
 10/11/06



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BOUNDARY WALL

15.200m
harrow road

6.247 Meters 2



30.482m

26.752m

2m 4m 6m 8m 10m 12m 14m 16m

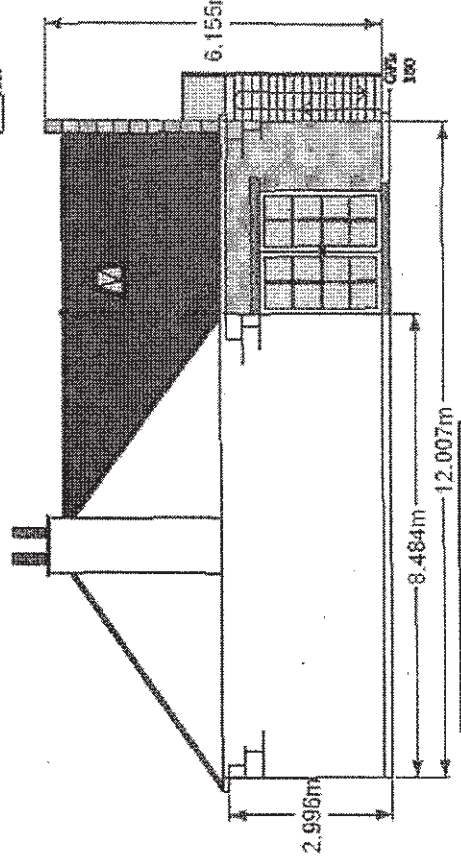
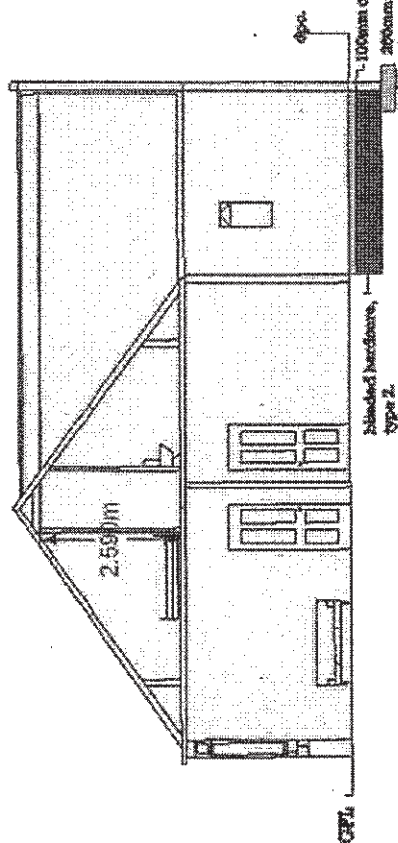
PROPOSED BLOCK PLAN

SCALE 1:128

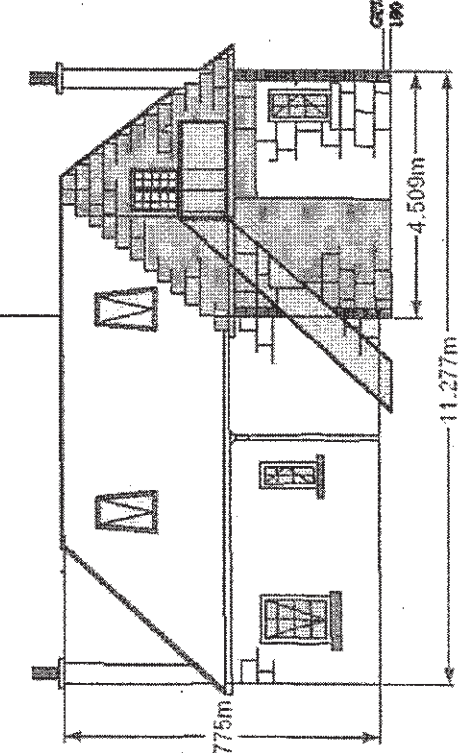
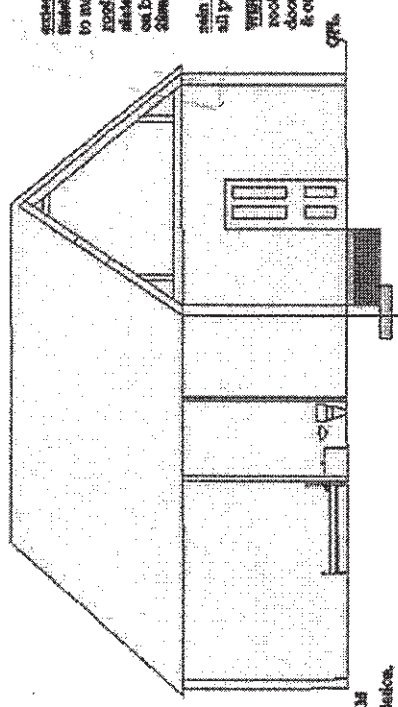
6 CHEYNE RD, DRAWN
ABERDEEN M. G. G. 10/6/14

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EAST ELEVATION



WEST ELEVATION



PROJECT:
 8 CHRISTIE RD ABERDEEN, TUA
 ARCHITECTS: M. GORDON
 10/6/14

2.5m 1.0m 10m
 0 2.5m 1.0m 10m
 SCALEBAR 1:100

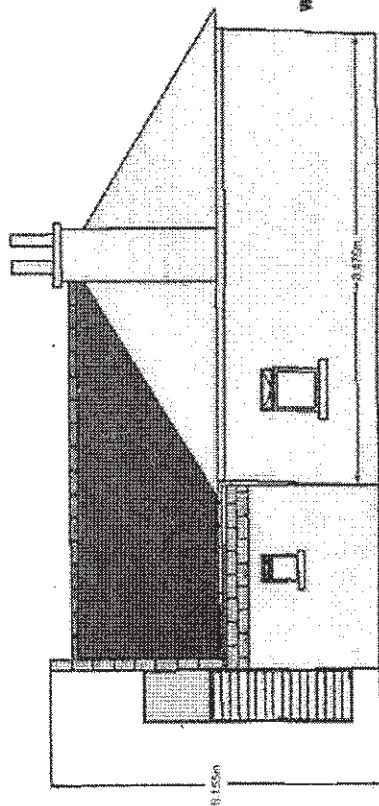
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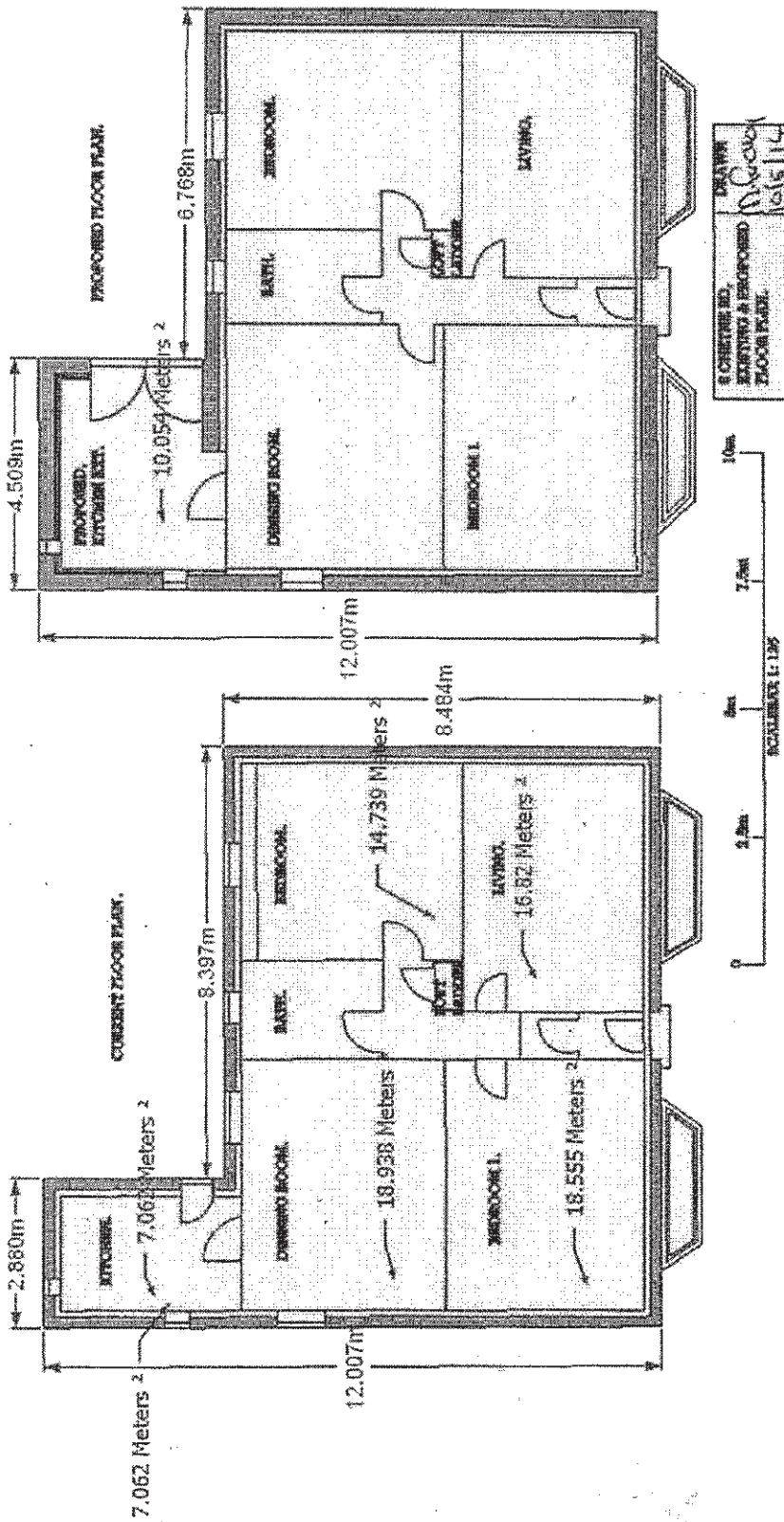
10/16/14



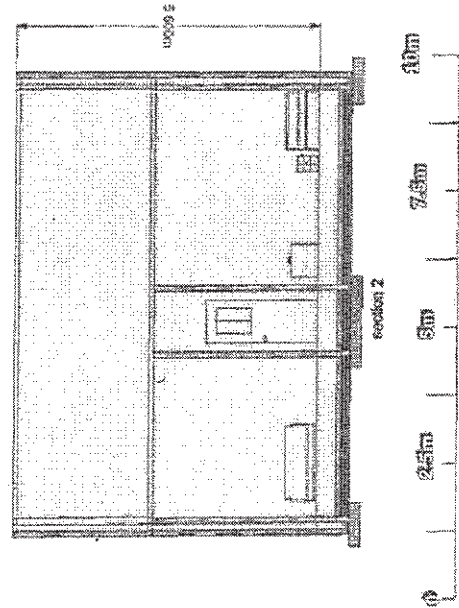
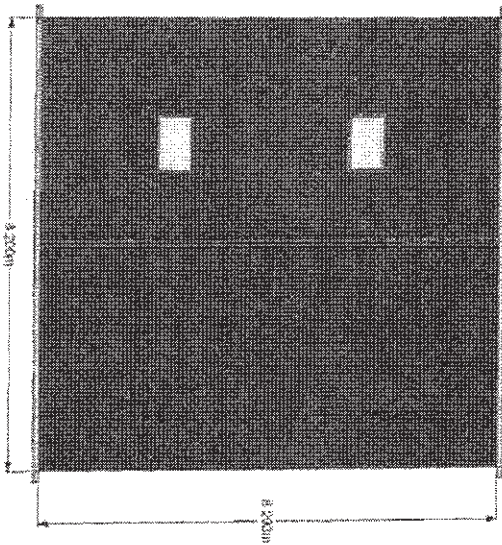
8 CHETTS RD,
ANNANDALE,
VA 22025
M. G. COOK
10/16/14



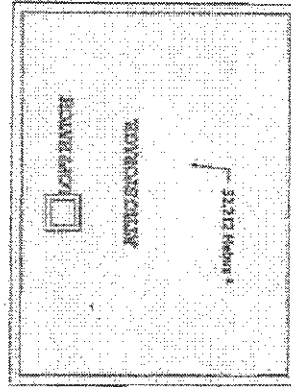
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- CHIEF.**
- RAINWATER GOODS.**
Gutters,
250 white upvc
Downpipes 150 upvc.
- WINDOWS & GLASS DOORS,**
UPVC GASH & CASE WORK,
have double glazed,
up to confirm sizes,
- ROOF瓦ROOFING,**
timber raft type,
EXTERNAL STONE,
tile stone simulated granite
- ROOF,**
grey slate
with red ridge to match
existing house.
crown vent,
breathable roofing felt.



PROJECT ARCHITECT
S. COOPER LTD.
ARCHITECTS
DRAWN
M. COOPER
15/6/14

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P140936 - COL

Planning Dept,
Aberdeen City Council,
Marischal College,
Broad Street

11 Greenbrae Crescent,
Denmore,
Bridge of Don,
Aberdeen
AB23 8LH

25th July 2014

Dear Sirs,

6 Cheyne Road, Old Aberdeen:-
Proposed Extension to rear elevation, and also proposed "annexe" building in rear garden
(application ref no. 140936)

The Society wishes to object in the strongest terms to the above application, on the following grounds:-

- 1) The proposed extension is of such a design and configuration that it appears actually to be a second property, rather than an extension to the existing one. There is no sign on the plans of a staircase leading from the main house to the 'extension' on the first floor, and there is every indication that there is only one entrance to this upper floor of the extension. That entrance is via an external staircase leading to what appears to be a separate dwelling or flat, on the first floor, and not an "extension" to the existing house at all.

It has to be said at this point that the plans accompanying this application are deficient in many respects, with insufficient detail of layout or elevations either of the 'extension' or of the second house. The Society regards this application as not competent in that respect, and holds that it should be re-submitted in proper form, with adequate detail.

Notwithstanding this; if it is the case that the proposed extension involves the formation of a separate dwelling, then we contend that this should be the subject of a new application for such. The present application is not worded in a way that represents what is actually proposed, and is misleading.

- 2) The proposed 'annexe' in the back garden is actually a very substantial building which has a footprint larger in area than the existing house on Cheyne Road. It is clearly to be a dwelling-house, being built in stone, with sash and case windows and a slated roof. There is paltry detail given on the plans of this proposed new house, but there is enough

to make it quite clear that this house contravenes policy H1 of the Local Development Plan and also the associated Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

To expand these points:-

a) **Policy H1 - “Residential Areas”, of the Local Development Plan** requires that this kind of proposal in Residential Areas (and Cheyne Road is such), will only be approved if:

- i) it does not constitute overdevelopment, and
- ii) it does not have an unacceptable impact on the character or amenity of the surrounding area

i) The Society holds that the proposal in question represents gross overdevelopment of the site. This, at present, is a modest bungalow with a traditional garden behind, in a row of similar properties. The proposal is to create an extension which seems actually to be a second property, or at least to be a likely precursor to one, and in addition to this, to erect another, substantial property in the garden. This is clear overdevelopment of a traditional plot.

ii) It is our view also that this proposal would have a completely unacceptable impact on both the character and amenity of the surrounding area. The proposed new house in the back garden would detract from the residential amenity of the adjoining gardens, (both on Cheyne Road, and also at the rear of the garden of no.88 Don Street), by way of overlooking and/or increase in activity levels in the rear garden.

It would also, in particular, have an unacceptable impact on the character of the surrounding area, which comprises rows of attractive bungalows fronting on to the road, with narrow enclosed garden plots behind. There are no other buildings of the sort proposed, erected in the back gardens of these houses. If this proposal were granted permission, the character of this traditional pattern of houses would be much altered, to the detriment of the surrounding area.

b) **The Supplementary Guidance “Subdivision and Redevelopment of Residential Curtilages”** also will not allow this proposal.

5.1 This guidance notes the importance of the density and pattern of development of the surrounding area, and advises that the acceptability of a proposal is dependent on the general form of development in the locality.

