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To: Councillor Milne, Convener; and Councillors Crockett, Donnelly, Jaffrey and Jean Morrison MBE

Town House,
ABERDEEN, 16 July 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 **THURSDAY, 24 JULY 2014** at **2.00 pm**.

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 APPLICATIONS

- 2 Wynford Farm, Kingswells - Proposed extension to existing playbarn (130002)

PLANNING ADVISER - GARETH ALLISON

- 2.1 Delegated report and letters of objection (Pages 3 - 22)
- 2.2 Planning policies referred to in documents submitted (Pages 23 - 26)
- 2.3 Notice of Review with supporting information submitted by applicant / agent (Pages 27 - 56)
- 2.4 Determination - Reasons for decision
Members, please note that reasons should be based on an assessment 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

3 7 St John's Terrace - Proposed increase of existing roof pitch, extension of front dormer and erection of 2 storey rear extension (140226)

PLANNING ADVISER - GAVIN EVANS

3.1 Delegated report (Pages 57 - 62)

3.2 Planning policies referred to in documents submitted (Pages 63 - 100)

3.3 Notice of Review with supporting information submitted by applicant / agent
(Pages 101 - 110)

3.4 Determination - Reasons for decision

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

3.5 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

4 18 Esslemont Avenue, Rosemount - Replacment of two windows (140065)

PLANNING ADVISER - ROBERT FORBES

4.1 Delegated report (Pages 111 - 116)

4.2 Planning policies referred to in documents submitted (Pages 117 - 172)

4.3 Notice of Review with supporting information submitted by applicant / agent
(Pages 173 - 180)

4.4 Determination - Reasons for decision

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

4.5 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

Copies of the relevant plans / drawings are available for inspection in advance of the meeting and will be displayed at the meeting. Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Stephanie Dunsmuir, tel. 522503 or email sdunsmuir@aberdeencity.gov.uk

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)):

WYNFORD FARM, KINGSWELLS

PROPOSED EXTENSION TO EXISTING
PLAYBARN

For: Mr G Hogg

Application Type : Detailed Planning
Permission

Application Ref. : P130002

Application Date : 07/01/2013

Advert : Can't notify

neighbour(s)

Advertised on : 30/01/2013

Officer : Jennifer Chalmers

Creation Date : 14th March 2014

Ward: Kingswells/Sheddocksley/Summerhill
(L Ironside/S Delaney/D Cameron)

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The proposals are associated to Wynford Farm and Playbarn, which is located on the C93C (Borrowstone Road - Clinterty to Kingsford) to the west of Brimmond Hill. The wider grounds adjoin the western boundary of the Aberdeen City Council administrative area, some 135m west of the development location. Wynford Farm is approximately 1.2km east of Westhill, Aberdeenshire and 2.1km northwest of Kingswells.

The farm complex itself comprises a 2 storey farmhouse and a converted and extended steading which forms the farm shop / café and playbarn. There are several trees along the eastern boundary, between the buildings and the road.

On the opposite side of the road are large modern agricultural storage buildings, associated to the operation of the farm.

The BP Forties (Cruden Bay to Kinneil) pipeline crosses through the south eastern corner of the site, from north to south. The proposed works are within the inner notification zone of the pipeline, for the purposes of Health and Safety Executive (HSE) consultations. Additionally the development area is within the inner zone of the Shell Natural Gas Liquids pipeline.

RELEVANT HISTORY

P090706 – ‘Proposed Conversion of Existing Steading and Extension to form Farm Shop/Café and Playbarn’: Officer recommendation for refusal placed before Committee on 17th June 2010 saw a site visit take place on 24th June 2010. Thereafter Committee voted to conditionally approve the application on 19th August 2010.

RELATED APPLICATIONS

P130142 – Pending planning application for a ‘Proposed Change of Use from Agricultural Land to Recreational Ground Associated with Wynford Playbarn’.

P120696 – Pending planning application for a ‘Proposed Extension to Existing Hardcore Car Park including Change of Use from Agricultural Land to Car Parking (Retrospective)’.

PROPOSAL

Detailed planning permission is sought to extend the existing playbarn by a further 312sqm. This extension would be to the front, southern elevation, of the converted and extended steading and would result in the loss of 13 existing car parking spaces. The proposal also includes for the replacement of this lost parking via an extension to the existing parking area to the south-east, part of which is subject to pending application ref: P120696.

The proposed extension to the steading would essentially continue the modern range approved in 2010 and match its scale, form and finishes. It would measure 16.8m x 18m x 7.8m. Additionally, on the existing extension, just west of the roof apex, it is proposed to create a projecting tower, with glazing to all four elevations and a pitched and double hipped dark grey grp clad roof. The tower projection would measure approx. 2.9m x 1.7m x 1.3m, giving an approximate maximum height above ground level of 9.1m.

CONSULTATIONS

Roads Projects Team – No objection. Parking proposals are acceptable, subject to conditions relating to surfacing with suitable materials and drainage, delineation of spaces and enclosure. Motorcycle and cycle parking should also be required by condition.

Environmental Health – No observations.

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

Community Council – No observations.

BP – Request that the applicant liaises with their Wayleaves Officer to ensure that appropriate pipeline protection measures are incorporated within the construction specification.

Shell – The proposed development is outside the Shell pipeline servitude, which is to the East of the site and will have no impact on the pipeline. It is requested that a copy of any advice resulting from consultation with the HSE is forwarded.

Health and Safety Executive – Does not advise, on safety grounds, against the granting of planning permission.

Aberdeen International Airport (AIA) – The proposal does not conflict with safeguarding criteria thus there is no objection to the proposal, subject to an overall maximum development height of 12m above ground level (AGL). Should the development exceed 12m AGL then AIA must be re-consulted.

REPRESENTATIONS

Two letters of objection have been received. The objections raised relate to the following matters:

1. Car parking not adequate for the site. People currently park on the public road outwith the site or in the public car park for Brimmond Hill, or elsewhere;
2. The safety of those using the road to the Playbarn, including residents on that road, would be further compromised by increased traffic to and from the Playbarn;
3. The safety of those using the Playbarn can expect to be compromised by overcrowding;
4. It is noted that the car park is proposed to be on top of the BP gas pipeline, and the Playbarn extension is closer to it than the existing extent of the Playbarn, raising questions about safety;
5. There will be a reduction in the amount of agricultural land in the Green Belt; and
6. It seems likely that there will be an increase in the amount of untreated sewage that finds its way into the water course that runs between Wynford Playbarn and Wellside Croft which drains from the Playbarn block.

One letter of support was received on 10th January 2014, well outwith the time set for representations.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) (2010) – Although the ‘*Rural Development*’ section of SPP highlights that planning authorities should promote economic activity and diversification in rural areas, this section is primarily aimed at areas more remote from significant urban areas, and which are not designated as

green belt. It is, therefore the section on green belts that is considered directly relevant.

The '*Green Belts*' section of SPP (paragraphs 159 & 163) states:

1. The purpose of green belt designation in the development plan as part of the settlement strategy for an area is to:
 - direct planned growth to the most appropriate locations and support regeneration;
 - protect and enhance the quality, character, landscape setting and identity of towns and cities; and
 - protect and give access to open space within and around towns and cities.
2. That certain types of development may be appropriate within a green belt, particularly where it will support diversification of the rural economy. These may include, amongst other things:
 - development associated with agriculture, including the re-use of historic agricultural buildings; and
 - recreational uses that are compatible with an agricultural or natural setting.

Intensification of established uses may be appropriate, subject to new development being of a suitable scale and form. Furthermore, suitable access to public transport and walking or cycling will be required for uses that will attract a significant number of visitors. The cumulative erosion of a green belt's integrity through the granting of individual planning permissions should be avoided.

Paragraph 165 within the '*Transport*' section of SPP states that the planning system should support a pattern of development which reduces the need to travel, facilitates travel by public transport and provides safe and convenient opportunities for walking and cycling.

Aberdeen Local Development Plan

T2 (Managing the Transport Impact of Development) – New development requires to demonstrate that sufficient measures have been taken to minimise the traffic generated.

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 will be considered in assessing that contribution.

D3 (Sustainable and Active Travel) – new development shall minimise travel by the private car and promote healthy lifestyles by encouraging active travel.

D6 (Landscape) – states that development will not be acceptable where it: significantly adversely affects landscape character; sprawls onto important or necessary green spaces or buffers between spaces or communities.

Policy NE2 (Green Belt) – that no development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

The following exceptions apply to this policy:

1. Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:
 - a) The development is within the boundary of the existing activity;
 - b) The development is small-scale;
 - c) The intensity of activity is not significantly increased; and
 - d) Any proposed built construction is ancillary to what exists.

Policy BI5 (Pipelines and Controls of Major Accident Hazards) – In determining planning applications for development within consultation distances for hazardous installations, the City Council will take full account of the advice from the Health and Safety Executive and will seek to ensure that any risk to people's safety is not increased.

Policy BI4 (Aberdeen Airport and Aberdeen Harbour) – Due regard will be paid to the safety, amenity impacts on and efficiency of uses in the vicinity of the Airport.

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.

Principle of Extension

The site is within the green belt, thus there are strict limitations on the permissible types of development.

Policy NE2 requires that proposals for development associated with existing activities in the green belt will only be permitted if all of the criteria listed are met.

As the proposed works sit within the site identified in the original planning application (P090706), and immediately adjoining the then approved building, it is considered that the development is clearly associated to the established activity and within the wider boundary where that activity takes place. It is also worth noting that the originally identified site extended well beyond the area where physical development or active uses associated to the activity were to, or have

since, taken place. As such there is sufficient land available which could see such expansion, without any requirement to extend further into the green belt. Thus it is considered that the proposals comply with criterion (a).

Otherwise the requirements are that development is small-scale and that the intensity of the activity is not significantly increased. With regard to scale, the proposed extension would increase the floor area by approximately 27% (302sqm) resulting in an overall floor area of approximately 1130sqm with a mass of 16.8m x 18m x 7.8m, which is considered significant, rather than of a small scale. In terms of the intensity of the activity it is considered that this factor is inextricably linked to the scale of the development and it is considered, in this instance, the intensity of the use and associated operations would significantly increase as a result of the large increase in floor area. As such it is not considered that the proposals comply with criteria (b) and (c), nor does it comply with SPP in relation to 'development being of a suitable scale'.

It is accepted that the proposed use of the extension and proposed car parking would be related to the existing operation and use at the site, thus the proposals would satisfy the requirement of criterion (d).

The scale and form of the proposed development would also require to be assessed against Policy D1.

Design / Layout

The proposed extension would continue the design/form and finish of the previously approved modern extension. The existing buildings consist of a mix of a traditional steading and the larger more utilitarian metal clad structures which are attached to it. These modern additions do not necessarily look out of place and are now commonplace on farms, but issues within Policy D1 relating to: context, setting, siting, scale, massing, colour, materials, orientation, details, the proportions of the buildings elements and spaces around the buildings, need to be assessed in conjunction to the wider remit of Policy NE2.

In relation to the context of the proposed extension, it would be attached to an existing modern structure, which is itself attached to a traditional vernacular steading. The existing modern element sits flush with the original steadings southern elevation. The construction of that modern building saw the demolition of earlier farm buildings, with the new structure contained largely within the footprint of those former buildings. In the 2010 decision associated to the development of the modern structures, it was considered that its construction would not unacceptably detract from the character of the original vernacular steading. The now proposed extension, to that recently constructed utilitarian structure, would extend beyond the original building footprint, and onto an area currently used for car parking. Given the significant scale of the proposed extension it is considered that the proposal would considerably increase the impact on this part of the green belt, in relation to visual impacts and intensity of

use, thereby changing the character of the location, such that it is dominated by the large utilitarian forms.

In terms of scale, massing and proportions of the proposed extension, the structure would project out from the front of the property, and would be significantly higher and more imposing than the original parts of the steading. Although it would generally continue the height of the existing 2010 extension, except for the proposed tower, the increased mass and imposing form of the proposed structure would result in the focus of the grouping being overwhelmed by a large modern and utilitarian element, detracting from the more traditional massing and form which would be expected in the wider character of this green belt location.

In relation to the proposed colour, materials and design details it is accepted that they would replicate the existing extension. However, as discussed it is considered that the scale of development and the resulting visual dominance and impacts in the landscape, as well as the intensification of the use, in this isolated location are strong material factors.

Taking into consideration whether the proposed extension would be small-scale (Policy NE2), along with the criteria involved in Policy D1, it is not considered that the proposal is small-scale or of an appropriate mass and form to the character of this green belt location, and thus does not comply with either Policy NE2 or D1.

Landscape Impact

It is considered that the scale of the proposal is of such a scale that it will have a reasonably significant impact on the landscape character of the area and will erode the quality of the wider green belt to the detriment of its value. As such the development does not comply with the requirements of Policy D6 (Landscape).

Parking

The proposal would result in the loss of 13 car parking spaces, although these would be replaced elsewhere within the site. Overall, the proposed extension would require 16 additional car parking spaces, at 1 space per 18sqm, which would result in the requirement of 65 car parking spaces. This standard has been achieved and the Roads Projects Team are satisfied, subject to conditions.

In relation to the objection that refers to cars parking on the public road, there are no controls in this area to stop members of the public parking on the road or in public car parks and is therefore not a material consideration in the determination of this application. As discussed above the Roads Projects Team are satisfied that sufficient parking is proposed, in relation to the scale of development and the nature of the use.

Sustainability of Location

The location is considered relatively remote from the customer base, and this coupled with the nature of the use, leads to the conclusion that the only reasonable mode of transport to access the location is the private car. As such it is not considered that the location is particularly sustainable and that the intensification of the use at this location will exacerbate that inherent unsustainability, in conflict with SPP and the aims of the Local Development Plan. It has not been demonstrated that there have been sufficient measures taken to minimise the traffic generated. Whilst accepting the existing scale of the use at this location, it is considered that a further intensification, given the unsustainable location would not be justified. Given this it is considered that the proposals do not comply with either Policy T2 (Managing the Transport Impact of Development) nor D3 (Sustainable and Active Travel).

Pipelines

It is recognised that the site is located in close proximity to both the Shell and BP pipelines and as part of Policy BI5 the City Council has taken full account of the advice from the Health and Safety Executive which clearly stated that they do not advise against the granting of planning permission. Therefore there is accordance with Policy BI5.

Aberdeen International Airport

In line with Policy BI4, Aberdeen International Airport were consulted and determined that the proposal would not conflict with safeguarding criteria and therefore they have no objection to the proposal.

Letters of Representation

The Roads Projects Team are aware that there would be an increase in the volume of traffic to the site, however they do not foresee this increase as a road safety issue, as an appropriate standard of parking is proposed on site.

The safety of those using the Playbarn due to overcrowding is not a planning issue and is a matter for other regulating parties.

The comment indicating that untreated sewage currently finds its way into a water course from the existing operations is also not a planning consideration, and a matter to be investigated by other regulating parties, such as SEPA.

In relation to the letter of support sent on behalf of the applicant, the reference to the 'Economic Development' section is acknowledged, however, it is the view that the SPP section on 'Green Belt' takes precedence over economic development in this instance, as previously stated.

Relating to the reference to this existing business as part of rural tourism development, it was indicated, within the original application that the proposal was to be an educational facility and not related to tourism.

It is acknowledged that a survey of local opinion was carried out and secured 827 supporting signatures.

Consideration has been given to what was originally given approval and the fact that this intensification would need to be of a suitable scale in relation to the current situation, as assessed against the development plan and other material considerations.

In relation to the applicant having successfully applied to the Scottish Government for financial assistance for this diversification project it is unclear as to whether this refers to the successful application referred to in the original application or a more recent application. Notwithstanding this is not considered a significant material consideration.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

That Policy NE2 (Green Belt) states that any proposed development should be small-scale and the intensity of the activity should not be significantly increased. Alongside this, Policy D1 (Architecture and Placemaking) states that consideration needs to be given to the context, setting, siting, scale, massing. It is not considered that the proposed extension is small in scale and as a result of this it is considered that the visual impacts and the intensity of activity would be significantly increased. In relation to context, setting and siting, the proposed extension would come forward of the building line into the existing car park, would be higher and more imposing than the original steading building, and although of the same height as the existing modern extension, the existing massing would be significantly increased and the character of the farm grouping altered such that it would appear out of context and dominant in this green belt location. The proposed extension would detract from the character of the original steading building which would lose its visual presence and be dominated by those more modern additions. The scale of the proposal is such that it will have a reasonably significant impact on the landscape character of the area and will erode the quality of the wider green belt to the detriment of its value, thus would not comply with Policy D6 (Landscape). Neither is the location sustainable and the intensification of the scale of development at this location would not be in compliance with the aims of Policy T2 (Managing the Transport Impact of Development) nor D3 (Sustainable and Active Travel). It is therefore considered that the proposal does not comply with Policies D1, D3, D6, T2 nor NE2 of the Aberdeen Local Development Plan.

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From: "Clare Carden" [REDACTED]
To: <pi@aberdeencity.gov.uk>
Date: 11/02/2013 15:05
Subject: Objection to Planning Application 130002
Attachments: DSC09708.JPG; DSC09704.JPG; DSC09705.JPG; DSC09706.JPG; DSC09707.JPG

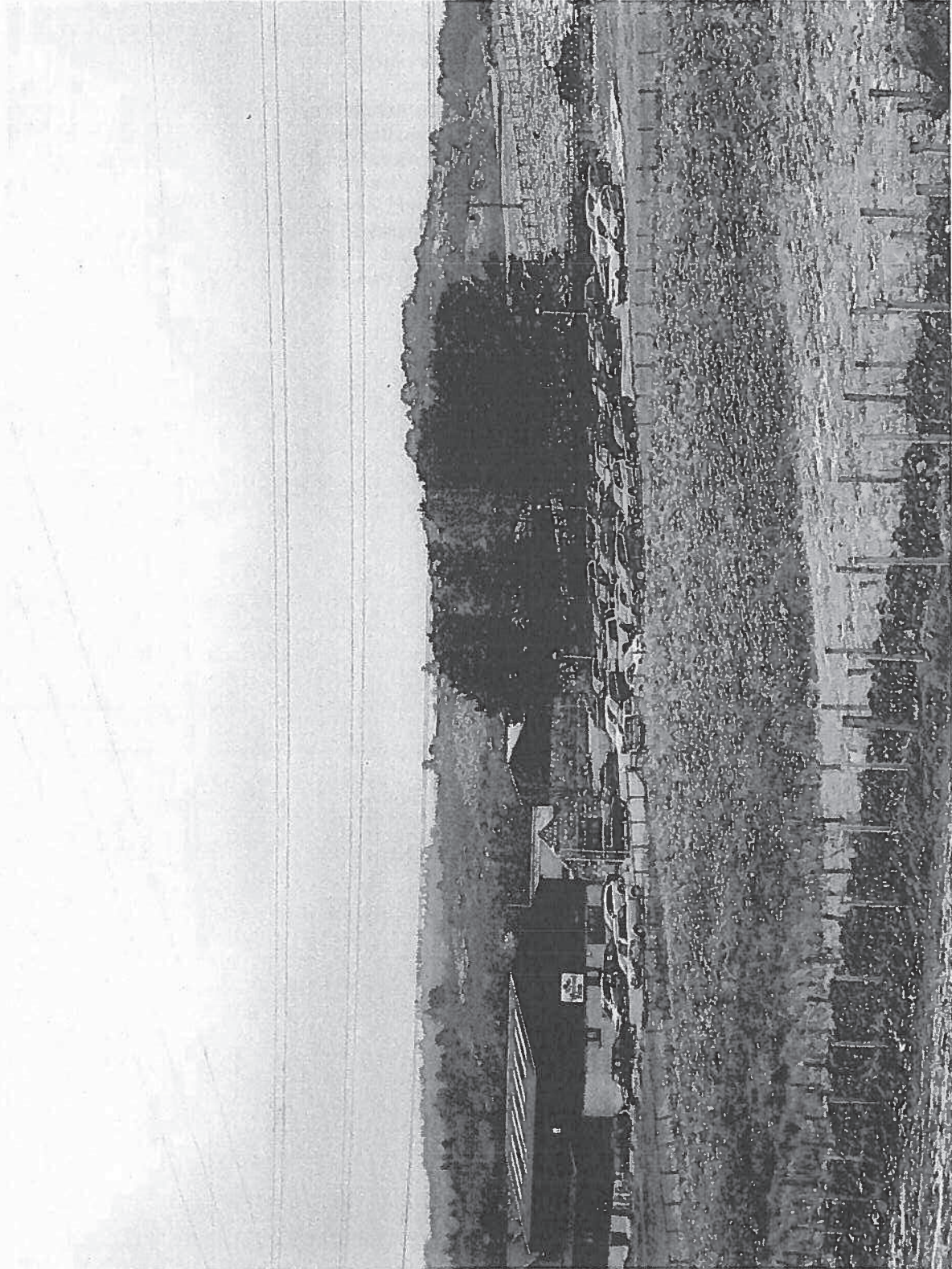
Dear Sir, Madam,

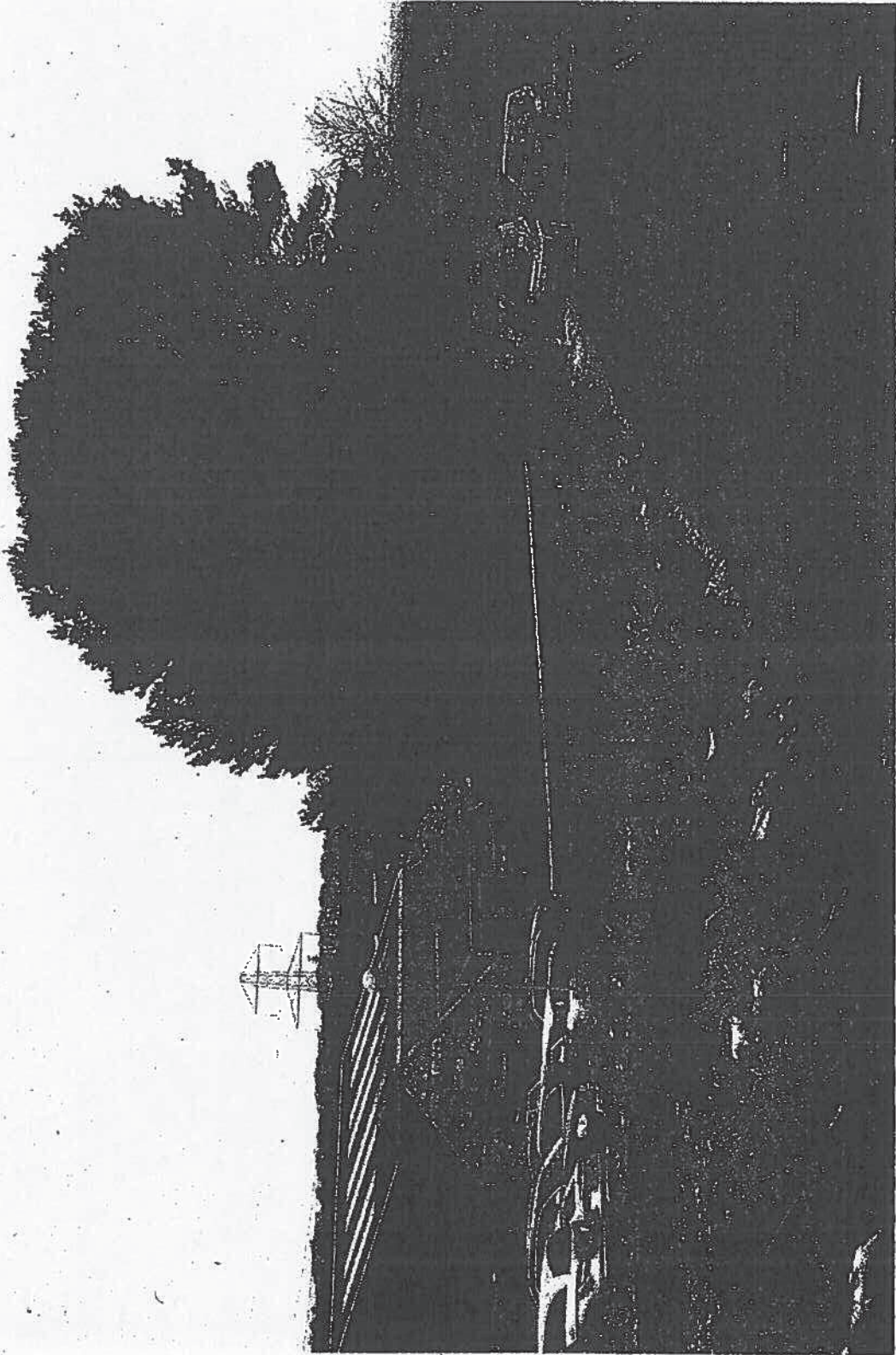
Yesterday I delivered a written objection to Planning Application 130002. In this letter I objected on the grounds of a number of road safety issues including the fact that sometimes cars are parked dangerously on the road outside Wynford Playbarn when the car park is full and that often more than 41 cars are parked there, despite Planning Approval only having been given for the 41 car parking spaces which Mr Hogg applied for in his application 090706. Today there were 5 cars parked in the road at about 1220 and about 100 in the car park. Some minutes later the attached photos were taken showing 3 cars parked dangerously on the road and over 60 cars parked in the car park. Please add these comments and photos to support my letter dated 09 February.

Please acknowledge receipt of this e-mail.

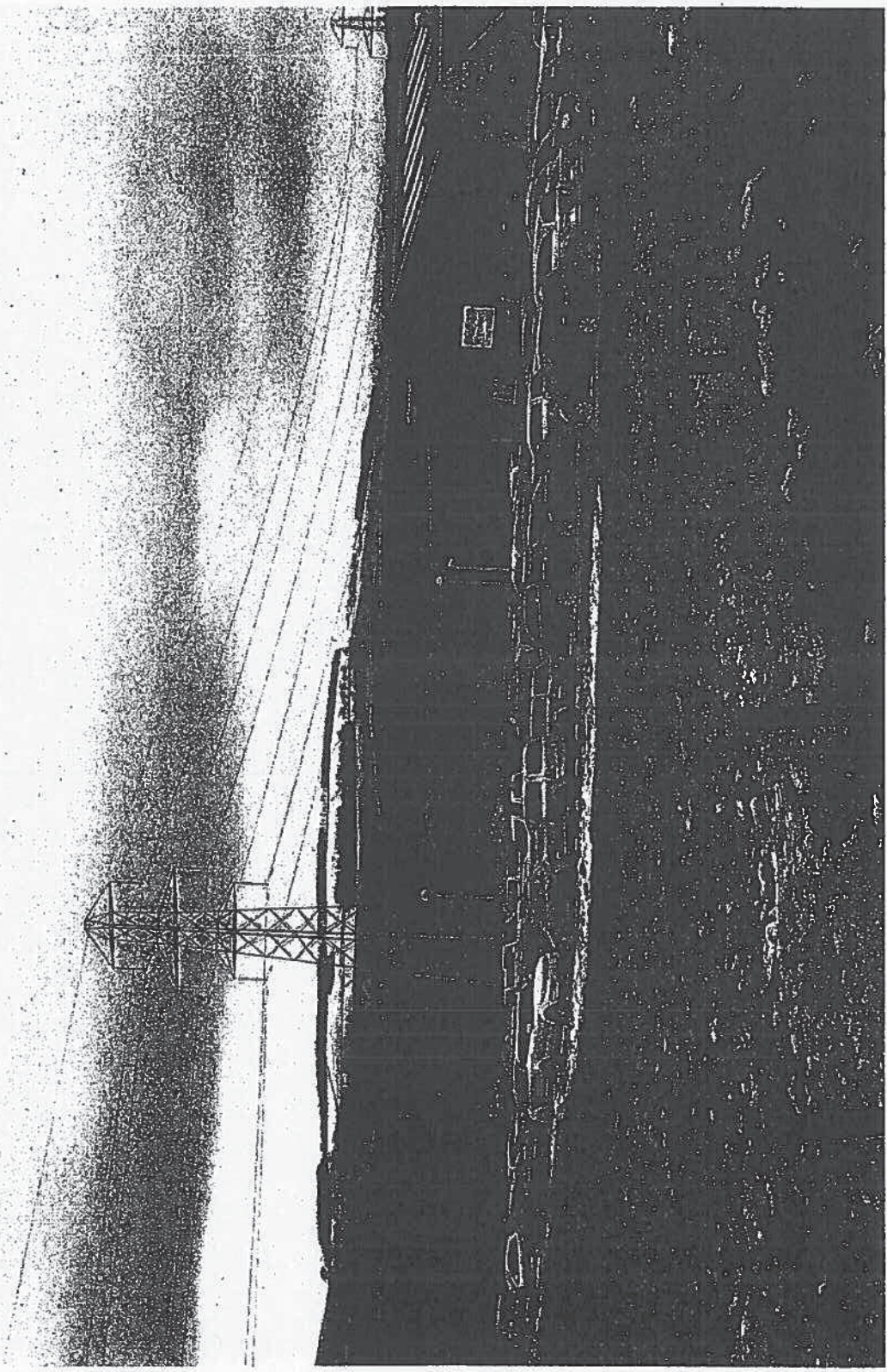
Yours faithfully

Dr Clare Carden
Springdale
Kingswells
Aberdeen
AB15 8RQ











Planning Reception
Planning and Sustainable Development
Enterprise
Marischal College Reception
Broad Street
Aberdeen AB10 1AB

Springdale
Hillside
Kingswells
Aberdeen
AB15 8RQ

9 February 2013

Dear Sir, Madam

**Extension to car park and playbarn at Wynford Playbarn, Kingswells, Aberdeen, AB15 8RQ
Objection to Planning Application 130002**

On 4 June and on 9 June 2012 I wrote to advise you of my objections to Planning Application 120696, which was for an extension to the car park at Wynford Playbarn. Mr Hogg continues to operate his car park offering considerably more car parking than the 41 spaces for which he was originally granted planning permission. I understand that his retrospective application 120696 is still pending.

