

Public Document Pack



To: Councillor Milne, Convener; and Councillors Donnelly and Jean Morrison M.B.E

Town House,
ABERDEEN 26 May 2015

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 5 - Town House on **MONDAY, 1 JUNE 2015 at 3.15 pm.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

- 1 Procedure Notice (Pages 1 - 2)

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

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

- 2 19-25 Inverurie Road - 150240 (Change of Use at Ground and First Floor from Class 2 to Form Two Flatted Properties. First Floor Extension and Formation of New Entrance to Building)

PLANNING ADVISER - TOMMY HART

- 3 19-25 Inverurie Road - 150240 (Pages 3 - 10)
- 4 Planning Policies Referred to in Documents Submitted (Pages 11 - 80)

- 5 Notice of Review with Supporting Information Submitted by Applicant / Agent
(Pages 81 - 104)
- 6 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 7 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-turn the Decision of the Case Officer
- 8 37 Carlton Place - 150126 (Formation of Roof Lights to Front Elevation, and Formation of Dormer to Rear Elevation)

PLANNING ADVISER - GAVIN EVANS

- 9 37 Carlton Place - 150126 (Pages 105 - 110)
- 10 Planning Policies Referred to in Documents Submitted (Pages 111 - 184)
- 11 Notice of Review with Supporting Information Submitted by Applicant / Agent
(Pages 185 - 228)
- 12 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 13 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-turn the Decision of the Case Officer

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Mark Masson on 01224 522989 or email mmasson@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 3

`Signed (authorised Officer(s)):

19-25 INVERURIE ROAD, BUCKSBURN

CHANGE OF USE AT GROUND AND 1ST FLOOR FROM CLASS 2 TO FORM 2NO. FLATTED PROPERTIES. FIRST FLOOR EXTENSION AND FORMATION OF NEW ENTRANCE TO BUILDING.

For: Cater Corporation

Application Type : Detailed Planning Permission

Application Ref. : P150240

Application Date : 13/02/2015

Advert :

Advertised on :

Officer : Jane Forbes

Creation Date : 9 April 2015

Ward: Dyce/Bucksburn/Danestone(B
Crockett/G Lawrence/N MacGregor/G
Samarai)

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The application site lies on the south side of Inverurie Road, opposite its junction with Oldmeldrum Road to the north, and comprises 2 adjoining, semi-detached properties (19/21 & 23/25 Inverurie Road), which front directly onto the pavement. These properties formed part of the City Council's Bucksburn office, and following a period of lying vacant, are currently undergoing alteration/extension work following conditional planning consent being granted for change of use and conversion to restaurant/flat/office use. Both buildings are of traditional appearance and feature a pitched slated roof, front and rear dormer windows and a harled finish. The combined floorspace of both properties is approximately 300m² (183m² at No. 19/21 & 114m² at No. 23/25) within sites which extend to 390m² & 296m² respectively. The rear gardens have a drop in ground level between their rear (southern) boundaries and the rear building lines, and are fully enclosed by means of traditional rubble walls.

To the east of the application site, and separated from the neighbouring property at No. 19/21 Inverurie Road by a 1 metre wide path, is a 1½ storey building comprising two flats (15 and 17 Inverurie Road), where the front and rear building lines match those of the application premises. To the west is a 1½ storey building comprising two flats (27 and 29 Inverurie Road) which are set back from

the front building line of No. 23/25 by approximately 8.5m. To the south (rear) is a playing field associated with Bucksburn Primary School.

The surrounding area, which is dominated by Inverurie Road (A96 trunk road), is characterised by a mix of residential properties and local services, and designated as a Neighbourhood Centre within the Local Development Plan.

RELEVANT HISTORY

19/21 Inverurie Road:

Ref 13/1580 – Planning application for alterations and extension to ground floor office and change of use to part ground floor and 1st floor and 2 storey extension to form 3 no. flats was refused by delegated powers on 4 April 2014.

A request to review the decision was submitted on 25 April 2014, and undertaken by the Local Review Body on 27 May 2014, where the decision to refuse the application was upheld.

Ref 14/0811 – Planning application for alterations and extension to office at ground floor and change of use to part ground floor and 1st floor and single storey extension to form Flats (3 No). Conditional consent granted on 22 August 2014.

23/25 Inverurie Road:

Ref 12/0751 – Planning application for alterations, extensions and change of use to form restaurant/café to existing premises. Conditional consent granted on 8 November 2012.

This planning application was granted subject to a number of conditions relating to: filtration/extraction; noise and mitigation; refuse storage; opening hours; outside dining; and takeaway operation.

An appeal against the last condition (restricting takeaway operation) was allowed on 6 February 2013 which varied the wording to allow take-away but only as a home-delivery service, with no orders taken other than by phone and no hot food collection allowed for customers.

Ref 13/1440 – Planning application for alterations and extension to restaurant and extension to form flat, for the express use of staff/owners of restaurant. Conditional consent granted on 10 February 2014.

PROPOSAL

Detailed planning permission is sought as follows:

- Change of use from office accommodation at ground floor level within No 19/21 Inverurie Road to form a 1 bed flatted property.
- Change of use from office accommodation at 1st floor level within No 23/25 Inverurie Road to form a 2 bed flatted property.

- Erection of a 1st floor extension to the previously approved single storey rear extension at 19/21 Inverurie Road, to provide additional floorspace to the 2 no 1st floor flatted properties. The proposed extension would project 6.8 metres from the existing rear building line and extend across the full width of the site. The proposal would comprise a flat roofed extension to the rear which would lie at 1 metre below the existing ridge level, at a height of 5.8 metres, with a staggered building and roof line along the east elevation. The rear roof elevation would slope down to eaves level and incorporate 3 no. flat-roofed dormer windows.
- The proposal would include opening up the existing ground floor window to the front (north) of the property at No 23/25, and introducing a new door opening and window layout to provide access to the restaurant.
- External materials would include walls finished in grey roughcast harling, natural slates, white timber fascias and windows.

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.=150240>

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

CONSULTATIONS

Roads Development Management – Raised no objection. Requested additional information in relation to waste collection and provision of an amended drawing demonstrating appropriate cycle parking provision for the site.

Environmental Health - No observations.

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

Community Council – No response received.

REPRESENTATIONS

No representations have been received.

PLANNING POLICY

Aberdeen Local Development Plan

Policy D1 (Architecture and Placemaking) - Ensures that high standards of design are achieved by assessing proposals against a number of considerations, including context, to ensure that the setting of the proposed development and its design is acceptable.

Policy D2 (Design and Amenity) - Outlines a number of considerations which shall be taken into account when assessing planning applications in the interests of amenity considerations, mainly relating to residential proposals.

Policy H1(Residential Areas) - Within existing residential areas proposals for new residential development will be approved in principle if it:

- does not constitute over development;

- does not have an unacceptable impact on the character or amenity of the surrounding area;
- complies with Supplementary Guidance on House Extensions (Householder Development).

Policy T2 (Managing the Transport Impact of Development) - New developments should demonstrate that sufficient measures have been taken to minimise traffic generation.

RT3 (Town, District and Neighbourhood Centres) – Relates primarily to proposals for changes of use from retail to other uses.

Supplementary Guidance

- Harmony of Uses
- Householder Development

Proposed Aberdeen Local Development Plan (2016)

The following policies substantively reiterate policies in the adopted local development plan as summarised above:

Policy NC6 – Town, District, Neighbourhood and Commercial Centres (*RT3 - Town, District and Neighbourhood Centres*)

H1 – Residential Areas (*H1 – Residential Areas*)

D1 – Quality Placemaking by Design (*D1 – Architecture and Placemaking*)

T2 - Managing the Transport Impact of Development (*T2 - Managing the Transport Impact of Development*)

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 Residential Use

The application premises have previously operated as office accommodation, and this proposal seeks a change of use to residential. Given that the application site lies within an area zoned under Policy H1 (Residential Areas) in the Aberdeen Local Development Plan, the general principle of residential development would be considered appropriate in this instance. However, the detailed proposal must be assessed against other criteria under Policy H1, as well as all other relevant policies and guidance.

The application site lies within the Bucksburn Neighbourhood Centre, where Policy RT3 (Town, District and Neighbourhood Centres) would restrict any change of use from retail to non-retail use, however, this policy would not apply in

this instance given that the previous use of both No's 19/21 and 23/25 Inverurie Road was as an area office for Aberdeen City Council.

Design and Scale of Development

In terms of assessing the proposal against Policy D1 (Architecture and Placemaking), the design of the proposed alterations to the door/window openings at No 23/25 and the 1st floor extension at No 19/21 are considered within the context of the site and surrounding area, where the aim is to secure a positive contribution to the setting. Factors such as siting, scale, massing, colour, materials and orientation are amongst those considered in assessing such contribution. In this instance, and taking full account of the neighbouring properties, whilst the alterations to the frontage of the building at No 23/25 would be considered appropriate and in-keeping with the style of shop-front of several nearby properties, it is considered that the scale and massing of the 1st floor extension proposed for No 19/21 is inappropriate. The development would project a total of 6.8 metres from the original rear building line of the property, with 4 metres of that projection reaching a height of between 5.1 and 5.8 metres, with the remaining 2.8 metres, which incorporates the rear dormer extension, dropping down to an eaves height of 3 metres along the rear elevation. The massing created as a result of the proposed extension along both gable ends of the property would be significant, and whilst it is acknowledged that the projection itself would raise less issues along the western elevation, with the previously approved extension to the neighbouring property at No 23/25 Inverurie Road already projecting 13 metres, albeit at a distance of 1 metre off the boundary, this extension would have a particularly adverse impact on the neighbouring ground floor flat at No 15/17 Inverurie Road, due to the overbearing nature of development along the eastern elevation.

Although consent was previously granted for a 2 storey rear extension at No 23/25 Inverurie Road, this was on the basis that both No 19/21 and No 23/25 were under the same ownership and the proposal was for a flat-roofed development which would be largely screened from public view. In addition to this, the proposed development faced onto the blank gable of the neighbouring property to the west, which was also stepped back within its feu, and as such any likelihood of adverse impact on amenity was very much reduced.

Privacy, Residential Amenity, Daylight and Sunlight

It is considered that the proposal is largely compliant with Policy D2 (Design and Amenity), in terms of actually providing an appropriate level of amenity for the future residents of the new development. The proposal would provide internal access, by means of a shared entrance hall, to the fully enclosed rear garden for the 3 no. flatted properties at No 19/21. Access would also be available to the rear garden at No 23/25, via a private lane which runs the length of the western boundary of the site. Although only 4 of the 5 proposed flats allow for a public face to Inverurie Road, and a 'private' face to the enclosed rear gardens, the single flat which has no 'private' face fronts onto Inverurie Road, however given

that it lies at 1st floor level, it would secure an acceptable level of privacy. So whilst the level of amenity secured for the actual development itself may be largely acceptable, the impact of the proposal on the amenity of neighbouring properties is of significant concern.

Aberdeen City Council's Supplementary Guidance on Householder Development outlines general design principles for development, and states that amenity should not be borrowed from an adjacent property as a result of an extension or alteration, and any significant adverse impact on privacy, daylight and general residential amenity would count against such a development proposal. Although this guidance relates to householder development, such principles are clearly applicable in this instance given the residential nature of the neighbouring property and that of the proposal which seeks to create flatted properties at ground and 1st floor level.

In order to establish the impact which the proposal would have on daylighting to the neighbouring ground floor flat to the east of the application site, a calculation has been undertaken applying the 45° assessment method, as laid out in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice'. The 45° assessment undertaken on both elevational and plan views show the proposed development works would have an adverse impact on daylighting to the window located closest to the western boundary of the neighbouring ground floor flat at No 15/17 Inverurie Road.