This proposal does not accord with the said “general form”. It is out of character with the other properties.

5.3 The Supplementary Guidance here points out that in suburban areas (such as Cheyne Road), “the predominant pattern is one of dwellings in a formal or semi-formal building line fronting onto a public road and having back gardens which provide private amenity space”

It continues: “**in these areas, the construction of dwellings in the rear gardens of existing dwellings ... constitutes a form of development that is alien to the established density, character and pattern of development.** This form of development can also erode the privacy and private amenity space available to existing residents.”

5.3 (continued)

The Supplementary Guidance also states that: “approval of “tandem” backland development of this sort sets an undesirable precedent for future applications of a similar nature, which, if replicated, could result in the creation of a second building line behind existing dwellings and fundamentally erode the character and residential amenity of such area.”

It continues:-

“With this in mind, in all suburban areas characterised by formal or semi-formal building line fronting on to a public road and having back gardens which provide private amenity space, there will be a general presumption against the construction of new dwellings in rear garden ground.”

Lastly, the Guidance notes:-

8.1 “Precedent

The need to avoid setting a precedent is a material consideration when determining planning applications. It is appropriate, when considering an application for a cartilage split or redevelopment, to consider whether the proposal may create a precedent whereby it would be difficult to resist similar development, the cumulative effect of which would have a harmful effect on the character or amenity of the immediate area or the wider City.”

* * * * *

In conclusion, we wish to reiterate the strongest objection to this planning application on the grounds that:-

- a) the ‘extension’ to the main house appears to be more of a second property, rather than an extension to the existing house.

b) as explained above, the proposed dwelling-house in the rear garden contravenes City Council policy as stated in Policy H1 of the Local Development Plan, and the associated Supplementary Guidance in that:-

- i) it constitutes clear overdevelopment of the site
- ii) it would have an unacceptable impact on both the character and amenity of the surrounding area.
- iii) importantly, it would set an undesirable precedent for future applications, whereby it would be difficult to resist similar development, which, cumulatively, could seriously damage the distinct character and amenity of the area.

Yours faithfully,



(Mrs) B. McPetrie,
Planning Secretary

From: webmaster@aberdeencity.gov.uk
Sent: 05 July 2014 12:55
To: PI
Subject: Planning Comment for 140936

Comment for Planning Application 140936

Name : frank thies

Address : 12 harrow rd

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : We wish to place our objection to the annexe part of the proposed application as we foresee this being used to accomodate students. There are already too many houses being used to accommodate students in the area.

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Planning Reception,
Aberdeen City Council,
Marischal College,
Broad Street,
Aberdeen

8 Harrow Road
Old Aberdeen

26th July 2014

Dear Sir,

6 Cheyne Road, Old Aberdeen - proposed Extension to rear elevation and also proposed Annexe building in rear garden
Application Reference no.140936

I wish to object strongly to the above application, which would involve the erection of a substantial new building in the rear garden of no.6 Cheyne Road, which would be built directly opposite my property.

The building (so-called "annexe") proposed there is clearly to be a dwelling-house, with doors, double-glazed sash and case windows etc. It is clearly a large house, as the plan shows it to occupy an area considerably bigger than the existing house fronting Cheyne Road.

None of the rear gardens in Cheyne Road have a second house in them, and to allow this application would be to set a dangerous precedent for the rest of the back gardens.

This proposal on its own would change the character of the area, but if it set a precedent for this road, then the character of this area would be permanently damaged.

The character of this area is a pattern of modest bungalows with narrow gardens, and this characteristic pattern would be lost and the area ruined if permission were to be given for erection of a house, or indeed any building, of this size, in the back garden.

Further, the proposed building would erode the privacy of my property by overlooking.

A final consideration is the inevitable increase in traffic using the exit from the rear garden on to Harrow Road, if a new house were allowed on this site.

I wish to register a strong objection to this proposal.

Yours faithfully,



To: PII[PI@aberdeencity.gov.uk];
Cc: cmkee@aberdeencity.gov.uk[cmkee@aberdeencity.gov.uk];

Sent: Mon 7/28/2014 12:05:35 PM
From:
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X-Mailcontrol-Inbound:
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X-URLSB-Wrapped: false
X-Scanned-By: MailControl 30291.32 (www.mailcontrol.com) on 10.65.0.122
Return-Path:
X-MS-Exchange-Organization-AuthSource: MSEXCH002.acc.gov.uk
X-MS-Exchange-Organization-AuthAs: Anonymous
Flag Status: 0x00000000
Subject: Planning Application 140936 – 6 Cheyne Road.

Dear Sir or Madam
Planning Application 140936 – 6 Cheyne Road.

You may have received an earlier submission from Old Aberdeen Community Council regarding this application but I believe that, due to delay in posting information on the website, our planning officer had to provide a preliminary response based on very little available information before he went on holiday. Please accept this response as supplementary and providing a fuller explanation of our objections.

We have had considerable difficulty reviewing this application as the amount of information available does not seem to cover the breadth of the stated application: " Extension to rear elevation and proposed annex to rear garden"

Our understanding is that the application is for:

1. A modest extension to the property, comprising a short wing to enable the roof space to be used. The drawings do not make clear the headroom etc. available or facilities to be provided. However, this extension is to be accessed only by means of an external stair. We must assume therefore that the upstairs is to be considered a fully self-contained flat.
2. An 'annex' building in the rear garden. The annex in the garden space has no details either of windows or services to be provided, but as it is house sized, appears to be intended as a permanent structure adjacent to Harrow Road, the intention would appear to be to develop a second property in the back garden.

Thus the application may be to create three distinct properties from a single unit and we must therefore OBJECT on the basis that this is severe over-development of the property, inappropriate for the street and area.

We also object on the basis of lack of technical information regarding the proposed development.

We note that the proposal would appear to contravene paragraph 5.3 of 'Supplementary Guidance; Subdivision and redevelopment of residential

curtialges'.

It would also appear to be a change of use from private home to HMO property, but, again, there is insufficient information provided to enable any clear conclusion to be drawn.

Dewi Morgan
For and on behalf of the Old Aberdeen Community Council

107 High St
Old Aberdeen AB24 3EN

Agenda Item 4.1

Signed (authorised Officer(s)):

28 ALBERT TERRACE, ABERDEEN

REMOVAL OF 2 NO.DORMER WINDOWS
AND ERECTION OF NEW DORMER
WINDOWS

For: Mr D Davidson

Application Type : Detailed Planning
Permission

Application Ref. : P140833

Application Date : 03/06/2014

Advert : Listed Building

Advertised on : 25/06/2014

Officer : Alex Ferguson

Creation Date : 7 August 2014

Ward: Hazlehead/Ashley/Queen's Cross(M
Greig/J Stewart/R Thomson/J Corall)

Community Council: No comments

RECOMMENDATION:

Refuse

DESCRIPTION

The property is a traditional, mid-terraced granite dwelling build circa. 1848-1867. The 1½ storey dwelling is finished with slate roof and white timber window frames. There is a single storey utility room extension to the centre of the rear elevation, a small 2.5m high brick outhouse to the western boundary and a detached garage located at the far south-west corner of the plot.

The rear elevation of the dwellinghouse contains a 3.5m high central granite chimney stack that rises from the eaves of the dwellinghouse. This is flanked by 2no traditional piended dormers, 1no to each side.

The rear garden plot measures 137sqm in size and is screened on all boundaries by approximately 1.5m high masonry walls.

The dwelling is a Category "B" Listed Building (Part of a Category "A" Listed Grouping) situated within the Albyn Place/Rubislaw Conservation Area.

RELEVANT HISTORY

P131068 & P131086 – Listed Building Consent & Planning Applications for the removal of the existing piended dormers and their replacement with a modern box dormer were refused in 2013. The applicant did not appeal the decisions in time, hence the submission of the current application for the same works.

P130107 & P121430 – Listed Building Consent & Planning Applications for the erection of a single storey rear extension to the application property were approved in 2013. The original applications included the removal of the existing piended dormers on the rear elevation. This aspect of the applications was subsequently removed.

PROPOSAL

Planning permission is sought for the removal of the 2no existing traditional piended dormers on the rear elevation of the dwellinghouse and their replacement with a modern box dormer.

The proposed replacement dormer would be a large flat-roofed box dormer of a modern design. The dormer would be 5.8m wide, with a 6.4m wide lead roof overhang. The 2.2m high dormer would be centrally located within the roofscape, set 900mm and 1m in from each of the mutual boundaries on either side of the property. The dormer would be set 500mm up from the eaves of the dwellinghouse and 1.4m down from the roof ridge.

The dormer would be finished with a powder coated aluminium (dark grey) fascia and windows on its front elevation and vertically hung roof slates on each of its side elevations. The dormer's front, south-facing elevation would be predominantly glazed with no aprons or solid infill panels.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at -

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref.=140833>

On accepting the disclaimer, enter the application reference quoted on the first page of this report.

CONSULTATIONS

Roads Projects Team – No observations

Environmental Health – No observations

Enterprise, Planning & Infrastructure (Flooding) - No observations

Masterplanning, Design & Conservation – NOTE - The following consultation response was received from the Council's Conservation Officer for the previous planning and listed building consent applications (P131068 & P131086) for the same works. As the development proposed remains the same as in the previous applications, a fresh consultation was not requested and the following comments from the previous application remain valid and relevant to this application::

Context

All of the properties on 1-34 Albert Terrace are category B listed with the entire terrace having a category A group value. The terrace was designed by Archibald Simpson and built circa 1848-1867. The properties are of the Aberdeen cottage style comprising a single storey and attic lit by canted dormer windows. The terrace's rear elevations along have been subject to a number of alterations and there have been a variety of rear extensions over the years as well as alterations to the dormer windows. 28 Albert Terrace lays towards its western end. Albert Terrace makes a significant contribution to Albyn Place and Rubislaw Conservation Area.

Proposal

Last year an application for planning permission (P121430) was received for a ground floor rear extension and box dormer windows. The dormer window element was removed from the application, in part due to my concerns on the adverse impact that this would make on the historic environment. Planning permission and listed building consent (P130107) were granted for the contemporary ground floor rear extension; the public views of which would be largely hidden by the high rear boundary wall running along the lane. It is disappointing that the applicants have now submitted the dormer element of the original scheme again despite having given clear guidance that the loss of traditional dormers would be unacceptable due to its adverse impact on the listed building and the Conservation Area. The size of the existing two canted dormer windows is proportionate to the roof pitch. Windows form an important element in defining a historic building's character and their contribution to its character must be understood before considering alteration. Any enlargement or replacement with boxed dormers would have an adverse impact on both the listed building and the terrace as a whole.

Policy

The proposal does not comply with the Scottish Historic Environment Policy (SHEP) or Aberdeen Local Development Plan *Policy D5 Built Heritage* because it would detract from the special character of the category B listed building and the wider Conservation Area. Furthermore the proposed development does not comply with the City Council's Householder Development Guide Supplementary Guidance as it relates to dormer windows, namely:

Dormer Windows: General Principles - The following principles will normally apply in all cases: a) On traditional properties, original dormers must be retained

and repaired, and their removal and/or replacement with larger or modern dormers will not be permitted;”(p10)

Conclusion - The proposal as submitted should be refused because of its adverse impact on the listed building and wider Conservation Area.

Community Council – No comments

REPRESENTATIONS

1no letter of objection has been received. The objections raised relate to the following matters –

- The modern dormer would be highly detrimental to the character of the Category B Listed Building.
- The dormer would result in a loss of privacy for a neighbouring property

PLANNING POLICY

Scottish Planning Policy

The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting.

Scottish Historic Environment Policy (SHEP)

Conservation areas are defined as areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.

Aberdeen Local Development Plan (2012)

Policy D1 - Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D5 – Built Heritage

Proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

Policy H1 - Residential Areas

Within existing residential areas and within new residential developments,

proposals for new residential development and householder development will be approved in principle if it:

1. Does not constitute over development;
2. Does not have an unacceptable impact on the character or amenity of the surrounding area;
3. Complies with the Supplementary Guidance on Householder Development.

Supplementary Guidance

Householder Development Guide – Listed Buildings - The authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Householder Development Guide – Dormers on traditional properties – On traditional properties, original dormers must be retained and repaired, and their removal and/or replacement with larger or modern dormers will not be permitted.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas

The application has been assessed in accordance with the Local Development Plan and related guidance, having regard for all material considerations. Following a detailed assessment of the site and the submitted plans, the following conclusions have been reached.

Scottish Planning Policy

The dormer extension would be constructed of a modern design and finished with suitably modern materials. The loss of the existing dormers and their replacement with a modern dormer of a non-traditional design would have a detrimental impact upon the character of the listed building.

Scottish Historic Environment Policy (SHEP)

The proposed dormer would have a detrimental impact upon the character of the Conservation Area. The proposed dormer would be visible from Rubislaw Terrace Lane and although several other properties on the street have erected non-traditional dormer extensions in recent years, the loss of the existing, traditional dormers would further erode the character of the Conservation Area.

Historic Scotland feel that the retention of the existing dormers would preserve an important historic architectural feature of the listed building. The Council's Conservation Officer objects to the removal of the existing dormers and feels that the proposed development would have an adverse impact on the listed building and the Conservation Area.

Aberdeen Local Development Plan (2012):

Policy D1: Architecture and Placemaking

The modern design and materials of the proposed dormer extension would contrast with the traditional design of the listed dwellinghouse. The proposed dormer extension would be visible from Rubislaw Terrace Lane.

Policy D5: Built Heritage

See Scottish Planning Policy.

Policy H1: Residential Areas

The proposed dormer extension would not increase the built footprint of the dwellinghouse and the proposed works therefore do not constitute overdevelopment.

The replacement of the 2no traditional piended dormers with a large box dormer would have a detrimental impact upon the character and amenity of the area.

Daylighting, privacy and overshadowing calculations demonstrate that the proposed dormer would not have any detrimental impact upon any of the neighbouring properties with regard to a loss of privacy, daylight to habitable rooms or overshadowing of the rear garden ground.

Supplementary Guidance:

Householder Development Guide – Listed Buildings

The demolition of the 2no existing piended dormers would have a detrimental impact upon the appearance of the building. The loss of the dormers, which are visible from the adjacent rear lane, would diminish the special character of the listed terrace.

Householder Development Guide – Dormers on traditional properties

The removal of the existing, traditional dormers and their replacement with a modern dormer extension is contrary to the supplementary guidance contained within the Householder Development Guide relating to dormer extensions on traditional properties which states that original dormers must be retained and repaired, and their removal and/or replacement with larger or modern dormers will not be permitted.

Historic Scotland – Historic Scotland responded to a consultation request for a previous planning application for the same dormer proposals (P121430) on 25th January 2013 with the following comments:

'retention of the existing traditional canted dormers and without enlarging them, would safeguard more of the listed terrace's special character. This would preserve an important historic architectural feature which is mentioned in the list description.'

Historic Scotland were not consulted on the current application as the dormer proposals do not differ from those in the previous application (P121430), therefore the comments relating to the importance of retaining the existing traditional dormers remains valid and relevant to this application.

Points raised in letters of objection

The following concern raised in the letter of objection has been addressed in the foregoing evaluation:

- The modern dormer would be highly detrimental to the character of the Category B Listed Building.

With regard to the concern raised in the letter of objection that the proposed dormer would result in a loss of privacy to a neighbouring property, it is not considered that the proposed dormer would significantly increase the potential for overlooking of neighbouring property's compared to the existing situation.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The proposal to replace the existing traditional dormers with a modern box dormer has been assessed against Scottish Planning Policy, SHEP, Policy D5 (Built Heritage) of the Aberdeen Local Development Plan and the Council's supplementary guidance contained in the Householder Development Guide. The proposal would not preserve the features of special architectural or historic interest which form an important element of the character of the listed building itself and the terrace of which it forms part. The proposal would be highly detrimental to the character of the Category B Listed Building and is therefore contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policy D5 (Built Heritage) of the Aberdeen Local Development Plan and the supplementary guidance in the Householder Development Guide.