Planning was granted for Wynford Playbarn (Planning Application 090706) to have a car park for 41 cars. The plans now submitted for the Playbarn extension (Planning Application 130002) show 58 spaces are proposed. The plans do not show that additional parking spaces (about 5) have also been created in front of Mr and Mrs Hogg's House next to the Playbarn. It is little wonder that a number of customers have commented that the Playbarn is overcrowded at times.

Application 130002, on the face of it, appears to apply for fewer car parking spaces than Mr Hogg operates at present. If the actual number of cars that could park at Wynford Playbarn following the extension is kept to the 58 shown on his plan in practice, there would be a reduction in the number of cars parking at the Playbarn compared with the number that park there now on a busy day, assuming visitors do not park on the narrow public road outside the Playbarn, endangering others, or in the track to Wellside Croft as they have done in the past, or in the public car park for Brimmond Hill, or anywhere else nearby.

I object to the increase in number of car parking spaces at Wynford Playbarn extension (application 130002) over the 41 for which planning permission was granted as follows.

1. The safety of those using the road to the Playbarn, including residents on that road, would be further compromised by increased traffic to and from the Playbarn.
2. The safety of those using the Playbarn can expect to be compromised by overcrowding.
3. It is noted that the car park is proposed to be on top of the BP gas pipeline, and the Playbarn extension is closer to it than the existing extent of the Playbarn, which begs a number of questions about safety.
4. There will be a reduction in the amount of agricultural land in the city's Green Belt.
5. It seems likely that there will be an increase in the amount of untreated sewage that finds its way into the water course that runs between Wynford Playbarn and Wellside Croft when drains from the Playbarn block.

The road to access Wynford Playbarn is narrow, windy and poorly surfaced in places. Some cars travel at speeds of over 50mph on it and a number of properties have almost concealed drives turning onto this road. Since the Playbarn was built a significant increase in traffic has been noted and a number of drivers going to the Playbarn are distracted looking for the Playbarn for which there is no proper signage and which is not in the location their sat-nav systems indicate. Increasing traffic further, by extending Wynford Playbarn, will further reduce the safety of those travelling on this road, including all the residents who live along the road and who have no option but to use it.

It is understood that Mr Hogg has advised Council officers that the number of people admitted to the Playbarn at any time is restricted by the size of the car park i.e. when the car park is full the building is full to capacity.

The building is used by a number of vulnerable people including small children, the elderly and disabled. When it is crowded inside the building their safety is compromised.

In essence, increasing the number of people using Wynford Playbarn will, I believe, mean that it is only a matter of time before someone is seriously injured as a result.

I trust the above objections will be given full consideration in the determination of the outcome of this Application.

Please acknowledge the receipt of this letter by e-mail [REDACTED] or by post.

Yours faithfully,

[REDACTED]

Dr Clare Carden

Planning Reception
Planning and Sustainable Development
Marischal College Reception
Broad Street
Aberdeen
AB10 1AB

Stevendale
Hillside
Kingswells
Aberdeen
AB15 8RQ

10 February 2013

Dear Sir, Madam

Objection to Planning Application 130002 - Extension to playbarn at Wynford Playbarn, Kingswells, Aberdeen, AB15 8RQ

I see that Mr Hogg has applied for an extension to his playbarn at Wynford Farm and I wish to object.

Since Wynford Playbarn opened there has been a significant increase in traffic on the road and a deterioration in the road surface and I fear for the safety of the people who live along this road, including myself and my family.

This new application, 130002, would further increase the traffic on this road and I object to this proposed development. The road was built before the Playbarn without consideration of the volume of traffic associated with the Playbarn. It is a road used by tractors with trailers and other farm vehicles, as well as cars, and I have seen many more incidences of dangerous driving on this road since the Playbarn opened. I object to any plan that would increase the number of visitors to the Playbarn over the number for which Mr Hogg was given Planning Permission in the first place.

I notice that the plans are to site the car park over the gas pipeline and the safety implications of this concerns me.

Please acknowledge the receipt of this letter.

Yours faithfully,

Mr Alan Stephens



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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 D3 - Sustainable and Active Travel

New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order - walking, cycling, public transport, car and other motorised vehicles.

Street layouts will reflect the principles of Designing Streets and will meet the minimum distances to services as set out in Supplementary Guidance on Transport and Accessibility, helping to achieve maximum levels of accessibility for communities to employment, essential services and areas of recreation. Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained through the provision of suitable alternative routes.

Policy D6 – Landscape

Development will not be acceptable unless it avoids:

1. Significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it;

2. Obstructing important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;
3. Disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them;
4. Sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities.

Development should avoid significant adverse impacts upon existing landscape elements, including linear and boundary features or other components, which contribute to local amenity, and provide opportunities for conserving, restoring or enhancing them.

Further guidance is available in our Supplementary Guidance: Landscape Strategy Part 2 – Landscape Guidelines.

Policy T2 – Managing the Transport Impact of Development

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and/or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review.

Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Policy NE2 – Green Belt

No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

The following exceptions apply to this policy:

1. Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:
 - a) the development is within the boundary of the existing activity.

- b) the development is small-scale.
 - c) the intensity of activity is not significantly increased.
 - d) any proposed built construction is ancillary to what exists.
2. Essential infrastructure, such as electronic communications infrastructure and electricity grid connections, transport proposals identified in the Local Development Plan, such as the Aberdeen Western Peripheral Route, as well as roads planned through the masterplanning of new housing and employment allocations, which cannot be accommodated other than in the green belt.
3. Buildings in the green belt which have a historic or architectural interest or traditional character that contributes to the landscape setting of the city will be permitted to undergo a change of use to private residential use or to a use which makes a worthwhile contribution to the amenity of the green belt, providing it has been demonstrated that the building is no longer suitable for the purpose for which it was originally designed. (See Supplementary Guidance on The Conversion of Steadings and other Non-residential Vernacular Buildings in the Countryside).
4. Proposals for extensions of existing buildings as part of a conversion or rehabilitation scheme will be permitted in the green belt provided:
- a) the original building remains visually dominant;
 - b) the design of the extension is sympathetic to the original building in terms of massing, detailing and materials; and
 - c) the siting of the extension relates well to the setting of the original building.

Policy B14 – Aberdeen Airport and Aberdeen Harbour

Within the operational land applying to Aberdeen Airport and Aberdeen Harbour there will be a presumption in favour of uses associated with the airport and harbour respectively.

Public Safety Zones have been established for Aberdeen Airport (shown on the Proposals Map) where there is a general presumption against certain types of development as set out in Scottish Government Circular 8/2002. Due regard will be paid to the safety, amenity impacts on and efficiency of uses in the vicinity of the Airport and Harbour.

Policy B15 – Pipelines and Controls of Major Accident Hazards

In determining planning applications for the development within consultation distances for hazardous installations, the City Council will take full account of the advice from the Health and Safety Executive and will seek to ensure that any risk to people's safety is not increased.

Town and Country Planning (Scotland) Act 1997 (as amended)

25 Status of development plans

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.

37(2) Determination of applications: general considerations

In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.



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 000090962-001

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)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

First Name: *

Last Name: *

Telephone Number: *

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

You must enter a Building Name or Number, or both:*

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mr"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="George"/>
Last Name: *	<input type="text" value="Hogg"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:*

Building Name:	<input type="text" value="Wynford Farm"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="Kingswells"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Aberdeen"/>
Country: *	<input type="text" value="Scotland"/>
Postcode: *	<input type="text" value="AB15 8RQ"/>

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
---------------------	--

Full postal address of the site (including postcode where available):

Address 1:	<input type="text" value="WYNFORD"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="AB15 8RQ"/>
Address 4:	<input type="text"/>		

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

Northing	<input type="text" value="808948"/>	Easting	<input type="text" value="384337"/>
----------	-------------------------------------	---------	-------------------------------------

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)

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 RPS document - 8234 R 140605 planning statement fv

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)

Please refer to RPS document - 8234 R 140605 planning statement fv
MSA drawings 2011013-199E, 201H and 202B
Site Location Plan

Application Details

Please provide details of the application and decision.

What is the application reference number? *

P130002

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

07/01/13

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

17/03/14

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 *

Further written submissions 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)

Please refer to RPS document - 8234 R 140605 planning statement fv

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)

In order for the review body to fully appreciate the existing setting and the minimal impact from the proposed extension .

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

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

To avoid potential conflict with parents/carers our risk assessment requires adults without children to be accompanied by staff members

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: Mike Strachan

Declaration Date: 14/06/2014

Submission Date: 14/06/2014

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WYNFORD FARM, KINGSWELLS

PROPOSED EXTENSION TO EXISTING PLAYBARN

LOCAL REVIEW - STATEMENT

12 June 2014

Our Ref: OXF8234

RPS
20 Western Avenue
Milton Park
Abingdon
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OX14 4SH

Tel: 01235 821888
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QUALITY MANAGEMENT

Prepared by:	Barry O'Donnell
Authorised by:	Nick Laister
Date:	12 June 2014
Project Number/Document Reference:	OXF8234

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Table of Contents

1. INTRODUCTION	1
The site	1
Planning History	1
The proposal.....	1
2. WHY WE ARE SEEKING A LOCAL REVIEW	3
Scottish Planning Policy (SPP)	3
Green Belt Policy.....	4
Previous Comments From Members.....	5
3. PLANNING POLICY CONTEXT	7
Aberdeen Local Development Plan (ALDP, 2012).....	7
Scottish Planning Policy (SPP, 2010)	9
4. MAIN ASSESSMENT.....	11
Principle	11
Impact on the Green Belt	12
Design	15
Landscape and Visual Impact	16
Transport	18
Sustainability	18
Other considerations	19
5. CONCLUSION	20

1. Introduction

The site

- 1.1 Wynford Farm is located on Borrowstone Road, to the west of Brimmond Hill. The farm is located within 2km of the villages of Westhill and Kingswells, in an area designated as Green Belt. Wynford Farm is a working farm, with a pure breed organic suckler Aberdeen Angus herd, which sells all of its beef into the local market.
- 1.2 In 2010 the applicant was granted planning consent (Ref. No. P090706) for conversion and extension of an existing farm building in order to provide a farm shop and indoor play centre. This farm diversification project was granted planning consent by Local Members in May 2010 (Reference No. P090706) for the following reasons;
- The proposed use as a farm shop, café and play barn were considered to be legitimately related to the existing agricultural use and to be an acceptable form of farm diversification;
 - The physical development proposed and design of the building was considered to be acceptable and have no adverse impact upon the landscape character of the green belt

Planning History

- 1.3 There is no relevant planning history prior to the 2010 permission. Planning application P130142 was refused on 14 April 2014. It sought planning permission for a change of use from agricultural land to recreational ground associated with Wynford Playbarn. The reasons for refusal were its apparent lack of compliance with a number of policies, its alleged unsustainability, road safety/traffic generation and health and safety concerns due to its proximity to the BP and Shell pipelines. The applicant is considering whether to appeal this decision. Planning application P120696 is a retrospective application for extension of the existing hardcore car park including change of use from agricultural land to car parking. This application is currently pending.

The proposal

- 1.4 The current application seeks planning consent for an extension of the existing playbarn at Wynford Farm, to provide around 300sq.m. of additional play space and a

small glazed roof projection to provide ventilation and natural light for the play area which will reduce electricity consumption and increase sustainability. The proposed extension would measure 16.75m wide x 18m long.

- 1.5 The extension would be designed and constructed to match the existing playbarn building, in terms of height and appearance. The use of 'drydash roughcast' render and insulated steel cladding as the principal facing materials would retain the agricultural appearance and character of the building and blend with the other agricultural buildings on the farm.
- 1.6 The applicant has successfully applied to the Scottish Government for financial assistance for this diversification project; a clear demonstration of both the extent of national support for this type of farm diversification, given the selective nature of funding allocations. There have also been a number of meetings with officers to discuss the proposals, and key points that have arisen at these meetings are discussed in Section 3 of this report.

2. Why We Are Seeking a Local Review

2.1 The application was refused by officers under delegated powers on 17th March 2014 for the following reason;

“That Policy NE2 (Green Belt) states that any proposed development should be small-scale and the intensity of the activity should not be significantly increased. Alongside this, Policy D1 (Architecture and Placemaking) states that consideration needs to be given to the context, setting, siting, scale, massing. It is not considered that the proposed extension is small in scale and as a result of this it is considered that the visual impacts and the intensity of activity would be significantly increased. In relation to context, setting and siting, the proposed extension would come forward of the building line into the existing car park, would be higher and more imposing than the original steading building, and although of the same height as the existing modern extension, the existing massing would be significantly increased and the character of the farm grouping altered such that it would appear out of context and dominant in this green belt location. The proposed extension would detract from the character of the original steading building which would lose its visual presence and be dominated by those more modern additions. The scale of the proposal is such that it will have a reasonably significant impact on the landscape character of the area and will erode the quality of the wider green belt to the detriment of its value, thus would not comply with Policy D6 (Landscape). Neither is the location sustainable and the intensification of the scale of development at this location would not be in compliance with the aims of Policy T2 (Managing the Transport Impact of Development) nor D3 (Sustainable and Active Travel). It is therefore considered that the proposal does not comply with Policies D1, D3, D6, T2 nor NE2 of the Aberdeen Local Development Plan”.

2.2 In our view there are a number of issues with the Officers’ assessment of this application.

Scottish Planning Policy (SPP)

2.3 The Officers failed to take sufficient account of SPP in their assessment of the proposal.

-
- 2.4 SPP, a Scottish Government policy statement on land use planning, places a strong emphasis on economic development of all types. It requires local planning authorities to **“respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated”**. It also states that the planning system should **“support economic development in all areas by...taking account of the economic benefits of proposed development in development plans and development management decisions”**.
- 2.5 In terms of the proposed development, SPP provides strong support for **“development related to tourism and farm diversification”** (Para 93) and also, in relation to Green Belt development, supports **“intensification of established uses...subject to new development being of a suitable scale and form”** (Para 163).
- 2.6 The strong SPP support for this development is discussed in detail later in this Statement.

Green Belt Policy

- 2.7 Officers have applied an inconsistent interpretation of Green Belt policy NE2 in their assessment of the proposal.
- 2.8 Policy NE2 controls development in the Green Belt to those **“essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal”**. However, the policy provides a number of exceptions, in particular exception 1 which allows:-
- “Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:**
- a) The development is within the boundary of the existing activity.**
 - b) The development is small-scale.**
 - c) The intensity of activity is not significantly increased.**
 - d) Any proposed built construction is ancillary to what exists”**.
- 2.9 Officers accept that our proposal falls under this category of exception but, objects on the grounds that the proposal would fail to meet the ‘small-scale’ test set out within the policy.

-
- 2.10 Our statement highlights a number of precedent cases in Green Belt locations, where the Council has granted planning consent for development of a similar size or development of a greater proportional scale. These demonstrate the acceptability of an extension of the scale proposed.
- 2.11 In any case, although there is no clear definition of the term 'small-scale', we consider the proposed extension to be small-scale in the context of existing development at the site. This is discussed in further detail later in this Statement.

Previous Comments From Members

- 2.12 In objecting to the proposals on the grounds of design, layout and sustainability concerns, Officers have not taken sufficient account of Local Members' documented reasons for supporting application Ref. No. P090706.
- 2.13 In confirming their willingness to grant planning permission for conversion and extension of the then existing steading to form a farm shop / café and playbarn, Officers noted the following reasons for Local Members decision to support the application:-

"1. The proposed use as a farm shop, café and play barn were considered to be legitimately related to the existing agricultural use and to be an acceptable form of farm diversification;

2. The physical development proposed and design of the building was considered to be acceptable and have no adverse impact upon the landscape character of the green belt;

3. There are similar developments within Aberdeenshire and allowing such a development within Aberdeen City would reduce the distance people would need to travel to use such a facility; and,

4. After considering the independent report submitted by the applicant which assessed the risk posed by the proximity of the site to the Shell and BP pipelines, the risk posed by the pipelines was regarded as being at the lower end of the scale and of minor significance".

- 2.14 Reasons 1, 2 and 3 are particularly important to the current proposal.
- 2.15 The proposed extension would continue the design, form and finish of the building which was approved by Local Members in 2010. This design has been developed with due consideration for its setting and we consider the proposal is acceptable in

terms of its impact on the existing buildings within the farmyard and also in terms of its impact on the surrounding landscape.

- 2.16 From the point of view of sustainability, officers have expressed the view that the site is inherently unsustainable and “**any further intensification, given the unsustainable location would not be justified**”. A rural farm diversification project will, by definition, be located in a rural area and will to some extent be reliant on the private car. Local Members were particularly supportive of the positive sustainability benefits of the project in 2010, providing a facility like this closer to the urban population than others in Aberdeenshire. The current proposal is not intended to significantly increase visitor numbers to the site. Rather, it is designed to provide better facilities for existing visitors.
- 2.17 We discuss each of these points, in the context of the officers’ reason for refusal, later in this Statement.

3. Planning Policy Context

- 3.1 This section summarises key Development Plan policies as well as other material planning policies, which we consider to be of relevance in the assessment of the current application.
- 3.2 For the purposes of this application the Development Plan comprises the Aberdeen Local Development Plan 2012.

Aberdeen Local Development Plan (ALDP, 2012)

- 3.3 Policy T2 'Managing the Transport Impact of Development' requires new developments to demonstrate that ***“sufficient measures have been taken to minimise additional traffic generation”***. Paragraph 3.16 states that sufficient information must be submitted to allow a “reasoned decision” to be reached.
- 3.4 Policy D1 (Architecture and Placemaking) states:
- “To ensure high standards of design, new developments 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”***
- 3.5 Policy D3 (Sustainable and Active Travel) states that new developments will be designed to: “minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel”.
- 3.6 Policy D6 (Landscape) requires that new developments should ***“avoid significant adverse impacts upon existing landscape elements”***. The Policy goes to state that development will not be acceptable unless it avoids (inter alia):
- “1. Significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct ‘sense of place’ which point to being either in or around Aberdeen or a particular part of it; ...***
- 3. Disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them;***

4. *Sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities*”.

3.7 Policy NE2 (Green Belt) states that no development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

3.8 The policy does, however, list exceptions that apply, as follows:

“1. *Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:*

a) The development is within the boundary of the existing activity.

b) The development is small-scale.

c) The intensity of activity is not significantly increased.

d) Any proposed built construction is ancillary to what exists.

2. *Essential infrastructure, such as electronic communications infrastructure and electricity grid connections, transport proposals identified in the Local Development Plan, such as the Aberdeen Western Peripheral Route, as well as roads planned through the masterplanning of new housing and employment allocations, which cannot be accommodated other than in the green belt.*

3. *Buildings in the green belt which have a historic or architectural interest or traditional character that contributes to the landscape setting of the city will be permitted to undergo a change of use to private residential use or to a use which makes a worthwhile contribution to the amenity of the green belt, providing it has been demonstrated that the building is no longer suitable for the purpose for which it was originally designed. (See Supplementary Guidance on The Conversion of Steadings and other Non-residential Vernacular Buildings in the Countryside).*

4. *Proposals for extensions of existing buildings as part of a conversion or rehabilitation scheme will be permitted in the green belt provided:*

a) The original building remains visually dominant;

b)The design of the extension is sympathetic to the original building in terms of massing, detailing and materials; and

c) The siting of the extension relates well to the setting of the original building”.

- 3.9 The supporting text to the Policy states (Paragraph 3.65) that: “The aim of the green belt is to maintain the identity of Aberdeen and the communities within and around the city by defining their physical boundaries clearly, avoiding coalescence and urban sprawl, maintaining the landscape setting and providing access to open space.”
- 3.10 Policy BI5 (Pipelines and Controls of Major Accident Hazards) controls the kind of development permitted in the vicinity of a number of oil and gas pipelines which populate the area. The policy states that the Council will take full account of advice from the Health and Safety Executive in relation to planning applications within consultation distances of any such hazardous installation.

Scottish Planning Policy (SPP, 2010)

- 3.11 SPP is a statement of Scottish Government Policy on land use planning. The guidance contains the Government’s view of the purpose of planning, statutory guidance on sustainable development and planning, concise planning policies on specific subjects and the Government’s expectations of the intended outcomes of the planning system. Its content should be a consideration in decisions on planning applications.
- 3.12 SPP provides general guidance in relation to decision making and also provides specific policy support, by subject area.
- 3.13 It places significant emphasis on economic development of all types, stating (paragraph 45):
- “Authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated...Removing unnecessary planning barriers to business development and providing scope for expansion and growth is essential.”***
- 3.14 Paragraph 45 also states that the planning system should “support economic development in all areas by...taking account of the economic benefits of proposed development in development plans and development management decisions”,

-
- 3.15 With specific relevance to this application, the SPP states that “***the tourism industry is one of Scotland’s largest business sectors and planning authorities should support high quality tourism development, including the provision of appropriate facilities in key locations across urban and rural Scotland***” (para 47).
- 3.16 SPP considers rural tourism development, and in particular “development linked to tourism and farm diversification” (para 93). Indeed, it states that “the planning system has a significant role in supporting sustainable economic growth in rural areas” (para 92).
- 3.17 Importantly, Paragraph 163 states that “***certain types and scales of development may be appropriate within a green belt, particularly where it will support diversification of the rural economy.***” These may include (inter alia) “***development associated with agriculture, including the re-use of historic agricultural buildings***” and “***recreational uses that are compatible with an agricultural or natural setting***”.
- 3.18 The Paragraph goes on to state that intensification of established uses in the Green Belt may be appropriate subject to any new development being of a suitable scale and form.
- 3.19 Paragraph 164 states:

“***In addition to supporting the management of the long term growth of a settlement, an effectively managed green belt can be an important resource for access to the countryside, providing a range of opportunities for outdoor recreation, education and tourism, and for protecting and enhancing biodiversity, the landscape and the historic environment.***”
- 3.20 SPP also provides guidance on renewable energy technologies, with Paragraph 182 identifying the “***important contribution***” of heat and electricity produced from renewable sources in responding to climate change issues.

4. Main Assessment

- 4.1 According to Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) applications for planning permission should be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 4.2 Having set out the planning context in Sections 1 and 2 of this Statement, and with reference to the reasons for refusal, the key planning considerations and issues in respect of the proposal are considered to be the following: the principle of development; impact on the green belt; design; landscape and visual impacts; transport; and sustainability. This section assesses the application against these issues in turn.

Principle

- 4.3 The Council does not have any overarching rural/countryside development policy, against which the current application can be considered. However, national policy set out in the previous section states that authorities should recognise the differing needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to accommodating this. A farm diversification project such as this will, by definition, be located in a rural location. On this basis, the starting point for the authority should be to support the extension of the playbarn in principle. It also states that economic development should be supported in all areas. National policy also recognises the need to support tourism projects, including specifically projects in rural locations such as this. It recognises the role that planning has in supporting economic growth in rural areas. It also gives specific support to development linked to tourism and farm diversification projects. This farm diversification project, which provides education, child exercise and rural tourism opportunities, is the type of diversification project that national policy encourages.
- 4.4 The Council has already recognised this when it approved the application for the erection of the playbarn (Ref. P090706) in 2010. The reasons for the decision set out on the decision notice itself stated:
- “The proposed use as a farm shop, café and play barn are considered to be legitimately related to the existing agricultural use and to be an acceptable form of farm diversification”.***

-
- 4.5 The Council's reasoning in 2010 remains entirely in line with national planning policy. The principle of the development therefore remains entirely acceptable.

Impact on the Green Belt

- 4.6 As stated in the previous section, Policy NE2 strictly limits development in the green belt. In our view, only the first exception in Policy NE2 applies to this application. Part 2 relates to essential infrastructure, Part 3 relates to buildings which have a historic or architectural interest and Part 4 relates to extensions of existing buildings as part of a "conversion or rehabilitation scheme" (which this proposal is not).
- 4.7 Part 1 states that "proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:..." We deal with each criterion separately.

a) The development is within the boundary of the existing activity.

The proposal falls entirely within the boundary of the planning permission that originally permitted the Playbarn, as defined by the red line boundary of the original permission (090706). The officer agrees with this view in the delegated report.

b) The development is small-scale.

The term "small scale" is not defined. We have therefore used the common sense definition of "small scale" in that it must be read in the context of the existing activity, referred to in the first part of the policy. In total, the extension will represent only 25% of the floorspace of the Playbarn complex. In our view, this would comply with the definition of "small scale" in the context of this development.

The Council has previously granted planning consent (Ref. P100960) for retention of 225sq.m. of conservatory buildings at the Dobbies Garden World site in Langstracht, a site which is also in the green belt. This is only approximately 75sqm smaller than this proposal. It is difficult to see why that could be considered to be "small scale" whilst the current proposal is not.

We are also aware of consent having been granted in both 2008 and again in 2013 (Refs. A8/1134 and P131330) for the construction of a replacement dwelling on a site in Blacktop (also within the green belt). The officer's delegated report states: "The proposed dwelling is one and a half storeys in height, although taller than the existing house its footprint is no larger than 50% more than the existing". This clearly suggests that the Council considers a footprint increase of less than 50% to be acceptable in

the green belt. This is a much larger proportional increase than is proposed with the Wynford Farm application, and is inconsistent with the position taken by officers in relation to this application.

At a number of meetings with Council officers (with Tommy Hart and Jennifer Chalmers on 8/4/13 and 6/6/13 and with Daniel Lewis on 18/6/13 and 6/12/13), this point has been discussed. Our client's notes of the meeting on 8/4/13 show that Mr Lewis suggested in his opinion a smaller extension, of 6m in length instead of the proposed 18m, would be acceptable. Our client explained that a smaller extension would not be viable. Mr Hart suggested looking at an extension running parallel to the main playbarn building, and that this would be considered more favourably. Such an extension would achieve a similar volume to that currently proposed. Our client's architects produced a number of alternative layouts, and this process confirmed that the current proposal was preferable. This is because it would be more efficient thermally, easier to staff (it is important for the staff to have sightlines across the building), there would be less demolition of the existing building, less disruption to the existing business and as it would have the appearance of a single agricultural building, rather than an extended building.

At the first meeting with Mr Lewis (on 18/6/13), he stated that he thought a 6m extension would be acceptable as in his opinion this constituted a "small extension". However, such an extension would not be viable and, in our view, the 6m limit has no basis. For the reasons set out above, and with reference to the other sites, it seems an arbitrary figure.

The planning officer's delegated report into the appeal proposal focuses on the *"overall floor area of approximately 1130sq.m...which is considered significant, rather than of a small scale"*. This approach is in our view incorrect. The reference to "small scale" in the policy relates to the increase, not the overall floorspace created. Around 75% of this area is already built, so we consider this approach to be disingenuous and not the intention of the policy wording. In any reasonable assessment of the proportional increase, and with reference to previous decisions made by the Council, this proposal is small-scale and therefore complies with part (b) of the Policy.

c) The intensity of activity is not significantly increased.

The policy does not seek to prevent an increase in visitors; it only seeks to prevent a "significant" increase in visitors. The additional floorspace created will not significantly increase activity; the intention is for the area to be used to provide additional facilities

for the existing visitors and increase length of stay. From our experience with other similar developments elsewhere in the UK, it is clear that to increase activity there would need to be new attractions within the building that can be promoted as a new reason to visit. That is not the case with this development; it is an extension to the existing facility to improve the quality of the experience and hopefully extend length of stay. It is possible that word of mouth will result in some increase in visitors, but that is unlikely to create a “significant” increase in visitors.

A key justification for the size of building proposed is to improve the visitor experience for disadvantaged children who we welcome at the site, but sometimes struggle to share the play space with other children due to their particular and individual requirements (for example noise and movement). Currently the play barn has play sessions for disadvantaged children during the day along with other customers, but this arrangement is not ideal for parents and carers, for obvious reasons. This will therefore allow existing users to bring children to the centre at convenient times of the day and have separate sessions in the extension; this is changing the profile of use through the day but is not increasing its intensity.

d) Any proposed built construction is ancillary to what exists.

The proposed use would be ancillary to the existing Playbarn and would not introduce a new use to the site. It will also match the existing building, so would not appear to be a separate development.