The proposal would similarly have an adverse impact on sunlight to the rear garden of the neighbouring property at No 15/17 Inverurie Road. Whilst the orientation of the rear building lines along this stretch of Inverurie Road is due south, as a result of the height and depth of projection of the proposed development which would be located immediately to the west of No 15/17 Inverurie Road, the impact of the development on this neighbouring property in relation to the level of sunlight reaching both the rear elevation and the garden ground adjacent to the property would be considerable, and particularly so during winter months.

To summarise, and taking into account the drop in ground levels from south to north within the rear gardens of these properties along Inverurie Road, it is apparent that the introduction of a significant height and massing of development along the eastern boundary of the application site would have a significant impact on both daylight and sunlight to the neighbouring property at No 15/17. As such, the proposal would be deemed contrary to both Policy H1 (Residential Areas) and Policy D1 (Architecture and Placemaking).

Harmony of Uses

The proposed development has been assessed against the Council's Supplementary Guidance on Harmony of Uses, and specifically in terms of 'Living/Working Above or Below a Business'. The proposal would see the

introduction of a 2nd residential unit at 1st floor level at No 23/25 Inverurie Road, and above the previously approved restaurant. The principle of such a mix of uses at this address had already been established under the original application which saw the introduction of a flatted property within a new 1st floor extension above the restaurant kitchen. This current application would see the introduction of residential accommodation within an area previously approved for restaurant use, and would include the creation of a new entrance to the ground floor restaurant, thereby allowing for the existing entrance to be retained solely for use by residents of the 1st floor flats. Taking all of this into account, it is considered that the proposal would be suitably compliant with the aforementioned guidance.

Transport and accessibility

The Roads Development Management Team has raised no objection to the proposals which, in relation to what has previously been granted consent, would see a reduction in the restaurant floorspace and an increase in residential accommodation across the site. Whilst the provision of additional detail was sought on secure cycle parking and refuse collection facilities for the site, it was accepted that the application site had no parking provision, and therefore the assessment and subsequent comments were based on the availability of on-street parking within relative close proximity to the site, a public car park on Station Road approximately 90m to the north which provides 43 spaces, and the high level of public transport operating along Inverurie Road, with bus stops at a distance of approximately 170 metres from the site. On this basis, the proposal was deemed to be sufficiently compliant with Policy T2 (Managing the Transport Impact of Development) and with the relevant supplementary guidance.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application the relevant policies are reiterated in the proposed plan without any substantive changes.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The proposal is deemed acceptable in terms of Policy RT3 (Town, District and Neighbourhood Centres) and Policy T2 (Managing Transport Impact of Development). However, if approved, the proposed development would be contrary to Policy D1 (Architecture and Placemaking) and Policy D2 (Design and Amenity) of Aberdeen Local Development Plan, in addition to the supplementary guidance on Householder Development, due to the inappropriate design of the extension and its resulting relationship with the neighbouring building; the overly dominant scale of development proposed; and the resulting adverse impact of such development on existing residential amenity.

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.

This page is intentionally left blank

Policy D2 - Design and Amenity

In order to ensure the provision of appropriate levels of amenity the following principles will be applied:

1. Privacy shall be designed into higher density housing.
2. Residential development shall have a public face to a street and a private face to an enclosed garden or court.
3. All residents shall have access to sitting-out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the Council.
4. When it is necessary to accommodate car parking within a private court, the parking must not dominate the space: as a guideline no more than 50% of any court should be taken up by parking spaces and access roads. Underground or decked parking will be expected in high density schemes.
5. Individual flats or houses within a development shall be designed to make the most of opportunities offered by the site for views and sunlight. Repeated standard units laid out with no regard for location or orientation are not acceptable.
6. Development proposals shall include measures to design out crime and design in safety.
7. External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky.

Development deemed to have an influence on public realm in the City Centre, Town, District or Neighbourhood Centres will make an agreed contribution to art or other enhancement of the public realm.

This page is intentionally left blank

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

This page is intentionally left blank

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.

This page is intentionally left blank

Policy RT3 - Town, District and Neighbourhood Centres

Proposals for changes of use from retail to non-retail use in town, district and neighbourhood centres will only be allowed if:

1. The proposed alternative use makes a positive contribution to the vitality and viability of the shopping centre; and
2. The proposed alternative use will not undermine the principal retail function of the shopping centre or the shopping development in which it is located; and
3. The applicants can demonstrate a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant); and
4. The proposed use caters for a local need; and
5. The proposed use retains or creates a live and attractive shop frontage.

This page is intentionally left blank

Policy NC6 Town, District, Neighbourhood and Commercial Centres

Retail is the preferred use within these designated centres, however a mix of uses is desirable. Proposals for changes of use from retail to non-retail use in town, district, neighbourhood and commercial centres will only be allowed if it meets all of the following criteria:

- 1 the proposed alternative use makes a positive contribution to the vitality and viability of the centre;
- 2 the proposed alternative use will not undermine the principal function of the centre in which it is located;
- 3 the applicants can demonstrate a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use);
- 4 the proposed use caters for a local need;
- 5 the proposed use retains or creates a live and attractive shop frontage;
- 6 the new use does not create clustering of a particular use in the immediate vicinity; and
- 7 the alternative use does not conflict with the amenity of the neighbouring area.

This page is intentionally left blank



Supplementary Guidance

Topic: Harmony of Uses –
Residential, Licensed
Premises and Commercial
Uses

March 2012

This Supplementary Guidance (SG) covers many licensing and mixed-use issues within and outwith the City Centre. It provides guidance on the circumstances where development proposals for specific uses may be permitted in the City, as well as the issues that might need to be addressed when a proposal has the potential to conflict with neighbouring land uses.

Several issues are covered in this report:

- Hot Food Takeaways;
- Liquor Licensed Premises (with exceptions to hotels, restaurants, cafes and off-licenses);
- Street cafes;
- Amusement Centres and Arcades;
- Living/ Working Above or Below a Business; and
- Residential Developments in the City Centre

Objectives and Revised Policy Guidelines

This SG has taken into account relevant Local Development Plan objectives for the City, with special reference to the City Centre vision. Therefore, this SG is required to work within these objectives and vision to achieve a degree of balance where there may be potential conflict between these aims and development.

Hot Food Takeaways

Introduction

Proposals for hot food take-aways require to be given careful consideration as they raise sensitive amenity issues for neighbouring properties and land uses, for example the adverse effect of noise, smell and litter on residential properties. This is particularly the case with the City Centre, where hot food take-aways have continued to increase in number along with a similar rise in the provision of additional housing in the City Centre. Therefore, there are potential conflicts between the different uses which may give cause for concern.

It is proposed in this SG to use the term 'hot food shop' as the definition of a premises for which the main use is selling hot food for take-away, although such businesses may also operate as a restaurant/cafe. It should be noted, however, that the review is not intended to apply to restaurant/cafes where there is no substantial take-away element.

Background

Hot food shops have continued to multiply in number in the City and, since 1983, planning permissions has been granted for many new premises in the City Centre. In the same period a similar number of hot food shops have been refused planning permission. Some of these refusals were challenged by way of appeal and a proportion of these were sustained and received planning permission.

Relevant Local Plan Policies

Local Development Plan policies are an important factor in determining the merits of hot food shop proposals.

Outwith the City Centre

In Residential Areas, H1, in the Local Development Plan, uses other than residential will not be permitted unless these are regarded as complementary to residential use, such as community facilities, schools, open space, churches, local shops (Class 1) etc. Other activities which would include hot food shops will not be permitted unless the Council can be satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

In Mixed Use Residential Areas, H2, there is a presumption against the introduction of other activities including hot food shops, unless the development would cause no conflict with or any nuisance to residential amenity.

In assessing hot food shop proposals within town centres, district centres and

neighbourhood centres, consideration will be given to whether or not a proposal will:

- _ make a positive contribution to the overall viability of a centre
- _ bring into use a vacant unit with consideration given to the length of time a unit has been vacant
- _ provide a locally required service
- _ retain an acceptable level of 'live' frontage
- _ be strategically situated within a shopping centre e.g. it is important that corner shop units provide live shop window displays to enhance the attraction of a shopping centre

Within the City Centre

Within the City Centre, applications for the introduction of Class 3 uses at street level are assessed for their likely effect on the vitality of shopping.

Along Union Street, proposals are assessed against the recommended minimum retail percentages as set down in the Council's 'Union Street Frontages Policy Guidelines'.

Within the City Centre Business District (CCBZ) there is a presumption in favour of retaining and developing commercial uses which includes the provision of restaurants.

Planning applications for hot food shops located outside these specified areas will be considered on their individual planning merits and will be assessed against any other relevant planning policies.

Role of Other Council Departments

The Council's Licensing Committee has responsibility for granting licences in terms of the Civic Government (Scotland) Act 1982. With regard to the sale of hot food, the Committee's responsibility is confined to the granting of late hours catering licences and street trader licences. Street trader licences are required where hot food is sold for take-away from mobile vans and trailers located in a public place.

Food premises, including hot food shops, are required to be registered with Environmental Health in accordance with the Food and Safety Act 1990. Officers of this Section can enter catering premises to ensure that the provisions of the Act are being fully complied with. Offences include the selling of food which has been contaminated by extraneous matter, is unfit for human consumption and fails to meet food hygiene standards.

Environmental Health also has statutory obligations under a range of pollution control legislation. With regard to hot food shops the main area of concern to that Section are noise, air and litter pollution. The Government has published a Code of Practice in accordance with the Environmental Protection Act 1990 which lays down standards of cleanliness with regards to litter and refuse. Residential amenity can be adversely affected by fumes and odours generated by hot food shops or noise generated by customers, particularly where premises are open after 11pm. In this respect Planning & Infrastructure is assisted by Environmental Health on the likely effect of noise and smell arising from hot food proposals.

Issues

Amenity

The impact on amenity, and in particular residential amenity, is one of the major issues raised by hot food shop proposals. Factors which can adversely affect amenity include noise, smell and litter.

Noise nuisance can arise from both within and outwith hot food shop premises and may be generated by traffic, playing of music from radios and juke boxes, the operation of cooking and ventilation equipment, groups of people etc. Noise can be particularly intrusive late in the evening.

Nuisance from smells derives mainly from cooking, especially where frying operations are employed. Unpleasant odours however may arise from rubbish awaiting collection.

The impact of litter is recognised as being significant to planning control and therefore relevant in terms of amenity. This is of particular relevance, given that it would be unrealistic to suppose that litter could be prevented even by a cleansing service or hot food shop litter patrol.

The impact of ventilation ducting, attached to the exterior of buildings can be visually intrusive. This is of particular concern where the appearance of Listed Buildings and Conservation Areas may be adversely affected and where ducting passes close to windows in upper floors of premises containing a lower floor hot food shop.

Residential amenity can be adversely affected by the clustering of hot food shops, particularly in the City Centre, which is a reflection of the commercial and business nature of the area. It is also the case that hot food shops in the City Centre are generally open later, as permitted by their late hours catering license. Whilst levels of residential amenity in the City Center, outwith residential areas, are not expected to match those of more peripheral residential areas, a reasonable standard of amenity at all times is highly desirable. This is essential given that the Council's housing policies have consistently sought to encourage housing as a prominent land use in the City Centre. The proximity of hot food

shops to housing, however, can lead to conflict, particularly where late hours of opening are involved. The conflict can also be directly related to licensed premises in the City Centre, whose patrons provide much of the business for hot food shops, especially in the late evening and early morning.

Outwith the City Centre hot food shops generally seek to locate in district or local shopping centres. In many cases such centres are located beside or within residential areas. The importance of residential amenity in such areas is generally higher than for a City Centre location, especially if there are no other potential amenity conflicts such as licensed premises or a busy road.