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0140833 - ALT

27 Albert Terrace,
ABERDEEN
AB10 1XY



26th June 2014

Dr. Margaret Bochel,
Head of Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Dr Bochel

28 Albert Terrace
Planning Application 140833
Removal of 2 Dormer Windows new rear dormer window
Letter of Objection.

We refer to the above application and ask you to note our objection to the proposals.

For the sake of brevity our objection is on the same grounds as our objection to the related application number 140600 for Listed Building Consent, that is to say that the proposal is highly detrimental to the character of the category "B" listed building and therefore contrary to national and local policy and guidance including the local plan. Please refer to our letter dated 12th May 2014 for our more detailed comments.

Additionally we are concerned that the alteration will have a detrimental effect on our privacy and hence amenity as the dormer would look into our bedroom window which lies to the south-east of the proposed dormer.

Yours sincerely,

Sandra and Laurence Tough

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Policy D1 - Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

To ensure that there is a consistent approach to high quality development throughout the City with an emphasis on creating quality places, the Aberdeen Masterplanning Process Supplementary Guidance will be applied.

The level of detail required will be appropriate to the scale and sensitivity of the site. The full scope will be agreed with us prior to commencement.

Landmark or high buildings should respect the height and scale of their surroundings, the urban topography, the City's skyline and aim to preserve or enhance important views.

Policy D5 - Built Heritage

Proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy. In relation to development affecting archaeological resources further details are set out in Supplementary Guidance on Archaeology and Planning.

Planning permission for development that would have an adverse effect on the character or setting of a site listed in the inventory of gardens and design landscapes in Scotland or in any addition to the inventory will be refused unless:

1. the objectives of designation and the overall integrity and character of the designated area will not be compromised; or
2. any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, economic and strategic benefit of national importance.

In both cases mitigation and appropriate measures shall be taken to conserve and enhance the essential characteristics, aesthetics, archaeological and historical value and setting of the site.

Policy H1 - Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new residential development and householder development will be approved in principle if it:

1. does not constitute over development;
2. does not have an unacceptable impact on the character or amenity of the surrounding area;
3. does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010;
4. complies with Supplementary Guidance on Curtilage Splits; and
5. complies with Supplementary Guidance on House Extensions.

Within existing residential areas, proposals for non-residential uses will be refused unless:

1. they are considered complementary to residential use; or
2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.



Supplementary Guidance

Topic: Householder Development Guide



▪ INTRODUCTION

Good quality design, careful siting and due consideration of scale are key to ensuring that domestic development does not erode the character and appearance of our residential areas. Poorly designed extensions and alterations to residential properties can have a significant impact on the character and appearance of a building which, when repeated over time, can have a significant cumulative impact upon the wider area. By ensuring that careful consideration is given to such works, and consistent standards applied, we can seek to retain the characteristics of the built environment which contribute towards the character and identity of an area, while also protecting the amenity enjoyed by residents.

▪ OVERALL OBJECTIVE

All extensions and alterations to residential properties should be well designed, with due regard for both their context and the design of the parent building. Such extensions and alterations should make a positive contribution to the design and appearance of a building, maintain the quality and character of the surrounding area, and respect the amenity of adjacent neighbours. This document seeks to facilitate good design and provide a sound basis for restricting inappropriate development, bringing together a number of existing pieces of supplementary guidance into a single document in the process.

▪ SCOPE OF GUIDANCE

The guidelines set out in this document shall apply, on a city-wide basis unless otherwise stated, to all domestic properties. In the case of dormer windows and roof extensions, the guidelines will also extend to originally residential properties now in non-domestic use. It should be noted that the guidance contained within this document will be applicable only to those development proposals which require an express grant of planning permission, and shall not apply where any proposal is exempted from the application process by virtue of relevant permitted development rights. Permitted Development is a term used for certain types of development which, by satisfying specified conditions, is automatically granted planning permission without the submission of an application to the planning authority.

This document supersedes existing supplementary guidance relating to '*Dormer Windows and Roof Extensions*', '*Dwelling Extensions in Aberdeen City*', '*Dwelling Extensions in Cove*' and '*Extensions forward of the Building Line*'. The guidelines set out in this supplementary guidance should, where relevant to the development proposal, be read in conjunction with the City Council's other published Supplementary Guidance and Technical Advice Notes.

▪ THE ROLE OF THE PLANNING SYSTEM

In coming to a decision on any planning application, the planning authority must determine that application in accordance with the development plan, unless '*material considerations*' indicate otherwise. At time of writing, the development plan comprises the Aberdeen Local Plan 2008 and the Aberdeen City and Shire Structure Plan 2009.

There are two main tests in deciding whether a consideration is material and relevant:

- It should serve or be related to the purpose of planning – it should therefore relate to the development and use of land; and
- It should fairly and reasonably relate to the particular application.

It is for the decision-maker to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the provisions of the development plan. As a result of changes to the planning system, made through the 2006 Planning etc. (Scotland) Act and associated regulations, Supplementary Guidance prepared and adopted in connection with a Local Development Plan will form part of the development plan.

It should be noted that the planning system does not exist to protect the interests of one person against the activities of another, although in some cases private interests may well coincide with the public interest. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

▪ STATUTORY REQUIREMENTS

The definition of "development" is set out in the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, and is termed as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. There are various exemptions to this, details of which can be provided by the planning authority.

Permitted Development rights set out in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. This document, commonly termed the 'Permitted Development Order' or 'PD Order', sets out various works which will not require an express grant of planning permission, provided those works are carried out in accordance with certain criteria. Where it is intended to utilise these rights, we encourage householders to seek confirmation from the planning authority before any works are carried out. The permitted development rights available to any

particular property can vary depending on factors such as location within a conservation area, removal of such rights by condition placed on a past approval, or removal of such rights by a virtue of an Article 4 direction. The effect of such a Direction is to remove permitted development rights, thereby necessitating submission of a formal application for planning permission. All of Aberdeen's Conservation Areas are covered by Article 4 Directions, with the exception of Rosemount and Westburn (Conservation Area 11). Article 4 directions also apply to areas of areas of Kingswells and Burnbanks, which lie outwith any Conservation Area. Please contact the planning authority for further details.

Taking into account the above, householders considering any works to land or property, should ask the following questions;

1. Do these works constitute 'development' as set out in planning legislation?
2. If the works constitute 'development', can they be carried out as 'Permitted Development'?

The answers to these questions will determine whether a planning application is necessary for any works, though it is recommended that the Council be consulted in order to ensure that any interpretation of legislation is correct.

In assessing planning applications, there are a number of duties incumbent upon Aberdeen City Council as the planning authority. These are duties set out in relevant planning legislation, and include the following;

Listed Buildings – The authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Conservation Areas – With respect to buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Trees – The planning authority shall, in granting planning permission for any development, ensure adequate provision is made for the preservation or planting of trees. Furthermore the authority shall make tree preservation orders (TPOs) as it considers to be necessary in connection with the grant of any such permission.

Protected Species – Where there is reason to believe that protected species may be located within or adjacent to a development site, the Planning Authority may deem it necessary for an application to be accompanied by additional supporting information in order to allow proper assessment of any likely impact as a result of development. For further guidance in relation to protected species, applicants should consult the City Council's published Supplementary Guidance on **Natural Heritage**; and **Bats and Development**.

Where works would affect a listed building, it may be necessary to apply for a separate consent for those works, called Listed Building Consent. This consent is independent from ordinary planning permission, and may be required in addition to planning permission. Where both consents are necessary, the applicant must obtain both consents before work can begin.

In assessing any application for Listed Building Consent, the emphasis is placed on preserving the historic character of the building(s) in question. Applications can be made online via the Scottish Government's e-planning website (www.eplanning.scotland.gov.uk) or direct to Aberdeen City Council using the application forms available on our own website. For advice on whether Listed Building Consent will be necessary for your proposal, please contact Aberdeen City Council's Development Management section on 01224 523 470 or by email via pi@aberdeencity.gov.uk. In considering proposals for Listed Building Consent, Conservation Area Consent or planning permission for development which may affect the historic environment, the planning authority will take into account Scottish Planning Policy (SPP), the Scottish Historic Environment Policy (SHEP) and the Managing Change in the Historic Environment guidance note series published by Historic Scotland.

Planning legislation requires that certain applications are advertised in the local press. Applications for Listed Building Consent or planning applications that affect the setting of a listed building will be advertised, while those located within a Conservation Area may be advertised depending on the potential impact of the proposal. There is no charge to the applicant in such instances. Advertisement is also required where it has not been possible to issue notification because there are no properties on adjacent land, and for this the cost will be borne by the applicant.

▪ GENERAL PRINCIPLES

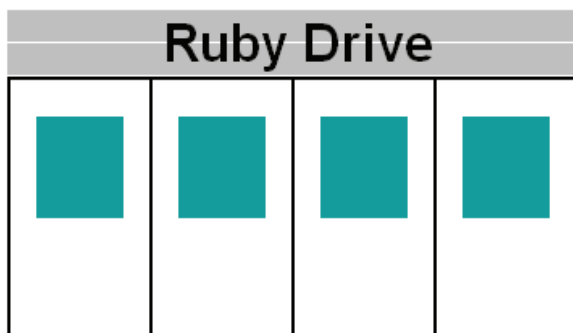
Elsewhere in this document, guidelines are set out in relation to specific types of development, such as house extensions, porches etc. In addition to those specific criteria, the following principles will be applied to **all** applications for householder development:

1. Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling.
2. Any extension or alteration should not result in a situation where amenity is 'borrowed' from an adjacent property. Significant adverse impact on privacy, daylight and general residential amenity will count against a development proposal.

3. Any existing extensions, dormers or other alterations which were approved prior to the introduction of this supplementary guidance will not be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document. This guidance is intended to improve the quality of design and effectively raise the design standards and ground rules against which proposals will be measured.
4. The built footprint of a dwelling house as extended should not exceed twice that of the original dwelling.
5. No more than 50% of the front or rear curtilage shall be covered by development.

▪ **REAR & SIDE EXTENSIONS**

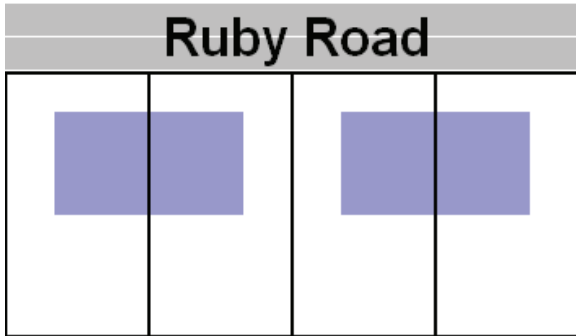
In addition to the design considerations noted above, the planning authority shall continue to apply guidelines relating to specific types of dwellings, as follows. Where dimensions are stated for projection of extensions, these should be measured from the rearmost original part of the main building, and should not include any store or outhouse which did not originally contain any internal living accommodation. Where an extension is proposed as part of a steading conversion, the proposal will be assessed primarily against the Council’s published Supplementary Guidance on *‘The Conversion of Steadings and other Non-residential Vernacular Buildings in the Countryside’*.



1. Detached Dwellings

- a) The maximum dimensions of any single-storey extension will be determined on a site-specific basis.
- b) On detached properties of 2 or more storeys, two storey extensions will generally be possible, subject to the considerations set out in the ‘General Principles’ section, above.

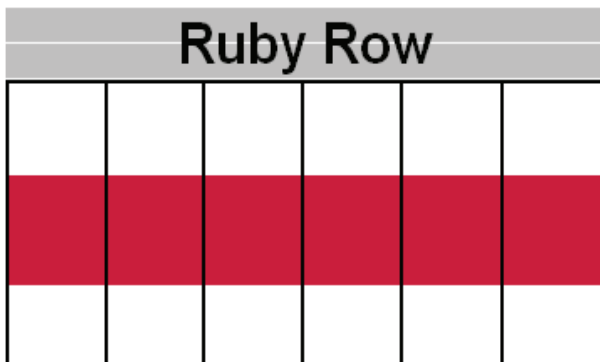
2. Semi-detached Dwellings



- a) Single storey extensions will be restricted to 4m in projection along the boundary shared with the other half of the semi-detached property. In all other cases, the maximum size of single storey extension will be determined on a site-specific basis, with due regard for the topography of the site and the relationship between buildings.

- b) On properties of 2 or more storeys, two storey extensions may be possible, subject to the design considerations set out in the 'General Principles' section, above. The projection of two-storey extensions will be restricted to 3m along the boundary shared with the other half of the semi-detached property.

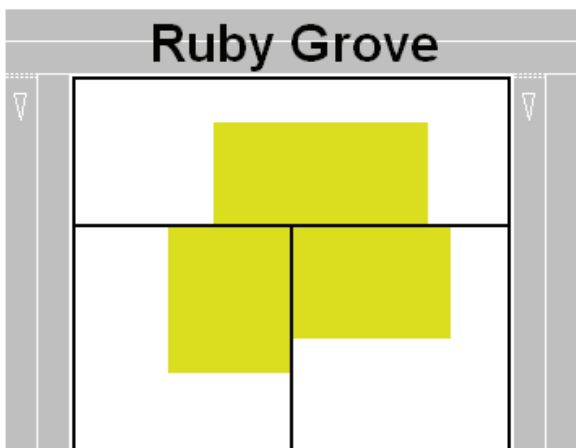
3. Conventional Terraced Dwellings



- (a) Single storey extensions to terraced dwellings will be restricted to 3m in projection along a mutual boundary.
- (b) Two storey extensions will normally be refused where the proposal runs along a mutual boundary. There will generally be limited scope for the addition of two-storey extensions to terraced properties.

- (c) Proposals for extensions to end-terrace properties will be subject to these standards unless it can be demonstrated that the specific circumstances of the site and the proposal justify a departure from the above.

4. Grouped Terraces



- (a) Extensions should not project forward of any established building line
- (b) Single-storey extensions to group terrace properties will be restricted to 3m in projection from the rear wall of the original dwelling
- (c) Two-storey extensions to grouped terrace properties will not normally be acceptable

▪ FRONT EXTENSIONS / PORCHES

The Council has developed the practice, when considering proposals for porch extensions in front of a formal building line, of limiting such structures to the minimum size necessary for protection from storms.

The practice which has become established is intended to preserve the consistent architectural form of a terrace, maintain an uncluttered street scene and to ensure that light and prospect are not lost to neighbouring properties. Recent changes to permitted development legislation allow the construction of porches in certain prescribed instances. In assessing applications of this nature, the following will apply;

a) Front extensions of any type should be of a scale and design which is complementary to, and consistent with, the original dwelling. Modest porches will generally be acceptable, but these should not incorporate additional rooms (e.g. toilet, shower room), and should not detract from the design of the original building or the character of the street.

b) In all cases, careful consideration will be given to (i) impact on adjacent property; (ii) visual impact; and (iii) the extent of any building line and the position of the adjacent buildings generally.

c) Within a Conservation Area, it will not be permitted to add a front extension to any property which forms part of an established building line.

d) Given the wide variety of house types across the city and the existence of 'dual-frontage' dwellings, it will be for the planning authority to determine which elevation forms the principal elevation of a dwelling for the purposes of this guidance.

e) It may be permissible to incorporate bay windows on front elevations, subject to an appropriate restriction in depth and an acceptable design outcome which will complement the original property. The design and scale of such extensions should reflect that of the original dwelling, and should not be utilised as a means to secure significant internal floorspace.

f) Any front extension should incorporate a substantial proportion of glazing, in order to minimise its massing and effect on the streetscape.

▪ DORMER WINDOWS AND ROOF EXTENSIONS

Recent changes to the Permitted Development rights available to householders allow for the addition of dormer windows (subject to criteria regarding position in relation to a road, distance from site boundaries etc) to properties outwith Conservation Areas. Nevertheless, such alterations can have a significant impact upon the character of a property and the wider streetscape, and so careful consideration of proposals remains important.