It should also be taken into account that this is an extension to an existing building that is now well established and, like the existing Playbarn, will have the appearance of an agricultural building so will not look out of place in this green belt location. This should be taken into account when considering the extent of harm to the green belt in this location, because agricultural development is considered to be acceptable in the green belt.

The officer’s delegated report accepts that the proposed development complies with this criterion.

- 4.8 When deciding the 2010 permission, the Council in its reasons for the decision stated: “the physical development proposed and design of the building is considered to be acceptable and have no adverse impact upon the landscape character of the green belt”.

-
- 4.9 It seems difficult to understand how an extension which creates an area that constitutes only 25% of the total floorspace of the building, and matches the appearance of the original building, can have an adverse impact on the landscape character of the green belt when the original building had no adverse impact.
- 4.10 If the committee does consider that there is some limited harm to the green belt, this should be balanced against the strong support for tourism and farm diversification in SPP and the Council's general support for economic development. The Playbarn is a high quality rural facility providing for the surrounding rural communities, as is evidenced by our survey of local opinion on the extension which has secured 1243 supporting signatures (including addresses) to date. The scale of the building has been based on the need for additional space and also the cost of the development; a smaller extension would not provide a significant cost saving and would not fully meet the needs of the Playbarn's visitors. In addition, the proposed development will provide three additional jobs, which is a significant benefit to the local area, and the continued success of this rural business is important in safeguarding non oil-related employment.
- 4.11 There are farm parks in almost all green belts in Scotland, England and Wales, and this type of educational/tourism development is considered to be appropriate in the green belt. Given the relatively small-scale nature of the proposal and the extent of economic and social benefit, we consider that a refusal on the basis of impact on the green belt would not be appropriate.

Design

- 4.12 In the officer's delegated report, it is accepted that the proposed extension would continue the design, form and finish of the building approved in 2010. However, the officer states that, in his view, the focus of the group of buildings would be "overwhelmed" by the new structure. We do not accept that the extended playbarn as a whole would dominate the collection of buildings; the extension would be unseen from the northern approach, is seen head-on from the southern approach and from the west is screened by mature trees. We consider that this complies with Policy D1 because it has been designed with due consideration for its setting. The setting of the new building should not be read in the context of the steading that existed prior to the playbarn being developed, as that situation no longer exists, and hasn't since 2010. Instead it should be read in the context of the existing situation, which includes the existing playbarn. The extended structure would not look out of place in its rural

setting because it has the appearance of an agricultural building. The extension would match the existing in terms of proportions, including being built to the same ridge height. It would extend beyond the building's principal elevation but this allows the overall development to retain the effect of a single modern agricultural building.

- 4.13 The proposal protects the character of the existing development and accords with policy D1.
- 4.14 In the decision notice, the reason for refusal states: "The proposed extension would detract from the character of the original steading building which would lose its visual presence and be dominated by those more modern additions." This is not unusual or out of character, as it is common in a rural location for modern, utilitarian buildings to be developed alongside or around traditional steadings and to dominate the original buildings, as agricultural businesses often require this type of building.
- 4.15 The applicant has given some thought to alternative ways of addressing the comments made by the Council, and in particular the suggestion that the focus of the grouping would be overwhelmed by a large, modern and utilitarian element. We consider that an extension of more complex design, including a lower ridge height, would contribute to a contrived appearance and would ultimately result in an adverse impact on the rural character of the area. It would also limit the usefulness of the interior space as it is necessary for playbarns to be built to a minimum height to allow the installation of play equipment, which is modular. Furthermore, the close proximity of overhead power lines to the western end of the farmyard significantly impacts on any potential to design a 'side by side' extension of the playbarn.
- 4.16 We also draw attention to our survey of local support for the project, which has generated 1243 signatures to date. This should be viewed as a clear demonstration of the acceptability of our design approach.

Landscape and Visual Impact

- 4.17 The officer's delegated report states that the proposal "will have a reasonably significant impact on the landscape character of the area and will erode the quality of the wider green belt to the detriment of its value". The application site is in an area of undulating countryside. Agricultural buildings associated with Wynford and Wellside Farms populate the local landscape and are visible over the low-level field boundaries along Borrowstone Road. Agricultural buildings used to house cattle, store feed and straw, tractors and farm implements at Wynford Farm are particularly conspicuous,

given their location, size (which are significantly larger than the café, farm shop and playbarn) and arrangement, immediately adjacent to the public road.

4.18 The existing arrangement of buildings at Wynford Farm sees the farm shop and playbarn building sited perpendicular to Borrowstone Road, with its end elevation visible from the south-east. The building is utilitarian in style, designed to be of agricultural appearance, and thus blend into the rural landscape. In granting consent for the original playbarn development in 2010, members indicated that this design and layout would have ***“no adverse impact upon the landscape character of the green belt”***.

4.19 The proposed development would retain this arrangement, with the end elevation of the extended building remaining visible from the south-east. The length of the extension would be visible as vehicles approach and pass the entrance to the farm (although well screened by the existing mature trees), but the building would be read as part of the agricultural landscape in which it sits.

4.20 In terms of the criteria in Policy D6, we have the following comments:

1. *Significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct ‘sense of place’ which point to being either in or around Aberdeen or a particular part of it.* For the reasons set out above, we consider that this development will not harm the landscape character of this location. It is a modern agricultural-style building which matches the existing playbarn structure and is similar to other utilitarian agricultural buildings which characterise this part of the Green Belt.

2. *Obstructing important views of the City’s townscape, landmarks and features:* Not relevant.

3. *Disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them.* There is no loss to any recreation land, wildlife or woodland.

4. *Sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities.* The area of land on which the proposal sits is not an important green space between communities with individual identities; it is part of an existing collection of agricultural buildings on an agricultural holding, albeit in the green belt. It does, however, assist with the achievement of this policy’s aspirations as it will

provide opportunities for countryside activities, and the wider vision of the owner of the Farm is to also allow for outdoor recreation at the farm.

Transport

- 4.21 The proposed extension would be sited on an area currently used for car parking. The Council has confirmed that a maximum of 65 parking spaces are required to serve the extended building, all of which would be provided entirely within the site.
- 4.22 The Council's Roads Projects team has confirmed there are no concerns from a highway safety perspective.

Sustainability

- 4.23 The planning officer's report objects to the current proposal on the grounds that "it is not considered that the location is particularly sustainable and that the intensification of the use at this location will exacerbate that inherent unsustainability, in conflict with SPP and the aims of the Local Development Plan". The report goes on to state that "a further intensification, given the unsustainable location would not be justified".
- 4.24 This view must be balanced against the comments of members in 2010 (Ref. No. P090706), in their decision to grant consent for the farm shop and playbarn development, which stated that: . ***"there are similar developments within Aberdeenshire and allowing such a development within Aberdeen City would reduce the distance people would need to travel to use such a facility"***. If this comment held true in 2010, it remains relevant now, and although visitors will predominantly use the private car, overall distances are reduced because the development is within Aberdeen City. Furthermore, this view must also be balanced against strong SPP support for ***"economic activity and diversification in all small towns and rural areas, including development linked to tourism and farm diversification"*** (Paragraph 93) and ***"intensification of established uses"*** in the Green Belt (Paragraph 159).
- 4.25 Policy T2, referred to in the reason for refusal, does not specifically require the development to be located in an area that is accessible by means of travel other than the private car, which is certainly the implication in the officer's delegated report. It requires that measures be taken to minimise the traffic generated. This is an extension to an already established business, which already takes measures to minimise traffic generation. The business encourages group visits and travel by

minibus, including visits by schools, nurseries and disabled groups and by cyclists. These visits are encouraged by contacting nurseries, schools and disabled groups and offering them “outings packages” if they come with 10 children or more.

- 4.26 Policy D3, which is referred to, is primarily concerned with urban developments and accessibility of communities to facilities within the urban area. By definition a rural farm diversification project, of the sort that are strongly supported by SPP, is going to be in a rural location, and to that extent will be more reliant on the private car. But, as accepted by members in 2010, providing a facility like this closer to the urban population, has positive sustainability benefits.
- 4.27 The sustainability of the site has already been found to be acceptable, and we have stated that the extension of the play barn is not expected to significantly increase the number of people visiting; it is designed to provide better facilities for existing visitors. We do not consider that the extension, which will represent only 25% of the floorspace of the operation, is going to generate significantly more trips by the private car sufficient to be a reason for refusal.

Other considerations

- 4.28 The proposed extension will lead to the creation of three new jobs, which is a significant benefit to the local area. This should be given significant weight in the Council’s decision, given the important role the planning system is expected play in fostering sustainable economic growth (SPP Paras 45 and 92).
- 4.29 The proposed building will also be highly sustainable in terms of its energy performance, utilising an air source heat pump and passive solar energy to provide an entirely sustainable heating source. The building has also been designed to maximise the use of natural ventilation, further reducing energy demands. These highly sustainable technologies assist in reducing reliance on fossil fuels, and should be supported by the Council in accordance with Paragraph 182 of SPP.

5. Conclusion

- 5.1 The proposal seeks planning permission for an extension of the existing playbarn building, to provide an additional 300sq.m. of internal floorspace. The proposal would allow the applicant to provide additional facilities for existing visitors and increase length of stay.
- 5.2 The principle of the conversion and extension of existing farm buildings at Wynford Farm, to create a farm shop and playbarn, was established in 2010 when Local Members granted planning consent for application Ref. P090706. The buildings were built using all renewal energy heating, high efficiency lighting (all LED in the café) an extremely high standard of insulation and natural ventilation, the proposed extension would be built on the same principles. In terms of sustainability the buildings use much less than a standard building.
- 5.3 The Aberdeen Local Development Plan contains a policy (NE2) which restricts the nature and extent of development allowed in Green Belt locations. There are, however, a number of exceptions to this restrictive approach, including proposals for developments associated with existing activities in the Green Belt.
- 5.4 Scottish Planning Policy also provides strong support for economic development in rural areas, in particular farm diversification projects, and also supports intensification of established uses in Green Belt locations.
- 5.5 The proposed extension is of a small-scale nature and has been carefully sited and designed in order to minimise any potential impact on the rural character of the area. The proposal accords with policies D1, D6, NE2 AND T2 of the Aberdeen Local Plan and with Scottish Planning Policy and is acceptable. We hope that members can continue to support this development.

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Agenda Item 3.1

Signed (authorised Officer(s)):

7 ST JOHN'S TERRACE, ABERDEEN

PROPOSED INCREASE OF THE EXISTING
ROOF PITCH, EXTENSION OF FRONT
DORMER AND ERECTION OF 2 STOREY
REAR EXTENSION

For: Mr Derek Nicoll

Application Type : Detailed Planning
Permission

Application Ref. : P140226

Application Date : 19/02/2014

Advert :

Advertised on :

Officer : Linda Speers

Creation Date : 24 April 2014

Ward: Airyhall/Broomhill/Garthdee (I Yuill/A
Taylor/G Townson)

Community Council: No comments

RECOMMENDATION:

Refuse

DESCRIPTION

The application site is located to the north-west on St Johns Terrace which is situated across from the Mannofield Water Treatment Works. The property comprises of a 1.5 storey detached granite dwelling house. To the front of the property is driveway, all of which is paved and enclosed with a low granite wall to the front and higher granite to the sides circa 1700mm. The rear garden is approximately 32 meters long and is fully enclosed; a patio area is located adjacent to the rear elevation. To the rear of the garden is a large double garage accessed from the rear lane and adjacent is a parking space enclosed with 2000mm high gates. The property has a hipped slate roof with chimneys at either gable and a flat roof dormer to the front elevation. The windows and doors are white PVC. The current plot coverage is 10% of the 425sqm rear garden area.

RELEVANT HISTORY

A4/1457: Planning Permission: Erection of a domestic garage. Approved Unconditionally 2004.

PROPOSAL

Planning permission is sought to extend the property. The proposals include a 2-storey mansard type extension to the rear. Alterations to the existing hipped roof include increasing the pitch to 60 degrees with an area of flat surface on top; to the rear the hipped roof will be partially straightened to accommodate the 2 storey extension with a wall head height of 6000mm high. The front dormer window will increase and the existing chimneys to the sides will remain.

The rear extension measures 9600mm wide almost the complete width of the rear elevation and projects 6000mm into the rear garden and serves a new kitchen and family room on the ground floor and a new master bedroom with ensuite and a further bedroom at the first floor. The side elevations are mainly solid with a single utility room window 900mm wide proposed on the south west elevation on the original part of the house and 1no. velux roof light on each side elevation. The rear elevation has 3no. 1100mm wide windows with arched head to the kitchen, new rear external door and 3000mm wide door and side screens to the new family room. On the first floor, a new Juliet balcony is proposed with 1800mm wide glazed doors. The extension to be finished with a grey granite chip render, white PVC windows and doors and slate to match the existing roof.

The dormer extension to the front will increase to 5200mm wide and the height and finish with match the existing.

A similar extension was approved in 2009 (P090314) for the neighbouring property at No. 8 St Johns Terrace

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=140226>

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

Community Council – No observations

REPRESENTATIONS

No letters of representation/objection/support have been received.

PLANNING POLICY

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 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. Complies with Supplementary Guidance contained in the Householder Development Guidance.

Supplementary Guidance

- **Householder Development Guide**

The householder development guide relating:

Rear Extensions:

The general principles relating to such extensions expect that they should be architecturally compatible in design and scale with the original house and surrounding area, materials should be complementary and the extension should not overwhelm or dominate the original form or appearance of the dwelling.

Dormer Extensions:

The dormer extension should not appear to dominate the original roof space and flat roofed dormers on more traditional hipped roof house should not breach hips.

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.

The overall objective of the current Supplementary Guidance: The householder Development Guide states that 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.

Elements of the 58sqm rear extension are considered acceptable; the footprint is subservient to the existing dwelling and plot size, the total site coverage would rise to 24% and this is considered acceptable with plenty useable rear garden space retained after development. The extension is located a suitable distance from the neighbour properties and does not restrict amenity in terms of day lighting or privacy. The extension will however cast a shadow in the neighbouring garden at No. 5 St Johns Terrace mid-afternoon for a few hours

The proposal to change the pitch of the roof to 60 degree's with a flat top surface is also considered acceptable as the nature of this alteration would not have an adverse impact on visual character of the streetscape with many houses in this stretch of the street already having a steep pitch, the retention of the side chimneys ensure the existing design and character of the property is not lost as a result of the alteration.

The extended front dormer meet requirements in terms of design and scale, window location, infill panels, and ratio of glazing to solid and is therefore considered to be fully compliant with the design guidelines contained in the supplementary guidance. All external finishes, materials and window units match the existing dwelling house. There would be no additional overlooking of neighbouring properties than exists at present, therefore this proposal would result in no additional detrimental impact on neighbouring amenity and residential character, in compliance with Policy H1 and the supplementary guidance.

Notwithstanding the above, there remains potential policy conflict whereby the design of the 2 storey extension is not considered architecturally compatible with the design of the original 1.5 storey hipped roof dwelling. The scale, mass and proportions of the overall 2 storey extension permit the development to visually dominate and overwhelm the original character of the house and the relationship is not thought to be justifiable. Although the alterations to partially straighten the hipped roof are located to the rear on a non-public elevation it serves to significantly alter the character of the dwelling and contrary to the general

principals within the Supplementary Guidance: The householder Guide and with policy D1. In addition the residential amenity is considered to be affected by the sheer presence of such a domineering extension and contrary to Policy H1.

The main issue in determining the application is whether or not the proposal complies with the relevant policies and, if not, whether there are any reasons which outweigh policy, for example the presence of similar developments in the immediate area. The agent did cite, as a precedent, the neighbouring property No. 8 St Johns Terrace (P090314) which received planning permission for a similar style extension in 2009. This proposal projected a total of 3700mm from the original rear building line thus a lot less domineering than the 6000mm extension being proposed by the applicant. Also this application was approved prior to the introduction of the 2012 supplementary guidance which clearly states that any existing extensions which were approved prior to its introduction will not be considered by the planning authority to provide justification for a development which would otherwise fail to comply in the interest of improving quality of design.

An alternative scheme to retain the hipped roof at the rear, thus providing a 1.5 storey extension with identical footprint with no loss of accommodation, increased roof pitch and front dormer extension was suggested to the agent and the applicant, but was rejected in favour of the original submission.

Notwithstanding the positives merits to the proposal, the proposed design and subsequent impact of the character of the original dwelling remain cause for concern and fail to uphold the provisions of policy D1 and H1 of the Aberdeen Local Development Plan. On the basis that there is an appropriate solution which complies with policy available to the applicant, it would therefore not be unreasonable to refuse planning permission in this case.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The proposed rear extension would breach both Policy DI (Architecture and Placemaking) and the supplementary guidance contained in Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2012, as the design would overwhelm and dominate the original form and appearance of the dwelling. The proposal, if implemented, would establish an undesirable precedent for similar applications which would be difficult to resist, leading to erosion of the character, to the detriment of the visual and residential amenity of the area.

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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 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 overdevelopment
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
2. It can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity

Town and Country Planning (Scotland) Act 1997 (as amended)

25 Status of development plans

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.

37(2) Determination of applications: general considerations

In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.



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

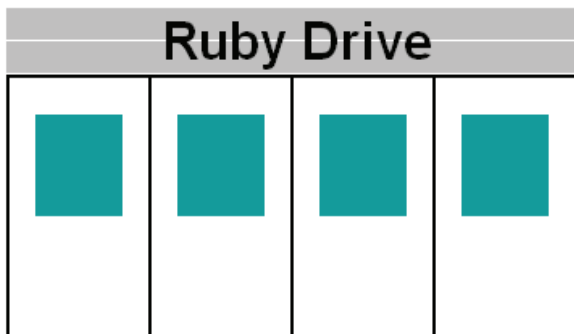
Elsewhere in this document, guidelines are set out in relation to specific types of development, such as house extensions, porches etc. In addition to those specific criteria, the following principles will be applied to **all** applications for householder development:

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**

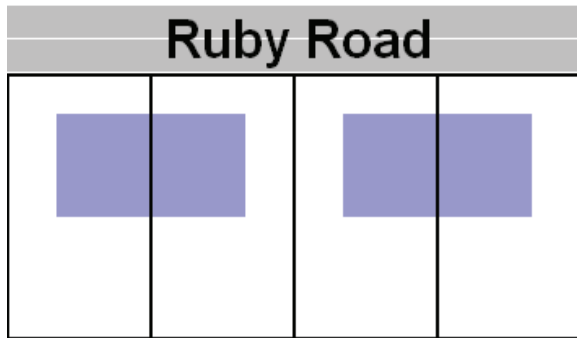
In addition to the design considerations noted above, the planning authority shall continue to apply guidelines relating to specific types of dwellings, as follows. Where dimensions are stated for projection of extensions, these should be measured from the rearmost original part of the main building, 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.

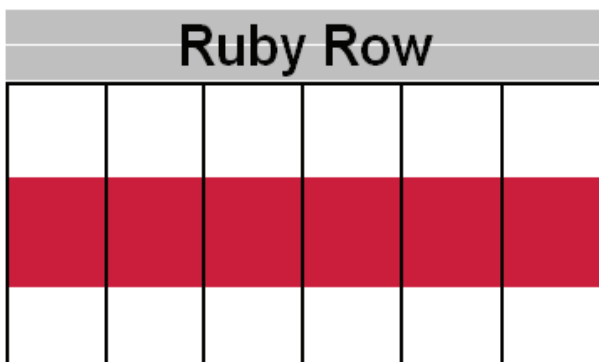
2. Semi-detached Dwellings



- 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.

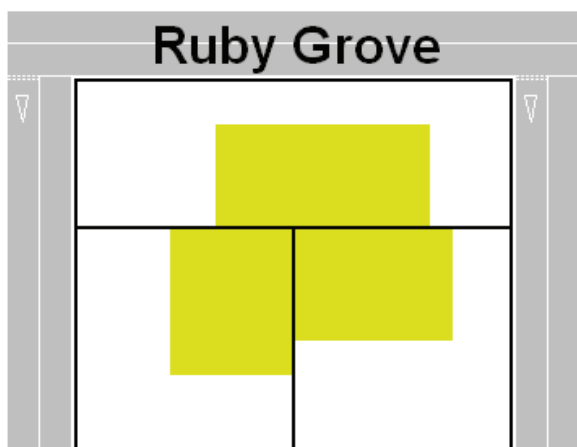
3. Conventional Terraced Dwellings



- (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:

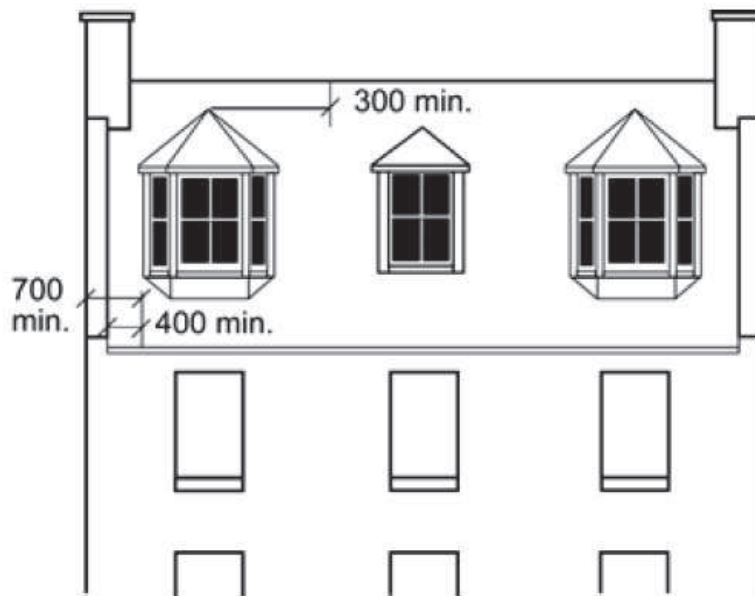
- a) On traditional properties, original dormers must be retained and repaired, and their removal and/or replacement with larger or modern dormers will not be permitted;
- b) The removal of inappropriate earlier dormers and roof extensions, and their replacement by architecturally and historically accurate 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.

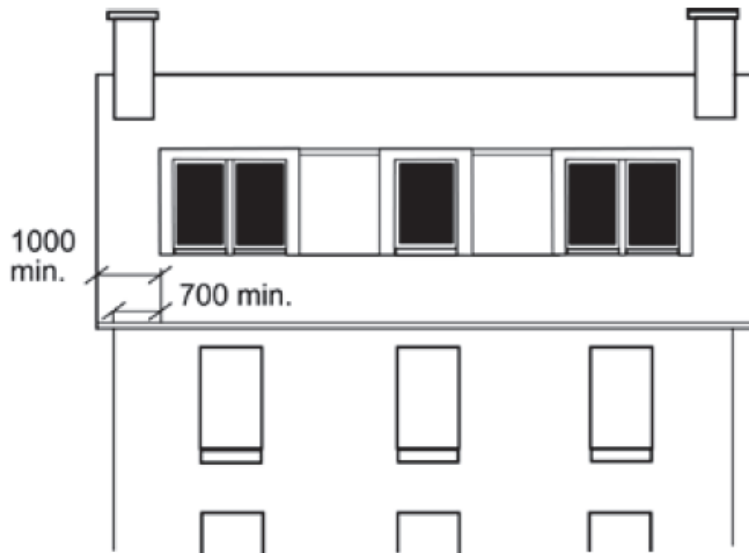


Piended dormers on typical Aberdeen tenement (linking dormers not acceptable on front elevations)

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:

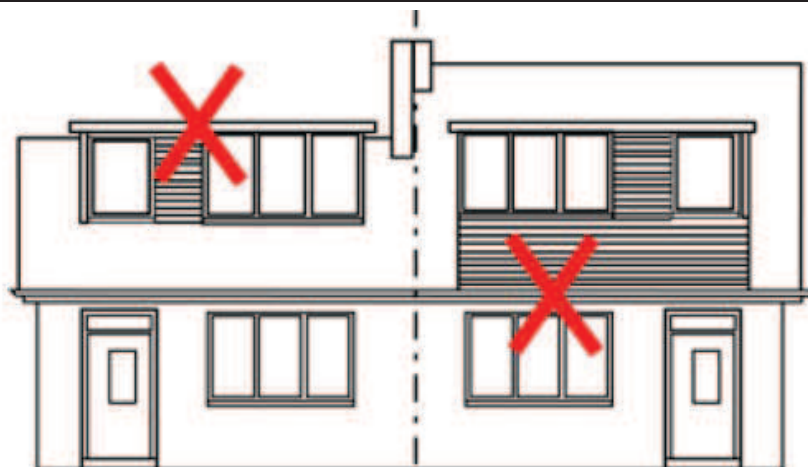
- a) The aggregate area of all dormer and/or dormer extensions should not dominate the original roof slope;
- b) Dormer haffits should be a minimum of 400mm in from the inside face of the gable tabling;
- c) The front face of dormer extensions should be a minimum of 400mm back from the front edge of 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

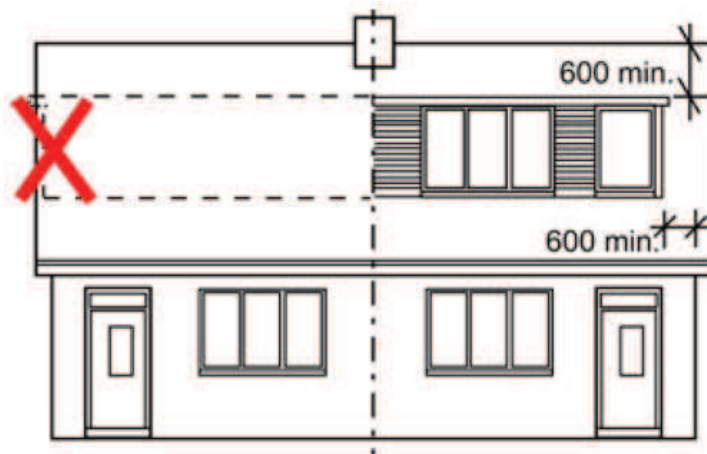
- a) Dormers and box dormer extensions have become common features in many modern housing areas, and the wide variety of designs of modern dwellings necessitates a greater flexibility in terms of design guidance. The amenity of other properties and the residential neighbourhood must however, still be 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

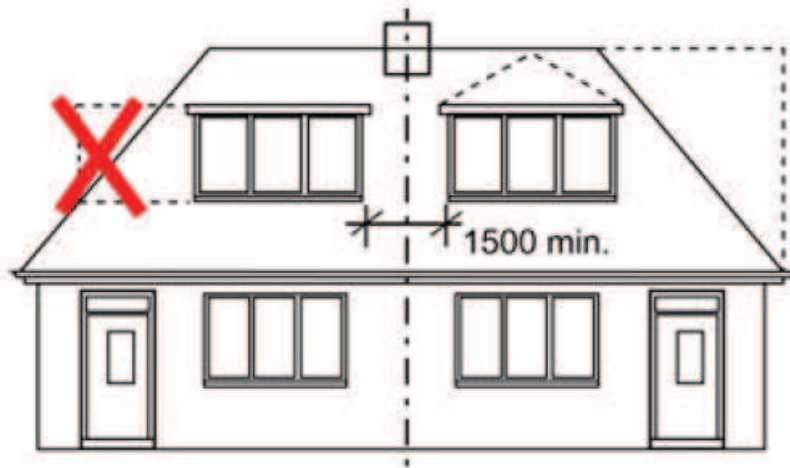
- d) The roof of the proposed extension should not extend to, or beyond the ridge of the existing roof, nor should it breach any hip. Dormer extensions cannot easily be formed in hipped roofs. Flat roofed extensions should generally be a minimum of 600mm below the existing ridge;
- e) The dormer extension 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.

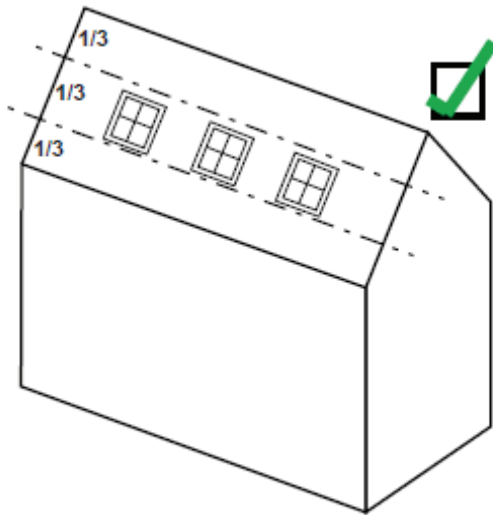


Flat roofed dormers on more traditional hipped roof house (Dormers should not breach hips. A pitched roof on this kind of dormer greatly increases its bulk). Extending roof to the gable on one side only is best avoided.