Traffic and Parking

Hot food shops attract a proportion of car borne customers, for which there is rarely adequate on or off-street parking available nearby. The consequence of this is often badly or illegally parked vehicles which can block visibility for both drivers and pedestrians, interfere with traffic signal controlled junctions and reduce the capacity of main roads. A major issue here is the threat to road safety. The attraction of car borne customers can also be to the detriment of residential amenity through noise, particularly in cases of late opening and through overspill parking in nearby residential streets. Whilst the problems of parking and traffic apply generally to hot food shops, the situation is less serious in the City Centre, where a greater proportion of customers arrive on foot and on street traffic restrictions act as a deterrent to illegal and indiscriminate parking, especially if it is believed that the restrictions will be enforced by the police.

Late Hours Catering Licences and Street Traders

The Council's Licensing Committee, as stated earlier in the report, is responsible for the granting of late hours catering licences for hot food shops. It has guidelines restricting the terminal hours for trading. However, the planning authority may also, when granting planning permission, impose conditions limiting the opening hours of hot food shops on amenity grounds. In certain instances more onerous opening hours may be imposed in this way. However, it should be emphasised that such conditions would not be imposed without strong justification, e.g. to enable a development to proceed where it might otherwise be necessary to refuse planning permission.

The Licensing Committee also has responsibility for the granting of licences for street traders which are issued on an annual basis. In terms of the Licensing Committee's guidelines, all licence holders are required to specify precisely the location or locations, days and times at which they propose to trade. Though in many cases outwith planning control, street trader operations may adversely affect residential and visual amenity. It will be necessary, therefore, for representations to continue to be made by Planning and Infrastructure to the Licensing Committee where street traders operations may adversely affect amenity. Where a street trader's operation is considered to constitute

development in terms of the Planning Acts, planning permission will be required otherwise enforcement proceedings will be initiated.

No planning permission is usually required for hot food vans as they are not permanent fixtures. However, several traders operate from retail and commercial operator's car parks, often occupying designated car parking spaces or traffic circulation space. This reduces the amount of spaces available and may also increase the volume of traffic attracted to the area. Depending upon the degree of permanency and whether or not the use by the trader can be considered to be ancillary to the overall use of the site, such situations may constitute a material change of use of the land or contravene a condition of planning permission in which case it may be necessary to take enforcement action under the Planning Acts.

Revised Hot Food Shop Policy Guidelines

The Council's aims and objectives for the City Centre differ from those for the rest of the City, in recognition of the different functions of these areas. This document takes account of the issues referred to earlier in this report and link closely with the Local Plan policies.

The following guidelines provide criteria to help assess the suitability of applications for hot food shops in the City Centre:

City Centre

(i) In order to safeguard residential amenity proposals for hot food shops in areas allocated as, and adjacent to, Residential Areas will not be permitted, unless the Council is satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of the existing residential amenity;

(ii) On Union Street, hot food shops at ground floor level will require to comply with the Union Street Frontage Guidelines. Policy C2 City Centre Business Zone and Union Street may also apply. Where the Frontages Guidelines allow, permission may be granted for a hot food shop provided none of the upper floors of the application property or adjacent properties are in residential use, in order to safeguard residential amenity. Special consideration may be given to granting permission where there are residential flats above if the operation involves only reheating of pre-cooked foods by means of microwave ovens. In such situations conditions may also be required regarding soundproofing and restrictions on hours of operation. Prior to granting approval, the Council requires to be satisfied that suitable arrangements have been made for litter disposal, in order to preserve the amenity of Union Street

(iii) Hot food shop proposals in streets in the City Centre Business Zone other than Union Street require in the first instance to comply with the City Centre Business Zone Policy C2. Where the policy allows, permission may be granted for a hot food shop provided none of the upper floors of the application property or adjacent properties are in residential use and/or the amenity of other existing

housing, sites zoned for housing, or land identified as suitable for housing in the Local Development Plan, would not be adversely affected by such proposals.

(iv) In all other areas of the City Centre zoned as mixed use (H2) in the Local Development Plan, proposals for hot food shops will be considered on their individual planning merits. Approval will not normally be granted however, if the upper floors of the application property or adjacent properties are in residential use and/or the amenity of other existing housing, sites zoned for housing, or land identified as suitable for housing in the Local Development Plan, would be adversely affected by proposals.

Remainder of the City

(i) There will be a presumption against the location of hot food shops in areas allocated as, and immediately adjacent to, Residential Areas and Mixed Use Residential Areas in order to safeguard residential amenity. Where fringe, linear, local or district shopping centres are located in Residential and Mixed Use Residential areas, proposals for hot food shops in such centres require in the first instance to be assessed against the criteria set down in the Local Development Plan Policy RT3 - Town, District and Neighbourhood Centres. Where that policy allows, permission may be granted for a hot food shop provided no upper floors of the application property or adjacent properties are in residential use and or the amenity of the Residential and Mixed Use Residential areas would not be adversely affected by such proposals.

(ii) In all other areas of the City outwith the City Centre, proposals for hot food shops will be considered on their individual planning merits. Approval will not normally be granted, however, if the upper floors of the application property or adjacent properties are in residential use and or the amenity of other existing housing, sites zoned for housing, H1 and H2, or identified as suitable for housing in the Local Development Plan, would be adversely affected by proposals.

(iii) Where the scale of operations of hot food sales from fuel filling stations is considered to be a material change of use and therefore requiring planning permission, applications will be considered on the basis of the Local Development Plan Policy area within which they are located and reference will then be made to the sub-sections above.

In addition to satisfying the guidelines as set down above, applications for hot food shops should allow satisfactory arrangements for parking and access or, depending on the circumstances, an improvement on the current authorized situation. Proposals to locate hot food shops on principal and main distributor roads will be assessed against their potential to adversely affect road safety, particularly where they are proposed to be located in close proximity to pelican crossings. Car parking will be assessed on parking standards and their own merits in consultation with the Roads Section.

The Planning Authority will also require to be satisfied that hot food shop proposals can provide adequate means of extracting, treating and dispersing odours without an unduly adverse effect on residential and visual amenity.

Details of the proposed ventilation system must be submitted as part of any planning application.

Hot food shop proposals require by law to be advertised as projects of “public concern”. The level of representation is a material consideration to take into account in assessing the merits of a particular proposal, providing that comments relate to planning matters and are received within the statutory consultation period.

Conclusions and Recommendations

Conclusions

The location of hot food shops is a sensitive issue with the public and the Planning Authority because of their potential impact on amenity. The Council is rightly proud of its high amenity standards. This care for environmental standards has to be carefully balanced against the need to make provision for hot food shops which offer a service to the public and whose products are much in demand. The revised guidelines link closely with the Local Development Plan policies forming an important benchmark for determining planning applications within and outwith the City Centre.

Liquor Licensed Premises

Introduction

Similar to hot food take-aways, liquor licensed premises proposals require to be given careful consideration as they generally raise sensitive amenity issues such as noise. This is particularly the case with the City Centre, where liquor licensed premises have continued to increase in number. Along with this there has been the increased activity in the provision of additional housing in the City Centre. Therefore, there are potential conflicts between the different uses which may give cause for concern.

It is proposed in this SG to use the term 'liquor licensed premises' as the definition of a unit that sells alcohol for consumption on and/or off the premises. However, there is an exception for liquor licensed premises that take the form of a small hotel, restaurant, café and off-licensed premises.

Relevant Local Development Plan Policies

Local Development Plan policies are an important factor in determining the merits of liquor licensed premises proposals.

Outwith the City Centre

In Residential Areas, H1, in the Local Development Plan, uses other than residential will not be permitted unless these are regarded as complementary to residential use, such as community facilities, schools, open space, churches, local shops (Class 1) etc. Other activities which would include liquor licensed premises will not be permitted unless the Council can be satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

In Mixed Use Residential Areas, H2, there is a presumption against the introduction of other activities including liquor licensed premises, unless the development would cause no conflict with or any nuisance to residential amenity.

In assessing liquor licensed premises proposals within town centres, district centres and neighbourhood centres, consideration will be given to whether or not a proposal will:

- _ make a positive contribution to the overall viability of a centre
- _ bring into use a vacant unit with consideration given to the length of time a unit has been vacant
- _ provide a locally required service
- _ retain an acceptable level of 'live' frontage
- _ be strategically situated within a shopping centre eg it is important that corner shop units provide live shop window displays to enhance the attraction of a shopping centre

Within the City Centre

Within the City Centre Business Zone (C2) applications for the introduction of a non-Class 1 (Retail) uses at street level are assessed for their likely effect on the vitality of shopping.

Along Union Street, proposals are assessed against the recommended minimum retail percentages as set down in the Council's 'Union Street Frontages Policy Guidelines'.

Within the City Centre Business Zone areas there is a presumption in favour of retaining and developing commercial uses which includes the provision of restaurants.

In other Local Development Plan policy areas applications for liquor licensed premises are considered on their individual planning merits. Proposals require, however, to be in accordance with other approved planning policies of the Council.

Role of Other Council Services

The Council's Licensing Board has responsibility for granting liquor licences in terms of the Licensing (Scotland) Act 2005. With regard to these liquor licensed premises, the Board's responsibility is to determine a variety of applications in respect of premises and personal licences which are required for the sale of liquor.

Amenity Issues

The impact on amenity, and in particular residential amenity, is one of the major issues raised by liquor licensed premises proposals. Factors which can adversely affect amenity include noise and anti-social behaviour.

Noise nuisance can arise from both within and outwith liquor licensed premises and may be generated by playing of music from music sound systems and juke boxes, deliveries and groups of people etc. Noise can be particularly intrusive late in the evening.

Revised Licensed Premises Guidelines

The Council's aims and objectives for the City Centre differ in part from those for the rest of the City, in recognition of the different functions of these areas. This SG seeks to take into account of the issues referred to earlier in this report and link closely with the Local Development Plan policies.

The following guidelines are suggested to help assess the suitability of applications for licensed premises within the City Centre:

City Centre

(i) There will be a presumption against the location of liquor licensed premises in areas allocated as, and adjacent to, Residential Areas in order to safeguard residential amenity. Such proposals could only be permitted if the Council were to be satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of the existing residential amenity

(ii) On Union Street, liquor licensed premises at ground floor level will require to comply with the Union Street Frontage Guidelines. Policy C2 City Centre Business Zone and Union Street may also apply. Where the Frontages Guidelines allow, permission may be granted for a liquor licensed premises provided none of the upper floors of the application property or adjacent properties are in residential use, in order to safeguard residential amenity.

(iii) Liquor licensed premises in streets in the City Centre Business Zone other than Union Street require in the first instance to comply with the City Centre Business Zone policy. Where the policy allows, permission may be granted for a liquor licensed premises provided none of the upper floors of the application property or adjacent properties are in residential use and or the amenity of other existing housing, sites zoned for housing, or identified as suitable for housing in the Local Development Plan, would not be adversely affected by such proposals.

(iv) In all other areas of the City Centre zoned as mixed use in the Local Development Plan, proposals for liquor licensed premises will be considered on their individual planning merits. Approval will not normally be granted however, if the upper floors of the application property or adjacent properties are in residential use and or the amenity of other existing housing, sites zoned for housing, or identified as suitable for housing in the Local Plan, would be adversely affected by proposals.

The following guidelines are suggested to help assess the suitability of applications for liquor licensed premises outwith the City Centre.

Remainder of the City

(i) There will be a presumption against the location of liquor licensed premises in areas allocated as, and immediately adjacent to, Residential Areas and Mixed Use Residential Areas in order to safeguard residential amenity. Where fringe, linear, local or district shopping centres are located in H1 and H2 areas, proposals for liquor licensed premises in such centres require in the first instance to be assessed against the criteria set down in the Local Development Plan Policy RT3 - Town, District and Neighbourhood Centres. Where that policy allows, permission may be granted for liquor licensed premises provided no upper floors of the application property or adjacent properties are in residential use and or the amenity of the H1 and H2 areas would not be adversely affected by such proposals.