As a basic principle, new dormer windows or roof extensions should respect the scale of the building and they should not dominate or tend to overwhelm or unbalance the original roof. The purpose of this design guide is to assist those intending to form, alter or extend dormer windows in their property, in formulating proposals which are likely to be considered favourably by the planning authority. Situations may arise where the extent of new dormers or roof extensions will be considered excessive. There may also be situations where any form of roof extension or dormer will be considered inappropriate e.g. on a very shallow pitched roof with restricted internal headroom. It is recommended therefore that advice from the planning authority is obtained before submitting a formal application for any consent.

A series of general guidelines are outlined below, and are followed by further guidelines which will be applied to older properties of a traditional character and modern properties respectively.



Above: Examples of the variety of dormer types to be seen around Aberdeen

Below: Situation where roof pitch is too shallow to comfortably accept any type of dormer or roof extension



Example of a poorly designed roof extension – Dormers are too large, dominating the roof slope, and use of substantial infill panels and slated aprons contributes to bulky appearance

Dormer Windows: General Principles

The following principles will normally apply in all cases:

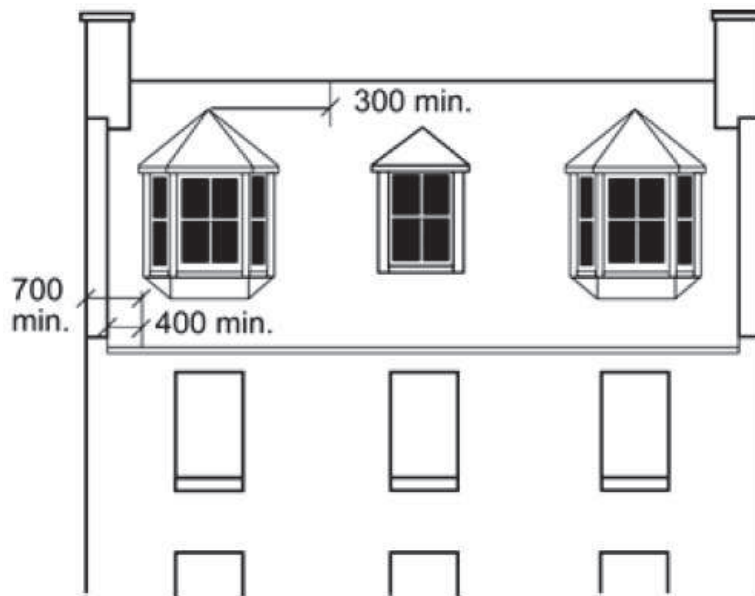
- a) On traditional properties, original dormers must be retained and repaired, and their removal and/or replacement with larger or modern dormers will not be permitted;
- b) The removal of inappropriate earlier dormers and roof extensions, and their replacement by architecturally and historically accurate dormers will be actively encouraged;
- c) In terraces or blocks of properties of uniform design where there are no existing dormers, the construction of new dormers will not be supported on the front or other prominent elevations (e.g. fronting onto a road);
- d) On individual properties or in terraces where there are existing well-designed dormers and where there is adequate roof space, the construction of new dormers which match those existing may be acceptable. Additional dormers will not be permitted however, if this results in the roof appearing overcrowded. These dormers should be closely modelled in all their detail and in their position on the roof, on the existing good examples. They will normally be aligned with windows below;
- e) Box dormers will not be permitted anywhere on listed buildings, nor will the practice of linking existing dormers with vertical or inclined panels; and
- f) In the case of non-listed buildings in conservation areas, consideration may be given to the provision of linked panels between windows on the private side of the building, where the extension is not seen from any public area or is otherwise only visible from distant view. In such cases any linked panel should slope at a maximum of 75° to the horizontal.

Non-traditional style dormers may be accepted on the rear of non-listed buildings in conservation areas, but generally not on the rear or any other elevations of listed buildings.

Dormer Windows: Older properties of a traditional character

1. Front Elevations

- a) On the public elevations of older properties the Council will seek a traditional, historically accurate style of dormer window. In addition, all new dormers will have to be of an appropriate scale, i.e. a substantial area of the original roof must remain untouched and clearly visible around and between dormers. The main principles to be followed are:
- b) Existing original dormers should be retained or replaced on a "*like for like*" basis. Box dormer extensions will not normally be acceptable on the front elevations;
- c) The aggregate area of all dormers and/or dormer extensions should not dominate the original roof slope. New dormers should align with existing dormers and lower windows and doors;
- d) The front face of dormers will normally be fully glazed and aprons below the window will not be permitted unless below a traditional three faceted piended dormer;
- e) Dormers should not normally rise directly off the wallhead. In the case of stone buildings, dormers which rise off the inner edge of the wallhead will generally be acceptable. The position of the dormer on the roof is very important. Dormers which are positioned too high on the roof give the roof an unbalanced appearance
- f) The outer cheek of an end dormer should be positioned at least 700mm in from the face of the gable wall or 1000mm from the verge. Where there is tabling on top of the gable, the cheek should be at least 400mm in from the inside face of the tabling. It is never acceptable for a dormer haffit to be built off the gable or party wall; and
- g) The ridge of any new dormer should be at least 300mm below the ridge of the roof of the original building. If it is considered acceptable for the dormer ridge to be higher than this, it should not nevertheless, breach the ridge or disturb the ridge tile or flashing.

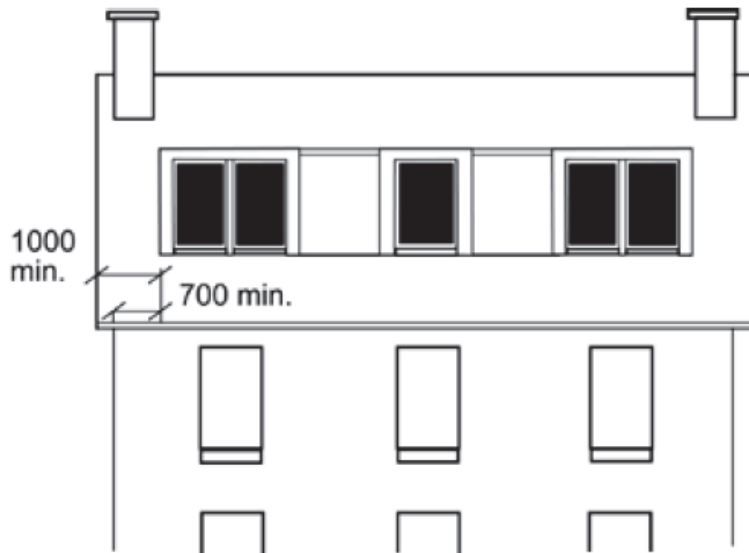


Piended dormers on typical Aberdeen tenement (linking dormers not acceptable on front elevations)

2. Rear Elevations and Exceptions

The guidelines for older properties may be relaxed where a property is situated between two properties which have existing box dormer extensions, or in a street where many such extensions have already been constructed. They may also be relaxed on the non-public (rear) side of a property. In such cases, and notwithstanding the design and finish of neighbouring development, the following minimum requirements will apply:

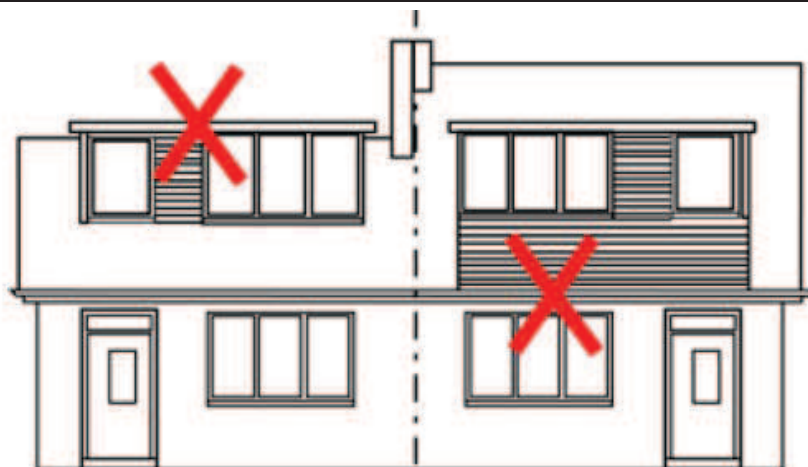
- a) The aggregate area of all dormer and/or dormer extensions should not dominate the original roof slope;
- b) Dormer haffits should be a minimum of 400mm in from the inside face of the gable tabling;
- c) The front face of dormer extensions should be a minimum of 400mm back from the front edge of the roof, but not so far back that the dormer appears to be pushed unnaturally up the roof slope.
- d) Flat roofs on box dormers should be a reasonable distance below the ridge;
- e) Windows should be located at both ends of box dormers;
- f) A small apron may be permitted below a rear window; and
- g) Solid panels between windows in box dormers may be permitted but should not dominate the dormer elevation.



Flat roofed box dormer (normally only acceptable on rear elevations)

Dormer Windows: Modern Properties

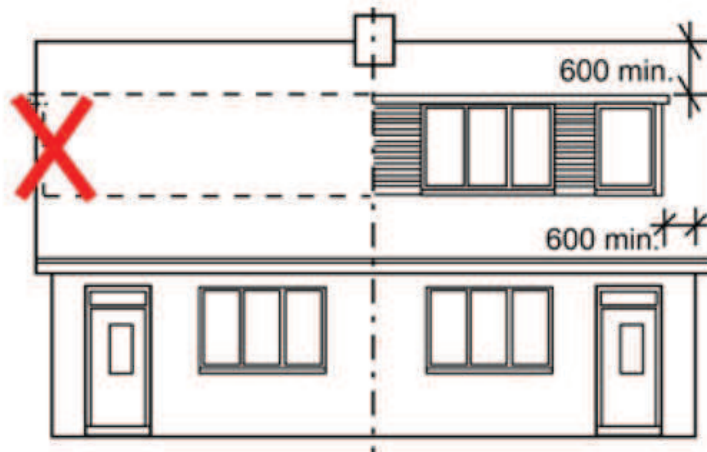
- a) Dormers and box dormer extensions have become common features in many modern housing areas, and the wide variety of designs of modern dwellings necessitates a greater flexibility in terms of design guidance. The amenity of other properties and the residential neighbourhood must however, still be protected, with the integrity of the building being retained after alteration. The following basic principles may be used to guide the design and scale of any new dormer extension:
- b) The dormer extension should not appear to dominate the original roofspace.
- c) The dormer extension should not be built directly off the front of the wallhead as the roof will then have the appearance of a full storey. On public elevations there should be no apron below the window, although a small apron may be acceptable on the rear or non-public elevations. Such an apron would be no more than three slates high or 300mm, whichever is the lesser;



Dormer extension should not extend to or breach ridge (roof too shallow)

Dormer extensions should not be built off front of wall head or include apron

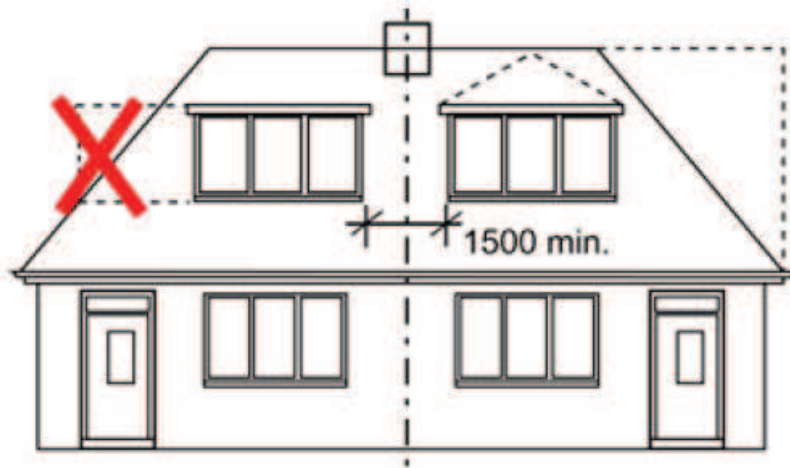
- d) The roof of the proposed extension should not extend to, or beyond the ridge of the existing roof, nor should it breach any hip. Dormer extensions cannot easily be formed in hipped roofs. Flat roofed extensions should generally be a minimum of 600mm below the existing ridge;
- e) The dormer extension should be a minimum of 600mm in from the gable. The dormer haffit should never be built off the gable or party walls, except perhaps in the situation of a small semi-detached house where the dormer extension may sometimes be built off the common boundary. In terrace situations, or where a detached or semi-detached bungalow is very long, dormer extensions should be kept about 1500mm apart (i.e. dormer haffits should be 750mm back from the mutual boundary) so as not to make the dormer appear continuous or near continuous;



Box dormer extension on small semi-detached house (in this case it is permissible to build up to the party wall). Dormers should not extend out to verge / roof edge.

- f) The outermost windows in dormer extensions should be positioned at the extremities of the dormer. Slated or other forms of solid panel will not normally be acceptable in these locations. In the exception to this situation, a dormer on a semi-detached house may have a solid panel adjacent to the common boundary when there is the possibility that the other half of the house may eventually be similarly extended in the foreseeable future. In this case the first part of the extension should be so designed as to ensure that the completed extension will eventually read as a single entity;
- g) There should be more glazing than solid on the face of any dormer extension.
- h) Box dormer extensions should generally have a horizontal proportion. This need not apply however, to flat roofed individual dormer windows which are fully glazed on the front;

- i) Finishes should match those of the original building and wherever possible the window proportion and arrangement should echo those on the floor below:
- j) The design of any new dormer extension should take account of the design of any adjoining dormer extension.

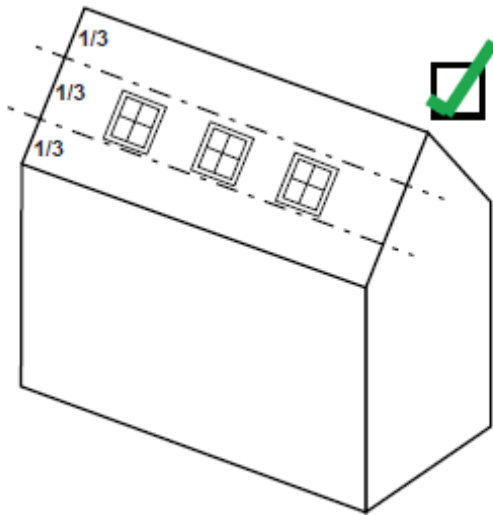


Flat roofed dormers on more traditional hipped roof house (Dormers should not breach hips. A pitched roof on this kind of dormer greatly increases its bulk). Extending roof to the gable on one side only is best avoided.

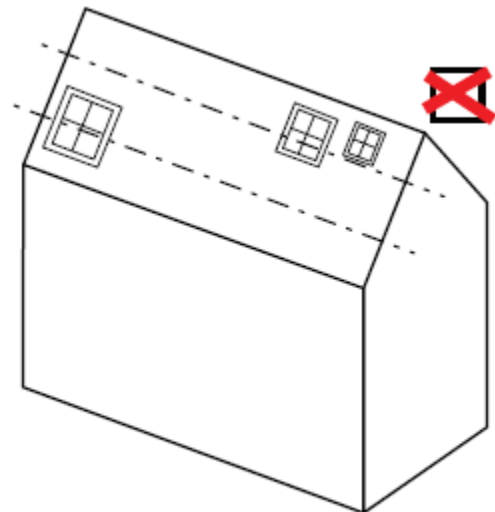
▪ ROOFLIGHTS

The installation of rooflights is a simple and cost effective method of allowing additional natural light and ventilation into an attic or roofspace. An excessive use of these rooflights can however, create visual clutter on a roof. Planning Permission is required for the installation of such rooflights on buildings in conservation areas and Listed Building Consent is required for proposals involving alteration of a listed building. When considering the installation of a rooflight, account should be taken of the following:-

- a) A rooflight provides considerably more light than a normal vertical window of the same dimension. Many rooflights installed are consequently, larger and more numerous than is really necessary. In a roofspace used only for storage, the smallest rooflight will generally be adequate;



Small rooflights in the middle third of roof space and evenly spaced.