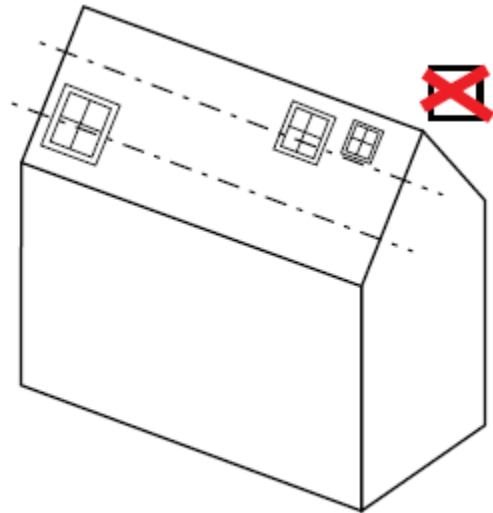
▪ **ROOFLIGHTS**

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.

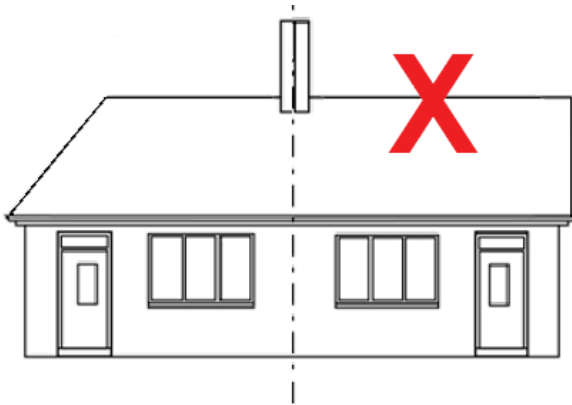


Rooflights too large and too close to eaves and verge. A variety of sizes, spacing and levels.

- 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.

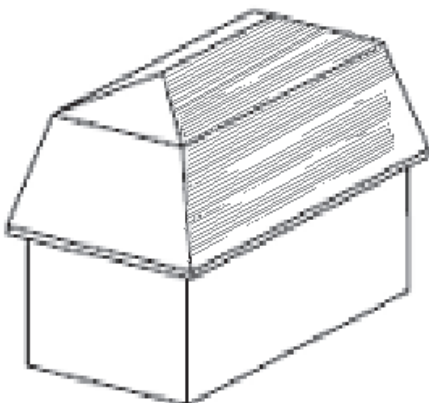
Half dormer windows

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.

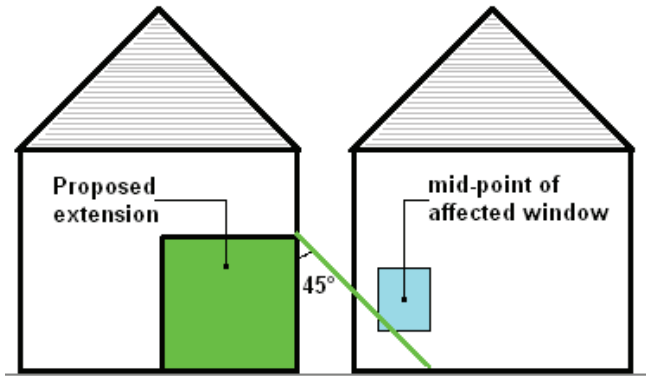


Fig A: Elevation view

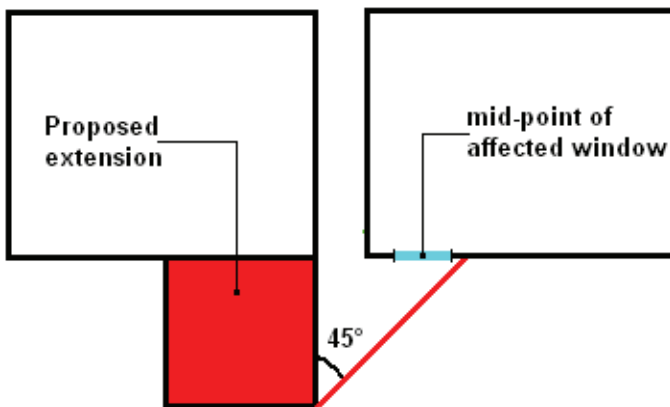


Fig B: Plan view

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

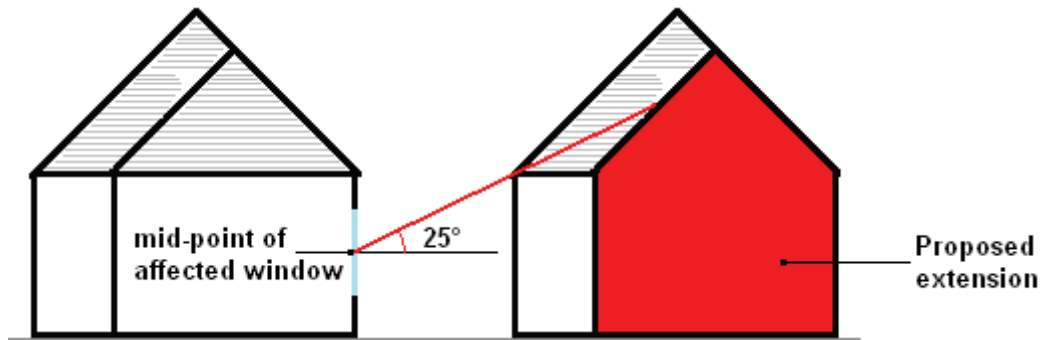


Fig A: Proposed extension may result in loss of daylight to adjacent window of a habitable room

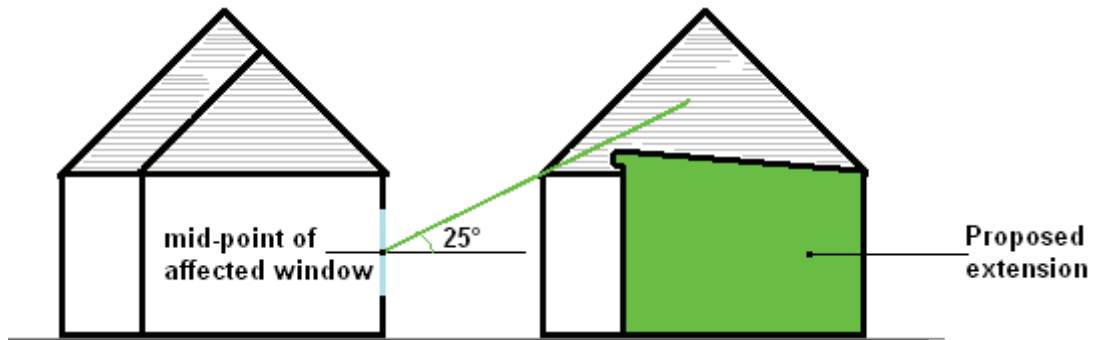


Fig B: Proposed extension would not result in loss of daylight to adjacent window of a habitable room

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.

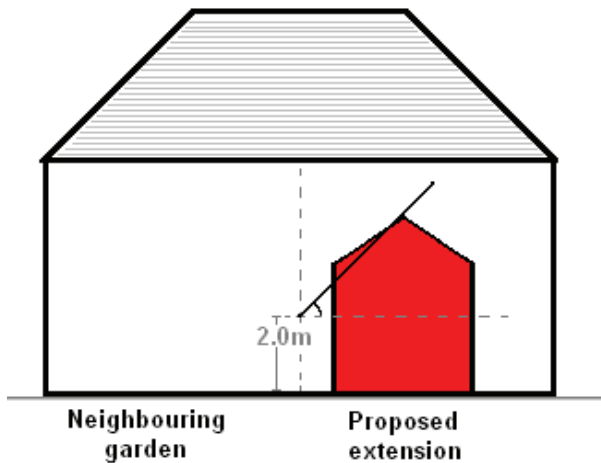
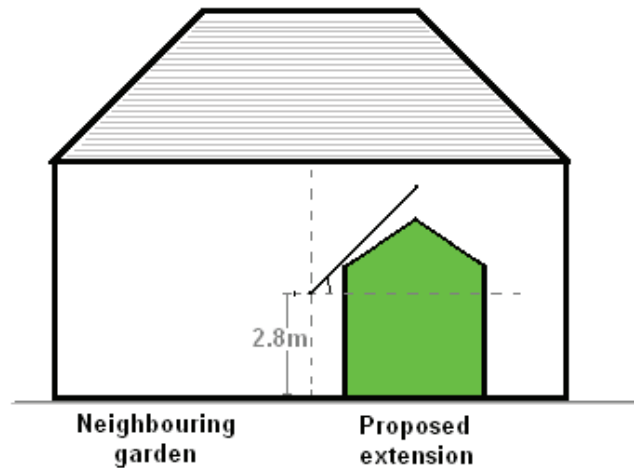
The method used involves drawing a line at 45 degrees to the horizontal. This line will begin at a point above ground level on the relevant boundary. The height above ground level will be determined by the orientation of the proposed building or structure relative to the affected space, as shown in the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

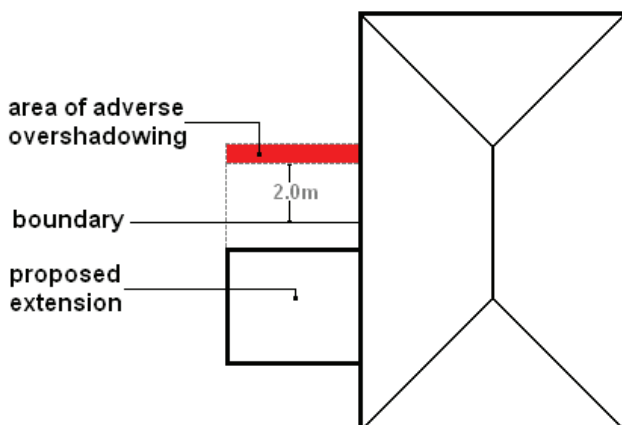
The diagram in Example 1 shows that the line drawn would not strike any part of the proposed extension, and therefore for the purposes of this test there would be no adverse affect on sunlight to the neighbouring garden.



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.

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 DEREK NICOLL

Name JAMES G. MILTON

Address 7 ST. JOHN'S TERRACE
ABERDEEN

Address 81 HILTON STREET
ABERDEEN

Postcode AB15 7PH

Postcode AB24 4QR

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail*

E-mail*

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

Yes No

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

Planning authority ABERDEEN CITY COUNCIL

Planning authority's application reference number P140226

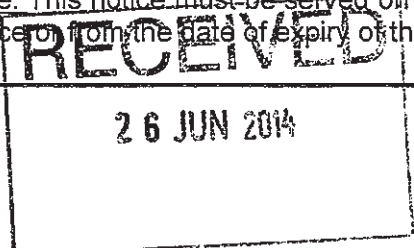
Site address 7 ST. JOHN'S TERRACE
ABERDEEN. AB15 7PH

Description of proposed development INCREASE OF THE EXISTING ROOF PITCH,
EXTENSION OF FRONT DORMER AND ERECTION OF
2 STOREY REAR EXTENSION

Date of application 19/02/2014

Date of decision (if any) 28/04/2014

Note. This notice must be served on the planning authority within three months of the date of the decision notice or on 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 type="checkbox"/> | <input checked="" 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:

IF THE APPLICANTS ARE CONTACTED BY TELEPHONE, ACCESS WILL BE GIVEN TO THE REAR GARDEN

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.

THE PROPOSAL WAS FOR AN EXTENSION AND ALTERATIONS THAT WOULD BE SIMILAR IN SIZE AND DESIGN TO THE EXTENSION THAT HAS RECENTLY BEEN COMPLETED AT THE ADJOINING SITE AT 8 ST. JOHN'S TERRACE.

THE REASON FOR THE DESIGN IS THAT IT WOULD REFLECT THE SIMILAR ADJACENT DESIGN.

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.

1. Photocopy of proposed north west elevation of the proposed extension to 7 St. John's Terrace
2. Photo of the north west elevation of the recently completed extension of the adjacent property of 8 St. John's Terrace.
3. Photocopy of refused plans.

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.

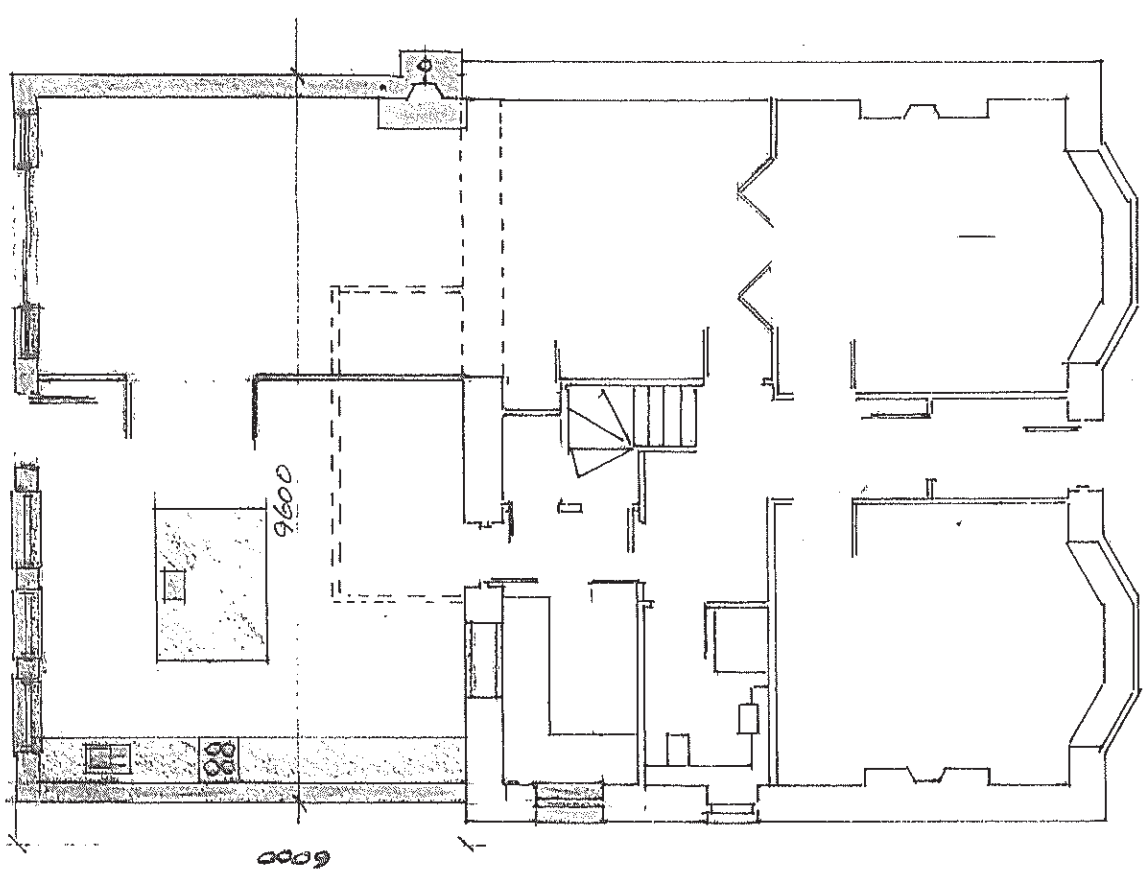
Declaration

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.

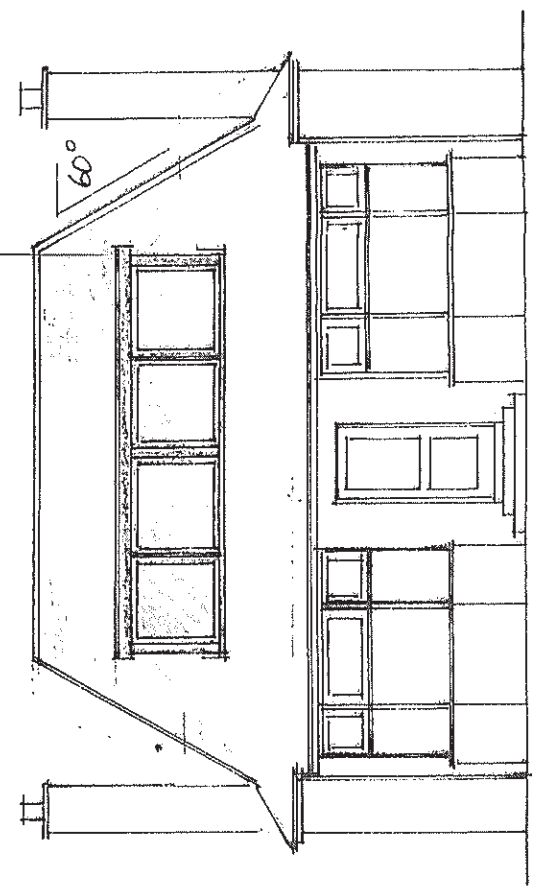
Signed

Date

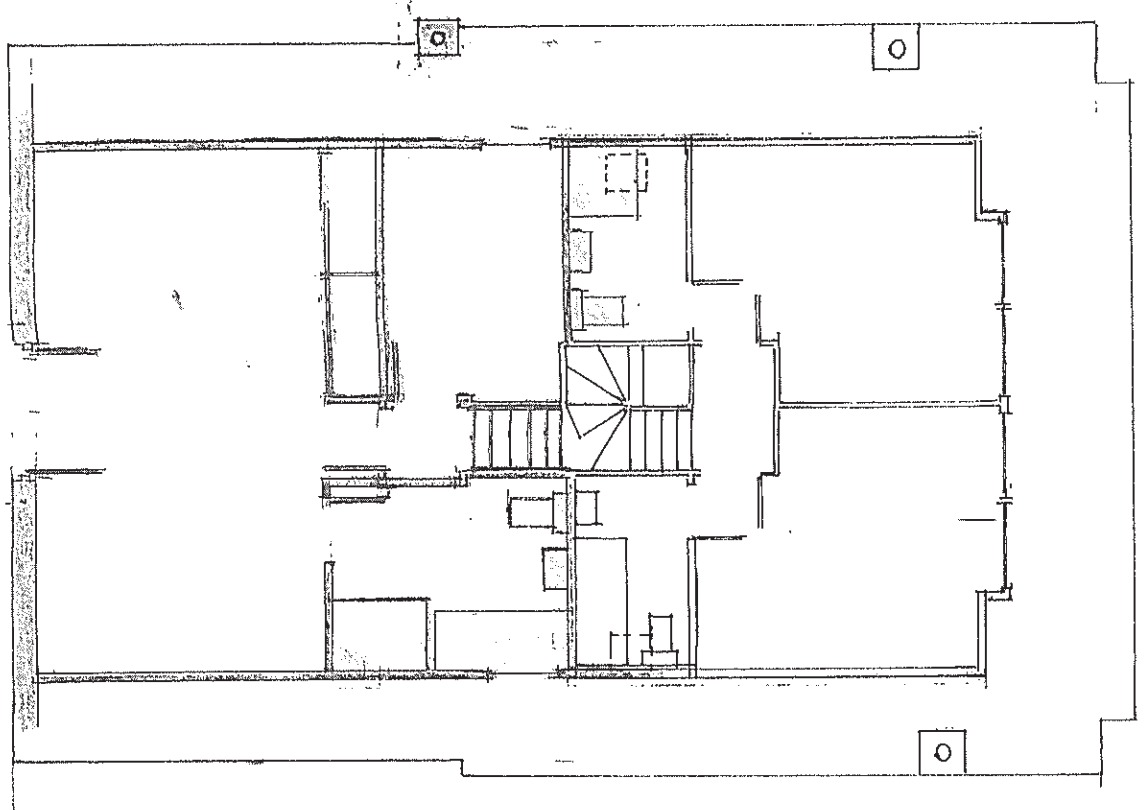
25/06/2014



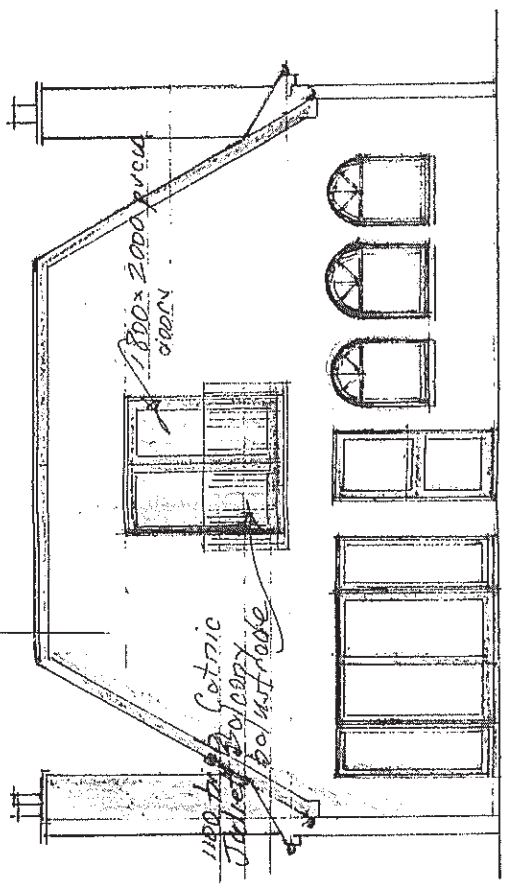
PROPOSED GROUND FLOOR 1:100



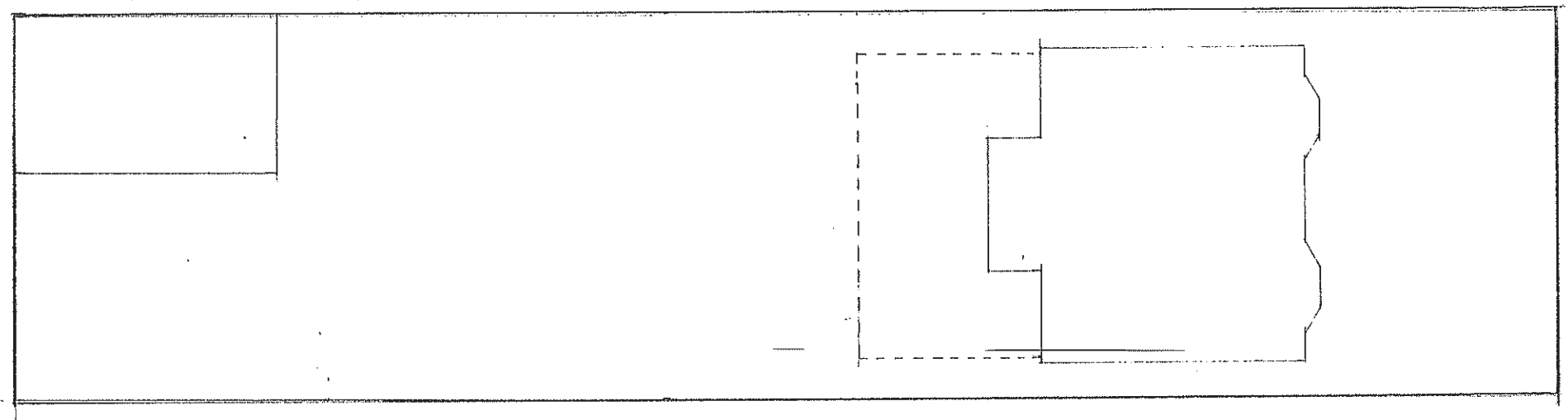
PROPOSED S.E. ELEV.



PROPOSED FIRST FLOOR 1:100



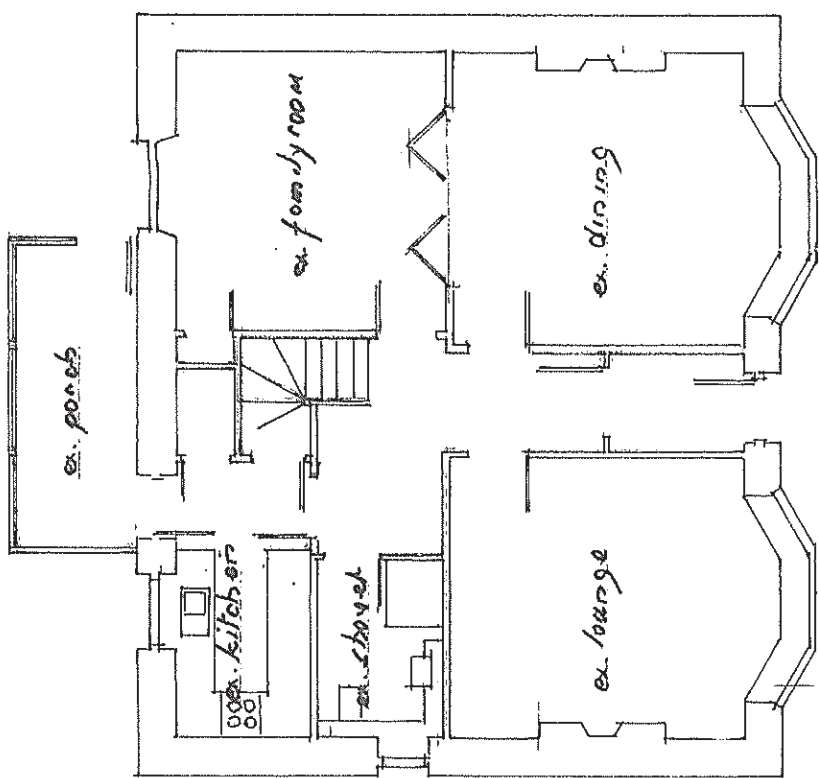
PROPOSED N.W. ELEV.