(ii) In all other areas of the City outwith the City Centre, proposals for liquor licensed premises will be considered on their individual planning merits. Proposals should, however, be in accordance with other Local Development Plan policies. Approval will not normally be granted, however, if the upper floors of the application property or adjacent properties are in residential use and or the amenity of other existing housing, sites zoned for housing, H1 and H2, or identified as suitable for housing in the Local Development Plan, would be adversely affected by proposals.

Conclusions

The location of liquor licensed premises is a sensitive issue with the public and the Planning Authority because of their potential impact on amenity. The Council is rightly proud of its high amenity standards. This care for amenity has to be carefully balanced against the need to make provision for licensed premises which offer a service to the public which are much in demand. The revised guidelines link closely with the Local Development Plan policies forming an important benchmark for determining planning applications within and outwith the City Centre.

Street Cafes

Introduction

Aberdeen City Council supports and encourages the provision of street cafes in the City Centre, as they make a positive contribution by adding vitality, colour, life and interest to the street scene. They can help maximise the use of public spaces, aid the local economy and add to the facilities offered to people who visit, live, and work in Aberdeen.

It is important that street cafes are properly designed, administered and managed to ensure that they meet the high standards expected in Aberdeen City Centre. They should not obstruct public space or create a hazard for pedestrians, especially for blind, partially sighted and other disabled people.

Relevant Local Development Plan Policies

For the purpose of this SG, street cafes are considered to be tables and chairs placed on public space as an extension of an existing ground floor use where food and drink is served to customers.

Before agreeing to planning permission for a street café, the Council must ensure:

1. They do not constitute a hazard; there should be enough pavement width or equivalent space to accommodate the seating, tables and café operation without causing hazard to, or invade the privacy of, other adjacent legitimate uses or impede access into or egress from nearby buildings or spaces or block a desire line.
2. If the development provides shelter from the elements, it should do so without permanently altering the physical fabric of the building to which they are attached or spaces in which they are located; and
3. They do not result in or contribute to an inadequate amenity for existing residential uses. Appropriate facilities to dispose of litter should be provided, without adversely affecting the quality, amenity or cleanliness of the City Centre.

Role of Other Council Services

As well as the Council's Planning Department, the Council's Licensing Committee has responsibility for granting licenses. Proposals for street cafes must also adhere to other regulations from the Council's Roads Department.

Amenity Issues

The impact on amenity, and in particular residential amenity, is one of the major issues raised by street cafes. Factors which can adversely affect amenity include noise, smell and litter.

Conclusions

The location of street cafes is a sensitive issue with the public and the Planning Authority because of their potential impact on amenity. The Council is rightly proud of its high amenity standards. This care for amenity has to be carefully balanced against the need to make provision for street cafes which offer a service to the public. These guidelines link closely with the Local Development Plan policies forming an important benchmark for determining planning applications within the City Centre.

Amusement Centres and Arcades

Introduction

Amusement centres and arcade proposals require to be given careful consideration as they generally raise sensitive amenity issues such as noise and other disturbances. This is particularly the case within the City Centre, where amusement centre and arcade proposals have continued to increase in number. Along with this there has been the increased activity in the provision of additional housing in the City Centre. Therefore, there are potential conflicts between the different uses which may give cause for concern.

It is proposed in this SG to use the term 'amusement centre' as the definition of a unit that's main use is to predominantly conduct games for chance of profit. The definition of 'amusement arcades' in this SG is a unit that's main use is to predominantly conduct games for amusement only.

Amusement centres and arcade proposals will only be considered within the City Centre boundary set down in the Local Development Plan.

Amenity Issues

The impact on amenity, and in particular residential amenity, is one of the major issues raised by amusement centres and arcades. Factors which can adversely affect amenity include noise and anti-social behaviour.

Noise nuisance can arise from both within and outwith licensed premises and may be generated by playing of music from music sound systems and juke boxes, arcade machines and groups of people etc.

Amusement Centres and Arcades Guidelines

This SG seeks to take into account of the issues referred to earlier in this report and link closely with the Local Development Plan policies.

The following guidelines are suggested to help assess the suitability of applications for amusement centres and arcades within the City Centre:

City Centre

(i) There will be a presumption against the location of amusement centres and arcades in areas allocated as, and adjacent to, Residential Areas in order to safeguard residential amenity. Such proposals could only be permitted if the Council were to be satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of the existing residential amenity

(ii) On Union Street, amusement arcades at ground floor level will require to comply with the Union Street Frontage Guidelines. However, no amusement centres or arcades will be permitted within sectors B and G identified in the Union Street Frontages Guidelines SG. Where the Frontages Guidelines allow, permission may be granted for a licensed premises provided none of the upper floors of the application property or adjacent properties are in residential use, in order to safeguard residential amenity.

(iii) Amusement centres and arcades in streets in the City Centre Business Zone other than Union Street require in the first instance to comply with the City Centre Business Zone policy. Where the policy allows, permission may be granted for an amusement centre or arcade provided none of the upper floors of the application property or adjacent properties are in residential use and or the amenity of other existing housing, sites zoned for housing, or identified as suitable for housing in the Local Development Plan, would not be adversely affected by such proposals.

(iv) In all other areas of the City Centre zoned as mixed use in the Local Development Plan, proposals for amusement centres or arcades will be considered on their individual planning merits. Approval will not normally be granted however, if the upper floors of the application property or adjacent properties are in residential use and or the amenity of other existing housing, sites zoned for housing, or identified as suitable for housing in the Local Plan, would be adversely affected by proposals.

Conclusions

The location of amusement centres and arcades is a sensitive issue with the public and the Planning Authority because of their potential impact on amenity. The Council is rightly proud of its high amenity standards. This care for amenity has to be carefully balanced against the need to make provision for amusement centres and arcades which offer a service to the public. These guidelines link closely with the Local Development Plan policies forming an important benchmark for determining planning applications within and outwith the City Centre.

Living/ Working Above or Below a Business

Introduction

Living and/ or working above or below a business can prove to be a challenge as both possess potential conflicts between the appropriate and necessary functions of a thriving commercial area and residential uses. The challenge is to reduce any conflict to a minimum through careful siting and design of new residential properties and new licensed or noisy activities and premises and through the Local Development Plan to attract commercial and employment uses to contribute to the vitality of the City.

This conflict is more apparent in the City Centre; however outwith the City Centre this conflict can also occur. Whilst it is reasonable to expect an adequate level of residential amenity; urban centres are lively and vibrant places and those who live there should not expect that the amenity would be comparable to that of a purely residential area.

Living/ Working Above or Below a Business Guidelines

The Council's aims and objectives for the City Centre differ in part from those for the rest of the City, recognition of the different functions of these areas. This SG seeks to take into account of the issues referred to earlier in this report and link closely with the Local Development Plan policies and City Centre Development Framework.

The following guidelines are suggested to help assess the suitability of applications for residential and office uses above or below a business throughout the City:

There will be a presumption in favour of proposals that bring into use and upgrade vacant, under-used and sub-standard upper and lower (basement) floor properties. Changes of use from residential to a non-residential use shall not be approved where:

1. There would be an unsatisfactory impact on the amenity of occupiers and users of surrounding premises, in terms of noise, fumes or other disturbance or inconvenience; or,
2. Where the proposal would involve a stairwell giving access to existing residential property being shared with non-residential users.

Residential Developments in the City Centre

Introduction

As discussed in the section above, there are challenges accommodating residential development in a thriving City Centre, where there is a mix of uses.

Developers proposing residential developments in the City Centre must be mindful of the location of licensed premises and noisy uses, and will be required to provide a noise impact assessment for developments close to the busiest/ noisiest areas of the City Centre.

Appropriate conditions such as soundproofing and the installation of filtration systems will, where appropriate, be required to be undertaken as part of any such development in order to maintain an acceptable level of residential amenity.

Residential Developments in the City Centre

Proposals for new residential developments or conversion of existing premises to residential use will only be allowed in parts of the City Centre where a suitable residential amenity will be secured. To this end applications for such residential developments or conversions will be refused where one or more of the following criteria apply:

1. A suitable residential amenity cannot be achieved or maintained. This is likely to be in areas of the City Centre where there is significant evening or late night activity associated with licensed premises and in areas adversely affected by traffic and industrial noise. The onus will be on the applicant to demonstrate that satisfactory levels of residential amenity can be achieved including the submission prior to determination of any planning application of a noise assessment carried out by a suitably qualified consultant that demonstrates that adequate noise attenuation can be achieved;
2. The proposed development is within the same built structure:
 - (a) as a public house;
 - (b) as a place of entertainment.

Unless a noise assessment has been submitted by a suitably qualified consultant prior to determination of any planning application that demonstrates that adequate noise attenuation can be achieved

3. There is a common or shared access with licensed premises or other use detrimental to residential amenity;

4. The proposal is located beside a taxi rank.

5. The proposal is located within or adjacent to the Harbour boundary unless it can be demonstrated through a detailed noise assessment submitted prior to determination of any planning application by a suitably qualified consultant that a satisfactory level of residential amenity can be achieved taking account of background noise levels.

For further information contact;

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

Tel: 01224 523470

Fax: 01224 636181

Email pi@aberdeencity.gov.uk

For help with **language / interpreting** and other formats of communication support, please contact:

ভাষা/ইন্টারপ্রেটিং এবং অন্যান্য ফরমেটের
যোগাযোগ সাহায্যের জন্য দয়া করে
:01224 523 470
নম্বরে যোগাযোগ করবেন।

如果需要語言/傳譯及其他形式的傳訊支援服務，
請聯絡:01224 523 470

Если требуется помощь при выборе
языка / переводчика или других
способов общения, звоните по
телефону :01224 523 470

للحصول على مساعدة بخصوص اللغة/ الترجمة
و وسائل الاتصال الأخرى، الرجاء الاتصال
بالرقم التالي: 01224 523 470

زبان / ترجمانی (انٹرپرائٹنگ) میں مدد اور اپنی بات دوسروں
تک پہنچانے میں مدد کی دوسری طرزوں کیلئے، براہ کرم اس نمبر پر
رابطہ کریں : 01224 523 470

W razie potrzeby pomocy z językiem
angielskim albo z tłumaczeniem, albo
jakiejkolwiek innej pomocy do
porozumienia, proszę skontaktować:
01224 523 470

E-Mail: pi@aberdeencity.gov.uk

This page is intentionally left blank



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

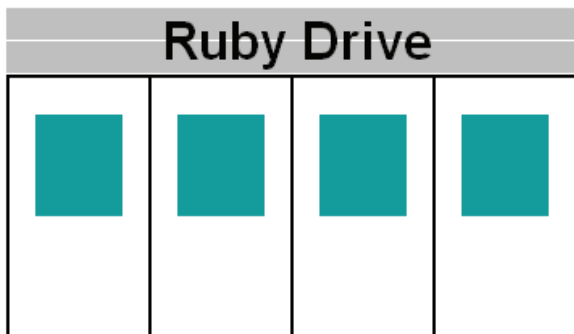
Elsewhere in this document, guidelines are set out in relation to specific types of development, such as house extensions, porches etc. In addition to those specific criteria, the following principles will be applied to **all** applications for householder development:

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**

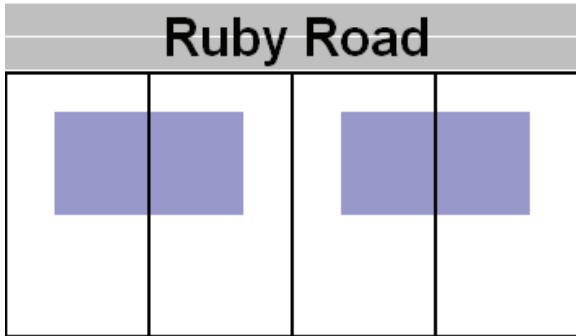
In addition to the design considerations noted above, the planning authority shall continue to apply guidelines relating to specific types of dwellings, as follows. Where dimensions are stated for projection of extensions, these should be measured from the rearmost original part of the main building,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

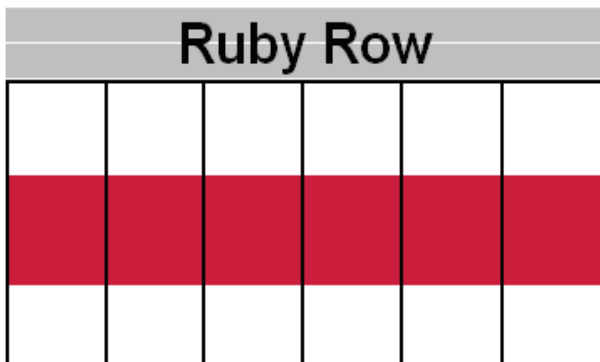
2. Semi-detached Dwellings



- 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.