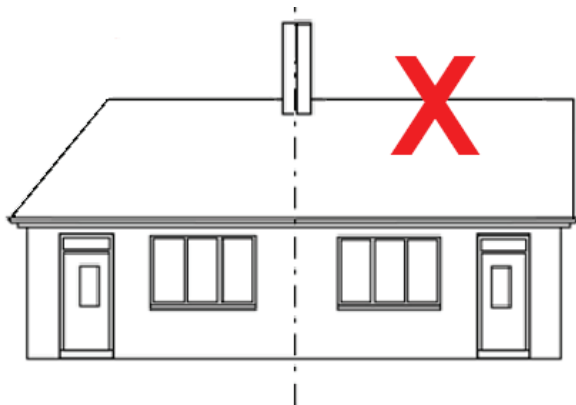


Rooflights too large and too close to eaves and verge. A variety of sizes, spacing and levels.

- b) Rooflights should have a conspicuously vertical proportion. Seen from ground level, the foreshortening effect will tend to reduce the apparent height of the window, giving it a more squat appearance;
- c) On older buildings, and particularly on listed buildings and buildings in conservation areas, a 'heritage' type of rooflight will be expected. This is of particular importance on public elevations. Even the addition of a central glazing bar to a rooflight can provide a more authentic appearance in such instances;
- d) Large timber or cast iron rooflights divided into several sections were frequently provided above stairwells. It is not ideal to replace these with a single-pane modern rooflight. If the original rooflight cannot be repaired, aluminum or steel patent glazing is a more satisfactory option; and

- e) For rooflights fitted into slated roofs, manufacturers can provide a special flashing with their rooflights to keep the projection of the rooflight above the plane of the slates to a minimum.
- f) There are available metal roof windows which have an authentic traditional appearance whilst meeting current standards for insulation and draught exclusion.

▪ **OTHER FORMS OF DORMER WINDOW AND ROOF EXTENSION**



Hipped roof extensions

Modifying only one half of a hipped roof is likely to result in the roof having an unbalanced appearance. The practice of extending a hipped roof on one half of a pair of semi-detached houses to terminate at a raised gable will not generally be accepted unless;

- The other half of the building has already been altered in this way; **or**
- Such a proposal would not, as a

result of the existing streetscape and character of the buildings therein, result in any adverse impact on the character or visual amenity of the wider area.

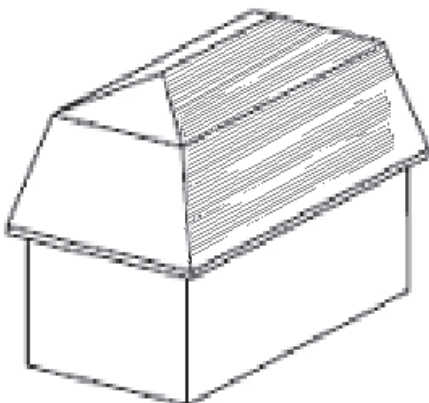
Half dormer windows

Half dormer windows have the lower part of the window within the masonry wall, with the part in the roof space surrounded by masonry or timberwork. This type of window is usually quite narrow, vertical in proportion, and is appropriate when the floor is below the wall-head level.



Wall-head gables

A wall-head gable commonly has a centre window, with flues passing each side within the masonry to a common central chimney. It would be essential for any such feature to be constructed in the same material as the wall below. (Both half dormer window and wall-head gables have a strong visual impact which could substantially alter the character of a building. They are therefore, unlikely to be acceptable on listed buildings, but might be accepted in conservation areas or on other older buildings of a traditional character.)



Mansard Roofs

Mansard roofs are a common, even a somewhat overused method of obtaining additional attic floorspace having standard headroom overall. Mansard roofs tend to have a top heavy appearance on buildings which have only a single storey of masonry, and should be restricted to buildings of two or more masonry storeys. They will not normally be acceptable in semi-detached or terraced situations unless all the other properties in the

group are to be similarly altered at the same time. In effect, few situations will arise where an existing roof can readily be converted to a mansard roof.

On the occasions when a mansard roof solution is acceptable, considerable attention to detail is required to ensure that the altered roof is visually authentic. The following points should be observed:

- a) There should be no fascia at the eaves, nor should the mansard project forward of the masonry line;
- b) The mansard should be taken down to either a concealed lead gutter behind a masonry parapet, or to an "ogee" or half round cast iron gutter in line with the face of the masonry;
- c) The gables of the building should be extended up in the same material as the original gables, and should terminate at a masonry skew in the same profile as the mansard roof. It will not normally be acceptable to return the mansard roof across the gable with hipped corners;
- d) The lower slope of the roof should be inclined at no greater than 75° to the horizontal.

▪ OTHER DOMESTIC ALTERATIONS

Replacement Windows and Doors

Windows and doors are important features of a building that contribute greatly to the character of the building and of the street in which the building stands. They are also increasingly subject to alteration or replacement. Householders are referred to the council's Supplementary Guidance entitled '*Guidance on the Repair and Replacement of Windows and Doors*'.

Satellite Dishes

In all cases, microwave antennas should, as far as is practicable, be sited so as to minimise their visual impact and effect on the external appearance of a building. The cumulative effects of such seemingly minor additions can be significant, particularly within conservation areas and where installed on listed buildings. Permitted development rights exist for the installation of satellite dishes on dwellinghouses outwith Conservation Areas, provided any dish installed would not project more than 1m from the outer surface of an external wall, roof plane, roof ridge or chimney of the dwellinghouse.

For buildings containing flats, satellite dishes may only be installed without planning permission where the site;

1. Lies outwith any Conservation Area
2. Is not within the curtilage of a Listed Building
3. Would not protrude more than 1m from the outer surface of any wall, roof place, roof ridge or chimney.

Where planning permission is required for such works, the Council's duties in relation to listed buildings and conservation areas will be of relevance. Householders should also be aware that, irrespective of the Permitted Development rights set out above, a separate application for Listed Building Consent is likely to be required where installation is proposed within the curtilage of a listed building.

Decking

Homeowners are often unaware that the formation of decking may require planning permission. It is therefore important to discuss any such proposals with the planning authority at an early stage to determine what consents may be necessary and to identify any potential issues with a proposal. The formation of decking will require planning permission in the following instances;

- Any part of the deck would be forward of a wall forming part of the principal elevation, or side elevation where that elevation fronts a road;
- The floor level of any deck or platform would exceed 0.5m in height;
- The combined height of the deck and any wall, fence, handrail or other structure attached to it, would exceed 2.5m;
- If located within a Conservation Area or within the curtilage of a Listed Building, the deck or platform would have a footprint exceeding 4 square metres

Raised decking can in many cases provide a desirable outdoor amenity space, but the impact upon adjacent properties should be given careful consideration. The raised surface of a deck may result in overlooking into neighbouring gardens and a consequent loss of privacy. Equally, enclosing raised decks with additional fencing can result in neighbours being faced with excessively tall boundary enclosures which can affect light in neighbouring gardens.

The following guidelines will be relevant to the assessment of proposals involving raised decking areas;

- a) Proposals should not result in an unacceptable loss of privacy for neighbouring residents.
- b) Proposals should not result in an adverse impact upon the amenity of adjacent dwellings, including both internal accommodation and external private amenity space.
- c) There will be a presumption against the formation of decking to the front of any property, or on any other prominent elevation where such works would adversely affect the visual amenity of the street scene.

Fences, Walls and Other Boundary Enclosures

Boundary enclosures such as fences, gates and walls may not require planning permission, due to the permitted development rights which exist.

- a) Planning permission will always be required for such works to a listed building, or within the curtilage of a listed building.
- b) Planning permission will always be required for such works within a Conservation Area.
- c) Conservation Area Consent may be necessary for the demolition of boundary walls with conservation areas.
- d) In all instances, the scale and form of boundary enclosures should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact.
- e) In all instances, proposals for boundary enclosures should not result in an unacceptable impact upon the amenity of neighbouring dwellings.

Driveways

The Council's Supplementary Guidance on '*Transport and Accessibility*' provides guidance on situations where planning permission will be required for such works. This guidance also sets out criteria by which applications for parking areas in Conservation Areas and within the curtilage of Listed Buildings will be assessed.

Planning permission will be required in the following circumstances;

- The property is a flat;
- Construction work involves over 0.5 metres of earthworks (excavation or raising of ground level);
- The verge to the footway has grass over 2.5 metres wide;
- The driveway accesses on to a classified road;
- The property is a listed building or is situated in a conservation area.

Permission will not be granted for a driveway across an amenity area or roadside verge unless it would have no detrimental impact in road safety and would have no adverse effect on the amenity of the area (e.g. involves the loss of mature or semi-mature trees).

For more detailed guidance on proposals involving the formation of a driveway, please consult sections 8 and 9 of the Council's '*Transport and Accessibility*' Supplementary Guidance.

Microrenewables

The term 'micro-renewables' refers to all forms of domestic micro-generation utilising a renewable form of energy. These come in a number of forms, and are increasingly common as the relevant technology evolves and becomes more widely available, efficient, and reliable.

The planning authority aims to encourage the use of micro-renewable technologies within the curtilage of domestic dwellinghouses. Careful consideration is required in relation to their positioning, however, in order to avoid undue prominence within the street scene, particularly within conservation areas and where proposals may affect the setting of a listed building. Installation of such equipment can in many cases be carried out by virtue of Permitted Development rights, which allow for improvements and alterations to dwellinghouses and other works within the curtilage of a dwellinghouse, provided the site is located outwith any designated Conservation Area and does not involve works within the curtilage of a Listed Building. At present there are no permitted development rights available for domestic microgeneration via the installation of wind turbines on a dwellinghouse. In most circumstances, planning permission will be required for the installation of wind turbines elsewhere within the curtilage of a domestic property.

▪ **CHANGE OF USE FROM AMENITY SPACE TO GARDEN GROUND**

Amenity space and landscaping are valued assets within residential areas. They are common features in most housing developments and are provided for a number of reasons including –

- to improve the appearance of the area;
- to provide wildlife habitats, enhance ecology and often form part of sustainable urban drainage systems;
- to act as pedestrian routes through developments;
- to provide informal recreation areas;
- to provide good safety standards for drivers, cyclists and pedestrians in terms of road verges or visibility splays.

Many homeowners seek to purchase areas of such land from either the Council or a housing developer to enlarge their own gardens. In all circumstances this requires planning permission for a change of use from amenity ground to garden ground.

Prior to submitting a planning application it is advisable to contact the landowner to see if they would be willing to sell the particular piece of land. In the case of the Council land you should contact –

Asset Management
Enterprise, Planning and Infrastructure

Business Hub 10
Second Floor South
Marischal College
Broad Street
AB10 1AB

It is also advisable to contact Planning and Sustainable Development prior to submitting your application for planning advice on acceptability of your proposal.

Planning applications will be assessed in the context of Policy H1 (Residential Areas) of the Aberdeen Local Development Plan which states that proposals for householder development will only be approved if they do not result in the loss of valuable open space. Each planning application for change of use is dealt with on its own individual merits, however in considering whether an application is acceptable the Council will assess the proposal against the following criteria –

- The proposal should not adversely affect amenity space which makes a worthwhile contribution to the character and amenity of the area or contains mature trees that make a significant contribution to the visual amenity of the wider neighbourhood. In most circumstances the amenity ground will make a contribution, however sometimes small incidental areas of ground make little contribution to the appearance of the neighbourhood. For instance it may be acceptable to include within garden ground secluded areas that are not visible from footpaths or roads and that do not make a contribution to the wider visual amenity of the area. Similarly it may be acceptable to include small corners of space that can be logically incorporated into garden ground by continuing existing fence lines.
- The proposal should not fragment or, if replicated, be likely to incrementally erode larger areas of public open space or landscaping.
- The proposal should not worsen or create a deficiency in recreational public open space in the area. The less amenity space there is in an area the more value is likely to be placed on the existing amenity space. The Open Space Audit identifies areas of the city where there is a deficiency and should this be the case there will be a presumption against the granting of planning permission.
- The proposal should not result in any loss of visual amenity including incorporating established landscaping features such as mature trees or trees that make a significant contribution to the area. It is unlikely the Council would support the incorporation and likely loss of such features, however in circumstances where it is acceptable replacement planting to compensate will normally be required.
- The proposal should not result in an irregular boundary layout that would be out of keeping with the otherwise uniform character of the area.

- The proposal should not result in the narrowing of footpath corridors or lead to a loss of important views along such footpaths, making them less inviting or safe to use.
 - The proposal should not prejudice road or pedestrian safety. Areas of amenity space often function as visibility splays for roads and junctions.
 - The proposal should not give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future. Over time the cumulative impact of the loss of separate areas of ground can lead to the gradual erosion of amenity space, which is not in the public interest and can affect the overall amenity and appearance of the area.
- **HOUSES IN MULTIPLE OCCUPATION (HMOs)**

Presently the term House in Multiple Occupation (HMO) is not one commonly associated with the planning system in Scotland. The term is not defined in planning legislation, though Scottish Government Circular 8/2009 does provide some advice on HMOs, suggesting that there may be a role for the planning system in managing HMOs where a material change in the use of a house or flat has taken place. Multiple occupancy can intensify pressure on amenity, particularly with regards to shared/mutual areas and car parking. It is therefore appropriate to ensure that appropriate provision is made prior to granting planning permission for an HMO.

A useful starting point is to clearly identify what constitutes an HMO for the purposes of this Supplementary Guidance. The planning system defines 'dwellinghouse' and 'flat' as detailed below;

Flat “means a separate and self contained set of premises whether or not on the same floor and forming part of a building from some other part which it is divided horizontally.” Part 1 (2) Town and Country Planning (General Permitted Development) (Scotland) Order 1992)

A house is defined within class 9 (houses) under the Town and Country Planning (Use Classes) (Scotland) Order 1997. This allows for use as;

- a) *A house, other than a flat, whether or not as a sole or main residence, by-*
 - (i) *A single person or by people living together as a family; or*
 - (ii) *Not more than 5 residents living together including a household where care is provided for residents*
- b) *as a bed and breakfast establishment or guesthouse, where at any one time not more than 2 bedrooms are, or in the case of premises having less than 4 bedrooms, 1 bedroom is, used for that purpose.*

This means that, where more than 5 persons are living together, other than as a family, the premises would not fall within the definition of a 'dwellinghouse' for planning purposes. It is reasonable to use this same threshold as the point at which a material change in the use of premises has occurred, and an application for change of use to form an HMO would be necessary.

Where flats are concerned, planning legislation does not specify any number of residents above which premises will no longer be considered a 'flat' for planning purposes. Given the potential for increased pressure on amenity, particularly in shared/mutual areas and car parking, it is necessary for this guidance to set a threshold above which use will no longer be considered as a 'flat'. HMOs account for a significant proportion of the available rental accommodation in Aberdeen, and are particularly important in supporting the City's sizeable student population. In setting a threshold above which planning permission will be necessary, it is noted that any number of people may live together in a single property, provided they are part of the same family unit. Taking this into account, it is considered that 6 or more unrelated people living together in a flat would be materially different from family use. This will be the threshold used for the purposes of this guidance.

Planning permission will be required for change of use to a House in Multiple Occupation in the following instances;

- 1. The occupation of a house by 6 or more unrelated persons**
- 2. The occupation of a flat by 6 or more unrelated persons**

It is important to note that separate licensing requirements exist for the establishment of an HMO, irrespective of the planning-specific guidance set out in this document. The granting of planning permission does not remove any requirement to obtain the appropriate licence and vice versa. Furthermore, success in obtaining planning permission for use of premises as an HMO does not guarantee a successful license application. It should be noted that, while the term 'HMO' is common to both systems, it has a different meaning depending on the context in which it is used. For licensing purposes, an HMO is defined as any house or flat which is the principal residence of three or more people who are members of three or more families.

This guidance is intended to set the thresholds at which a house or flat will no longer be considered to be in domestic use and will be treated as a House in Multiple Occupation for planning purposes. Having identified where such changes of use take place, it is then necessary to set out the factors which will be considered in assessing any such application.