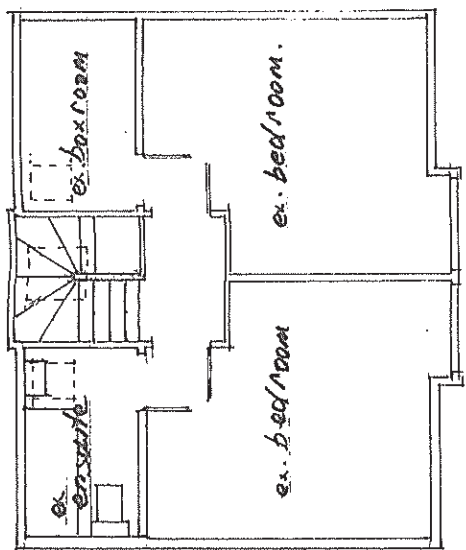
SITE PLAN 1:200

PHOTO 226
 Windows & Doors - white
 pvc to match the
 existing.
 Fascias & bargeboards -
 white pvc to match the
 existing.
 Pitched roof - slates to
 match the existing.
 Flat roof - grey colour
 fibre glass.
 Walls - grey granite
 chip render.
 Boundary walls & fences
 to remain as existing

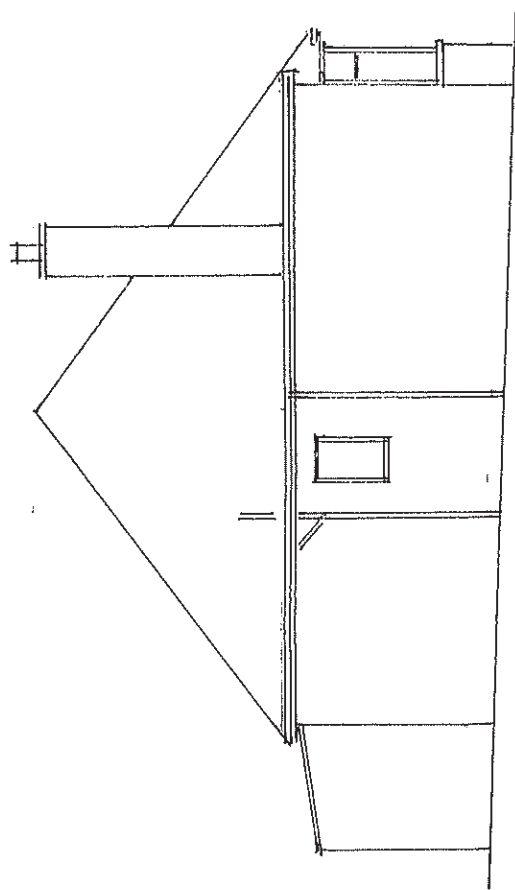
1/21/50
P147226



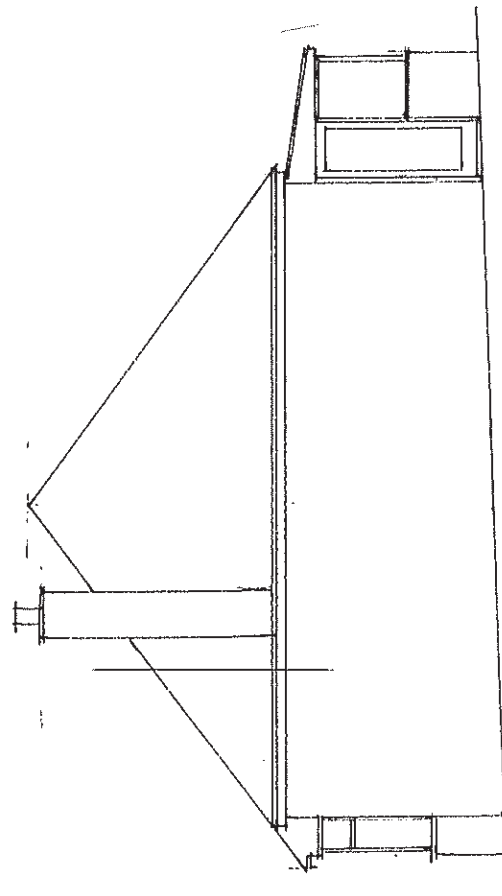
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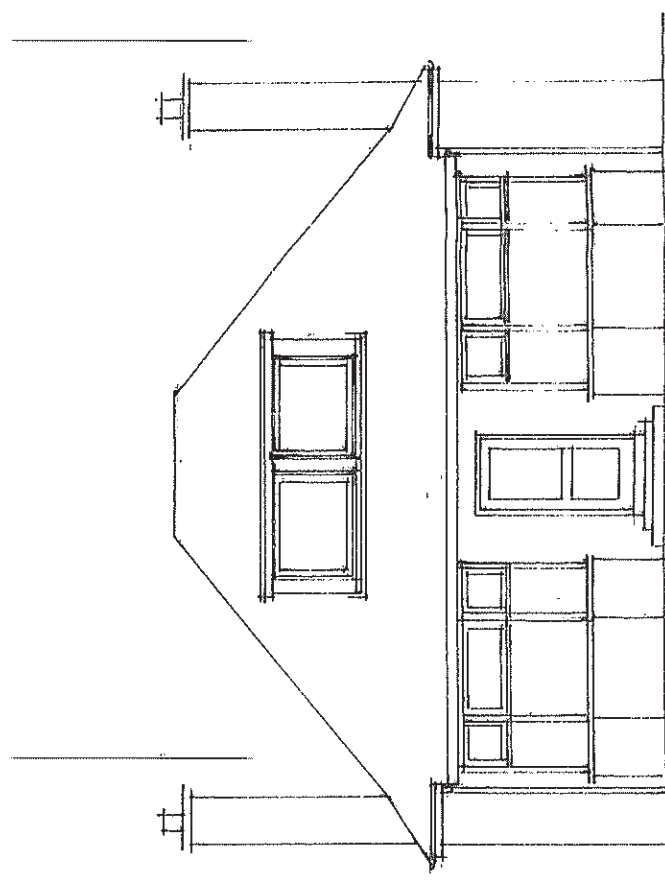
EX. FIRST FLOOR PLAN



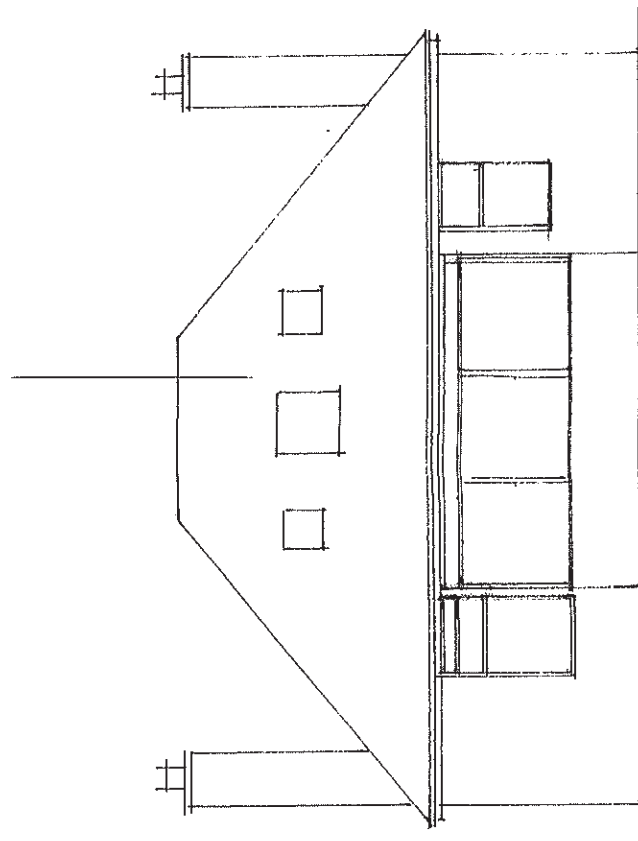
EX. S.W. ELEV.



EX. N.E. ELEV.

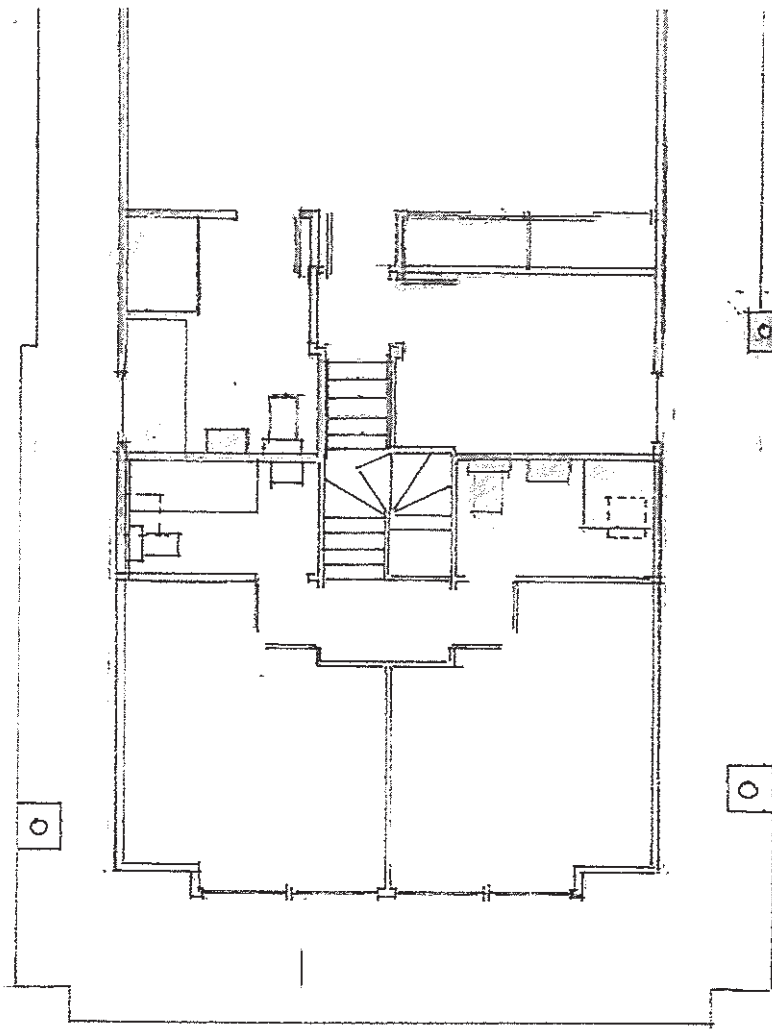


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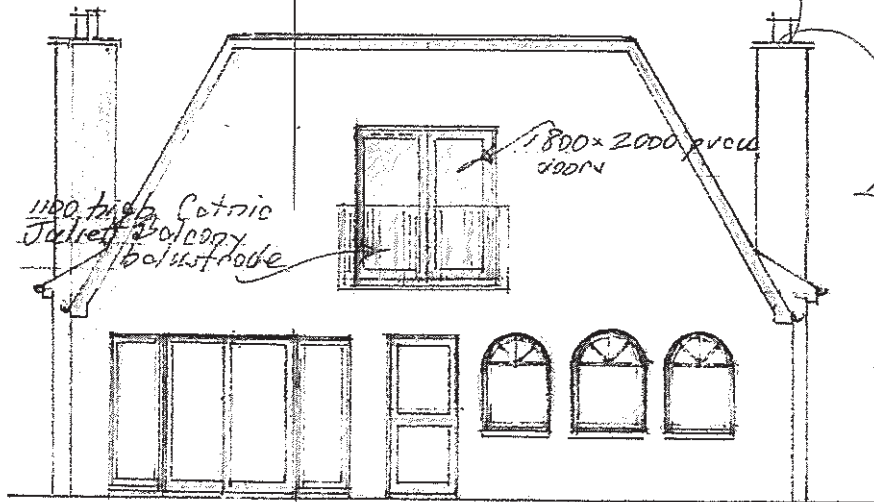


EX. N.W. ELEV.

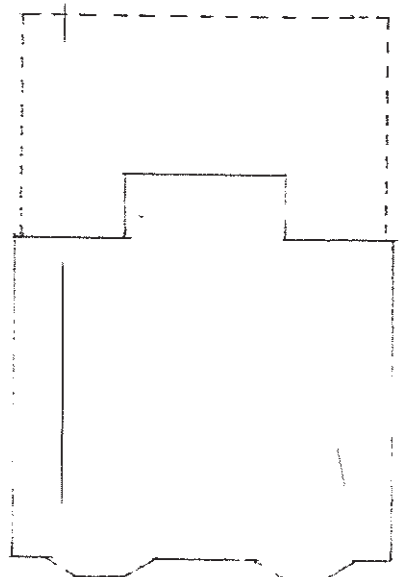
PROPOSED EXTENSION AND
ALTERATIONS
7 ST. JOHNS TERRACE



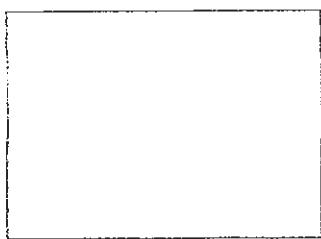
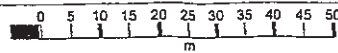
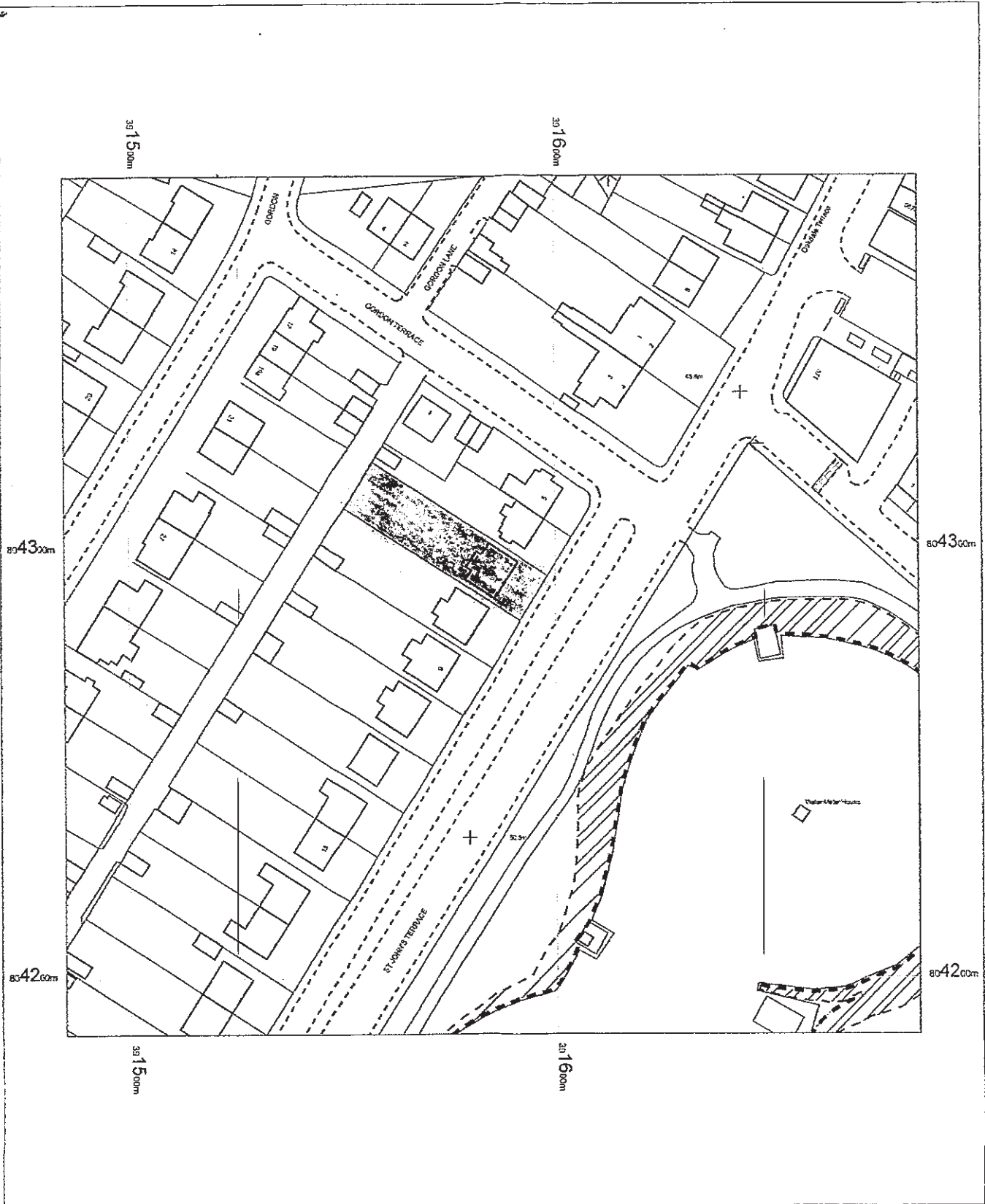
PROPOSED FIRST FLOOR 1:100



PROPOSED N.W. ELEV. OF Proposed extension to 7 St John's Terrace. SITE PLAN 1:200



P140226



OS MasterMap 1250/2500/10000 scale
29 January 2014, ID: MNOW-00292312
mapsnow.co.uk

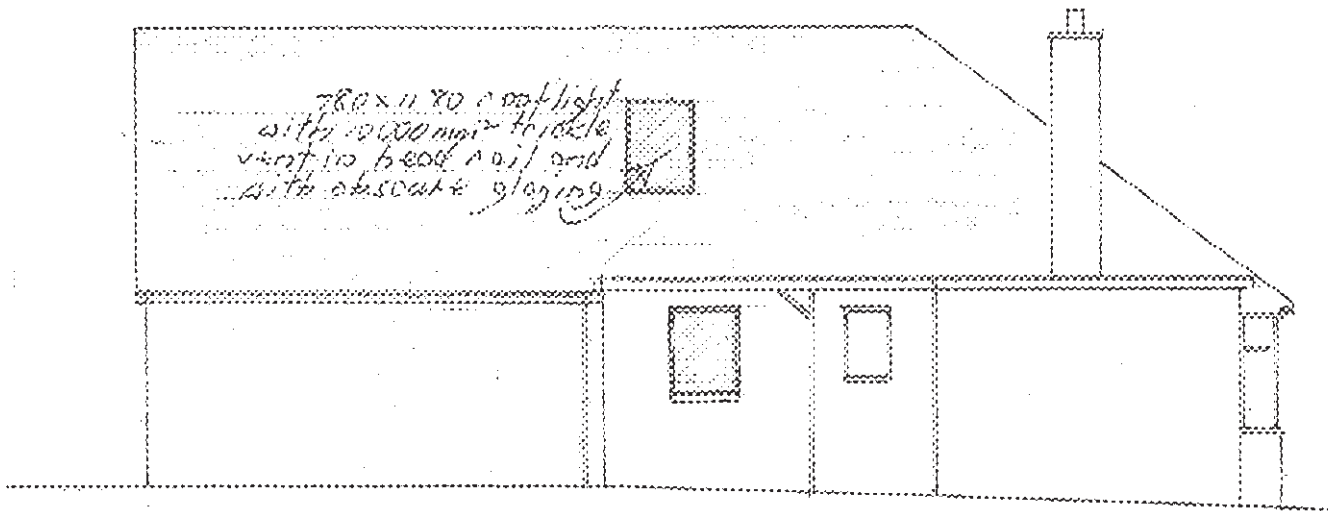
1:1250 scale print at A4, Centre: 391585 E, 804287 N

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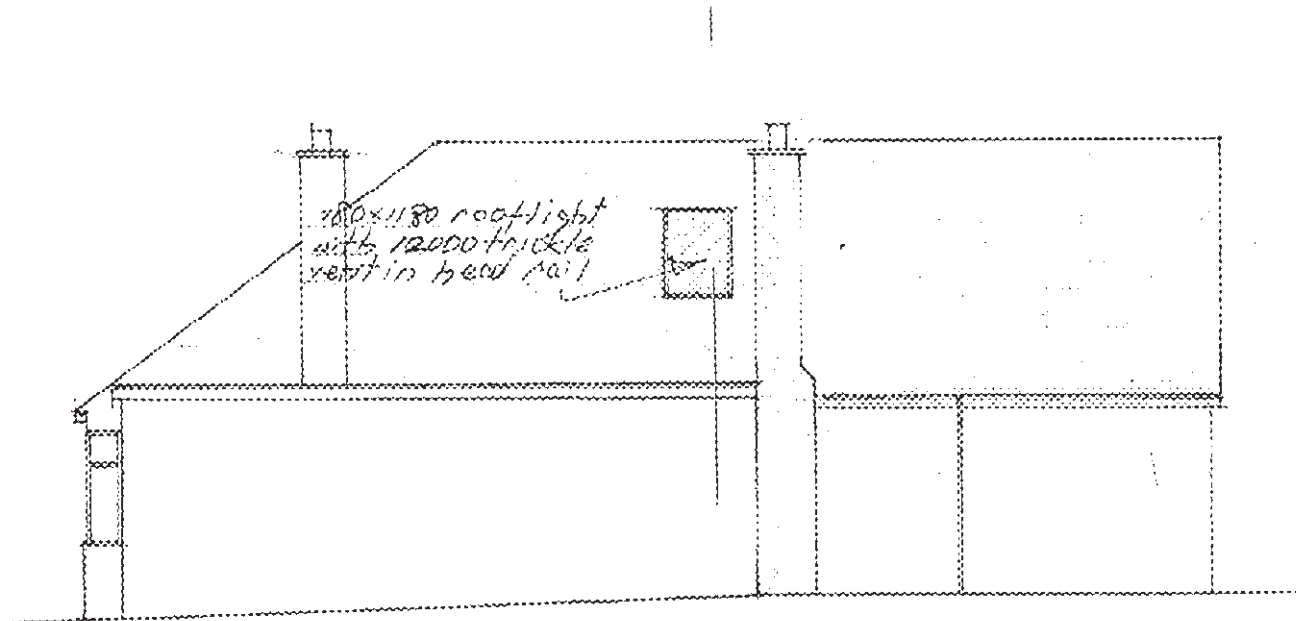


Mapsnow
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PROPOSED S.W. ELEV. 1:100



PROPOSED N.E. ELEV. 1:100

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Agenda Item 4.1

Signed (authorised Officer(s)):

18 ESSLEMONT AVENUE, ROSEMOUNT

REPLACEMENT OF 2 WINDOWS

For: Mrs Maria Mazevet

Application Type : Detailed Planning
Permission

Application Ref. : P140065

Application Date : 29/01/2014

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

Advertised on : 12/02/2014

Officer : Alex Ferguson

Creation Date : 4 June 2014

Ward: Midsocket/Rosemount (B Cormie/J
Laing/F Forsyth)

Community Council: No comments

RECOMMENDATION:

Refuse

DESCRIPTION

The application site comprises a 2nd floor flatted property within a traditional 4 storey granite tenement block on the corner of Esslemont Avenue and Northfield Place. The block of flats forms part of a terrace of similar tenement blocks on the eastern side of Esslemont Avenue. There are a variety of different window designs and fenestration patterns on Esslemont Avenue although the corner block to which the application property belongs has a uniformity of window design, with all the windows in the building being white-framed 1-over-1 casement units with central horizontal transom bars which mimic the appearance of a traditional sash and case window, with the exception of the upper sash being stepped out above the lower sash. The application site is situated within the Rosemount and Westburn Conservation Area.

RELEVANT HISTORY

P130479 – Planning permission was granted in 2013 for the installation of replacement windows at 49 Esslemont Avenue. The initial proposals involved the replacement of the existing central transom 1-over-1 casement windows with inappropriate tilt and turn units with a low level fixed pane. After discussions with

the planning case officer, the applicant amended the plans and proposed instead to replace the existing windows with more traditional sash & case units.

P121118 – Planning permission was granted in 2012 for the installation of replacement windows at 29-35 Esslemont Avenue. The replacement windows were of a traditional sash & case 1-over-1 design.

PROPOSAL

Permission is sought for the installation of replacement windows at the application site. It is proposed to replace the 2no existing units which have central transom bars, with 2no modern uPVC windows with an offset, lower transom. The windows would have a lower, 450mm high fixed pane and a larger, 1.6m high tilt and turn unit above.

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=140065>

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

Community Council – No comments

REPRESENTATIONS

No letters of representation received.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) is the statement of Government policy on land use planning and includes the Government's core principles for the operation of the planning system and concise subject planning policies. The subject planning

policies relating to Communications Infrastructure and the Historic Environment are material considerations.

Historic Scotland's Scottish Historic Environment Policy (SHEP) – the main principles of Historic Scotland's SHEP, in terms of Development Management, is to ensure that any development within a Conservation Area or relating to a Listed Building enhances or preserves the area or building – in other words, the proposed development should not have a detrimental impact on the character of the area or the building.

Aberdeen Local Development Plan

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 Listed Buildings or Conservation Areas 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. 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.

Technical Advice Note: The Repair and Replacement of Windows and Doors

- White uPVC vertical sliding windows may be acceptable as 'lookalike' replacements for windows in Conservation Areas provided that proposals with through / embedded astragals comply with original dimensions.

- On non-traditional, more modern, buildings in Conservation Areas a broader range of materials and designs may be permitted, depending on the individual building and surrounding area.

Rosemount and Westburn Conservation Area Character Appraisal

It is acknowledged that one of the major contributing factors to the character of any area is the uniform treatment of fenestration.

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 guidance contained in the Technical Advice Note on replacement windows within a conservation area states that most buildings in conservation areas have sash and case windows and, at the front of the property, the only alternative to a sash and case window which is likely to be permitted is a sash and case 'lookalike'. PVC is an acceptable alternative to wood within a Conservation Area. However a different style of window may be permitted at the rear of the property provided it is not readily visible from a road or other public space.

It is acknowledged in the Rosemount/Westburn Conservation Area Character Appraisal that the uniformity of fenestration treatment in streets such as Esslemont Avenue has been lost - in most tenements no two windows are alike. However, the tenement block of which the application property forms part, is relatively unique for Esslemont Avenue as it does have a uniformity of fenestration pattern. All of the windows in the prominent corner block are white-framed units with central horizontal transom bars, mimicking the traditional sash and case appearance.

The Conservation Area Character Appraisal (CACA) suggests that it is considered impractical to expect replacement windows to the principle elevations within tenements in the Rosemount and Westburn conservation area to be replaced with sash and case units and that windows should be kept simple in style and have white frames. However, the CACA also states that:

'Carefully matching new windows to the most prevalent and appropriate existing

appearance, possibly including a dummy transom for example, will enhance a tenement. This will assist in creating a degree of uniformity in terraces thereby preserving and enhancing the character of the area.'

The CACA acknowledges that one of the major contributing factors to the character of any area is the uniform treatment of fenestration and that 'the genuine heritage of the conservation area must not be diluted and debased by the introduction of designs that merely mimic their surroundings in an unconvincing and ill-considered fashion.'

Therefore, whilst it is acknowledged that on the rest of the street, a variety of different window patterns have been installed which has eroded the character of the Conservation Area to some extent, the aim of the Council's Conservation Area Character Appraisal and window replacement guidance is to enhance the the character of the Conservation Area by encouraging and promoting the retention and/or reinstatement of traditional window designs and fenestration patterns.

Although it would be impractical to demand the reinstatement of sash & case window units on Esslemont Avenue, the retention or reinstatement of windows which at least have a similar appearance through the use of central transom bars is an acceptable compromise in terms of maintaining and enhancing the visual character of the area. The proposed installation of tilt and turn units with a lower fixed pane, although seen elsewhere in the street, would be detrimental to the character of the area and especially the corner block to which the application property belongs, due to the existing uniformity within that block. The proposed replacement windows therefore do not comply with Scottish Planning Policy, SHEP and Policies D1 (Architecture and Placemaking), H1 (Residential Areas) and D5 (Built Heritage) of the Aberdeen Local Development Plan.

It should be noted that since the introduction of the current Householder Development Guide and Technical Advice Note, no planning consents have been granted on Esslemont Avenue for the installation of modern window units matching those as proposed as part of this application. Indeed, the two most recent applications for window replacement on Esslemont Avenue have actually involved the retention and reinstatement of sash & case or sash & case lookalike window units which have helped to preserve and enhance the character of the Conservation Area, in accordance with SPP, SHEP and Policy D5 (Built Heritage) of the ALDP.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The proposed replacement windows would be of a non-traditional design. Their installation would have a detrimental impact upon the visual character of both the block in which the application property is situated, as well as the Conservation Area as a whole. The proposed installation of the replacement windows would therefore be contrary to Scottish Planning Policy, Scottish Historic Environment Policy and policies D1 (Architecture and Placemaking), D5 (Built Heritage) and H1 (Residential Areas) of the Aberdeen Local Development Plan.

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 additional to the inventory will be refused unless:

1. The objectives of designation and the overall integrity and character of the designated areas 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 overdevelopment

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
2. It can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

64 General duty as respects conservation areas in exercise of planning functions

(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

(2) Those provisions are—

- (a) the planning Acts, and
- (b) Part I of the **M1** Historic Buildings and Ancient Monuments Act 1953.

Town and Country Planning (Scotland) Act 1997 (as amended)

25 Status of development plans

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.

37(2) Determination of applications: general considerations

In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.



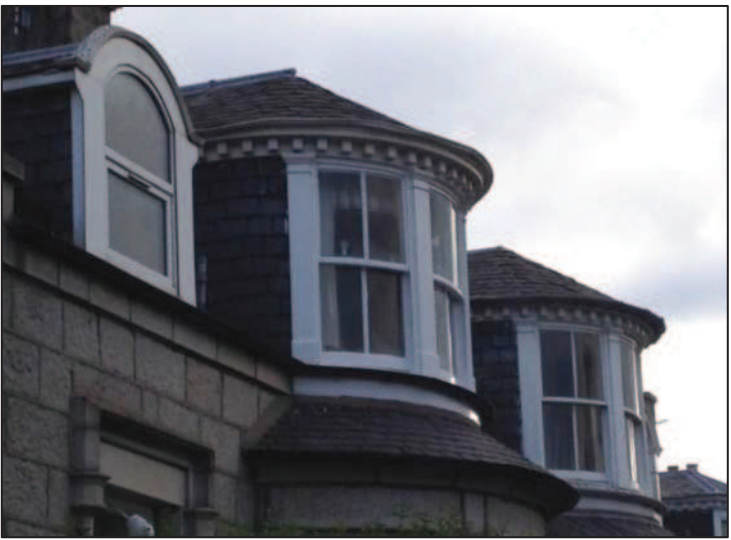
Technical Advice Note (TAN)

Title: The Repair and Replacement of
Windows and Doors

Date: 19 March 2013

Technical Advice Note

The Repair and Replacement of Windows and Doors



Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4, Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB
Telephone: 01224 523470
Fax: 01224 523180
Email: pi@aberdeencity.gov.uk



Contents

1.	Introduction	1
2.	Thinking About Change	2
3.	Why Do We Need to Manage Change?	3
4.	Do I Need Consent?	4
5.	Listed Buildings, Conservation Areas and Other Areas of Special Control	6
6.	Repair, Upgrade and Replacement	9
7.	Inserting New and Blocking Up Old	19
8.	Summary Charts – What Could Be Acceptable Where?	20
9.	What To do Next	22
10.	Glossary	24
11.	Further Reading	26
	Appendix 1 Professional Survey	27
	Appendix 2 Building Standards Information	28



1. Introduction

This is one in a series of **Technical Advice Notes** (TANs) produced by Aberdeen City Council to help explain the Council's policies on various aspect of development in the City and who to contact for further information and advice.

This TAN addresses the **Repair and Replacement of Windows and Doors** and applies to all properties in the City. It:

- provides advice and guidance to residents and developers who are considering the repair or replacement of windows or doors;
- provides advice on whether any approvals are required before undertaking works (e.g. Planning Permission, Listed Building Consent, Building Warrant), and how to apply for these approvals;
- is a 'material consideration' and will assist Officers within Aberdeen City Council in determining applications;
- explains why windows, doors and doorways are important features of traditional buildings;
- outlines the Council's expectations for properties which are Listed Buildings and / or within a Conservation Area;
- provides 'best practice' guidance on suitable replacement windows and doors where repair is not an option; and,
- advises on measures to enhance the efficiency and security of older windows and doors without having to replace them.

A Further Reading list is provided at the rear of the guide (Section 11), along with a Glossary (Section 10) to explain terms which may not be familiar. The TAN does not include guidance on new dormer windows or rooflights, as these are covered separately within the Householder Development Guide Supplementary Guidance, available at:

www.aberdeencity.gov.uk/localdevelopmentplan.