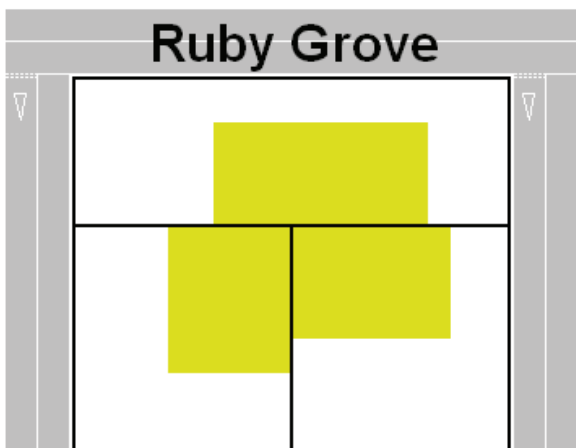
3. Conventional Terraced Dwellings



- 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:

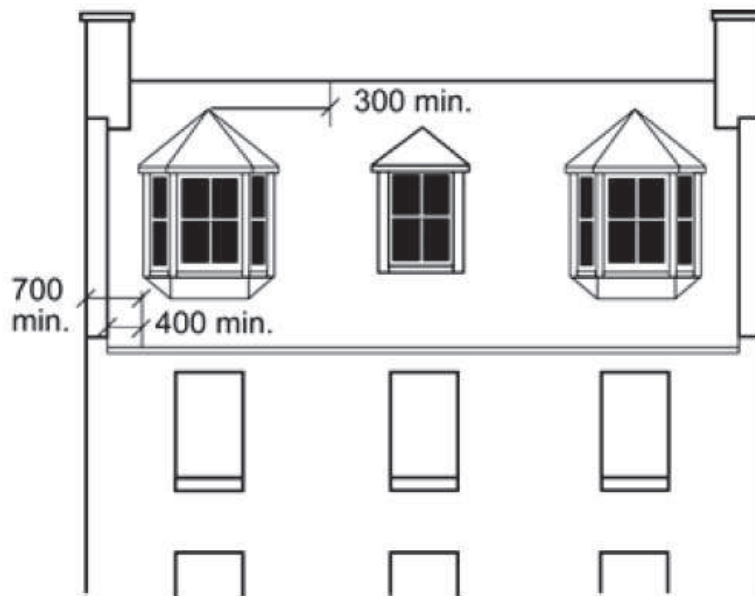
- a) On traditional properties, original dormers must be retained and repaired, and their removal and/or replacement with larger or modern dormers will not be permitted;
- b) The removal of inappropriate earlier dormers and roof extensions, and their replacement by architecturally and historically accurate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

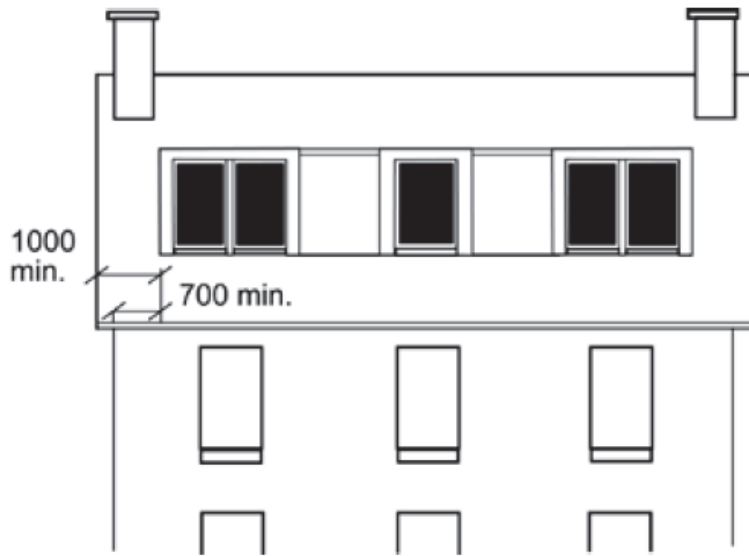


Piended dormers on typical Aberdeen tenement (linking dormers not acceptable on front elevations)

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:

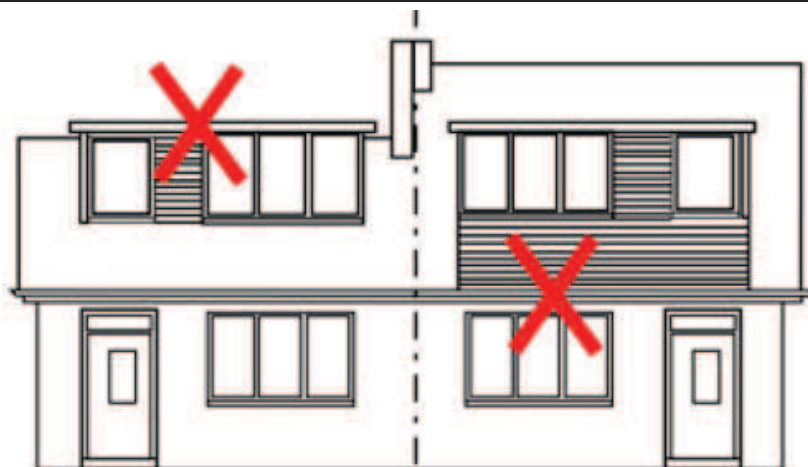
- a) The aggregate area of all dormer and/or dormer extensions should not dominate the original roof slope;
- b) Dormer haffits should be a minimum of 400mm in from the inside face of the gable tabling;
- c) The front face of dormer extensions should be a minimum of 400mm back from the front edge of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

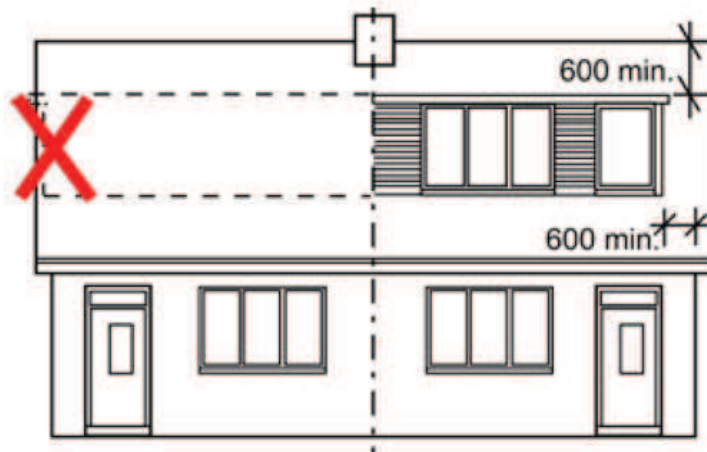
- a) Dormers and box dormer extensions have become common features in many modern housing areas, and the wide variety of designs of modern dwellings necessitates a greater flexibility in terms of design guidance. The amenity of other properties and the residential neighbourhood must however, still be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

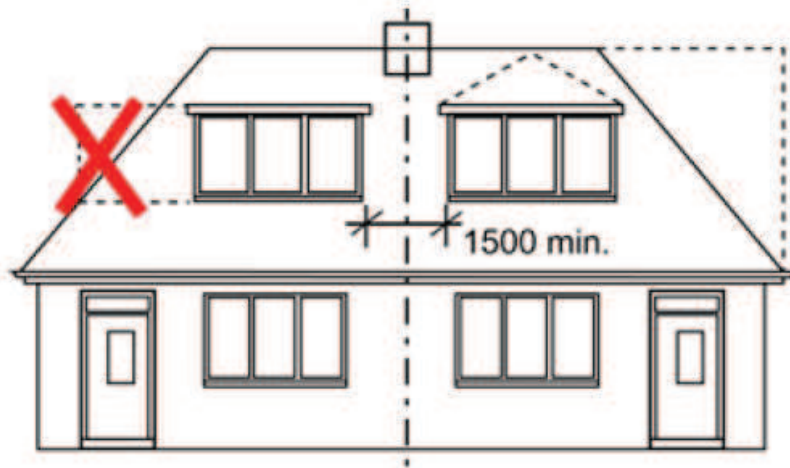
- d) The roof of the proposed extension should not extend to, or beyond the ridge of the existing roof, nor should it breach any hip. Dormer extensions cannot easily be formed in hipped roofs. Flat roofed extensions should generally be a minimum of 600mm below the existing ridge;
- e) The dormer extension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

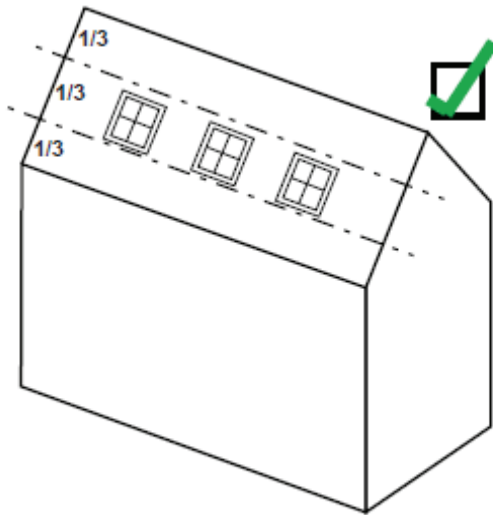


Flat roofed dormers on more traditional hipped roof house (Dormers should not breach hips. A pitched roof on this kind of dormer greatly increases its bulk). Extending roof to the gable on one side only is best avoided.

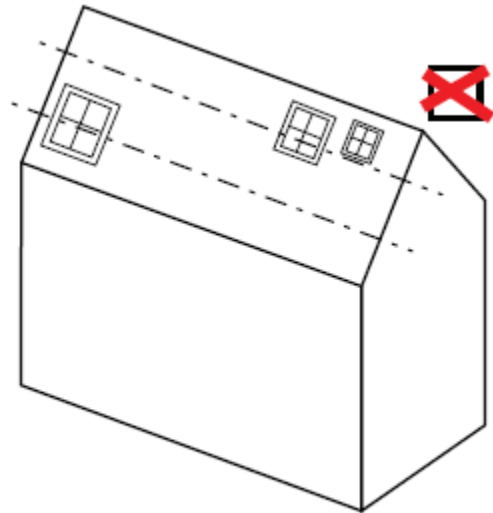
▪ **ROOFLIGHTS**

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.

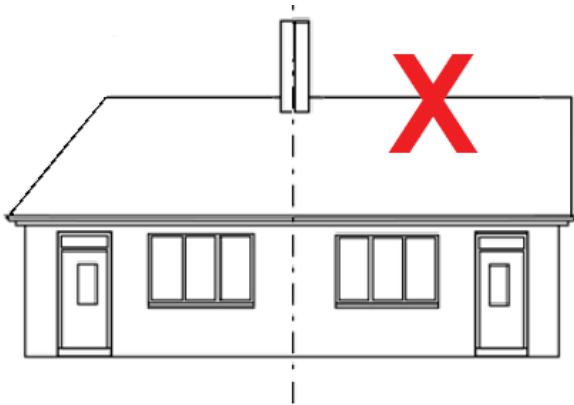
b) Rooflights should have a conspicuously vertical proportion. Seen from ground level, the foreshortening effect will tend to reduce the apparent height of the window, giving it a more squat appearance;

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.