Proposals involving formation of an HMO as defined in this guidance will be assessed with regard to matters including, but not limited to, the following;

1. Any adverse impact upon pedestrian or road traffic safety as a result of increased pressure on car parking;
2. Significantly adverse impact upon residential amenity for any reason. This may include, but not be limited to, adequate provision of refuse storage space, appropriate provision of garden ground/amenity space, and an appropriate level of car parking.
3. An excessive concentration of HMOs in a given locality, cumulatively resulting in a material change in the character of that area. This will be assessed in consultation with the Council's HMO Unit within the Housing & Environment service, who hold relevant information on the location of existing licensed HMO properties.

Where it is not practicable for dedicated car parking to be provided alongside the development, a proposal must not exacerbate existing parking problems in the local area.

APPENDIX A: GLOSSARY OF TERMS

Amenity - The attributes which create and influence the quality of life of individuals or communities.

Amenity space - Areas of open space such as gardens, balconies and roof terraces.

Article 4 direction – Some types of development do not need planning permission by virtue of permitted development rights. An Article 4 Direction is an order made by Scottish Ministers which suspends (for specified types of development) the general permission granted under the Town and Country (General Permitted Development) (Scotland) Order 1992 (as amended), thereby removing permitted development rights.

Bay window - a window or series of windows forming a bay in a room and projecting outward from the wall externally

Boundary enclosure – Boundary treatment such as a fence, wall, hedge, ditch or other physical feature which demonstrates the edges of a site or otherwise encloses parts of that site

Building line - The line formed by the frontages of buildings along a street. For the purposes of this guidance, this shall not generally include elements such as the front of any porches, canopies, garages or bay windows.

Common boundary – A boundary which is shared by residential properties on either side

Conditions – Planning conditions are applied to the grant of planning permission and limit and control the way in which a planning consent may be implemented. Such conditions can require works to be carried out in a certain way (e.g. restriction on opening hours or adherence to an approved tree management plan) or can require submission of further information in order to demonstrate the suitability of technical details (e.g. drainage or landscaping schemes for a new development)

Conservation Area – Conservation Areas are areas of special architectural or historical interest, the character or appearance of which it is desirable to preserve or enhance. Such areas are designated by the local planning authority. Details of the Conservation Areas in Aberdeen can be found on the Council's website, www.aberdeencity.gov.uk.

Conservation Area Consent – Conservation Area Consent is required for proposals which involve the whole or substantial demolition of any unlisted building or structure in a Conservation Area. Conservation Area Consent is not required for the demolition of a building which has a volume of less than 115 cubic metres, or for the partial demolition of a building, or for minor alterations to gates, walls and fences within a Conservation Area. Demolition

works may, however, require planning permission, and so confirmation should be sought from the planning authority.

Curtilage - The land around, and belonging to, a house.

Daylight – Diffuse level of background light, distinct from direct sunlight

Development Plan – The “Development Plan” is a term used to incorporate both the current Local Plan/Local Development Plan and the current Structure Plan/Strategic Development Plan.

Dormer Window – Dormer windows are a means of creating useable space in the roof of a building by providing additional headroom.

Dwellinghouse – For the purposes of this guidance, the term “dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building

Fenestration - The arrangement of the windows in a building.

Gable - The part of a wall that encloses the end of a pitched roof.

Habitable rooms - Includes bedrooms and living rooms, but does not include bathrooms, utility rooms, WCs or kitchens when not accompanied by dining facilities.

Haffit – The sides or ‘cheeks’ of a dormer window.

Hipped Roof – A four-sided roof having sloping ends as well as sloping sides

Listed Building – Working on behalf of Scottish Ministers, Historic Scotland inspectors identify buildings which are worthy of statutory protection. These are ‘Listed Buildings’. The criteria by which the Scottish Ministers define the necessary quality and character under the relevant legislation are broadly; Age and Rarity; Architectural Interest; and Close Historical Association

Listed building Consent – Listed Building Consent is obtained through an application process which is separate from, but runs parallel to, that by which planning permission is obtained. This separate regulatory mechanism allows planning authorities to ensure that changes to listed buildings are appropriate and sympathetic to the character of the building. Listed Building Consent must be obtained from the planning authority if you wish to demolish, alter or extend, either internally or externally, a listed building.

Mansard Roof – A four-sided roof having a double slope on all sides, with the lower slope much steeper than the upper.

Material Consideration - Any issue which relates to the use and development of land and is relevant to the planning process.

Permitted Development - an aspect of the planning system which allows people to undertake specified forms of minor development under a deemed grant of planning permission, therefore removing the need to submit a planning application.

Piended – scots term for hipped (pronounced peended)

Planning Authority – This is the term given to the Council in its role exercising statutory functions under Planning legislation. Authorities have three main planning duties: Development Management (assessing and determining planning applications); Development Planning (preparing, updating and monitoring the authority's Local Plan/Local Development Plan); and Enforcement (seeking to investigate and resolve breaches of planning control)

Porch - A covered shelter projecting in front of the entrance of a building.

Roads Authority - This is the term given to the Council in its role exercising statutory functions under Roads legislation. Where trunk roads are concerned, Transport Scotland is the relevant roads authority.

Sunlight – The sun's direct rays, as opposed to the background level of daylight

Supplementary Guidance – Supplementary Guidance is prepared by the planning authority in support of its Local Plan/Local Development Plan. These documents are generally intended to provide greater detail or more specific and focused guidance than might be practicable within the Plan itself.

Tabling – A raised horizontal surface or continuous band on an exterior wall; a stringcourse

Tree Preservation Order – The planning authority has the powers to make Tree Preservation Orders if it appears to them to be a) expedient in the interest of amenity and/or b) that the trees, groups of trees or woodlands are of a cultural or historical significance. The authority has duties to a) make such TPOs as appear to the authority to be necessary with any grant of planning permission; and b) from time to time to review any TPO and consider whether it is requisite to vary or revoke the TPO.

Wallhead – The uppermost section of an external wall.

APPENDIX B: APPLICATION CHECKLIST GUIDE

Have you discussed the proposed works with your neighbours?	
Is planning permission required? Remember, some works can be carried out as 'Permitted Development'	
Is any other form of consent required for the works?	
Have you considered the appointment of an architect, planning consultant or other agent to act on your behalf? Though not mandatory, this can be worthwhile as agents will be familiar with the planning system and should be able to provide the drawings and supporting information to the necessary standards.	
Will any supporting information be necessary to enable the planning authority to make a full assessment of issues relevant to the proposal? For example, are there trees or protected species within the site?	
Is the building a Listed Building or within a Conservation Area? If so, it is recommended that advice is sought from the planning authority prior to submission in order to gauge the potential impact on these designations.	
Have you considered your proposal in relation to the guidance contained within the Householder Development Guide? Any proposal for householder development will be assessed against this Supplementary Guidance	
Is the proposed design consistent with the character of the property and the surrounding area?	
Would the development proposed result in any significant adverse impact on your neighbours in terms of loss of light, overshadowing and/or privacy?	
Would the proposed development result in an insufficient provision of amenity space/private garden?	
Have any changes to access and/or parking requirements been discussed with the Council in its role as Roads Authority?	

APPENDIX C: DAYLIGHT AND SUNLIGHT

Daylight

It is appropriate to expect that new development will not adversely affect the daylighting of existing development. Residents should reasonably be able to expect good levels of daylighting within existing and proposed residential property.

A useful tool in assessing the potential impact of proposed development upon existing dwellings is the BRE Information Paper on 'Site Layout Planning for Daylight'. This document sets out techniques which can be applied as a means of assessing the impact of new development upon daylighting. These techniques should only be applied to "habitable rooms", which for the purposes of this guidance shall mean all rooms designed for living, eating or sleeping eg. lounges, bedrooms and dining rooms/areas. Kitchens without dining areas are not considered as habitable rooms.

For domestic extensions which adjoin the front or rear of a house, the 45° method will be applied in situations where the nearest side of the extension is perpendicular (at right-angles to) the window to be assessed. The 45° method is not valid for windows which directly face the proposed extension, or for buildings or extensions proposed opposite the window to be assessed. In such instances, the 25° method, also detailed below, may be appropriate.

It should be noted that these guidelines can only reasonably be applied to those buildings which themselves are good neighbours, standing a reasonable distance from the boundary and taking only their fair share of light. Existing windows which do not meet these criteria cannot normally expect the full level of protection. It is important to note that these tools will be used as and when the planning authority deems it appropriate due to a potential impact on daylight to an existing dwelling. The results of the relevant daylighting assessment will be a material consideration in the determination of an application, and should not be viewed in isolation as the sole determining factor.

The 45° Method for daylight

This method involves drawing 45° lines from the corner of a proposed building or extension in both plan and section views. If the shape formed by **both** of these lines would enclose the centre point of a window on an adjacent property, the daylighting to that window will be adversely affected.

DIAGRAM 1: 45° METHOD

The line drawn at 45° would pass through the mid-point of the window on elevation drawing, but not on the plan. This extension would therefore satisfy the 45° method for daylighting assessment. Were the proposal to fail on both diagrams, it is likely there would be an adverse affect on daylight to the adjacent window of the neighbouring property.

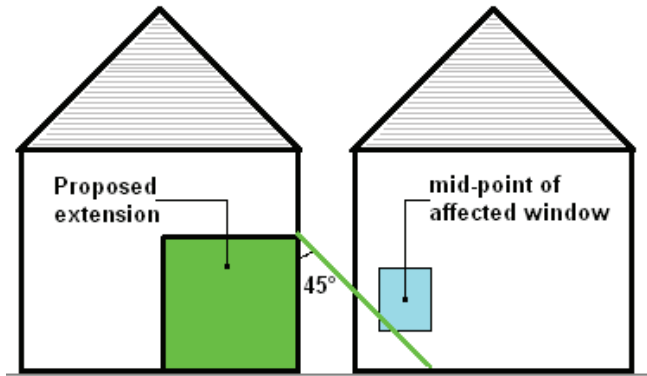


Fig A: Elevation view

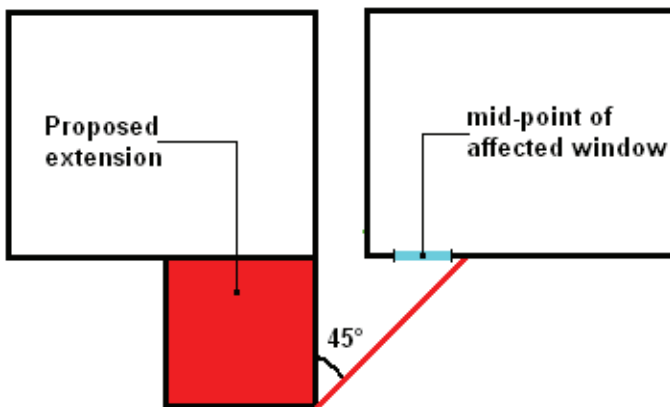


Fig B: Plan view

The 25° Method

The 25° method should be applied in situations where existing windows would directly face the proposed building or extension. Firstly, a section should be drawn, taken from a view at right angles to the direction faced by the windows in question. On this section, a line should be drawn from the mid-point of the lowest window, 25° to the horizontal, towards the obstructing building or extension. If the proposed building or extension is entirely below this line, it is unlikely to have a substantial effect on the diffuse daylighting of the existing building. Where the 25 degree approach is not satisfied, it will be for the planning authority to make a judgement on the degree of impact upon an adjacent dwelling.

DIAGRAM 2: 25° METHOD

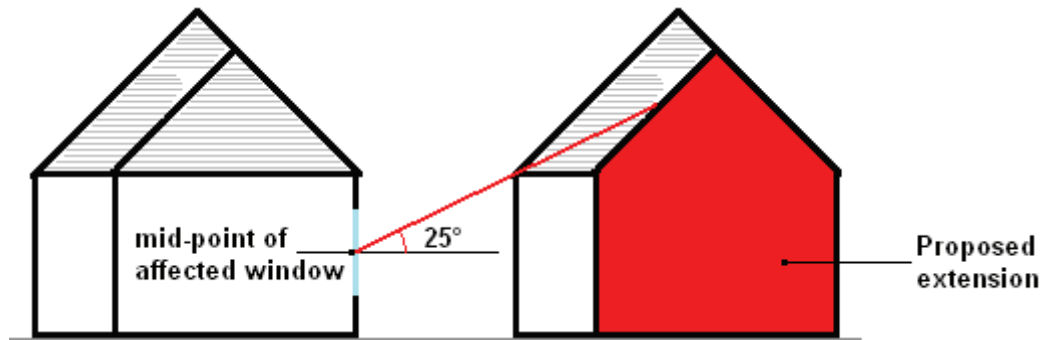


Fig A: Proposed extension may result in loss of daylight to adjacent window of a habitable room

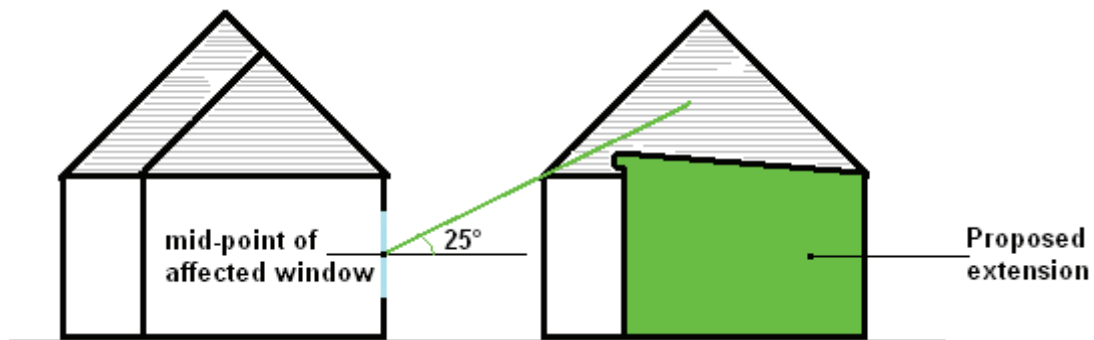


Fig B: Proposed extension would not result in loss of daylight to adjacent window of a habitable room

Both diagrams show line drawn from mid-point of affected window, at 25° to the horizontal.

Sunlight

In many instances, extensions to residential property will have at least some effect on the level of direct sunlight which falls on adjacent land or buildings. Where such overshadowing is excessive, substantial areas of land or buildings may be in shade for large parts of the day, resulting in a significant impact on the level of amenity enjoyed by residents. It is therefore helpful to have some means by which an assessment of any potential overshadowing can be made.

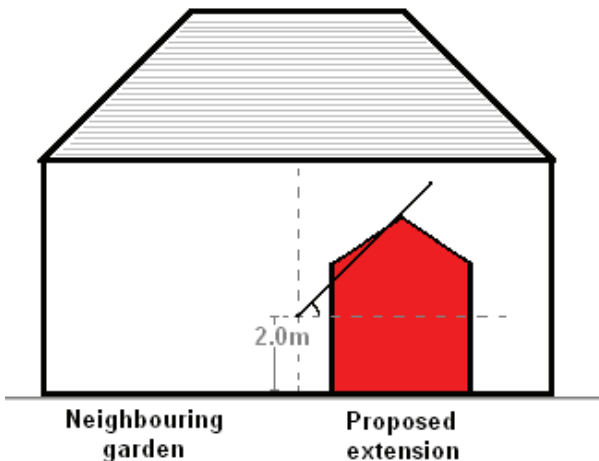
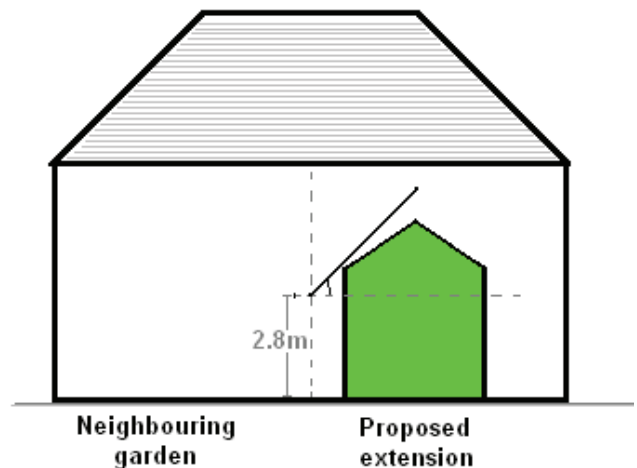
The method used involves drawing a line at 45 degrees to the horizontal. This line will begin at a point above ground level on the relevant boundary. The height above ground level will be determined by the orientation of the proposed building or structure relative to the affected space, as shown in the table opposite;

Orientation of extension relative to affected space	Height from which 45 degree line should be taken
N	4m
NE	3.5m
E	2.8m
SE	2.3m
S	2m
SW	2m
W	2.4m
NW	3.3m

This method is intended as a tool to assist case officers in their assessment of potential overshadowing, and it is important that this be applied sensibly and with due regard for the context of a particular site. Where a proposal is not able to satisfy the requirements of the relevant test, it will then be appropriate for officers to consider other factors relevant to the likely impact on amenity. These will include, but will not be limited to: the proportion of amenity space/garden affected; the position of the overshadowed area relative to windows (of habitable rooms) of an adjacent property; and the nature of the space affected (e.g. overshadowed driveway).