Windows, doors and doorways can be important features of a building which are important to protect

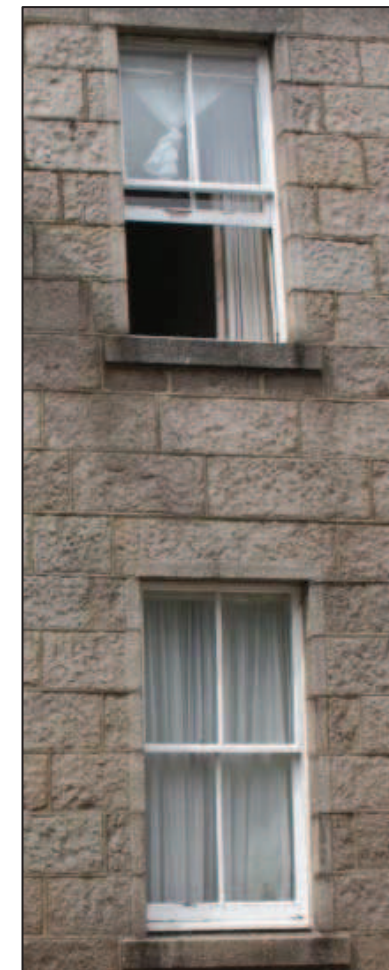
2. Thinking About Change

There are a number of reasons why owners might consider replacing their windows or doors, however the most common reasons are generally to do with concerns over heat loss, sound proofing, security and maintenance.

The general assumption is that these types of issues can only be resolved by completely replacing original windows and doors with something new – such as new ‘double glazing’. This is however often unnecessary, and can be extremely costly and unsustainable.

Below are a number of questions to consider before deciding whether replacing your windows or doors is right for you:

- Do my windows or doors actually need replacing or would it be more cost effective and sustainable to repair them?
- How old are my existing windows or doors? Are they of local or historic value or interest? Do they add value to my house?
- Are there upgrades which can be made to my existing windows to address heat loss, sound proofing and security?
- Can any parts of my existing windows or doors be recycled or reused if they cannot be repaired?
- Will new windows or doors really result in less maintenance?
- How long will it take for any savings in my heating costs to pay for the cost of new units, and how long will the new units last?



Repair of sash & case windows can often be much cheaper than replacement

3. Why Do We Need to Manage Change?

Windows, doors and doorways are distinctive features of a building which can often tell us a lot about local history and social change. In areas of Aberdeen where buildings have little decoration, traditional windows can make an important contribution to a building's architectural interest.

Changes to windows and doors which are well managed can make a positive contribution to the design and appearance of a building and to the quality and character of the surrounding area. Inappropriate changes can however have a significant negative impact on the character or appearance of a building which, when repeated over time, can dilute the appeal of wider areas.

For Listed Buildings and Conservation Areas inappropriate change can be particularly damaging, and may result in drops in property values. Unauthorised change may also lead to legal enforcement action.

Unauthorised windows and other works can also be identified by conveyancing solicitors and can affect property sales.



Inappropriate change can negatively affect streets and wider areas as well as individual buildings

To check if your property is a Listed Building, visit: www.historic-scotland.gov.uk/historicandlistedbuildings.

To check if you live within a Conservation Area, visit: www.aberdeencity.gov.uk/masterplanning.

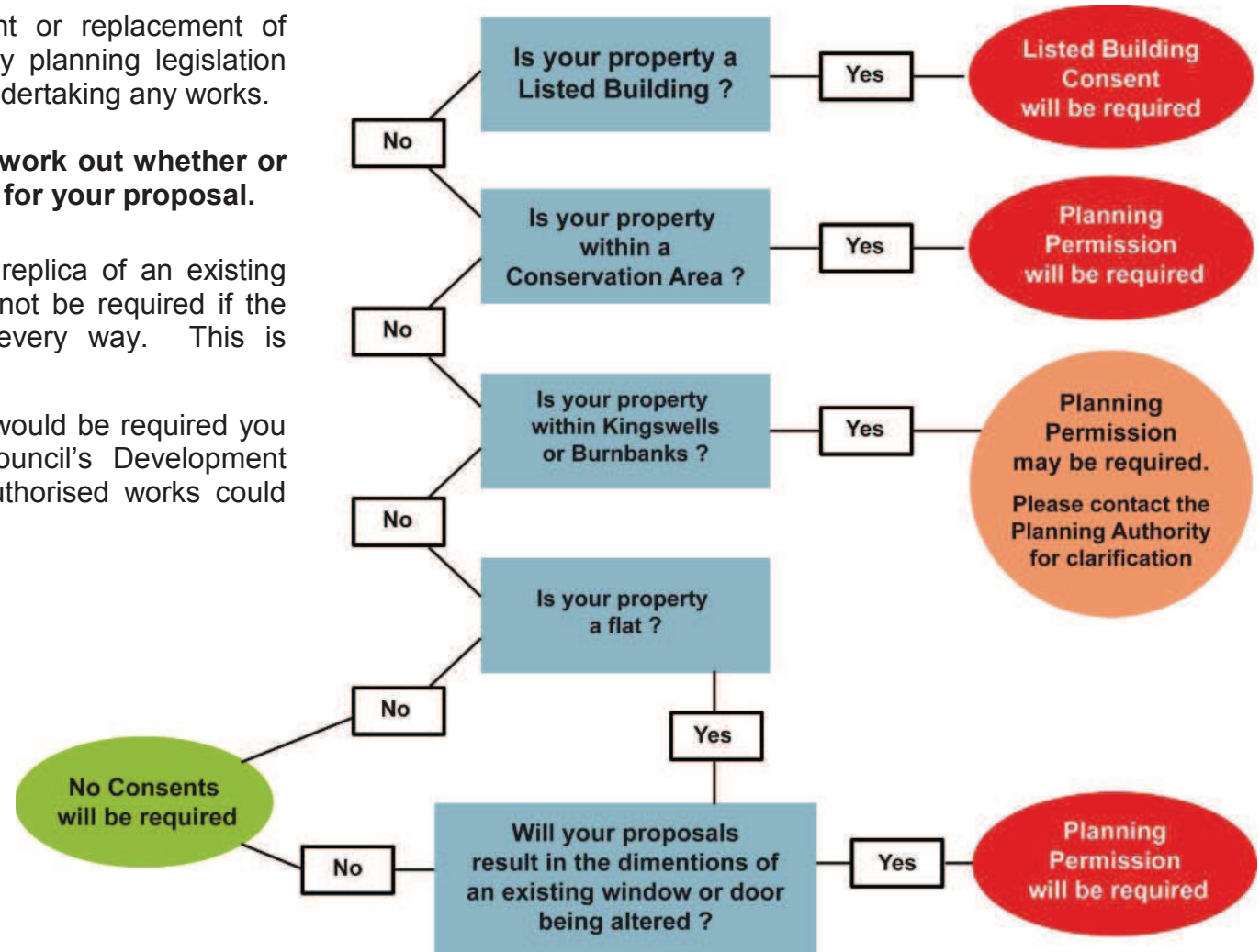
4. Do I Need Consent?

In some instances the amendment or replacement of windows and doors is controlled by planning legislation and permission is required before undertaking any works.

This diagram should help you to work out whether or not permission would be required for your proposal.

If your proposals are for an exact replica of an existing window or door then consent may not be required if the proposals match the existing in every way. This is discussed further in Section 5.

If you are unsure whether consent would be required you should always check with the Council's Development Management Section first, as unauthorised works could lead to costly enforcement action.



4.1 Building Regulations

Building Regulations exist to protect the public and for replacement windows and doors cover aspects such as ventilation, safety from collision, safe cleaning, prevention of falls, thermal performance and means of escape.

There is no need to obtain Building Warrant approval for replacing your windows or doors, but the work you undertake should meet the requirements of the Building Regulations, and the responsibility for compliance rests with the owner.

This guidance applies whether or not the new window or door is to be the same style and material as the existing.

Repairs to an existing window are slightly different and can be completed to return the window to the original standard without the need for the repaired window meeting current standards e.g. replacing the cill.

It is recognised that compliance with all Building Regulations may be difficult in buildings that have existing historical features or are Listed. Further advice on relaxations can be sought from the Building Standards Team at 01224 523470 or pi@aberdeencity.gov.uk. Further guidance on Building Regulations can be found in Appendix 2.

4.2 Bats

If you are considering repairing or replacing any windows or doors you should also consider the possibility of bats being present. Bats and bat roosts can be found in many kinds of building, old or new, and can sometimes be found roosting in window frames, window sills, doorways, lintels and porches.

Bats are European Protected Species (EPS) and are protected by European, UK and Scottish Law. The main piece of the legislation in the UK for the protection of bats is the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). If you do not require planning permission for the amendment or replacement of your windows or doors, however suspect that you may have roosting bats, a bat survey will confirm this and whether a licence from Scottish Natural Heritage is likely to be required.

Further information about bats, surveys and surveyors can be found in our Bats and Development Supplementary Guidance.

5. Listed Buildings, Conservation Areas and Other Areas of Special Control

5.1 Listed Buildings

In Aberdeen, Listed Buildings range from grand villas on Queens Road, to tenement blocks on Rosemount Viaduct and fishermen's cottages at Footdee. Each Listed Building has its own character and style, be it individually, or as part of a wider group of buildings.

All Listed Buildings are protected, not just those in Conservation Areas, and all elevations of a Listed Building are protected, regardless of the Category of Listing.

Listed Building Consent will almost always be required for the alteration or replacement of windows or doors in Listed Buildings. In some instances repairs to traditional windows and doors using the original materials ("like for like") may not require Listed Building Consent. For proposals not to require consent they must include exact replication of the opening method and materials. For windows they must also include exact details of astragal dimensions and profiles, fixing of glass and the reuse of historic glass where this contributes to a building's character.

In considering applications for Listed Building Consent, the Council is required by law to: "...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" (Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997). If the Listed Building is situated in a Conservation Area, or is part of a flatted property, Planning Permission may also be required.

It is recommended that you check with the Council's Development Management section prior to undertaking any works to receive confirmation as to whether any consents would be required.



Building may exhibit a variety of window sizes and glazing patterns. This can provide important evidence of the history of the building and contribute to its character and interest

Original or historic windows, doors and doorways in Listed Buildings must be repaired and restored rather than replaced. Only in exceptional circumstances will replacement windows and doors be permitted, and these replacements must match the originals in terms of appearance and material as far as is reasonably possible. Consent to replace original windows or doors on Listed Buildings will only be given when it can be demonstrated to the satisfaction of the Council that they are beyond economic repair, and evidence of this will be required as part of any application. This evidence should take the form of a Professional Survey, further details on which are provided in Appendix 1.

5.2 Conservation Areas

Conservation Areas are areas of the City which have been designated by the Council for their special architectural or historic interest. Aberdeen has 11 Conservation Areas within the City Boundary, which include areas such as Old Aberdeen, Ferryhill and Rosemount / Westburn. Appraisals of Conservation Areas in Aberdeen are available at www.aberdeencity.gov.uk/masterplanning.

If your property is not a Listed Building but is located within a Conservation Area then you will require Planning Permission to alter or replace windows or doors other than on a “like for like” basis (as described in Section 5.1). If your property is both a Listed Building and located in a Conservation Area then you will need to apply for both Listed Building Consent and Planning Permission. These requirements apply to both modern and older, traditional, properties.

In considering applications for Planning Permission in Conservation Areas, the Council is required by law to pay special attention “*to the desirability of preserving or enhancing the character or appearance of that area*”. (Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997). For Listed Buildings within



Details of the Conservation Areas in Aberdeen can be found on the Council's website, www.aberdeencity.gov.uk.

Conservation Areas, Planning Permission will be required in addition to Listed Building Consent. For buildings which are located within Conservation Areas (but are not Listed Buildings), the Council's preference is for original windows and doors to be repaired and restored wherever possible.

5.3 Other Areas of Special Control

For properties which are not Listed Buildings or within Conservation Areas, permitted development rights can exist so that small alterations to properties, such as replacing windows or doors, can be undertaken without the need for some permissions. These are not however applicable in the following circumstances:

Burnbanks and Kingswells

In both Burnbanks Village and Kingswells the City Council has taken the decision to remove some or all Permitted Development Rights via an Article 4 Direction, and so planning permission for replacing or amending windows / doors in these areas will be required.

The general preference will be for original or historic windows and doors in areas covered by an Article 4 Direction to be repaired and restored wherever possible. Where there is no original or historic fabric to be retained then any assessment of replacement proposals will principally be based on styling/type, materials and colouring.

Flats

If you live in a flatted property, planning permission will be required if you intend to alter the dimensions of an existing window or door opening.

6. Repair, Upgrade and Replacement

6.1 Retain and Repair

If you are considering new windows or doors, it is first worth checking whether replacing your existing windows/doors would be appropriate, or indeed necessary. Windows and doors can almost always be improved by being repaired, even if they are in very poor condition. Repair is also preferred in terms of sustainability as it reduces the requirement for new raw materials and energy.

Traditional Windows and Doors

The repair of original windows and doors is the best means of safeguarding the historic character of a traditional building, and in maintaining the visual character of wider areas. Repair will always be promoted over replacement, as new, modern, units will very rarely be capable of matching the character and visual interest of the units to be replaced.

Traditional windows are nearly always timber sash and case and are found in a variety of forms that reflect changing glass technology and architectural fashion. Timber sash and case windows are a recognised feature of Aberdeen's traditional buildings, and are generally of a straightforward design and construction, meaning that they can usually be easily repaired.

Curved corner windows and rectangular "lying" panes of glass are features which are particularly special to Aberdeen must always be retained.



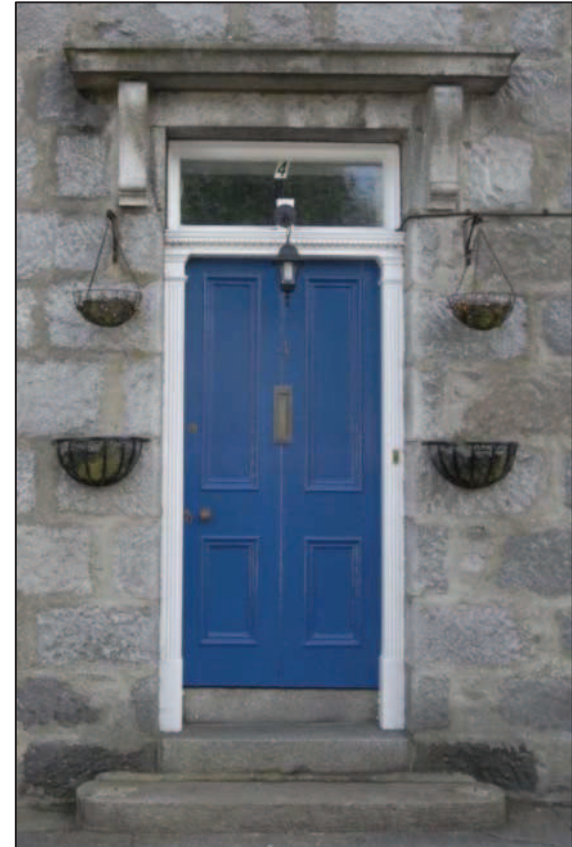
Examples of rectangular panes and curved glass

Traditional external doors and doorways are usually of solid timber frame construction with inset panelling retained by mouldings. Throughout the 18th and 19th centuries panelled doors became standard for the main entrance of most types of building. In Aberdeen this was typically reflected in 4, 5 and 6 panel varieties in a number of different configurations. A good joiner should be able to treat most faults with traditional doors, and again repair should be less expensive than replacement.

Traditional windows and doors are extremely durable and when properly maintained can last for centuries - many in Aberdeen are already well over 100 years old. In contrast, some modern windows can need replacing after just 20 years. Traditional windows and doors are generally made from good quality, durable, timber from mature trees which is of a much better quality than timber which is generally economically available today from sustainable sources. It therefore makes sense to retain and repair original windows, doors and doorways rather than to replace them with new timber which may not last as long and may be more susceptible to decay.

Original or historic windows, doors and doorways in Listed Buildings must be repaired and restored rather than replaced. Only in exceptional circumstances will replacement windows and doors be permitted, and these replacements must match the originals in terms of appearance and material as far as is reasonably possible. For buildings which are located within Conservation Areas, the Council's preference is also for original windows and doors to be repaired and restored wherever possible.

Original door ironmongery such as letterboxes, door knockers and handles should be retained and reused wherever possible, as should original window fittings such as cord clamps, sash lifts, sash fasteners and hooks.



4 panelled door with associated door ironmongery / furniture

6.2 Upgrading Traditional Windows and Doors

Replacing existing 'single glazed' timber windows and original timber doors with new 'double glazed' windows and uPVC / composite doors is often promoted as a means of fighting heat loss, draughts, dust ingress and providing improvements to sound insulation and security. Traditional windows and doors can however be upgraded at a lower cost to bring these same benefits, whilst still retaining the original features and style which gives character to your building.

Energy Efficiency

By the nature of their construction many older buildings are prone to heat loss through cracks and gaps which develop as building elements move and settle over time. Although this natural settlement helps to properly ventilate the building, often these draughts result in heat loss which can be uncomfortable for occupiers.

Draughts around older windows and doors (including key holes and letter boxes) can be a source of air leakage, and **draught-proofing** is one of the best ways to improve comfort and reduce energy use, with little or no change to a building's appearance.

Draught-proofing simply means blocking up any unwanted gaps which let cold air in and warm air out. Keeping warm air in the building means less energy spent heating it, therefore saving you money. A number of draught-proofing measures are widely available from DIY stores and can be fitted relatively cheaply.

Draught-proofing can also improve noise insulation, reduce dust ingress and make sash and case windows easier to slide up and down. Curtains lined with a layer of heavy material can also help reduce heat loss from a room and cut draughts.

Traditional timber doors are generally very effective in retaining warm air within a building, however additional insulation material can be added to the panels on the indoor side of the door to enhance the effect and fight additional heat loss whilst still maintaining the character of the door from the outside.



Draught-proofing strips can be easily applied to interior side of external door

Where installing draught-proofing to traditional windows is difficult, **secondary glazing** systems can be a good alternative. Secondary glazing consists of an additional pane of glass fitted on the inside of the existing window frame which can be removed during summer months and for cleaning. Providing similar insulation values to double glazing, it can also reduce dust ingress, provide good noise insulation, and be an extra security measure.

Secondary glazing design should seek to be as discreet as possible, particularly in Listed Buildings, with small frames concealed from view. Meeting rails and frames should be as small in section as possible to allow them to be disguised behind existing rails. If secondary glazing is installed, the original windows should not be draught-proofed to help avoid condensation.

For more information about improving energy efficiency in traditional properties a number of Historic Scotland's publications are included in the Further Reading List at the end of this document (Section 11).

Security

To improve the security of traditional sash and case windows additional sash locks can easily be fitted to the meeting rails to improve the security of the window when closed. Timber blocks and / or sash stops can also be fitted to restrict the size of openings.

Additional security measures on doors can also be easily incorporated without affecting the character of a door, for example extra mortice locks, rimlocks or bolts.



Secondary glazing should seek to be as discreet as possible

6.3 Replacing Windows and Doors

The principles in this Section are especially relevant where Planning Permission or Listed Building Consent is required, but should also be considered as 'best practice' for all properties throughout the City, even when consent is not required.

The most appropriate windows and doors for a property are likely to be those which were originally designed for it. Instances will however exist where original features will have deteriorated to such a state that replacement is the only viable option. Complete replacement of traditional windows and doors should however only be contemplated where the features to be replaced have deteriorated beyond economic repair, i.e. it would be unviable to repair and replacement is the only option remaining.

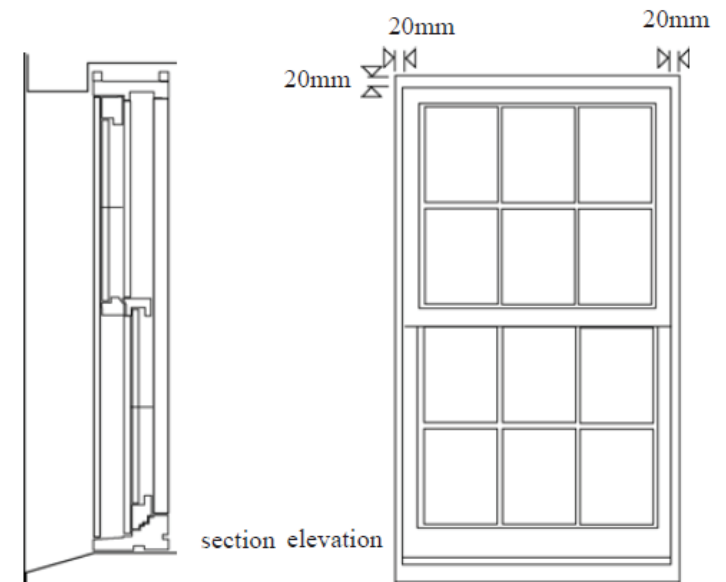
The reinstatement of the original types and arrangements of windows and doors will be encouraged. Modern windows and doors which are badly proportioned, the wrong type or incorrectly glazed should be restored to the original proportions wherever possible. If there is no indication what the original windows or doors were like, then authentic historic precedents can often be found on neighbouring properties.

Windows

Where there is no alternative to replacement, new windows should be sensitively replaced in an environmentally sensitive way which is in keeping with the character of the original building and the quality of its design.

The original proportions of window openings should be retained to ensure the architectural integrity of the building is not compromised. Where any original glazing survives, every effort should be made to retain or to salvage as much as possible for re-use.

The relative proportions of the upper and lower sashes of new windows in Listed Buildings must be the same as in the original windows, as should the size of timber sections. Replacement windows should be fitted in the same plane, be made up from timber sections of the same profile and dimensions, and have the



Sash & case window illustration

meeting rails in the same position. Generally, when the window is fully closed, the visible part of the sash stiles, top rail and meeting rails should be of a similar width/ depth. Where there is no existing original model on which to base a replica, bottom rails should be at least 75mm deep and 25mm deeper than the meeting rails, on elevation. No more than 20-25mm of the sash box should be visible in the window opening, the remainder being concealed behind the masonry window check.

Factory made standard windows, whether in timber, aluminium, galvanised steel, plastic (uPVC) or a composite are almost always damaging to the character and appearance of historic buildings and will not be appropriate for Listed Buildings. In Listed Buildings joiner-made timber replacements will generally be the only type of replacement window which will be accepted.

Ventilators cut through the glass or visible on the window frames will not be considered acceptable on Listed Buildings or on public elevations in Conservation Areas. Ventilators, where required, should be located unobtrusively in the meeting rail. Where trickle ventilation is required other more discreet means of achieving this should always be considered. Historic Scotland's publication "Sash & Case Windows: A Guide for Homeowners" provides further guidance on ventilation.

Consent for replacement windows on Listed Buildings or public elevations in a Conservation Area which reproduce the astragal pattern but open in a different manner will always be refused, as will consent for those where the astragals are merely applied to the surface of, or are sandwiched between, the panes of double glazing. Where astragals are required, they must be kept slender to match the thickness of the original astragals, particularly in multiple pane sashes.



Discreet means of achieving ventilation will be required for Listed Buildings and on public elevations in Conservation Areas

Where glazing beads are required they should be wedge shaped to match a putty fillet, and taper from 10mm at the glass to less than 2mm at the outside. The edge of the bead must be flush with, or kept slightly back from, the face of the sash. It must never project out from the face of the sash, or an unacceptable shadow line will be created around each pane of glass.

The dimensions of replacement window astragals should use original sash windows as the model. Typically astragals may only be 17-19mm wide. In Listed Buildings, where the interior of the building can often be as important as the exterior, the internal profile of the astragals must not be over-simplified, but should reproduce traditional moulding appropriate to the period and detail of the building. Astragals must carry through the sash to completely separate each pane of glass.

Glazing in sash windows on Listed Buildings should preferably be retained in position with traditional putty or modern butyl based putty, which is always preferred to timber beads.

In both Listed Buildings and Conservation Areas there will be a strong presumption in favour of retaining stained or decorative leaded glass and etched glass in replacement proposals. Proposals to use wired glass, obscured glass, louvered glass or extract fans in windows on Listed Buildings or on public elevations in Conservation Areas will not generally be considered acceptable.

On traditional buildings in Conservation Areas, modern window designs will generally be inappropriate on elevations of the building which are visible from public areas.

Sash and case “lookalike” windows, which closely match the detailing and appearance of a traditional sash and case window, but may employ a different opening mechanism, may be acceptable in Conservation Areas.

“Lookalike” windows will normally be formed in timber and will have upper and lower sashes of the same size as those in the window they are to replace. It is of vital importance that the upper sash is stepped out in front of the lower sash in profile, with the meeting rails fully overlapping as seen in elevation, such that the window when closed, is virtually indistinguishable from a traditional sash and



*Acceptable type of 'lookalike'
in a Conservation Area*



*Not acceptable as a 'lookalike'
in a Conservation Area*

case window. White uPVC vertical sliding windows may be acceptable as 'lookalike' replacements for windows in Conservation Areas provided that proposals with through / embedded astragals comply with original dimensions. No planted astragals will be accepted on elevations in Conservation Areas which are visible from public areas.

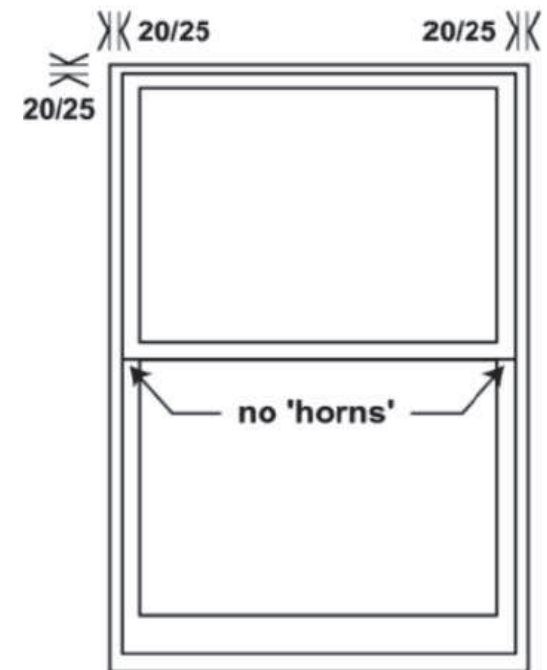
Where uPVC "lookalike" windows are to be used they should fully replicate the significant features of timber sash and case windows. Such features would include:

- a. no more than 25mm of the outer window frame should be visible at the top and sides, once the window has been fitted into the masonry opening.
- b. the meeting rails must fully overlap.
- c. the bottom rail of the lower sash must be at least 75mm high.
- d. the glass must be recessed from the front face of the sash by at least 10mm..

The Council may choose to be more flexible when considering applications for replacement windows and doors in Conservation Areas which are not visible from the street or are only visible from a private court.

On non-traditional, more modern, buildings in Conservation Areas a broader range of materials and designs may be permitted, depending on the individual building and surrounding area.

Elsewhere in the country most mid/late Victorian windows have 'horns' however this is not the case in Aberdeen. Along with original Georgian and early Victorian windows, most nineteenth century windows in Aberdeen do not have horns, and neither should the windows which replace them. The use of horns should only be contemplated only where there is clear evidence that they existed on the original windows, and in such instances the design of the horns should match the original.



*Elevation of sash & case
'lookalike' windows with no 'horns'*

Doors

Where there is no alternative to the replacement of an original door, new elements must match the original as far as possible when the property is a Listed Building or is visible from a public area within a Conservation Area. The new door should match the original in terms of proportion, profile and material, and reuse historic glass where this contributes to a building's character. If the property forms part of a group of uniform design, then any replacement should make reference to those of the neighbouring properties in style, design and size. Joiner-made replicas will be strongly encouraged in Conservation Areas and will be a requirement for Listed Buildings.

Composite door solutions may be appropriate on public elevations in Conservation Areas depending on the specified design proposed. Composite, aluminium and uPVC solutions will never be acceptable on Listed Buildings. Only on non-public elevations in Conservation Areas will uPVC, aluminium or doors from DIY chain stores be acceptable. Doors from DIY chain stores and flush plywood doors with mouldings applied to resemble panelling will not be acceptable substitutes on Listed Buildings or on public elevations in Conservation Areas. Replacement doors with a stained or varnished finish, and those which introduce asymmetrical elements, integral fanlights, inappropriate glazing or panelled patterns, will also be rejected.

The original proportions of doorways and door openings on street frontages must always be retained, and proposals to recess a door either less or more deeply within the door opening will not be supported. Original door ironmongery such as letterboxes, door knockers and handles should be retained and reused if the timber door is being replaced. Where this does not survive, the replacement of modern fittings with items appropriate to the period of the building will be encouraged.

Where the opportunity exists, modern doors which are badly proportioned, or of the wrong type or material, should be replaced with a more appropriate solution.



Historic glass should be reused where this contributes to the character of a building

Colour Palette

As white is the colour of most existing sash and case windows in Aberdeen, this is the colour which new windows will generally require to be in order to encourage uniformity.

This will be particularly important in tenements where the use of a uniform window colour helps give the building an architectural cohesion it may otherwise lack.

Other colours will only be agreed to in exceptional circumstances.