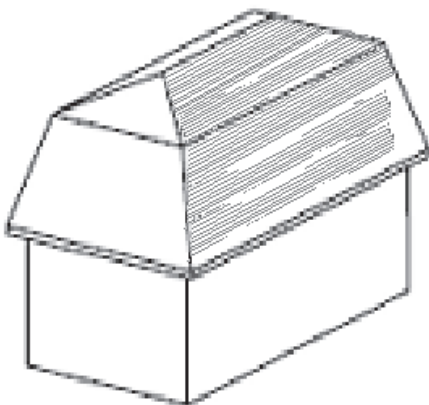
Half dormer windows

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.

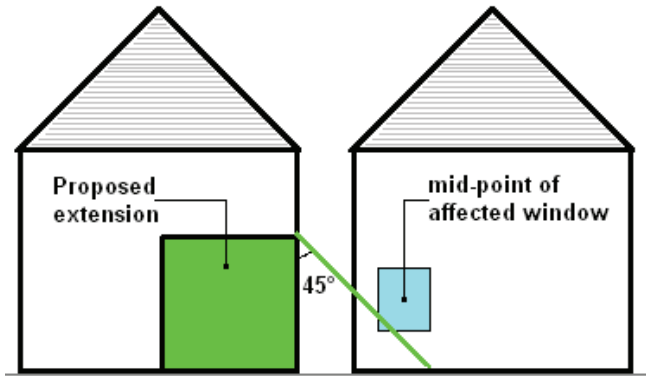


Fig A: Elevation view

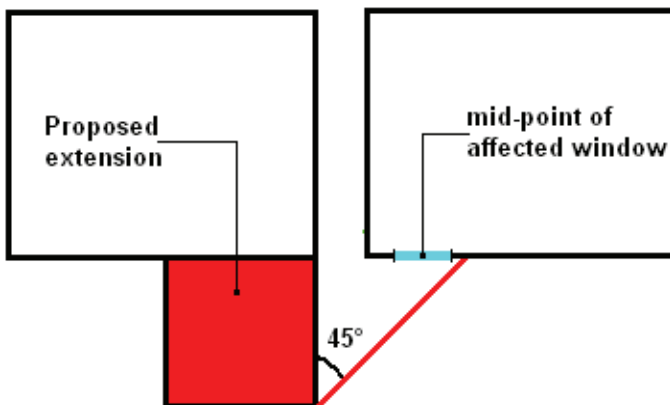


Fig B: Plan view

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

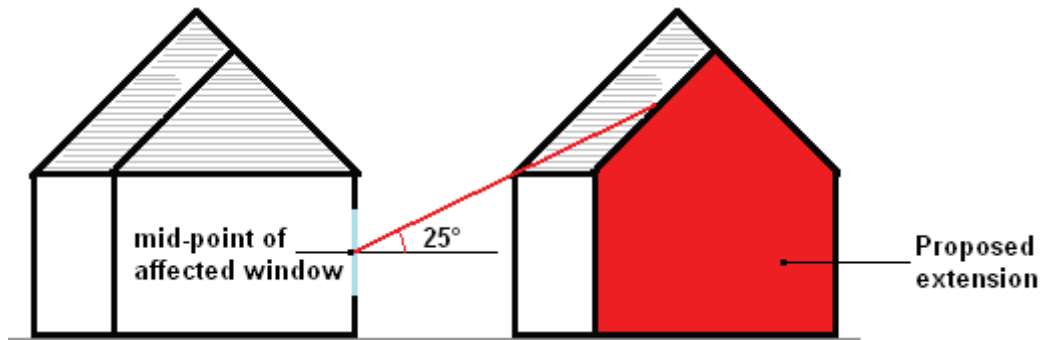


Fig A: Proposed extension may result in loss of daylight to adjacent window of a habitable room

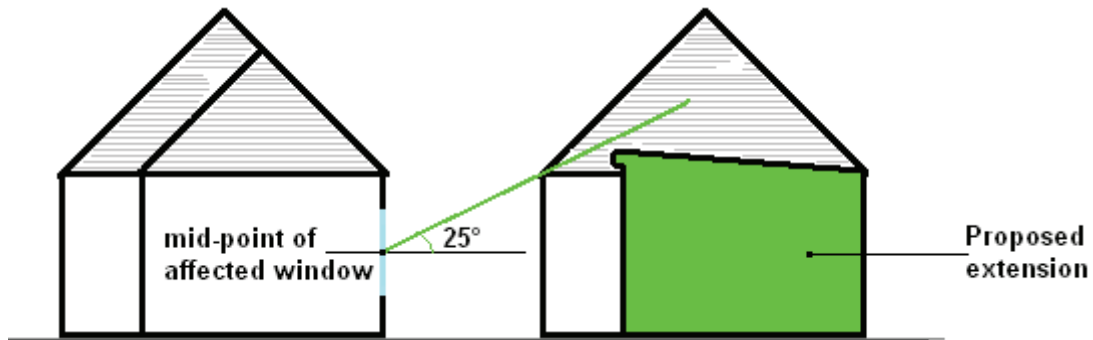


Fig B: Proposed extension would not result in loss of daylight to adjacent window of a habitable room

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.

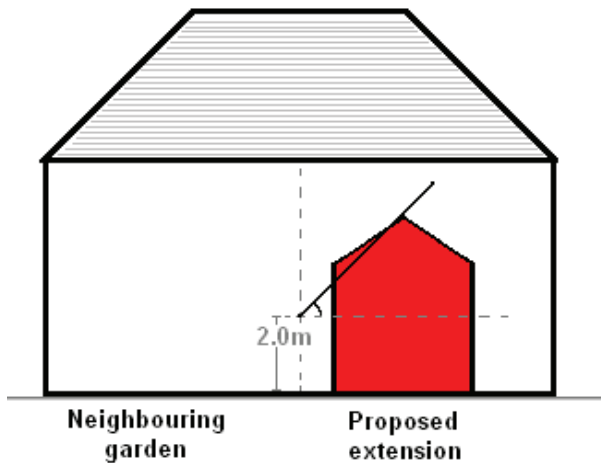
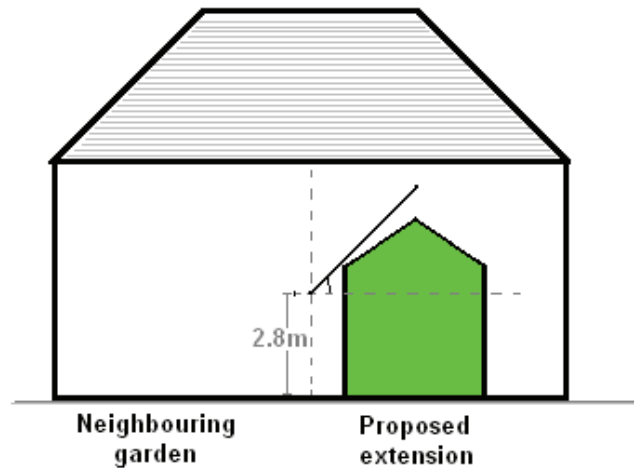
The method used involves drawing a line at 45 degrees to the horizontal. This line will begin at a point above ground level on the relevant boundary. The height above ground level will be determined by the orientation of the proposed building or structure relative to the affected space, as shown in the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

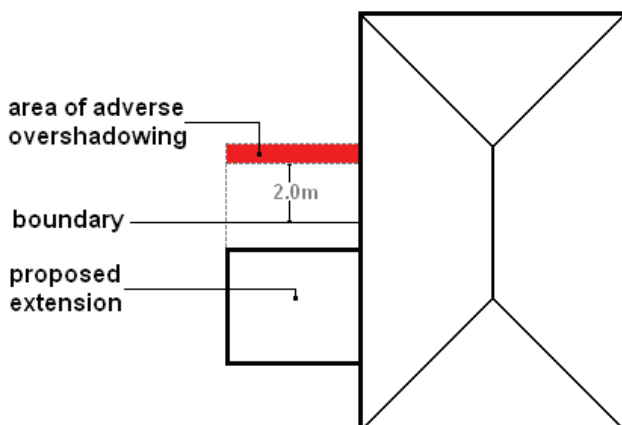
The diagram in Example 1 shows that the line drawn would not strike any part of the proposed extension, and therefore for the purposes of this test there would be no adverse affect on sunlight to the neighbouring garden.



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)

Name CATER CORPORATION

Address 55 SPRINGBANK TERRACE
ABERDEEN

Postcode

Contact Telephone 1 —

Contact Telephone 2 —

Fax No —

E-mail* —

Agent (if any)

Name NEIL ROTHNIE ARCHITECTS

Address 116 ROSEMOUNT PLACE
ABERDEEN

Postcode AB25 2YW

Contact Telephone 1 01224 624724

Contact Telephone 2 —

Fax No —

E-mail* neil@neilrothnie.co.uk

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

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

Yes No

Planning authority

ABERDEEN CITY COUNCIL

Planning authority's application reference number

P 150240

Site address

19-25 INVERURIE ROAD, BUCKSBURN
ABERDEEN AB21 9LJ

Description of proposed development

CHANGE OF USE TO PART GROUND FLOOR AND FIRST FLOOR TO FORM (2NO) FLATS AND FIRST FLOOR EXTENSION TO PREVIOUSLY APPROVED CONSENT. (FLATS)

Date of application

13th FEBRUARY '15

Date of decision (if any)

15th APRIL 2015

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

N/A

Site inspection

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

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

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

N/A

Statement

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

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

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

THE PLANNING OFFICER HAS FAILED TO ASSESS THIS APPLICATION CORRECTLY

THE PROPOSALS DO NOT FAIL THE SPECIFIC TESTS FOR DAYLIGHT AND SUNLIGHT AS SET OUT IN APPENDIX C OF THE SCI HOUSEHOLDER DEVELOPMENT GUIDE

THEY ALSO FAIL TO RECOGNISE THE PRECEDENT SET BY THE APPROVAL OF 10MFB/11 TO NO 23/25 INVERVALE ROAD IN TERMS OF THE SCALE OF THIS DEVELOPMENT

THE PLANNERS HAVE NOT ACTED IN A REASONABLE MANNER IN THEIR OVERALL ASSESSMENT OF THIS APPLICATION IN SO FAR AS THE APPLICATION MEETS ALL OF THE SPECIFIC TESTS AS SET OUT IN POLICIES D1 ARCHITECTURE AND PLACEMAKING AND D2 DESIGN AND AMENITY

THE PLANNING OFFICER GAVE NO INDICATION OF THEIR INTENTION TO REFUSE THIS APPLICATION THUS DENYING US/THE CLIENT THE OPPORTUNITY TO ADDRESS SPECIFIC CONCERNS WITH A VIEW TO ACHIEVING A POSITIVE OUTCOME.

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

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.

12TH FEB 2015 - PLANNING APPLICATION ; TO INCLUDE COVERING LETTER, LETTER OF SUPPORT, LAND OWNERSHIP CERTIFICATE AND RELEVANT DRAWINGS

26TH FEB 2015 - LETTER OF ACKNOWLEDGEMENT FROM A.C.C.

15TH APRIL 2015 - FORMAL REFUSAL OF PLANNING PERMISSION

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  NEIL KOTANIK

Date 30/4/15.