Example 1: In this example (right), the proposed extension would be located to the East of the neighbouring garden ground. A point 2.8m above ground level, on the site boundary, is found. From this point, a line is drawn at 45 degrees to the horizontal.

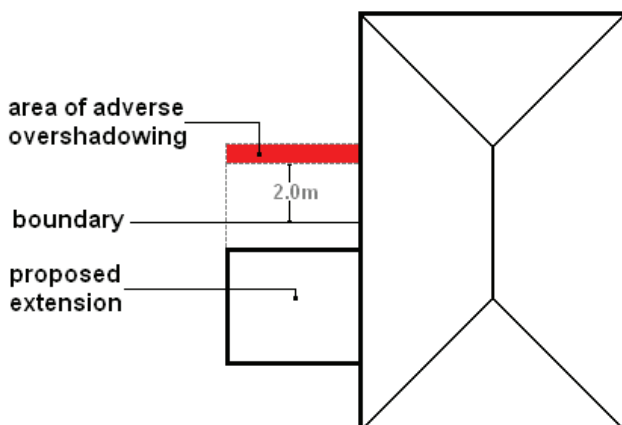
The diagram in Example 1 shows that the line drawn would not strike any part of the proposed extension, and therefore for the purposes of this test there would be no adverse affect on sunlight to the neighbouring garden.



Example 2: In this second example (left), the proposed extension would be constructed to the south of the adjacent garden ground. The same process is followed, but in this instance the line is drawn from a point 2m above ground level.

As the first diagram shows, the proposed extension would intersect the 45 degree line drawn. This suggests that there would be an area of adverse overshadowing in the neighbouring garden as a result of this proposal.

The second diagram demonstrates the area of adjacent garden ground which would be affected in plan view. This allows the case officer to make an assessment of the proportion of garden affected relative to the total useable garden area. As mentioned previously, the nature of the affected area will also be of relevance in



determining whether there is justification in allowing a proposal which does not satisfy the 45 degree test for sunlight. There will be instances where proposals will be approved on this basis.

Appendix D: Privacy

New development should not result in significant adverse impact upon the privacy afforded to neighbouring residents, both within dwellings and in any private garden ground/amenity space. What constitutes an acceptable level of privacy will depend on a number of factors. The purpose of this guide is not to create a rigid standard which must be applied in all instances, but rather to set out the criteria which will be taken into account in determining the impact of a particular development.

It is common practice for new-build residential development to ensure a separation distance of 18m between windows where dwellings would be directly opposite one another. Given the application of this distance in designing the layout of new residential development, it would appear unreasonable to then apply this to residential extensions to those same properties.

Assessment of privacy within adjacent dwellings will therefore focus upon the context of a particular development site, taking into account the following factors:

- existing window-to-window distances and those characteristic of the surrounding area;
- any existing screening between the respective windows;
- appropriate additional screening proposed
- respective site levels
- the nature of the respective rooms (i.e. are windows to habitable rooms); and
- orientation of the respective buildings and windows.

Any windows at a distance of 18m or more will not be considered to be adversely affected through loss of privacy. At lesser distances, the factors stated above will be considered in order to determine the likely degree of impact on privacy. For the purposes of this guidance, habitable rooms constitute all rooms designed for living, eating or sleeping eg. lounges, bedrooms and dining rooms/areas.

Any windows to habitable rooms should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings. In these circumstances the windows of non-habitable rooms should be fitted with obscure glass.

The addition of balconies to existing residential dwellings will require careful consideration of their potential impact upon privacy. Such additions, if poorly considered, can result in significant overlooking into adjacent gardens. Any

proposed balcony which would result in direct overlooking of the private garden/amenity space of a neighbouring dwelling, to the detriment of neighbours' privacy, will not be supported by the planning authority.

3745-14

ARCHITECTURAL + INTERIOR DESIGNERS

53 ALBERT STREET ABERDEEN AB25 1XT
Tel +44 (0)1224-633375 Fax +44 (0)1224-638520
Email : info@fitzgeraldassociates.co.uk

Local Review Body
Planning Department
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
ABERDEEN AB10 1AB

6 October 2014

Dear Sirs

Removal of 2 No. Dormer Windows and Erection of New Dormer
28 Albert Terrace, Aberdeen, AB10 1XY
Ref: P140833

I enclose our Application for Notice of Review in connection with the above.

You will see from the enclosed images there are various examples of historic "box dormers" along the rear of Albert Terrace (Rubislaw Terrace Lane).

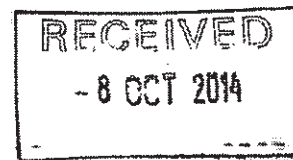
We feel a contemporary approach with regard to our dormer alterations would compliment the already approved ground floor extension, which it would appear, current policy is restricting. I hope you can look favourably upon our application.

Should you require anything further please do not hesitate to contact me.

Yours faithfully
FITZGERALD ASSOCIATES


Kevin Duguid

Enc: Application for Notice of Review



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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

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

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

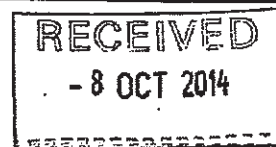
Site address

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:

We feel a contemporary approach with regards to dormer alterations would compliment, the approved ground floor extension, which current policy is restricting.

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 checked="" type="checkbox"/> | <input 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:

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.

Refer to separate document attached.

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.

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.

Covering letter / statement.
 Drawing 3745_s01
 Drawing 3745_s02
 Drawing 3745_100c
 Drawing 3745_101d
 Image img_4937
 Image img_4939
 Image img_4940
 Image img_4941
 OS/Map.

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

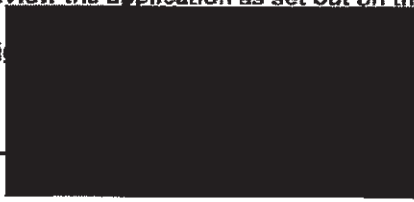
Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- 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.

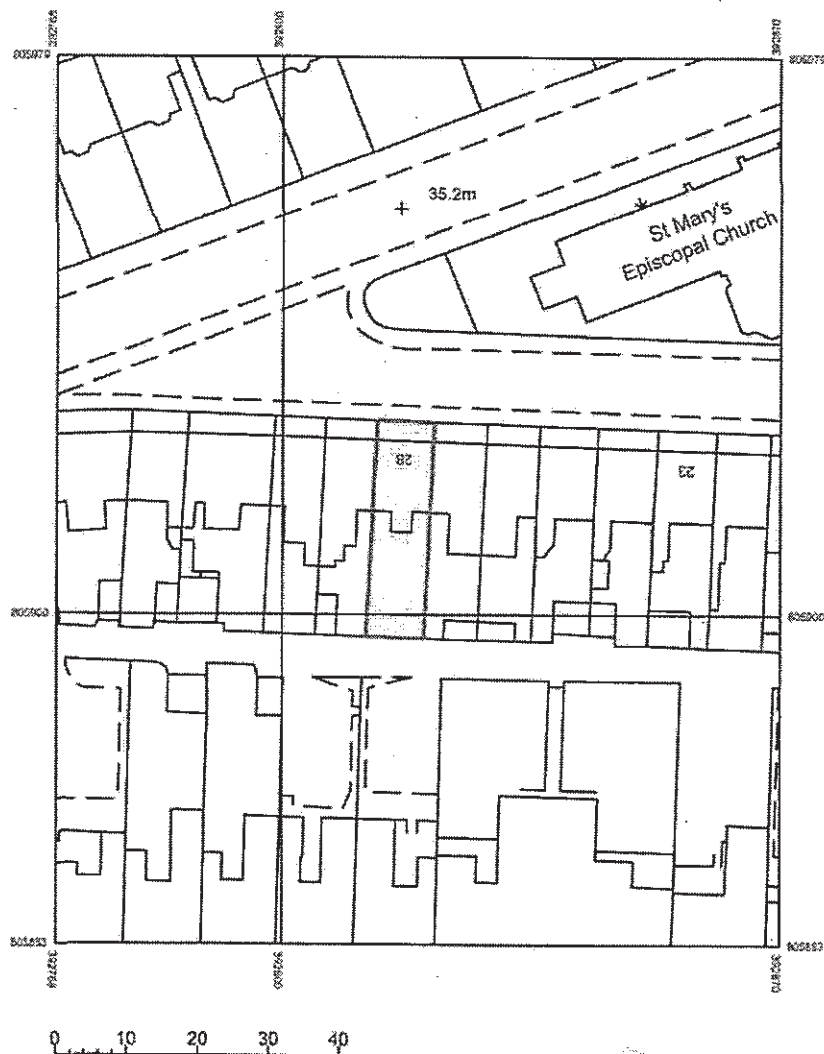
Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number,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

Si  Date

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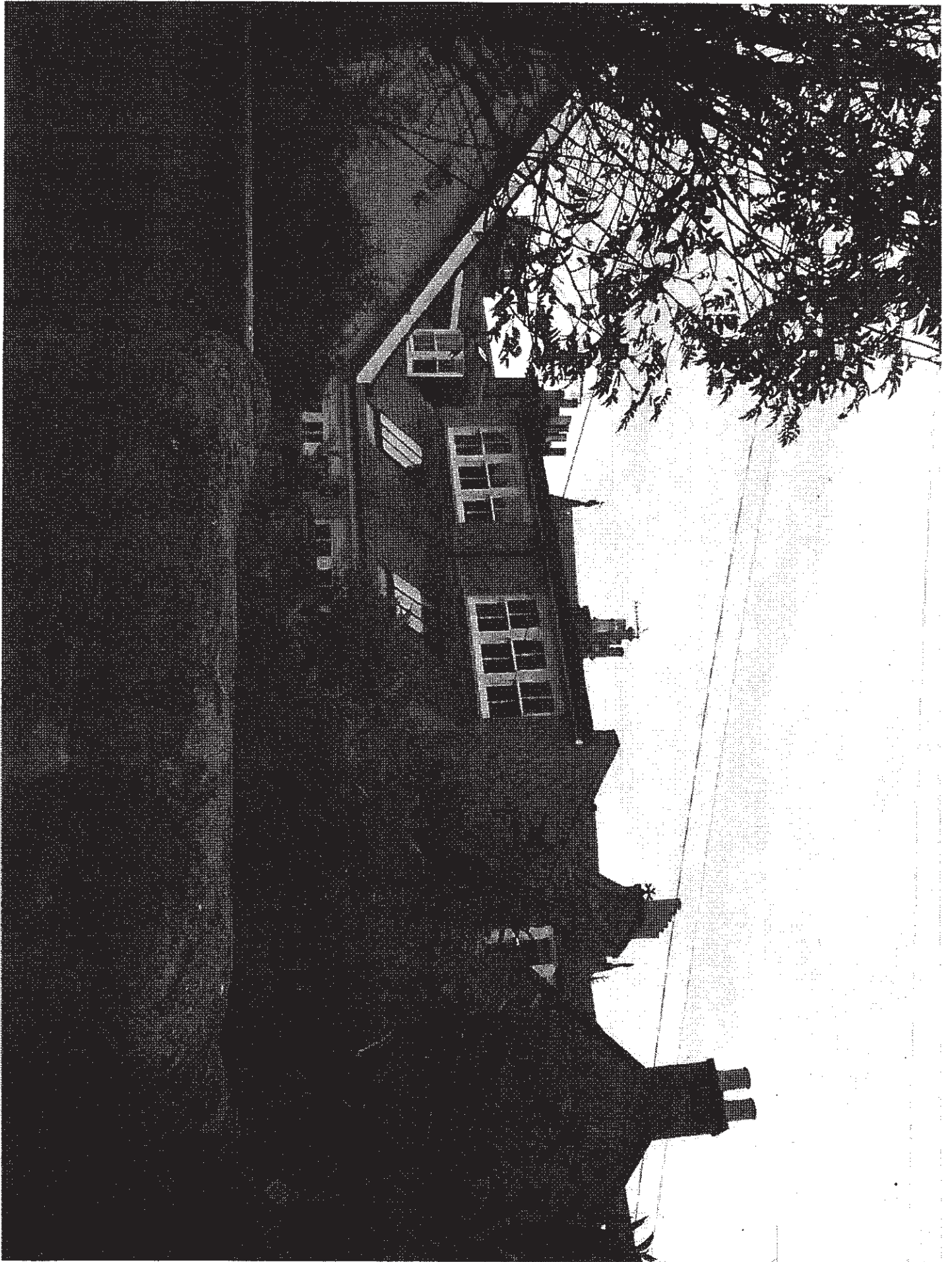
PRINCIPAL PLAN

Location Plan [scale 1 : 1000]

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WGA-4939.



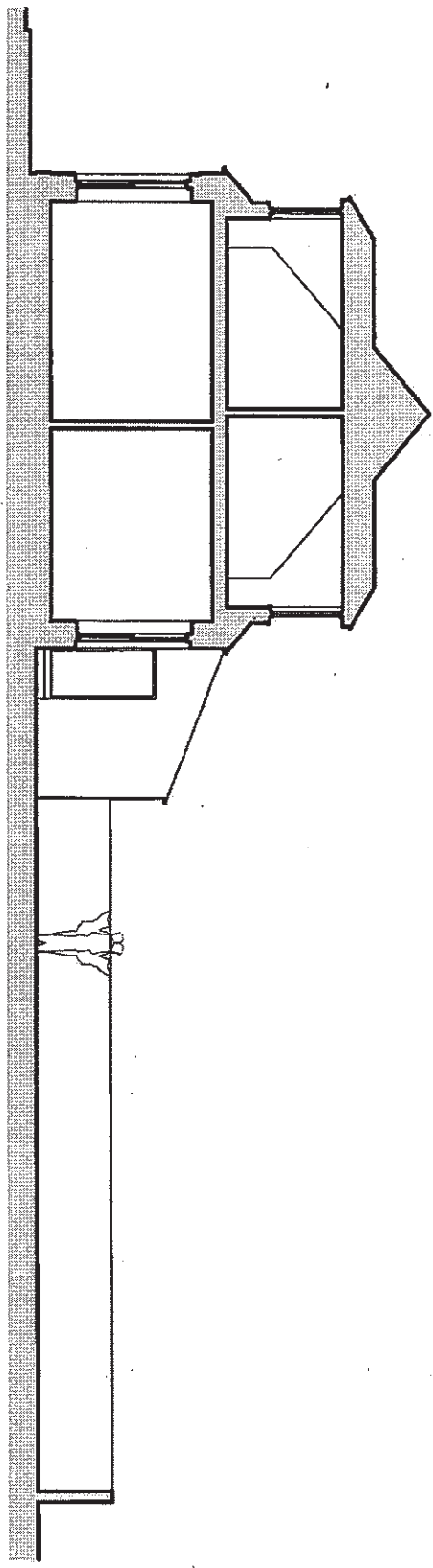
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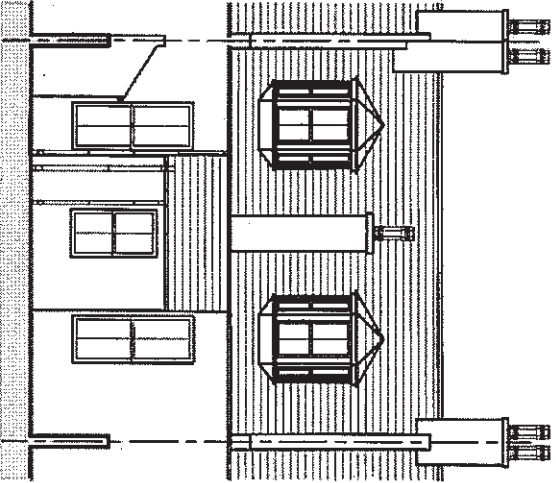
IMG - 4941.