Doors should be painted in an appropriate dark and muted colour, and bright glosses and white paint avoided.

Stained or varnished wood finishes will generally be unacceptable, except on non-public elevations in Conservation Areas.



Replacement windows will generally require to be white

7 Inserting New and Blocking Up Old

Applications to insert additional windows in Listed Buildings or in Conservation Areas may be permitted where this does not detract from the character of the building or area.

Location and design are the key considerations for new window openings which should be assessed in the context of the rest of the building and surrounding properties. The blocking up, in whole or in part, of original openings should only occur where the window makes little contribution to the building or area.

In principle the blocking up should be done in materials that relate to the surrounding building and evidence of the opening, such as window surrounds, be retained.

Proposals to increase the glazing area by removing stone or timber mullions which form the divisions in bipartite or tripartite windows will not be supported on Listed Buildings or in Conservation Areas.

The re-opening of blocked windows will be encouraged only where this will reinstate the intended elevational treatment of the building. It will not be permitted in cases where blocking up has taken place during later alterations to the structure and where the earlier window openings consequently no longer relate to present elevational form.

Doors in street frontages, even though no longer used, should always be retained



Example of blocked up windows in Ferryhill

8. Summary Charts - What Could Be Acceptable Where?

The following charts have been produced for general guidance purposes only. Proposals will still require to demonstrate satisfactory detailed designs and implementation methods. The charts should only be read in the context of the advice provided within the rest of this TAN. Any queries should be directed to the Council's Development Management Section.

Windows

	Listed Buildings	Conservation Areas: Public Elevations	Conservation Areas: Non-Public Elevations
Joiner made timber sash and case	✓	✓	✓
Retaining historic or original stained / decorative leaded glass and etched glass	✓	✓	✓
Through astragals	✓	✓	✓
uPVC sash and case 'lookalikes'	X	✓	✓
Planted astragals	X	X	✓

Doors and Doorways

	Listed Buildings	Conservation Areas: Public Elevations	Conservation Areas: Non-Public Elevations
Joiner made timber panelled door	✓	✓	✓
Composite Door	X	✓	✓
uPVC / aluminium / DIY chain store door	X	X	✓
Flush (e.g. plywood) doors with mouldings applied	X	X	✓

Examples of windows and doors to avoid on Listed Buildings and on public elevations in Conservation Areas



9. What To Do Next

Applications for Planning Permission and / or Listed Building Consent 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 at: www.aberdeencity.gov.uk/planning_environment

For applications for Planning Permission an application fee will be required. There is no charge for applications for Listed Building Consent, however a fee may be requested to advertise the application in the local press.

Failure to obtain appropriate consents and permissions could result in enforcement action being taken to have unauthorised windows or doors replaced, which may entail considerable costs for the building owner. Unauthorised windows and other works are often identified by conveyancing solicitors and can affect property sales.

In the case of a Listed Building unauthorised work falls under criminal law, and so the person who executes the works, or causes them to be executed, is liable to prosecution or imprisonment in addition to standard enforcement proceedings.

Submission Requirements

Two (2.no) copies of the following scaled drawings will be required for applications for Planning Permission and three (3.no) for Listed Building Consent in addition to the relevant application forms:



For further information please contact:

Planning and Sustainable Development
Aberdeen City Council
Business Hub 4, Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Telephone: 01224 523470

Fax: 01224 523180

Email: pi@aberdeencity.gov.uk

1. An OS Plan which clearly identifies the location of the site
2. Plans and detailed elevations of both existing and proposed works.
3. Horizontal and sectional drawings with details at a larger appropriate scale.
4. Details of proposed materials and style of opening.
5. Any other relevant technical information and photographs

In addition, for applications for the replacement of windows/doors on a Listed Building or within a Conservation Area, the following will also be required:

6. A clear statement which sets out a justification for the proposals, including why the works are desirable or necessary.
7. Detailed justification (e.g. a professional survey – for more information refer Appendix 1) to demonstrate to the satisfaction of the Council that the windows/doors to be replaced are beyond economic repair. Within Conservation Areas this will only be required for proposals affecting front elevations or elevations which are visible from public areas.
8. Drawings will normally be required at a scale of 1:1 or 1:2 and should include sections through window head, meeting rails, bottom rail and cill, window jambs and astragals. In addition, an elevation of the window should be provided showing the position of the meeting rails and the arrangement of any astragals.

Sources of Assistance

If your property is a Listed Building or situated within a Conservation Area then you may wish to investigate whether any sources of funding assistance exist:

- The Aberdeen City Heritage Trust is a limited company and charity that operates within Aberdeen City. The Trust has its own criteria for determining in what circumstances it may be prepared to offer assistance. Further details can be found on its website www.aberdeenheritage.org.uk or by calling 01224 522755
- Historic Scotland also administers a programme of building repair grants throughout Scotland for Listed Buildings of outstanding architectural or historic importance, or key buildings within Conservation Areas. More information is available at www.historic-scotland.gov.uk/grants

10. Glossary

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. Article 4 Directions are currently in place in Burnbanks and parts of Kingswells.

Astragal: A glazing bar separating panes of glass within a window.

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 via www.aberdeencity.gov.uk/masterplanning.

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 / pattern of the windows in a building.

Flat: A separate and self contained residence, which is one of several within a larger building.

Lintel: A structural beam above an opening, such as a window or door,

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 A list of listed building is available from Historic Scotland www.historic-scotland.gov.uk/historicandlistedbuildings.

Listed Building Consent: Although the listing of a building should not be seen as a bar to all future change, strict controls do exist to ensure that works undertaken to Listed Buildings are appropriate. Listed Building Consent is obtained through an application process which is separate from, but runs parallel to, applications for planning permission. This separate regulatory mechanism allows planning authorities to ensure that changes to listed buildings are appropriate and sympathetic to the character of the building.

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

Mullion: A vertical piece of stone or timber dividing a window into sections.

Permitted Development: 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. These Permitted Development Rights are removed for Listed Buildings, Conservation Areas, Article 4 areas, and flats.

Planning Authority: 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)

Sash and Case Window: A window that slides vertically on a system of cords and balanced weights.

Terrace House: A dwellinghouse situated in a row of three or more buildings

Transom: A horizontal glazing bar in a window.

11. Further Reading

- **Aberdeen Local Development Plan**
www.aberdeencity.gov.uk/localdevelopmentplan
- **Bats and Development Supplementary Guidance**
<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=47678&sID=14394>
- **Householder Development Supplementary Guidance**
<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=45460&sID=14394>
- **Conservation Area Appraisals**
www.aberdeencity.gov.uk/masterplanning
- **Historic Scotland - Energy Efficiency Advice**
<http://www.historic-scotland.gov.uk/index/heritage/technicalconservation/energyefficiencyadvice.htm>
- **Historic Scotland - Managing Change in the Historic Environment: Doorways**
<http://www.historic-scotland.gov.uk/index/heritage/policy/managingchange.htm>
- **Historic Scotland - Managing Change in the Historic Environment: Windows**
<http://www.historic-scotland.gov.uk/index/heritage/policy/managingchange.htm>
- **Historic Scotland – Sash & Case Windows: A Short Guide for Homeowners**
<http://www.historic-scotland.gov.uk/maintaining-your-home.pdf>
- **Scottish Historic Environment Policy**
www.historic-scotland.gov.uk/index/heritage/policy/shep.htm

Appendix 1: Professional Survey

National planning policy only allows windows in Listed Buildings to be replaced where there is evidence that they cannot be repaired. It also requires that applications for Listed Building Consent are supported by sufficient information to enable the local planning authority to determine them. This is why we ask for a survey to demonstrate that existing window(s) are beyond repair and need to be replaced. This is in addition to the elevational drawings and sections required. Please note that comprehensive window replacement is unlikely to be justified in all but exceptional circumstances.

What should be in a survey?

The survey should be carried out by a joiner or similar and include each individual window. It should include an image of the whole elevation with the windows numbered and an accompanying proportionate amount of information about the type, age and condition of each window. For a straightforward residential property this could be an annotated photo with the windows numbered and a short description of the window condition. Additional information may be required for a more complex building or where significant historic windows are involved

Appendix 2: Building Standards Information

Ventilation

Every apartment must have a window(s) or door(s) with an opening area of at least 1/30th of the floor area of that room. Where the opening area of the existing window is already less than 1/30th of the floor, the opening area of the replacement window must not be less than the original size. If the existing window had an integral trickle ventilator the replacement window must also have an integral trickle ventilator of at least the same size as the original.

Safety from Collision

Windows must not open over footpaths or any place to which the public has access, where they could form a hazard or obstruction.

Safety Glass

Glazing which is less than 800 mm above the floor must be toughened or laminated. Alternatively, a protective barrier could be installed to prevent collision.

Thermal Insulation

Windows must have a U-value (thermal insulation rating) of not more than 1.8 W/m²K. There are many types of window construction which meet the required degree of thermal insulation and this should be confirmed with the window installer.

Protective Barriers

Openable windows to a storey with a floor level of at least 600 mm above the outside ground level, and with a cill height less than 800 mm above floor level, must be provided with a protective barrier to minimise the risk of falling from the window. On the ground and first storeys, the barrier must be not less than 800 mm above the floor level. There must not be any gaps in the barrier which would allow a 100 mm ball to pass through. Alternatively, permanently fixed safety glass may be used instead of a barrier.

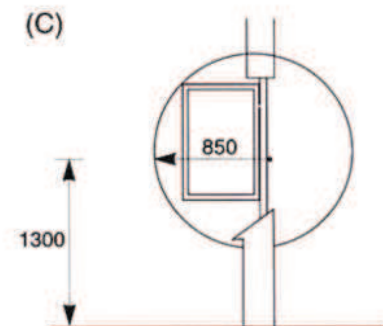
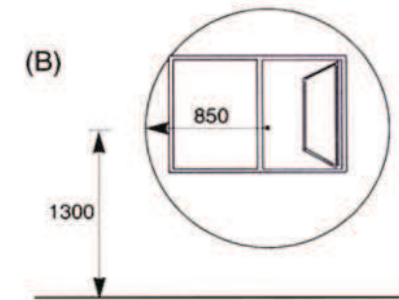
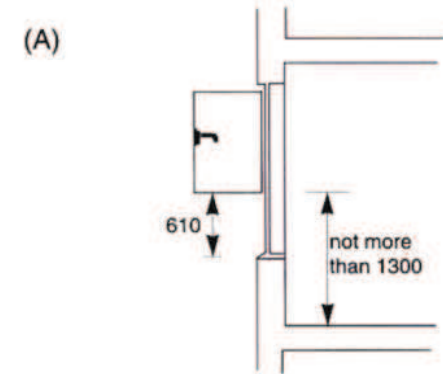
Emergency Escape Windows

An escape window must be provided in every apartment on the first floor of a dwelling. Escape windows must also be provided in rooms on the ground storey where the escape is through another room. Escape windows must have an unobstructed openable area that is at least 0.33 m² and at least 450 mm high and 450 mm wide. The bottom of the openable area must not be more than 1100 mm above the floor except in cases where the existing cill height is greater than 1100 mm.

Safe Cleaning

All windows must be safely cleanable. Windows, all or part of which are more than 4 m above the adjacent ground level must be designed so that any external and internal glazed surfaces can be cleaned safely from inside the building. These windows must be cleanable whilst standing on the floor and without over-reaching. The maximum reach must not exceed that shown in the diagrams over, and the maximum upwards reach is 2150 mm. If parts of the existing window are out with the maximum reach, the replacement window should be of a type which allows those parts to be brought within the safe reach in order to allow safe cleaning.

All dimensions are in mm.



- (A) downwards reach through an opening light
- (B) side reach through an opening light
- (C) reach for cleaning an open window with easy-clean hinges

For Further Information Please Contact:

Planning and Sustainable Development
Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB
Telephone: 01224 523470
Fax: 01224 523180
Email: pi@aberdeencity.gov.uk

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ABERDEEN
CITY COUNCIL

Extract from the Ordnance Survey map of 1869.



Rosemount and Westburn

CONSERVATION AREA 11 APPRAISAL

March 2004

1.0 Introduction

1.1 Conservation areas contribute significantly to our heritage. The historic environment helps to define a sense of place and provides a context for everyday life. Its appreciation and conservation fosters distinctiveness and contributes to creating an identity at local, regional and, in some cases, national level.

1.2 The planning authority designates conservation areas in order that their character can be protected. They are defined as “areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”.

1.3 Individual buildings, groups of buildings, open spaces and their relationships with one another, create the character or historic interest of an area. The legislation covering conservation areas seeks to preserve this character and historic interest.

2.0 Background

2.1 Each local authority is required to determine which parts of its area are of special architectural or historic interest and designate these areas as conservation areas.

2.2 Government Policy is detailed in National Planning Policy Guideline 18, Planning and the Historic Environment, 1999. This recommends that

“conservation area character appraisals can assist planning authorities in carrying out their development planning and development control functions in relation to the historic environment. (NPPG 18 Para28)

“Conservation area appraisals focus upon the areas likely to be included within the boundaries of a conservation area and seek to define the special interest of the area and key elements that contribute to its character and appearance. (NPPG18 Para31)

Rosemount Viaduct



“The preparation of an appraisal will assist in defining the boundaries of conservation areas. By appraising the character and appearance of each particular area it also becomes easier to assess development proposals in terms of their impact upon character and appearance. When the main findings of the appraisal are integrated into local plans they can be used as a benchmark against which development control proposals affecting the designated area can be assessed, thus leading to a more consistent and better informed decision making process. An authority’s justification for designation, as reflected in its assessment of an area’s special interest and its character and appearance, is also a factor which the Secretary of State [now First Minister] will take into account when considering appeals against refusals of planning permission and conservation area consent. (NPPG 18 Para32)

“Appraisals can serve as an important tool by identifying opportunities for further action by planning authorities and others in preparing enhancement schemes. Appraisals can also play a role in identifying and promoting development opportunities. They also provide an opportunity for widespread public consultation on the various land-use issues affecting conservation areas and their preparation can assist planning authorities in the formulation, monitoring and evaluation of local plan policies. An appraisal will also be helpful in securing partnership funding through, for example, the current Townscape Heritage Initiative, for projects within conservation areas.” (NPPG 18 Para33)

2.3 Section 61 (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that: *“Every planning authority shall from time to time determine which parts of*

their district are areas of special or architectural interest, the character or appearance of which it is desirable to preserve or enhance, and shall designate such areas as conservation areas”.

2.4 The Aberdeen City District-Wide Local Plan adopted in 1991 identifies Rosemount and Westburn as proposed conservation areas. Under the terms of the District-Wide Local Plan, the majority of the Rosemount and Westburn Conservation Area is designated Residential (R1). Rosemount Place is further zoned as a Fringe/Linear Shopping Centre. Both Victoria and Westburn Parks are zoned as Recreation (OR1) spaces. Royal Cornhill Hospital to the north of Westburn Road extending through to Elmhill House and Ashgrove Road is zoned for existing Hospital (H1) use.

2.5 The District Wide Local Plan is to be replaced by a new Aberdeen City Local Plan which is currently in preparation and is expected to be published within the next few months. It is the intention that the new Local Plan continue to designate Rosemount and Westburn as a conservation area through the following draft Policy and Proposal:

“The City Council will ensure that all areas of special architectural or historic interest are designated as conservation areas. To reinforce the effectiveness of its conservation areas, the City Council will seek to obtain Article 4 Directions in order to control alterations to non-listed buildings which would otherwise constitute permitted development. It is to be expected that the protection of the built environment should be a major factor for consideration in planning the City’s future”.

2.6 The new Local Plan will maintain the current mix of policy designations with various parts of the Study area retained within residential, and recreation policy designations. It expected that the Conservation Appraisal will be incorporated within the new Local Plan, which is targeted to be placed on deposit in the first quarter of 2004.

3.0 Topography

3.1 The conservation area has a general easterly/south-easterly sloping trend of between 1 in 20 and 1 in 25, from the 50 metre contour in the north-west down to the 20 metre contour in the south-east, although there are local variations. Residents will be very familiar with these variations, in particular from having to negotiate the inclines of Craigie Loanings and Argyll Place and some of the lesser streets in the area.

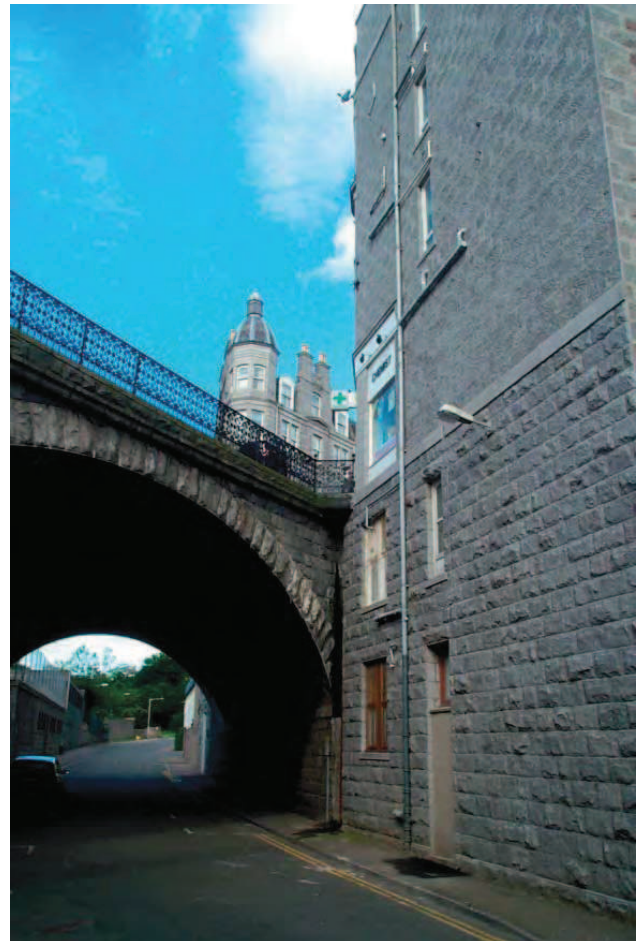
3.2 These rises and falls are due to two topographical features. Firstly, the southerly half of the conservation area is characterised by a west to east ridgeline along which Rosemount Place runs, and secondly, towards the north by a shallow linear depression in which Westburn Road is located.

3.3 The ridgeline features a small hillock at 50 metres ASL located roughly in the area around the junction of Westfield Road / Craigie Loanings with Rosemount Place, Beechgrove Terrace, Argyll Place and Mid Stocket Road. The ridgeline continues westwards where it gradually rises through the suburbs of Mid Stocket, Summerhill, Mastrick and Sheddocksley until it reaches the easterly side of the village of Kingswells where it terminates in another hillock ("Gillahill") around 185 metres ASL.

3.4 The linear depression referred to above, appears to be a former glacial meltwater channel or valley, which flowed eastwards from a point within the larger valley of the Den Burn, situated to the west in the vicinity of Maiden Craig. To complete the picture, although it is beyond the area of study, another depression or meltwater channel occurs to the south which coincides with the Skene Street, Carden Place, Queen's Road transport corridor. Both of these meltwater channels have helped to contribute towards the formation of the Rosemount ridge.

3.5 Geologically, the area is comprised in the main of locally affected, metamorphosed, igneous rock from which much of the granite used for local buildings was derived. Only two small parts, towards the south-east around the Denburn Health Centre, and east of Caroline Place and Skene Square, comprise sedimentary rocks. All of the area is overlain by glacial meltwater deposits and till, the latter consisting of rocky debris of clays, sandy clay, or sand, the former of water-sorted sand and fine coarse gravel.

Rosemount Viaduct



4.0 Townscape evolution

4.1 The Ordnance Survey maps for the middle of the 19th century show that during that period more than fifty percent of the land area of the conservation area was undeveloped, especially between Westburn Road and Mid Stocket Road where there were a number of open fields. North of the Westburn Road in the area now referred to as the Cornhill Hospital, practically all of the land was used for the purposes of healthcare – in those days referred to as “The Royal Lunatic Asylum” with “airing yards” for exercise, Elmhill House Lunatic Asylum, and an “Hydropathic Establishment” at Loch-head next to Westburn House. Much of the land around these rather grand style hospital buildings was laid out as parkland with open lawns, tree planting, and fields in which residents of the establishments could be occupied.

4.2 To the east of the area, between Westburn Road and Mid Stocket Road, were some houses, but a large area of the built up land consisted of an “Industrial Asylum and Reformatory for Girls”. Much of the south-east and eastern areas beyond the conservation area boundary was devoted to industry – with a Tannery and Dye Works close to the Den Burn for a supply of water, some ‘Handloom’ factories, the Rosemount Works and Winery, and the Gilcomston Brewery.

4.3 Rosemount first came into existence in 1829 and was named after a house already in the neighbourhood. In the south-west of the area, between Mid Stocket Road and what is now Whitehall Place, were some single large houses – for example, Belvidere House, Craigiepark House, and Westfield – and some groups of cottages and smaller detached houses. The south west of the area was laid out as a market garden and nursery.

4.4 In 1871, the Aberdeen Municipality Extension Act allowed the city boundary to be extended to include the whole of the Rosemount district and North Broadford. This boundary was extended again in 1883. Since the great improvement Act of 1800, which gave rise to Union Street and King Street, the Town Council had not embarked on any great measure of city improvement till the Act promoted by Provost Esslemont in 1883.

4.5 The routes connecting the centre with the north-west of the city were, prior to 1883, narrow steep and tortuous, and it was felt that before any development could take place in that quarter, a new and improved access should be made.

4.6 In 1882, the Town Council laid out Esslemont Avenue, but it was too far west to serve as a suitable direct access to the Rosemount district. The older accesses by Gilcomston Steps and Skene Square or by the Incurable Brae and South Mount Street could never have met the traffic demanded by Rosemount and the new district of the Stockets beyond.

4.7 A new thoroughfare, Rosemount Viaduct, was therefore projected, starting from the end of Union Terrace, crossing Skene Terrace, Skene Street, and by a viaduct of skew arches, the valley of the Denburn, till it joined the higher ground at South Mount Street. This work was the first undertaken under the powers of the 1883 Act. The cost of the work was very heavy, amounting, between property and works, to almost £81,000.

4.8 James Emslie opened Loanhead Quarry in 1830 (Rubislaw opened in 1741). The Wrights and Coopers Incorporation in the 1870s laid out Loanhead Terrace and although the name is taken from the quarry, the actual quarry was nearer to Mile End and Craigie Loanings.

4.9 The Incorporated Trades laid out Thomson Street in 1879, and like many of the neighbouring streets, the builder was John Morgan. He had a house built for him and his family overlooking Victoria Park, until they moved in 1886 to 50 Queen's Road. The street was named after James Thomson who was involved in managing the widows' fund for the Incorporated Trades.

4.10 At the turn of the 20th century, whilst the area to the north was still devoted to hospital uses, the need for housing had led to the majority of the land between Westburn Road and Whitehall Place being developed for terraced style housing. To the south-west there remained some gaps between housing areas, but a pattern of streets had already been developed and it is clear that they would soon be similarly developed. The exceptions were the open fields referred to above, which had been taken over to create the five-hectare Victoria Park which was opened to the public in 1871.

4.11 Whilst some poorer housing had encroached towards it, the industrial areas to the south-east had become consolidated and associated with a far larger area, including the Broadford Works and Granite Works, associated with Hutcheon Street, Maberley Street and John Street east of Skene Square.

4.12 Towards the middle of the 20th century, practically all of the current housing had been built. The areas north of Cornhill road were still used for hospital purposes, but the grounds around Westburn House had been formed into a public park with its formal walled garden turned into bowling greens and tennis courts.

4.13 Some strips of land along the southern side of Whitehall Road, and beside Whitehall Terrace, and Craigie Park, remained undeveloped until relatively recently. During the 1960s some of the former industrial land and poorer housing areas to the east were developed for more modern housing by the local authority.

5.0 Parks

5.1 In the mid-nineteenth Century there were no public parks in the City except the Links. By 1900 there were six: Union Terrace Gardens, Duthie Park (which were gifted to the Town), Stewart and Walker Parks (which were purchased) and Westburn and Victoria Parks in the conservation area.

5.2 Westburn, the mansion house, for many years the residence of the Chalmers family, the well-known printers, was acquired by the Town Council and opened to the public in 1901. The original estate of Westburn extended to 22 acres and was purchased for the sum of £14,000 with subsequent works bringing costs to a total of £18,717. The old house of Westburn was converted into refreshment rooms, and a bowling green laid out in the *Westburn Park*



former kitchen garden. The public park now includes a children's cycle track and play area, and has become known for an excellent grass bowls facility. An open section of the Denburn (a local stream) runs through the park and modelled water features have been added to it. There is a more 'open' feel to the grounds, which are readily visible to traffic on the adjoining roads, and this contrasts significantly to the contained intimacy of the Victoria Park opposite it.

5.3 The five-hectare Victoria Park was opened to the public in 1871. In addition to an informal layout of flowers, shrubs and trees, there is a conservatory to be used during inclement weather, and a small glasshouse feature. In the centre of the park is a Category A listed fountain made of fourteen different granites, presented to the public by the granite polishers and master builders of Aberdeen.

Victoria Park Fountain



6.0 19th Century urban housing

6.1 The first element which has been instrumental in guiding housing development at Rosemount, and subsequently having an effect upon character, is landform. It will be clear to anyone who walks around the area that the ridge and hollow topography described earlier has given a distinct character and sense of place. Streets often have kinks or turns in them to follow the ground contours such as at Belvidere Crescent, Wallfield Place and Wallfield Crescent, and more subtly at Whitehall Place. These bends invite the eye to follow and increase anticipation as to what is beyond. Where roads are aligned down the side slopes of the Rosemount ridge, such as at Skene Square, Grosvenor Place, Craigie Loanings, and the streets north of Rosemount Place leading down to Victoria Park, the tiered arrangement of buildings create visual diversity to an otherwise linear form, and offer an invitation to follow the eye downwards.

6.2 In addition to landform, there are three other basic elements that have an influence upon character. The ways they relate to each other have been initially examined in order to aid definition:

- a) the architectural style and density of buildings;
- b) the way the external spaces are arranged around them, and
- c) the presence or absence of trees and other vegetation.

6.3 Initial appraisal has shown that the areas immediately to the west of the conservation area around Mid Stocket Road, whilst comprising some attractive late 19th and early 20th Century housing layouts, do not adequately match up to the quality and diversity of those described in the following sections. At present nearly all of this area consists of private housing and is unlikely to be subjected to pressure to change. This does not, however, preclude the Mid Stocket area from being the subject of a detailed appraisal for conservation area status in its own right in the future.

7.0 Townscape, architecture and history

7.1 Rosemount Viaduct and South Mount Street demonstrate the transition from a truly significant urban scale in the City Centre through to a more domestic suburban scale evident in much of Rosemount. The rapid emergence of Rosemount as a suburb of Aberdeen in the latter half of the 19th Century has meant that the vast majority of the surviving buildings are of a similar age.

Wallfield Place



7.2 57-85 and 46-80 Rosemount Viaduct flank either side of the gateway from the City Centre to Rosemount. 4 storey and attic with ground floor shopfronts finished in granite ashlar with finely dressed string courses and pilasters. 96-120 Rosemount Viaduct (James Souttar, 1887) on the north east side comprises three imposing 4 storey and attic tenements grouped together. Constructed of rusticated granite block with smooth ashlar details such as stringcourses, mullions and even turrets flanking the central of the three gables, this tenement has ground floor shops to the street. The two churches opposite each other, the former UF Church at 82 Rosemount Viaduct and the Bon Accord Church with its impressive square tower form fitting bookends to the larger scale tenements.

7.3 Rosemount Square (Leo Durnin, 1938) is based upon the Karl Marx Hof in Vienna and represents a dignity of scale not often attained in local authority housing. A refined exterior of unbroken fenestration achieves the art deco style meriting a category A listing. Vertical stair windows contrast with the horizontal windows of the flats themselves. Finished in granite Rosemount Square includes relief sculptures by TB Huxley-Jones above the entrance arches depicting the Spirits of Wind and Rain. Tenements at 9-13 and 19-21 Short Loanings reflect the scale and design of Rosemount Square, with the addition of entrance doors to the street. These tenements demonstrate how the appearance of such a building can be detrimentally altered with the introduction of inappropriate window styles.