3039/nar

29th April 2015

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

Dear Sir,

NOTICE OF REVIEW OF DECISION TO REFUSE PLANNING PERMISSION FOR PROPOSED CHANGE OF USE AT GROUND AND FIRST FLOOR FROM CLASS 2 TO FORM 2No. FLATTED PROPERTIES, FIRST FLOOR EXTENSION AND FORMATION OF NEW ENTRANCE TO BUILDING AT 19-25 INVERURIE ROAD, BUCKSBURN FOR CATER CORPORATION

In support of our Notice of Review and to expand on the statementwe would summarise the reasons for the Notice of Review as follows;

- The Planning Officer has failed to assess this application correctly and in a reasonable manner
- The proposals do not fail the specific tests for Daylight and Sunlight as set out in Appendix C of the Supplementary Guidance; Householder Development Guide
- The Planning officer has failed to recognise the precedent set by the Planning Approval P131440 of 10th February 2014 to 23-25 Inverurie Road in terms of the scale of the development
- The proposals do not fail any of the tests as set out in Policies D1 Architecture and Placemaking and D2 Design and Amenity
- The Planning officer gave no indication of their intention to refuse this application thus denying ourselves and/or the client the opportunity to address specific concerns with a view to achieving a positive outcome.

In detail we would expand on each of these headings;

Reasons for Refusal

We will refer to the policies and statements as reasons for refusal as follows

D1 (Architecture and Placemaking) The **only** relevant section within this policy relates to is *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 spaces around buildings, including street, squares, open space, landscaping and boundary treatments will be considered in assessing that contribution.* Given that the proposals are to the rear of the property and the site is defined by boundary walls on three sides (to East, South and West) and Inverurie Road to the North we can find no relevance in this policy and none of these 'considerations' have been referred to or expanded upon as a specific reason for refusal. The only factors we would consider to be relevant would be *scale, massing, and spaces around buildings* and in the absence of any specific or technical tests this is a very subjective assessment and would be considered highly dubious when an immediate comparison can be made with the approval (P131440 of 10th February 2014) which is immediately adjacent and is greater in terms of scale and massing relative to the site and the original footprint. There are specific tests set in the Supplementary Guidance; Householder Development Guide in respect of site coverage and this was addressed in our original supporting statement and is dealt with in detail in a subsequent paragraph.

D2 (Design and Amenity) The proposals satisfy all (7no.) principles as outlined in this policy all as follows

In order to ensure the provision of appropriate levels of amenity the following principles will be applied;

1. *Privacy shall be designed into higher density housing. Whilst this would not be considered high density a high level of privacy is provided to the proposed flats and none is diminished to any adjoining properties.(tick!)*
2. *Residential development shall have a public face to a street and a private face to an enclosed garden or court. This is achieved (tick!)*
3. *All residents shall have access to sitting-out area. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the Council. This is met by communal garden(s) (tick!)*
4. *When it is necessary to accommodate car parking within a private court the parking must not dominate the space; as a guidance no more than 50% of any court should be taken up by parking spaces and roads. Underground or decked parking will be expected in high density schemes. N/A and please note the Roads Department did not object to this proposal.(tick!)*
5. *Individual flats or houses within a development shall be designed to make the most of opportunities offered by the site for views and sunlight. Repeated standard units laid out with no regard for location or orientation are not acceptable. This is met as all apartments (lounges and bedrooms) have an open aspect and flats facing south and/or west will enjoy an optimum orientation. (tick!)*
6. *Development proposals shall include measures to design out crime and design in safety. This can easily be achieved (tick!)*
7. *External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky. N/A as any external lighting will be low key and unobtrusive. (tick!)*

Development deemed to have and influence on public realm in the City Centre. Town, District or Neighbourhood Centres will make an agreed contribution to art or other enhancement of the public realm. N/A (tick!)

HOUSEHOLDER DEVELOPMENT (Supplementary Guidance). We would initially contend that this guidance has only tangible relevance to what is proposed in this application. In the introduction, overall objective and scope of guidance reference is given to extension of residential property (singular). This application is for a change of use and extension (of 2no.flats , previously approved for Planning) of an existing property to form 2no. additional flats. If and only if this guidance has relevance we would state that items within General Principles and Rear and Side Extensions would apply.

Point 4 (page 6) within General Principles determines that the built footprint (of a dwellinghouse as extended) should not exceed twice that of the original dwelling). The original building footprint is some 100 sq m and the proposed extension is some 80 sq m. The proposals therefore meet this particular test.(tick!)

Point 5 (page 6) determines that no more than 50% of the front or rear curtilage shall be covered by development. As the overall site area is some 390 sq m and the overall footprint is some 180 sq m then again the proposals meet this particular test.(tick!)

On page 7 (2. Semi-Detached Dwellings) it restricts single storey extensions to 4m projection along the boundary shared with the other half of the semi-detached property. Planning Approval (P131440 of 10th February 2014) granted consent for an extension to 23-25 Inverurie Road of some 13m along the shared central boundary. The proposal is for the extension of the first floor flats to 19-21 Inverurie Road by 4m to the eastmost boundary and 5.5m along the shared central boundary. Within this 'guidance' it states that 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. As the previous Planning Approval (P131440 of 10th February 2014) grants consent for an extension of some 14m this would negate this criteria.(tick!)

Appendix C ;Daylight and Sunlight (page 31-34) Explains a 'useful tool to assess the potential impact of proposed development upon existing dwellings'. We have provided a specific drawing to highlight how the roof is cut back to demonstrate how this test could be met. (tick!)

Appendix D ; Privacy (pages 35, 36) This guidance starts with the statement ' *New development should not result in significant adverse impact upon the privacy afforded to neighbouring residents... the purpose of this guide is not to create a rigid standard which must be applied in all instances*

This part of the policy was not applied in considering the Planning Approval (P131440 of 10th February 2014) to 23/25 Inverurie Road so we fail to see how it can now be reasonably applied in this case. The aforementioned approval therefore sets a clear precedent for rear extensions within the immediate area.

Whilst we have dealt with the reasons for refusal we would highlight some inaccuracies in the formal Report prepared by the Planning Officer as follows,

- Page 3 **PROPOSAL** ; the proposed extension does not extend 6.8 m from the existing rear building line. The accommodation or proposed dormers at first floor is some 5.4m from that line; they are set back from what was previously approved at ground floor level.
- Page 5 **Design and Scale of Development** ; Again the figure of 6.8m is given as the projection of the proposals and this is quite simply wrong. It also states that 4 metres of that projection reaches a height of 5.1 and 5.8m when this distance is 3m. What the Planning Officer fails to recognise is that the 3m eaves height is the same height as that of the original building(s). The reference to 1m off the boundary could also be misleading as this applies to the first floor whilst the ground floor is build hard on the boundary line (along the 13m depth). The reference to an 'adverse impact' is merely an expression of an opinion and is not supported by the technical tests which we show are met. It is also worth noting that no reference is made to the fact that the proposals are stepped away from the east boundary to meet the test(see following item) to limit any impact on the adjacent property.
- Page 6 **Design and Scale of Development** para 3; This refers to the test as set out in the Supplementary Guidance and as we have noted and referred to previously we have prepared a specific drawing which shows the test and it's application to the proposals. The result of this is that we meet the test (tick!)

In summary, the Planning Officer has failed to assess this application correctly and in a reasonable manner. The aforementioned summary and assessment of the relevant Policies and how in practically every item we have met the specific test is a damning indictment of a prejudiced and negative attitude towards any progressive proposal; which in effect is consistent with what has been approved previously and only one year ago; which cannot be ignored.

As a result we would respectfully ask that this Notice of Appeal is granted.

Yours faithfully



Neil Rothnie
Neil Rothnie Architects Ltd.

This page is intentionally left blank

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

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

1. Applicant's Details		2. Agent's Details (if any)	
Title		Ref No.	
Forename		Forename	
Surname		Surname	
Company Name	CATER CORPORATION	Company Name	NEIL ROTHNIE ARCHITECTS.
Building No./Name		Building No./Name	116
Address Line 1	c/o	Address Line 1	ROSEMOUNT PLACE
Address Line 2	AGENT	Address Line 2	
Town/City		Town/City	ABERDEEN
Postcode		Postcode	AB25 2JW
Telephone		Telephone	624724
Mobile		Mobile	
Fax		Fax	
Email		Email	IAN@NEILROTHNIE.CO.UK.
3. Postal Address or Location of Proposed Development (please include postcode)			
19-25 INVERDRIE ROAD ABERDEEN. AB21 9LJ			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Type of Application			
What is the application for? Please select one of the following:			
Planning Permission			<input checked="" type="checkbox"/>
Planning Permission in Principle			<input type="checkbox"/>
Further Application*			<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*			<input type="checkbox"/>
Application for Mineral Works**			<input type="checkbox"/>
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:		Date:	

**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

5. Description of the Proposal

Please describe the proposal including any change of use:

UPPER FLOOR EXTENSION OVER EXISTING SINGLE STOREY PROJECTION TO INCREASE SIZE OF 2 NO FLATS. INTERNAL ALTERATIONS TO FORM 2 NO NEW FLATS.

Is this a temporary permission? Yes No

If yes, please state how long permission is required for and why:

/

Have the works already been started or completed? Yes No

If yes, please state date of completion, or if not completed, the start date:

Date started: Date completed:

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

/

6. Pre-Application Discussion

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

If yes, please provide details about the advice below:

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

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

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

Name: Date: Ref No.:

/

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha): Square Metre (sq.m.)

8. Existing Use

Please describe the current or most recent use:

19-21 - HAS APPROVAL FOR FLATS & OFFICE UNIT.
23-25 - HAS APPROVAL FOR RESTAURANT WITH FLAT TO REAR.

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road?

Yes No

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

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes No

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

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

NONE

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

NONE

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

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes No

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network

No, proposing to make private drainage arrangements

Not applicable – only arrangement for water supply required

What private arrangements are you proposing for the new/altered septic tank?

N/A

Discharge to land via soakaway

Discharge to watercourse(s) (including partial soakaway)

Discharge to coastal waters

Please show more details on your plans and supporting information

N/A

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

Other private drainage arrangement (such as a chemical toilets or composting toilets)

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes No

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network? Yes No

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding? Yes No

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes No Don't Know

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

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

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

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling) Yes No

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? Yes No

If yes how many units do you propose in total?

2

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes No

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes No

If you have answered yes please provide details:

DECLARATION

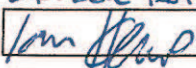
I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

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

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes No N/A

Signature:

D.P. JEL ROTHWIE ARCHITECTS


Name:

IAN HISLOP

Date:

12/2/15.

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

LAND OWNERSHIP CERTIFICATES

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

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

CERTIFICATE A

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

I hereby certify that -

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

Signed: Jan Hill P.P. NEW BETHWIE ARCHITECTS.

On behalf of: CATER CORPORATION.

Date: 12/02/15.

CERTIFICATE B

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

I hereby certify that -

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

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

Our Ref. JAF/P140811[ZAD]
Your Ref.
Contact Jane Forbes
Email pi@aberdeencity.gov.uk
Direct Dial 01224 522276
Direct Fax 01224 523180



10/06/2014

Neil Rothnie Architects
116 Rosemount Place
Aberdeen
AB25 2YW

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

Tel 01224 523470
Fax 01224 523180
Minicom 01224 522381
DX 529452, Aberdeen 9
www.aberdeencity.gov.uk

Dear Sir

The Town and Country Planning (Scotland) Act 1997
Acknowledgement of application,
19/21 Inverurie Road, Bucksburn
Alterations and extension to office to Ground Floor and Change of Use to Part
Ground Floor and First Floor and extension to form Flats (3 No.)
Application Ref: P140811

Your application dated 14 May 2014 was registered as valid on 29 May 2014. The case officer is Jane Forbes who can be contacted on 01224 522276. If this application required a fee and you have not already received a receipt for £0.00, being the fee paid to this authority for processing, this letter acts as such and should be retained for your records.