This drawing is prepared in accordance with the rules and regulations of the Board of Professional Engineers, Architects, and Surveyors of the State of New York. It is intended to be used as a guide only and does not constitute a contract. The engineer, architect, or surveyor is not responsible for the construction of the project or for any errors or omissions in the drawing. The engineer, architect, or surveyor is not responsible for the construction of the project or for any errors or omissions in the drawing.

NO.	REV.	DATE	DESCRIPTION



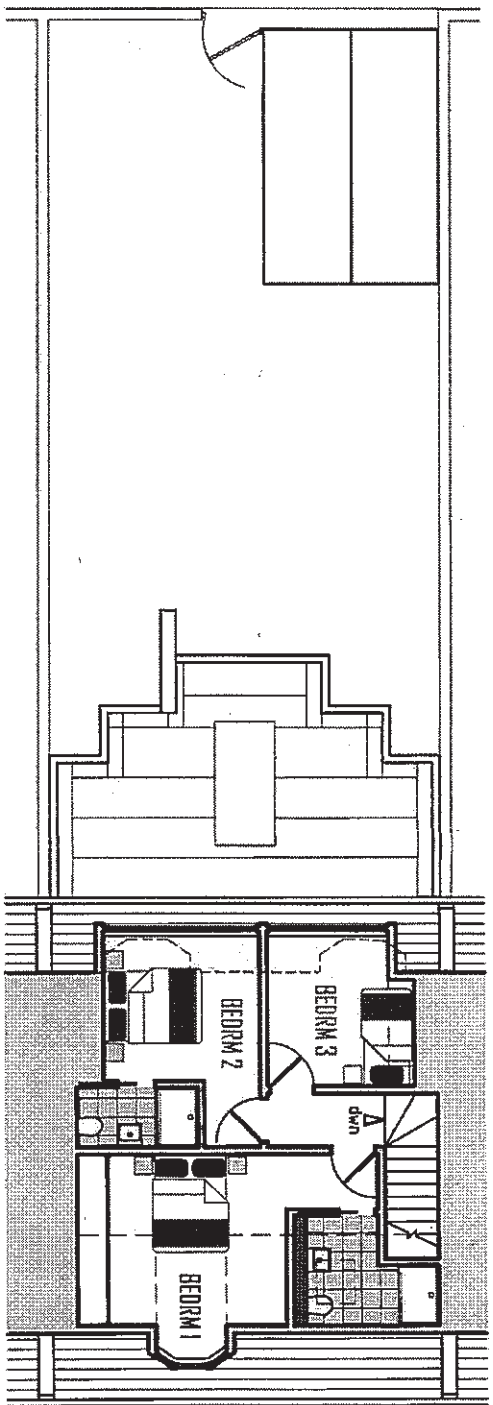
SECTION AA



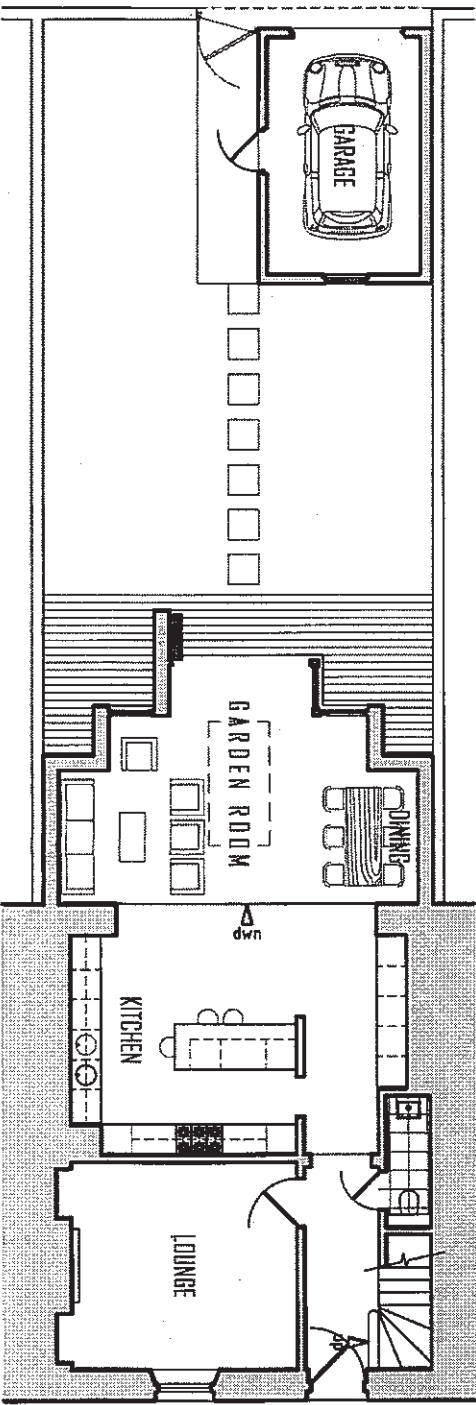
REAR ELEVATION

(+)			
ARCHITECT: KARL F. FRIEDL 100 WEST 10TH STREET, SUITE 200 NEW YORK, NY 10011 TEL: 212-255-1234			
Client:	Mr. D. Davidson	Date:	September 2012
Project:	Home Addition - Section	Scale:	1:100
Designer:	Spring Dublin	Author:	JKF
Inspector:	Harverson + Skelton	Reviewer:	JKF
Drawn by:	JKF	Checked by:	JKF
Approved by:	JKF	Project No.:	401

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FIRST FLOOR PLAN



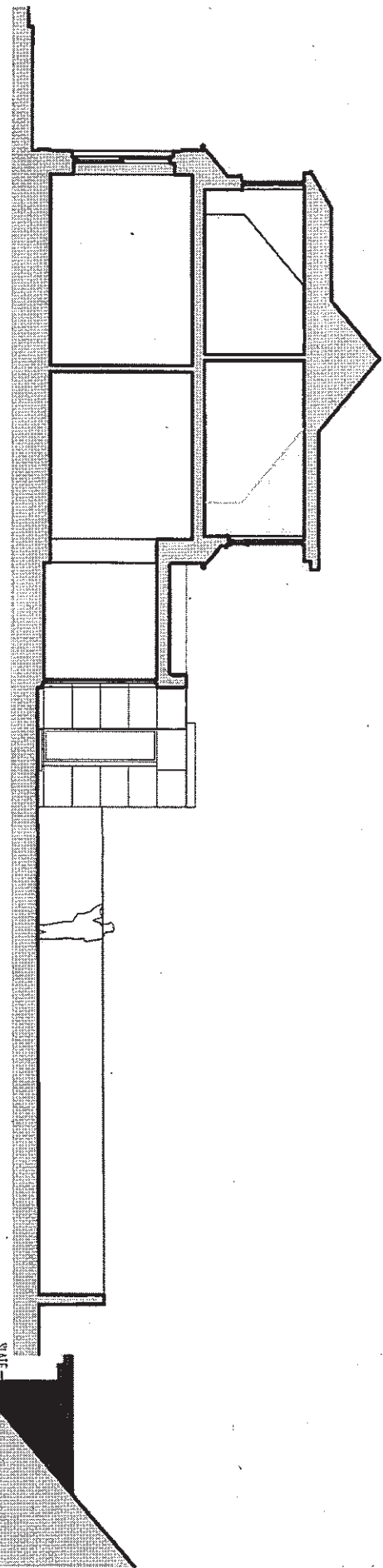
GROUND FLOOR PLAN

NO.	REV.	DATE	DESCRIPTION
		12-24-18	OWNER REVISION

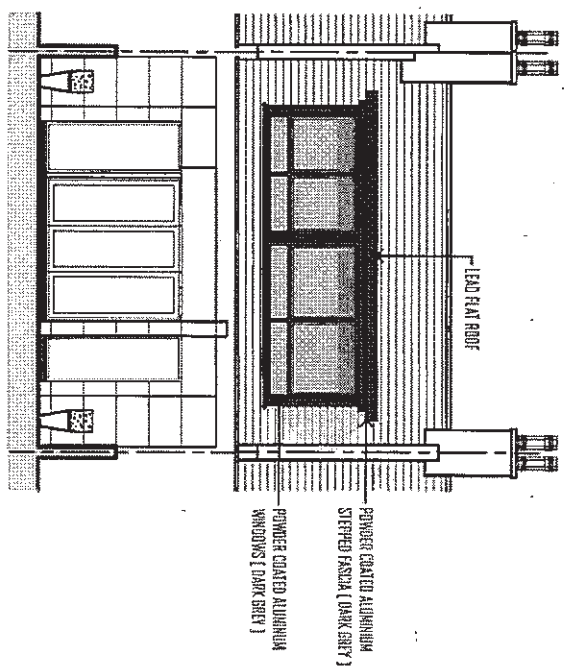
(+)

ARCHITECTURE & INTERIOR DESIGNERS 1000 WEST 10TH AVENUE, SUITE 100 DENVER, CO 80202 TEL: 303.733.1111 WWW.ANDDESIGN.COM			
Client:	Mr. D. Davidson	Project:	Home Addition in Brighton
Designer:	Portland Bennett	Architect:	Architecture & Interior Designers
Scale:	As Shown	Date:	September 2012
Project:	1000 West 10th Ave	Sheet:	1-110
Project:	1000 West 10th Ave	Project:	1000 West 10th Ave

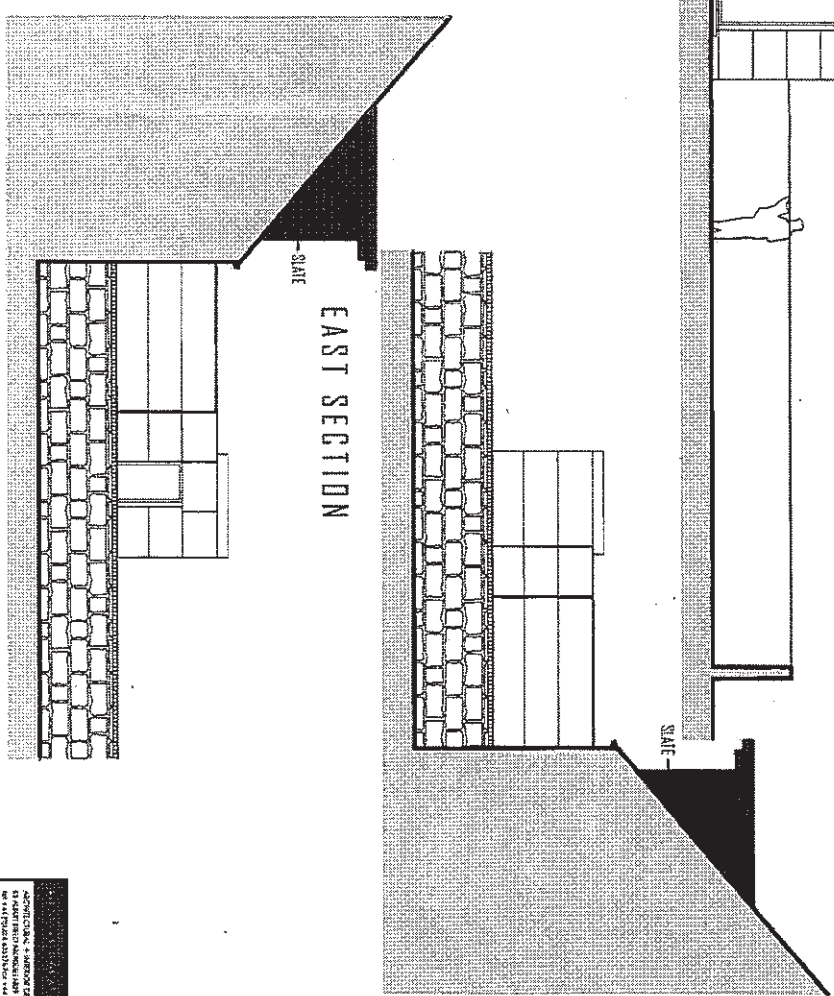
This drawing is prepared in accordance with the requirements of the Building Code of Australia. It is intended to be used in conjunction with the other drawings of this project. It is not to be used in isolation. The architect is not responsible for any errors or omissions in this drawing. The architect is not responsible for any errors or omissions in this drawing. The architect is not responsible for any errors or omissions in this drawing.



SECTION AA



REAR ELEVATION



WEST SECTION

EAST SECTION

(+)			
ARCHITECTURAL DRAWING HOUSE ALBERTA - ELEVATION & SECTION 12 2013 09:58:13 AM 12 2013 09:58:13 AM 12 2013 09:58:13 AM			
Client	Mrs. D. Dowdell	Project	House Alberta - Elevation & Section
Address	12 2013 09:58:13 AM	Scale	1:100
Drawn by	12 2013 09:58:13 AM	Date	September 2012
Project No.	101	Page	3

Agenda Item 4.4

27 Albert Terrace,
ABERDEEN
AB10 1XY



15th October 2014

Martin Allan Esq.
Assistant Clerk to the Local Review Body,
Aberdeen City Council,
Corporate Governance,
Town House,
Broad Street,
ABERDEEN.
AB10 1AQ

Dear Sir

28 Albert Terrace, Aberdeen. Planning Application 140833
Removal of 2 Dormer Windows; Construction of New Dormer Window
Applicant Mr. D Davidson per Fitzgerald Associates.

Thank you for your letter dated 9th October 2014 concerning an application for review by Elected Members.

When considering that review would the reviewing members consider the following representations :-

1. The reasons for the appeal are essentially that the Local and National Policies prevent a “contemporary approach” to design. They concede that the proposal does not in any way comply with local policies but request that such policies should not apply to this application. This argument is no different from a driver caught doing 30mph on Union Street (where the speed limit is 20mph) agreeing that he was speeding but arguing that the speed limit should be 30mph for him because 20mph impedes his progress.
2. The appellant seeks to rely on “historic” box dormers. There is no representation as to whether or not these dormers complied with permissions extant at the time of their construction. The application should be determined on the basis on current policy and should ignore historic situations. Extending the above analogy, to do otherwise would be like arguing that the 30mph driver committed no offence “because the limit used to be 30mph” or perhaps because others similarly speeding have not been charged.
3. The Councils Planning Officers have stated that the proposal is “highly detrimental to the character of the Category B Listed Building” (and therefore contrary to Scottish Planning Policy, Scottish Historic Environment Policy and the Local Development Plan). In other words this is not a borderline case The Councils Officers are saying that this is clearly and definitely in breach of policies and the appellant does not appear to disagree. Consequently the Officers will be undermined and Policies discredited if the appeal is allowed.
4. The Appellant makes reference to “the already approved ground floor extension” That approval was achieved by agreement and negotiation with the Planning Officials and part of that Agreement was to give up the single box dormer which was part of the original application. In other words if the applicant had not agreed not to build the box dormer planning permission for the ground floor proposal would not have been granted. It seems unfair and unreasonable that the applicant can “do a deal” with planning officers accept the good bits of that deal and then go back on his word about not building the box dormers, but that would be the effect of granting the appeal.

Yours sincerely

Sandra & Laurence Tough

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