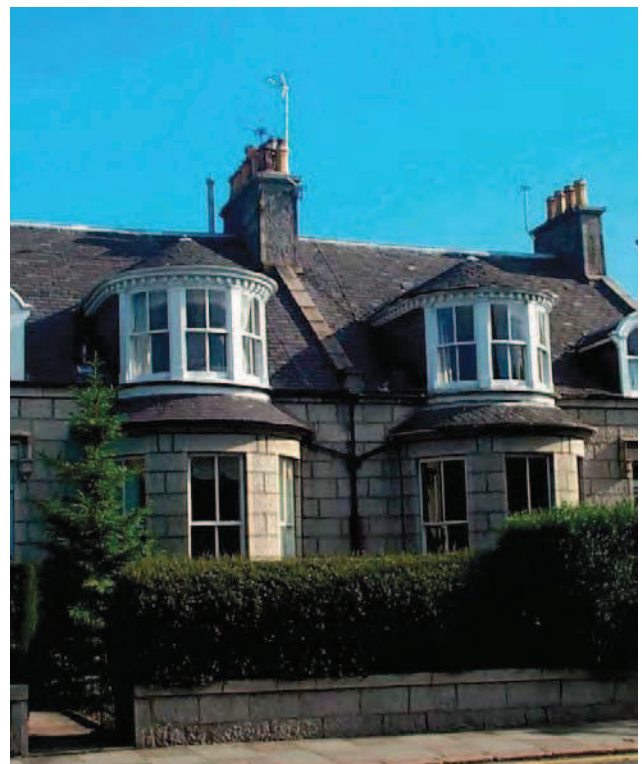
Rosemount Square



7.5 Rosemount Place forms the spine of the Rosemount neighbourhood. Its character is typified by a selection of building styles of differing heights, ranging from single to four storeys. Serving as the centre of the neighbourhood with many local shops at ground floor. Rosemount Place also provides the main link to the suburbs to the west. Notable buildings include Category C(S) listed Rutherford Church, B listed Rosemount School (James Souttar 1883-84) and 250-252 Rosemount Place, C(S) listed. The imposing former Rosemount School is prominently situated at the corner of Esslemont Avenue, Belgrave Terrace and Rosemount Place, contributing to the legibility of the area. The juxtaposition of the diverse range of buildings on Rosemount Place is in direct contrast to those streets in the conservation area that are accessed from it.

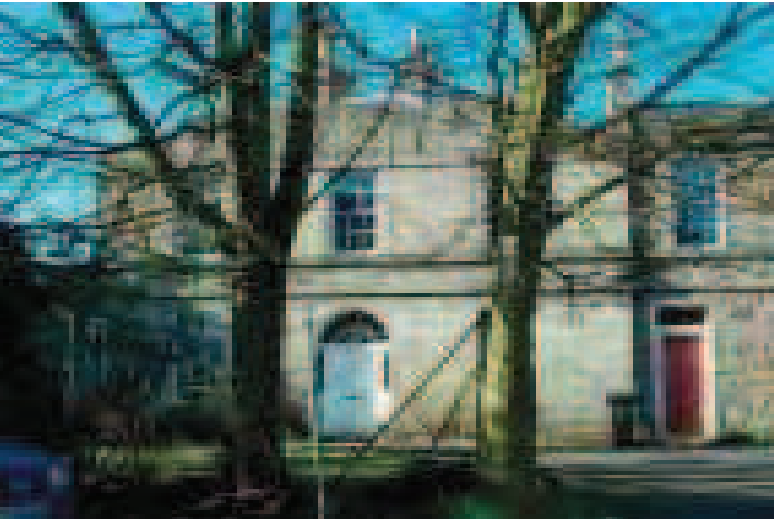
7.4 Mount Street, Rosemount Terrace and Caroline Place all appear on the first edition Ordnance Survey map together with Rosemount House. The low scale housing towards the north in Mount Street and Mount Cottage are amongst the first buildings in Rosemount. The houses of Caroline Place and the cottages in Rosemount Terrace date from the 1830s. These added to the tenements on Westburn Road to the north, form a triangular island on which stands the former Rosemount Church (William Smith 1875-7). C listed, the Gothic style church has been converted to a cancer support centre, Clan House.

250-252 Rosemount Place



7.6 Rosemount House at 28 Rosemount Place is set behind the main thoroughfare. This very early 19th Century 'B' listed former mansion has been extended to form a short terrace. Constructed in finely picked granite ashlar with an impressive semicircular doorway, the neighbourhood is believed to be named after Rosemount House.

Rosemount House



7.7 Most notable of the streets running off the spine of Rosemount Place is Argyll Place, nos 31, 37-49, 55-93 of which are listed category B (Pirie & Clyne, 1884-85). This single storey and attic terrace, built for the local builder and contractor John Morgan, is constructed in grey and pink granite, with contrasting rusticated and dressed finishes. Interestingly, no two doors are the same with a variety of single, paired recessed or near flush arrangements.

7.8 To the north, 1-13 Argyll Crescent (1887, Pirie & Clyne) is a single storey and attic terraced crescent with 26 bays constructed in grey and pink granite. The smooth convex nature of the B listed terrace is unusual, with private drive and gardens in front and enclosed radial gardens to the rear, and a segmented drying green at the apex. This forms a unique and complete design.

7.9 Parallel with Argyll Place are Belvidere Street and Thomson Street terminating at Victoria Park. Belvidere Street comprises late 19th century single storey and attic terraced townhouses set behind modest front gardens, each with a bay window and bay dormer above. Entrance doors are generally grouped together in pairs and modestly embellished with a small projecting entablature. The west side of Thomson Street has single storey and attic terraced houses similar to those in Belvidere Street, whilst the east side increases in scale to 3 storeys, the top floor of which is formed by a mansard roof and gable to the front of each tenement.

7.10 Watson Street encloses Victoria Park on the east side with the most notable building the late 19th Century Victoria Park Lodge. The single storey and attic cottage sits in a landscaped oasis setting it apart from the urban setting of the rest of the street. Loanhead Terrace is a mixture of terraced and semi-detached single storey and attic dwellinghouses.

Victoria Park Lodge



Unusually, only the east side of the street is developed, the west having a tree lined border with Watson Lane, creating an open and pleasant environment with a suburban feel. 2-12 Loanhead Terrace have shallow-arched windows and doors to the ground floor with decorative facings around the dormers.

7.11 View Terrace includes the B listed no 2A (originally Viewplace House), now converted to a nursery. The single storey and attic terraced housing on the west side are typical of the Victorian house type of the area but differ slightly- the bays all have a painted finish in pastel colours.

Raeburn Place



7.12 Raeburn Place has impressive and colourful 4 storey tenements constructed in pink rusticated granite with grey granite details. Constructed on the site of the former Gilcomston Brewery, each tenement has a traditional mansard with a gable centred over the entrance door. Similar to Raeburn Place are 15-27 Baker Street with the same scale, materials and colour.

7.13 Belgrave Terrace includes several recently listed buildings. 21,23, 25-3, 33-39 are single storey and attic semi-detached houses with bays, again having bay dormers above. Designed by the City Architect (John Rust, 1904), these terraced houses have green slate fish-scale mansard roofs. 42 Belgrave Terrace (John Rust 1896) is a substantial townhouse on an elevated setting along with others on the north west side of the street. 44 Belgrave Terrace (William Kelly, 1887) and 46 Belgrave Terrace (Ellis & Wilson, 1886) complete the impressive range of villas.

7.14 Esslemont Avenue has plain tenements with no front garden forming a canyon of a curved street leading up to Rosemount Place. Rather more ostentatious are those tenements facing the Grammar School on Whitehall Place. To the south west of the conservation area is Westfield Terrace. Nos 6-16 (James Henderson, 1874) are C(S) listed, although B for the group. Three double villas with Scots Baronial and Dutch inspired detailing form this curious terrace.

7.15 To the north of the conservation area lie Westburn Park and Royal Cornhill Hospital. The character of this area is typified by a collection of Victorian Asylum buildings of granite construction sitting proud in a parkland setting. A number of additional buildings have appeared, especially with the expansion of the Royal Cornhill Hospital in 1989, but still the overriding impression is that of a parkland with open lawns and tree planting.

7.16 Westburn House (1839, Archibald Simpson) was designed for David Chalmers of the Aberdeen Journal. Brick built and stuccoed, the single storey building is centred in Westburn Park with a two-storey centre gable to the north and slim Doric portico with pediment to the west. The cast iron veranda on the south is a later addition to this A listed building. Farther north, B listed Elmhill House (1862, William Ramage) is an imposing E-plan Italianate former mental hospital, designed

Westburn House



as an extension to the original hospital facilities for the mentally ill. A striking granite building of three storeys with twin towers in a spacious parkland setting, including now overgrown ornamental gardens to the west.

7.17 The original asylum building of The Royal Cornhill Hospital (designed by Archibald Simpson in the early 19th Century) has since been engulfed by many later additions. The main hospital building, a substantial 2-storey granite structure around central courtyards dates from 1819. To the north the separate 2-storey and attic hospital extension was added in 1890 along with 2-storey pavilions in the 1920s. A number of single storey wards complete Royal Cornhill. To the south of the original building, a new hospital complex was constructed in 1989 with a series of low pavilions. Royal Cornhill, together with the Asylum Lodge and Elmhill House, is the last remaining example of the original healthcare facilities that were so prevalent in the north and west of Aberdeen in the 19th century. The relationship of the pavilions, villas, wards and courtyards and spaces between may have altered over time with the introduction of car parking, however the localised sense of enclosure still exists within the hospital complex. The site includes the Forbes of Newe Obelisk (1830, John Smith) in memory of John Forbes who bequeathed £10,000 for building the hospital. The Obelisk originally sat in St Nicholas churchyard and is now listed category C(S).

Royal Cornhill Hospital



8.0 External spaces

8.1 The individual components that can contribute to character comprise the varying widths and alignments of roads; the arrangements of public and private spaces; the surface materials of carriageway and pavements and any associated street furniture. Where there are front or side gardens abutting the street boundary enclosures the impact of associated planting can be important. Also relevant is how car parking is accommodated and whether it is visually intrusive.

8.2 There is considerable diversity in the manner in which the streets and external spaces have been laid out. The distance between buildings on either side of a street, for example, varies from around 60 metres in the case of Westfield Terrace, to those where there is less than 14 metres as at View Terrace. The intervening space accommodates a road with pavements, usually on both sides and with or without street trees, on street car parking and, in the widest ones front gardens. In the narrowest streets the buildings front directly onto the pavement. Carriageway widths can vary from one such as at Esslemont Avenue of almost 10 metres wide, to those like Craigie Loanings and Thomson Street, which are only around 7 metres wide.

8.3 In general, the streets north of Rosemount Place are distinguished from those south of it since they not only have larger front gardens but also rear lanes with garaging facilities. There is overall within the residential areas a very clear arrangement of public and private spaces. The one anomaly occurs at Loanhead Terrace where, as previously mentioned, the fronts of the houses on the eastern side face directly towards the rear lane and back gardens of the houses on Watson Street to the west.

8.4 A relatively recent introduction into the public zone, and which have had a significant effect upon the character and attractiveness of some streets, are on-street refuse arrangements. These comprise permanent stanchions and large 'wheelie' bins for use by local residents. Where there has been adequate width they have been

incorporated on pavement edges. However, these bins disrupt the visual flow and rhythm of the street pattern especially where tree planting, other vegetation or structures do not mask them. A better and far more unobtrusive solution is achieved where there is less width on the footpath resulting in bins being inserted between car spaces on the carriageway. Thus the physical and visual obstacle is removed.

Northfield Place



9.0 Vegetation

9.1 When the majority of the houses within the area were built, the Victorians included a number of components that were designed to give areas a pleasant outlook. In all but the area to the south-east and generally bounded by Mount Street, West Mount Street, View Terrace, Rosemount Place, and Wallfield Place, the streets were planted with trees. These were mainly within the pavement although in the case of Belgrave Terrace, Grosvenor Place, Richmond Terrace, and Watson Street they were located within the carriageway itself. Where there were small front gardens they were generally enclosed by railings and the street itself would have been laid with granite setts and stone pavements.

9.2 The position has change significantly in the intervening years. Most railings were removed during the war years, and concrete slabs and blacktop have gradually replaced the granite used for pavements and roads. Only Westfield Terrace seems to have retained its stone flags. Street trees have needed to have their crowns raised above high sided vehicles and, where their roots have either raised the pavement, or their stems interfered with residents parking, they have been progressively removed. In some cases they have not been replaced, or have been substituted by smaller species. In others, routine tree pruning has been severe so that they have been left with small crowns with callused nodules at cut points that are very visible in winter.

9.3 Where trees have been retained there can be little doubt that they contribute significantly to character – they tend to be more in scale with building heights, and help to soften the otherwise hard and linear arrangements of buildings. They can also, along with garden planting, provide some refuge for wildlife that would otherwise be largely displaced from urban areas. In that regard, where front gardens have incorporated privet or other types of hedging, they have helped to substitute for the lack of frontage railings.

10.0 Development matters affecting the conservation area

10.1 The redevelopment of Elmhill House and associated parkland is currently under consideration. A planning brief was published in May 2001 stipulating the requirements for the preservation of the listed building and to give guidance on suitable development in the surrounding area.

10.2 An outline planning application threatening demolition and subsequent replacement of Royal Cornhill Hospital is also under consideration. The appraisal identifies Royal Cornhill as an important series of granite buildings contributing to the history and character of the area. It is recommended that a planning brief be prepared for the Hospital site in order to give clear guidance as to how this site may be reasonably developed within the context of the historic environment.

Elmhill House



11.0 Enhancement of the conservation area

11.1 The preservation and enhancement of the conservation area will primarily be achieved through the development control process. The main implication of conservation area designation is that consent will be required for demolition works. Consent for specific types of development that would not otherwise require it is also required. In addition, permission is required from the City Council for any work involving felling, lopping or pruning of any tree within a conservation area.

11.2 Article 4 Directions have a particular role to play in helping protect important unifying features (e.g. doors, windows) and in arresting the incremental erosion of the character and appearance of the area. However it is acknowledged that many of the tenements in the conservation area have few of their original windows remaining, with those in Esslemont Avenue, Wallfield Crescent and Gilcomston Park being notable examples. In 1992, the Government introduced stricter control over development within conservation areas. Such control is considered sufficient for the Rosemount and Westburn conservation area.

12.0 New Development in the Conservation Area

12.1 To safeguard conservation areas for the enjoyment and benefit of future generations any new development must respect and enhance the character of the conservation area. The designation of a conservation area not only has the overall objective of protecting what is of value in the existing built environment, it is also a means to ensure that any new development adds to that value.

12.2 However it is important that the conservation area is not viewed as a barrier to creativity. The genuine heritage of the conservation area must not be diluted and debased by the introduction of designs that merely mimic their surroundings in an unconvincing and ill-considered fashion. Designs should, however be compatible with local area context.

12.3 Design quality should be encouraged and not inhibited by the development control process. Promotion of design quality should be strengthened through the planning process. With this in mind it is recommended that planning briefs be prepared to give guidance for potential development sites such as the Cornhill Estate.

12.4 It is acknowledged that one of the major contributing factors to the character of any area is the uniform treatment of fenestration. This uniformity has been lost in Rosemount; in most tenements no two windows are alike. It is impractical to expect conservation area designation to be a means of reinstating original timber sash and case windows.

12.5 Control of fenestration is covered more rigorously in the other conservation areas in the City by the inclusion of Article 4 Directions, effectively removing permitted development rights for replacing windows. Since the designation of Aberdeen's existing conservation areas, the Town and Country Planning (General Permitted Development) (Scotland) Order has been revised (1992), introducing stricter controls

for development in conservation areas. It is not considered necessary to introduce an Article 4 Direction to the conservation area to further restrict development.

12.6 The Rosemount and Westburn conservation area consists mainly of flatted properties that require planning consent in any case to replace windows. Rather than restricting the material or opening method of new windows in Rosemount, it is recommended that all new windows in tenements should be kept simple in style and have white frames. In addition, carefully matching new windows to the most prevalent and appropriate existing appearance, possibly including a dummy transom for example, will enhance a tenement. This will assist in creating a degree of uniformity in terraces thereby preserving and enhancing the character of the area.

13.0 Conclusion: Justification for Designation

13.1 The conservation area retains, almost intact, the later 19th century expansion of Aberdeen north-west from the city. Unlike the substantial villas constructed in the West End around the same time, the housing forms in Rosemount are the tenements and the terraces of modest houses.

Following the grand intervention of Rosemount Viaduct, the resulting pattern of development responded to the topography of the area. The tenements that front onto Rosemount Viaduct are up to 5 storeys high with 7 storeys to the rear. Parallel terraces curve around a slope as at Belvidere Crescent, Wallfield Place and Crescent, or straight down the slope towards Victoria Park as at Belvidere, Thomson and Watson Streets.

The two public parks, Victoria and Westburn provide open space to compensate for the compact street pattern and smaller size, or absence, of private gardens.

13.2 Designation of the Rosemount and Westburn Conservation area has been proposed for two main reasons:

1) preservation of street pattern and granite buildings that make an important, positive and lasting contribution to the City's character and building stock; and

2) preservation of the parkland setting of both Westburn and Victoria Parks, and the Cornhill Estate for the benefit of future generations.

Designation of the Rosemount and Westburn Conservation area enables the protection of the whole area rather than simply individual buildings. Demolition can be prevented and changes controlled so that the distinct character of the area is preserved.

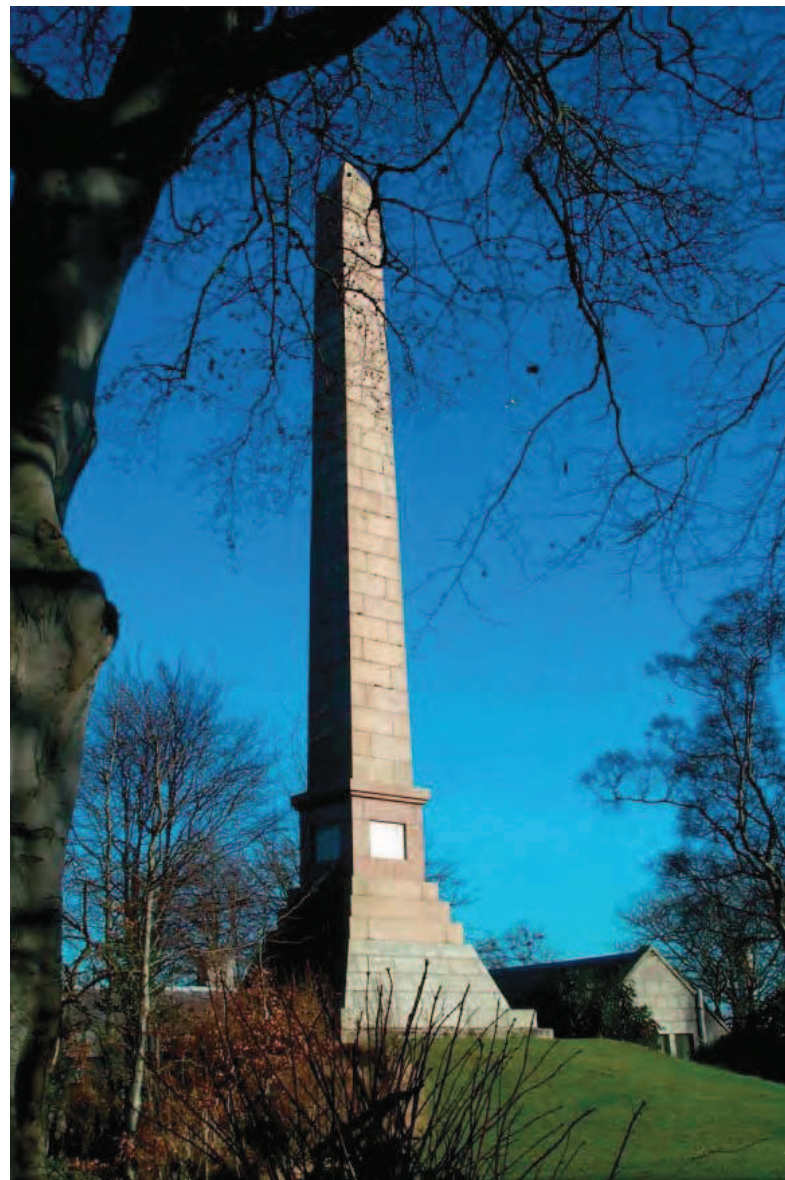
13.3 The boundaries of the Rosemount and Westburn Conservation Area are shown on the attached plan and can be broadly described as follows:

Ashgrove Road, west of Woodgrove and Barkmill Road, south of the rear boundaries of 1-25 Chestnut Row, south along Berryden Road to Hutcheon Street, rear boundaries of 1-6 Caroline Place, Skene Square, Rosemount Place, rear boundaries of 2-30 South Mount Street, rear boundaries of 56 and 58 Baker Street, Baker Street, Gilcomston Steps, Spa Street, South side of Denburn Health Centre, Upper Denburn, up steps to Skene Street, Skene Street to the west boundary of Skene Street School, Jack's Brae, rear boundaries of 8-30 Northfield Place, rear boundaries of 2-10 Esslemont Avenue, Esslemont Avenue, Whitehall Place, Albert Place, Albert Lane, rear boundaries of 53-105 Whitehall Place, rear boundaries of 10-64 Whitehall Road, rear boundaries of 6-52 Craigie Park, Westfield Road, rear boundary of 2 and 4 Westfield Road, rear boundary of 1-3 Beechgrove Terrace, rear boundary of Argyll Place, rear boundary of Argyll Crescent, rear boundary of 1-31 Westburn Drive, rear boundary of 2-6 Westburn Crescent, Westburn Drive to Ashgrove Road.

13.4 Streets or small areas that may not normally be considered suitable for conservation area status in their own right have been included to link to the existing Union Street and Albyn Place/Rubislaw conservation area boundaries. This avoids unnecessarily complicated boundaries that would otherwise be created. Although examples of modern development are included in the area, these should not be interpreted as suitable models for future development. Rather their inclusion offers the opportunity for improvement in the future to enhance the quality of building and urban spaces in the area.

13.5 The conservation area includes the following addresses:

Forbes of Newe Obelisk



Rosemount and Westburn Conservation Area Appraisal

Street	Nos		
Albert Den	All nos	Richmond Terrace	All nos
Albert Lane	1	Richmond Walk	All nos
Albert Place	All nos		Rosemount
Albert Street	37-53 odd nos, 44-54 even nos	House	
Argyll Crescent	All nos	Rosemount Place	51-295 odd nos, 2-292 even nos
Argyll Place	All nos	Rosemount Square	All nos
Baker Street	1-59 odd nos, 56-62 even nos	Rosemount Terrace	All nos
Barkmill Road	All nos	Rosemount Viaduct	57-85 odd nos, 46-122 even nos, Bon Accord Church
Beechgrove Terrace	1,3	Short Loanings	All nos
Belgrave Terrace	All nos	Skene Square	47, 61, 82, 83, 84, 89, Skene Square Primary School
Belvidere Crescent	All nos		
Belvidere Street	All nos	Skene Street	Gilcomston Primary School
Berryden Road	1-49 odd nos, Royal Cornhill Hospital	South Mount Street	All nos
Caroline Place	All nos	Spa Street	21-41 odd nos
Cornhill Road	1-36 all nos, Pavilion, Tennis Centre, Westburn House, Westburn Park Lounge, Lodge, Royal Cornhill Hospital	Stevenson Court	All nos
Craigie Loanings	All nos	Thomson Street	All nos
Craigie Park	All nos	Thomson Street Lane	All nos
Craigie Park Place	All nos	Upper Denburn	60-82 even nos
Denburn Court	All nos Denburn Health Centre	Victoria Park	
Donald Place	All nos	View Terrace	All nos
Eden Place	All nos	Wallfield Crescent	All nos
Esslemont Avenue	29-63 odd nos, 2-74 even nos	Wallfield Place	All nos
Forbes Street	All nos	Watson Lane	All nos
Gilcomston Park	All nos	Watson Street	All nos
Gilcomston Steps	1-5 odd nos	West Mount Street	All nos
Grosvenor Place	All nos	Westburn Court	All nos
Grosvenor Terrace	All nos	Westburn Crescent	All nos
Hamilton Place	2	Westburn Drive	1-31 odd nos Westburn Park Westburn House, Westburn Park Lounge
Kintore Place	19-21 odd nos, 20-46 even nos	Westburn Road	1-99 odd nos, 2-120 even nos, Westburn Occupational Therapy Centre, Park House Centre
Leaside Road	All nos	Westfield Road	2,4 and 5
Loanhead Place	All nos	Westfield Terrace	All nos
Loanhead Terrace	All nos	Whitehall Place	All nos
Loanhead Walk	All nos	Whitehall Terrace	All nos
May Baird Avenue	All nos, Elmhill House, Ross Clinic		
Mid Stocket Road	2-12 even nos		
Mount Street	All nos		
Mountview Gardens	All nos		
Northfield Place	All nos		
Raeburn Place	All nos		
Richmond Court	All nos		
Richmond Street	All nos		



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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 000080587-002

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)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="CR Smith"/>
Ref. Number:	<input type="text"/>
First Name: *	<input type="text" value="John"/>
Last Name: *	<input type="text" value="Cowan"/>
Telephone Number: *	<input type="text" value="01383732181"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text" value="01383739095"/>
Email Address: *	<input type="text" value="john.cowan@crsmith.co.uk"/>

You must enter a Building Name or Number, or both:*

Building Name:	<input type="text" value="CR Smith"/>
Building Number:	<input type="text"/>
Address 1 (Street): *	<input type="text" value="Gardeners Street"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Dunfermline"/>
Country: *	<input type="text" value="UK"/>
Postcode: *	<input type="text" value="KY12 0RN"/>

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mrs"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="Maria"/>
Last Name: *	<input type="text" value="Mazevet"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text" value=""/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:*

Building Name:	<input type="text"/>
Building Number:	<input type="text" value="18"/>
Address 1 (Street): *	<input type="text" value="Esslemont Avenue"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Aberdeen"/>
Country: *	<input type="text" value="Scotland"/>
Postcode: *	<input type="text" value="AB25 1SN"/>

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
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Full postal address of the site (including postcode where available):

Address 1:	<input type="text" value="FLAT 6"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="18 ESSLEMONT AVENUE"/>	Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="AB25 1SN"/>
Address 4:	<input type="text"/>		

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

Northing	<input type="text" value="806333"/>	Easting	<input type="text" value="393207"/>
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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)

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.

See attached documents

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)

Grounds of appeal, drawings

Application Details

Please provide details of the application and decision.

What is the application reference number? *

P140065

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

20/01/14

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

24/06/14

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

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: John Cowan

Declaration Date: 07/07/2014

Submission Date: 07/07/2014



Grounds of Appeal

On behalf of

Mrs Maria Mazevet

Proposed replacement windows

Planning ref – P140065

Date of refusal – 24 June 2014

Property History & Introduction

The following statement is to be read in conjunction with our appeal against the *refusal of the replacement windows at 18 Esslemont Avenue, Aberdeen.*

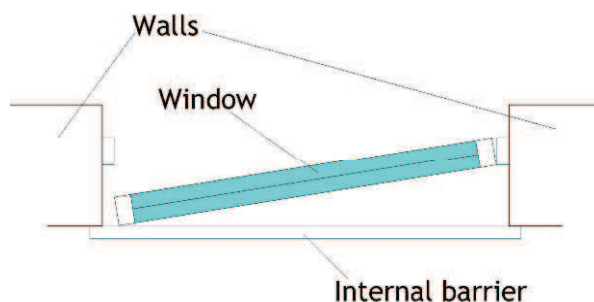
The planning department has rejected our application on the basis that the windows would have a detrimental impact on the property and conservation area as a whole.

Grounds of Appeal

The main reason for the refusal of the application is due to the design of the windows. The planning officer has requested that we install windows to match the design of the existing windows. However, the current windows do not comply with building regulations, which we are required by law to comply with.

The reason for non-compliance with the existing windows is there is no protective barrier in place for when the window is fully opened. A second floor flat requires a fixed protective barrier of at least 1100mm high. As the height to the window sill is only 650mm, we have proposed a fixed pane at a height of 450mm. Under current regulations, the windows also require to be escapable in the event of a fire. The regulations state that the bottom of the openable area must not be more than 1100mm so in order to satisfy both of these regulations and ensure the safety of the occupier, the window style we have proposed would be the best option.

One of the planning officer's suggestion to satisfy this regulation would be the installation of a barrier inside the window. However, as shown in the illustration below, this would render the window unopenable so this would also be non-compliant. Having researched protective barriers, I note that there are limited products on the market and these are primarily for toddlers and children and would have an unsightly appearance internally.



The planning officer has also stated that the proposed windows would have a negative effect on the block. Looking at the entire block of flats (nos 18-28, there are 74 windows in total (if dormer windows are counted as one). Only 26 of those windows are in the style that the planning officer is proposing. The other 48 are a different mix of styles, materials and colours. 18 of the windows are in the style that we are proposing, with a fixed pane at the bottom to act as a protective barrier. Photos of the block are shown below.

Further afield in the conservation area, there is also a vast mix of differing styles. If a site visit is carried out, it will surely be agreed that there is not one prominent window style. Approving this application would have a neutral impact on the conservation area at worst as they would not look out of place at all.

18-28 Esslemont Avenue



Conclusion

The planning department has refused our application on the basis that the windows would detrimentally effect the property and the area. However any effect would be neutral at worst due to the styles of windows already installed in the block and the surround area. The style of window we are looking to propose is also required to ensure the safety of the applicant and any future occupiers of the property.

We therefore seek to appeal the decision of the Planning Department.