Once the planning authority has determined your application you will be sent the formal decision notice. If you have not received the formal decision notice from the Council within 2 months of **29 May 2014**, and the application is classed as one that would be dealt with by an appointed officer under the Council's Scheme of Delegation

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=25344&SID=9499> you may seek a local review of the application by the Local Review Body (a Committee of the Council), within a further 3 months of the expiry of this 2 month period. If the application does not fall under the scheme of delegation you would have to appeal to the Scottish Ministers (see below).

GORDON McINTOSH
DIRECTOR





Ref: 3039

12th February 2015

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

Dear Sir,

PROPOSED UPPER FLOOR EXTENSION TO INCREASE FLOOR AREA OF 2NO. FLATS AND INTERNAL ALTERATIONS / CHANGE OF USE TO FORM 2NO. NEW FLATS AT 19-25 INVERURIE ROAD, BUCKSBURN FOR CATER CORPORATION

Please find enclosed the following documents and drawings in support of our application for Planning Permission for the above

- Application for Planning Permission form duly completed and signed and land ownership certificate
- 4no. copies of our drawings 3039/40-43
- Our client's cheque in the value of £1206.00 as lodgement fee (£401 for each new flat and £202 for each enlarged flat)
- Letter of support

We trust the enclosed is sufficient for you to process the application but should you require anything further please do not hesitate to contact the undersigned.

Yours faithfully,

Ian M. Hislop
Neil Rothnie Architects Ltd.

Cc client



Ref: 3039

12th February 2015

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

Dear Sir,

PROPOSED UPPER FLOOR EXTENSION TO INCREASE FLOOR AREA OF 2NO. FLATS AND INTERNAL ALTERATIONS / CHANGE OF USE TO FORM 2NO. NEW FLATS AT 19-25 INVERURIE ROAD, BUCKSBURN FOR CATER CORPORATION

We write in support of our Planning application for the above.

The application is as follows;

19-21 Inverurie Road

- To form an upper floor extension over the footprint of the single storey rear extension established under previous planning application ref: P140811.
- The above is to increase the floor area of the 2 no. existing upper floor flats.
- On the ground floor the office accommodation established under planning application ref: P140811 will have a change of use to form 1 no. new flat unit.

23-25 Inverurie Road

- On the upper floor the restaurant dining established under planning application ref: P120751 will have a change of use to form 1 no. new flat unit.
- The frontage will have minor alterations to form an access to the restaurant separate from that giving access to the upper flats.

The building was most recently used as a local office for Aberdeen City Council as the Registrars office. The building or site falls within an area zoned for Housing and is also within a defined Neighbourhood Centre. Within the immediate area there is residential use immediately to the west and the east with established residential uses beyond (on both sides)

As per previous applications no car parking is proposed as the site as it exists has no car parking. Other residential properties along the same stretch of Auchmill Road similarly do not have parking and it is neither practical nor possible to form an access to the site to achieve on-site parking. The reasons for this are that Auchmill Road is a trunk road and the width of the site is such that it would not be possible to achieve the necessary visibility splay for a fully compliant vehicular access/ egress. This is further compounded by the existence of a pedestrian crossing which runs along the frontage of the site. Any new vehicular access would also have a significant effect on the frontage of the building. The lack of parking therefore allows the frontage of what is a traditional streetscape to be retained.

Should you have any queries relating to any aspect of the proposals do not hesitate to contact the writer

Yours faithfully

Ian M Hislop
Neil Rothnie Architects Ltd.

Cc client



3039/nar

29nd April 2015

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

Dear Sir,

**NOTICE OF REVIEW OF DECISION TO REFUSE PLANNING PERMISSION FOR
PROPOSED CHANGE OF USE AT GROUND AND FIRST FLOOR FROM CLASS 2 TO FORM 2No. FLATTED
PROPERTIES, FIRST FLOOR EXTENSION AND FORMATION OF NEW ENTRANCE TO BUILDING
AT 19-25 INVERURIE ROAD, BUCKSBURN FOR CATER CORPORATION**

Please find enclosed the following documents and drawings in support of our Notice of Review;

- Notice of Review form duly completed and signed
- Supporting Statement
- Copies of all documents and evidence as referred to in the Notice of Review form. Please note that we have provided A1 and A3 copies of the drawings 40 and 41 as they were not changed during the currency of the application.

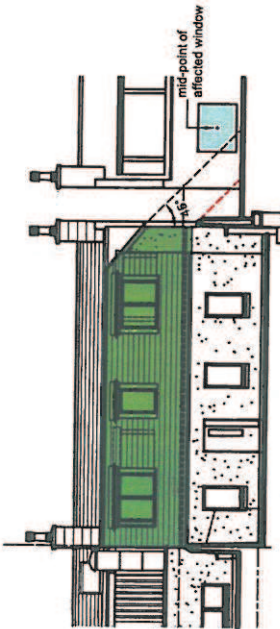
Should you have any queries relating to any aspect of the proposals do not hesitate to contact the writer.

Yours faithfully

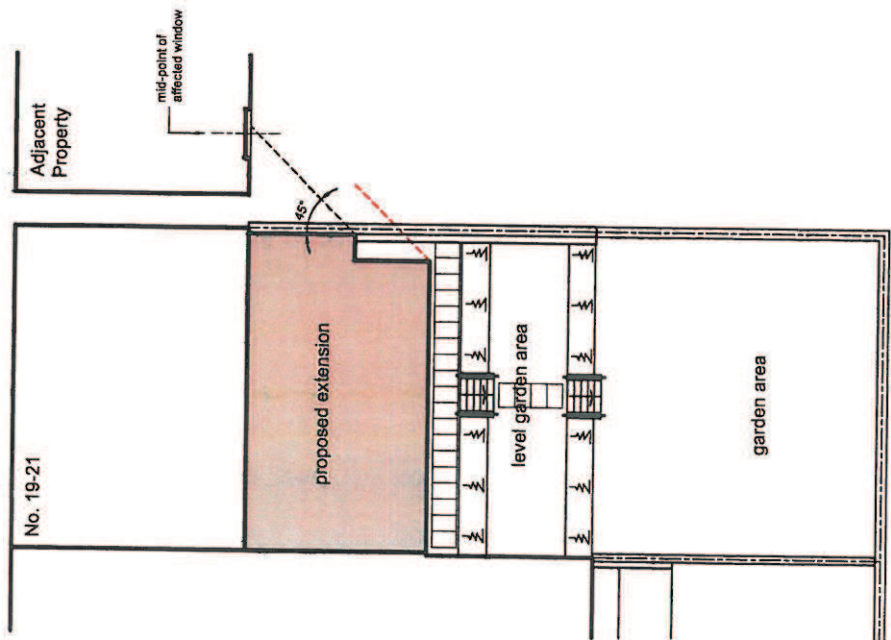
A handwritten signature in black ink, appearing to read 'Neil Rothnie', written in a cursive style.

Neil Rothnie
Neil Rothnie Architects Ltd.

This page is intentionally left blank



ELEVATION VIEW 1:200



PLAN VIEW 1:200

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.

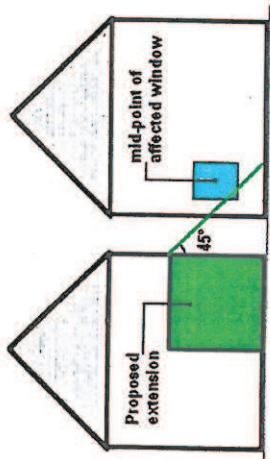


Fig A: Elevation view

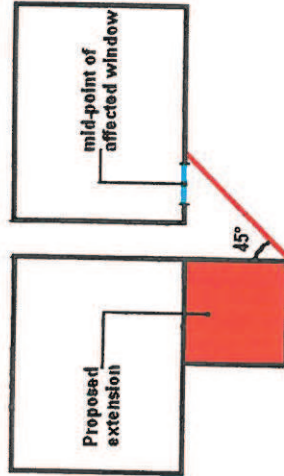


Fig B: Plan view

SUPPLEMENTARY GUIDANCE

NEIL ROTHNIE ARCHITECTS LTD
 ARCHITECTS AND DESIGN CONSULTANTS
 118 ROSSMOUNT PLACE, ABERDEEN, AB9 2YW
 TEL 01224 641724 FAX 01224 641804
 info@neilrothnie.co.uk www.neilrothnie.co.uk

Without sites to which preferences over material choice, large scale details take preference over small. All drawings must be checked for consistency with every correspondence by design prior to any submission to sites office for decision.

REV NO.	DESCRIPTION	DATE

neil rothnie architects



NEIL ROTHNIE ARCHITECTS LTD
 ARCHITECTS AND DESIGN CONSULTANTS
 118 ROSSMOUNT PLACE, ABERDEEN, AB9 2YW
 TEL 01224 641724 FAX 01224 641804
 info@neilrothnie.co.uk www.neilrothnie.co.uk

CLIENT CATER CORPORATION

PROJECT ALTERATIONS & EXTENSION AT
 19-25 INVERURIE ROAD, ABERDEEN

CONTRACT 45° METHOD DIAGRAM

PLANNING

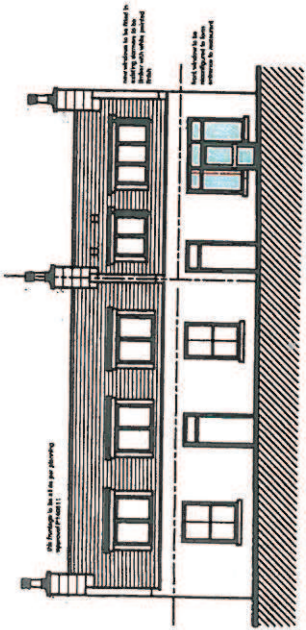
SCALE 1:200 DATE APRIL 2015

JOB REFERENCE DRAWING REV

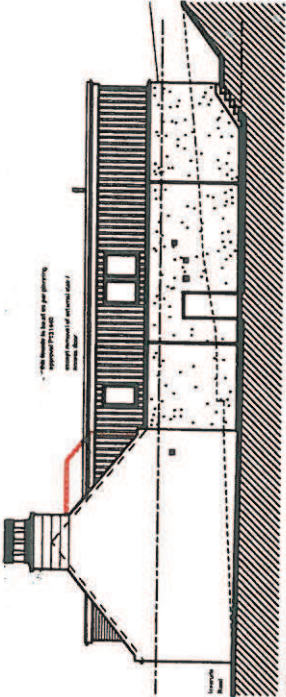
30339 SK-01

DRAWN BY

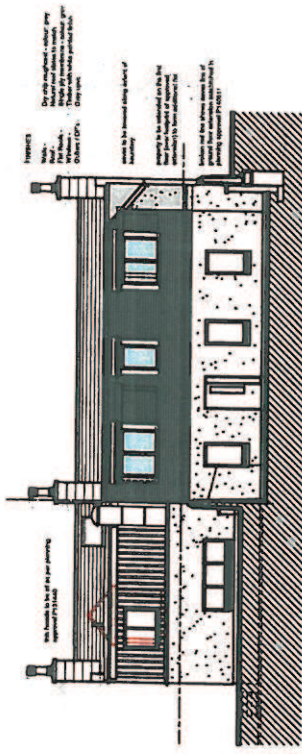
This page is intentionally left blank



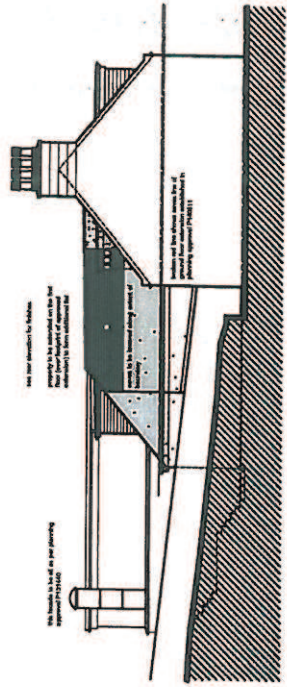
PROPOSED NORTH ELEVATION 1:100



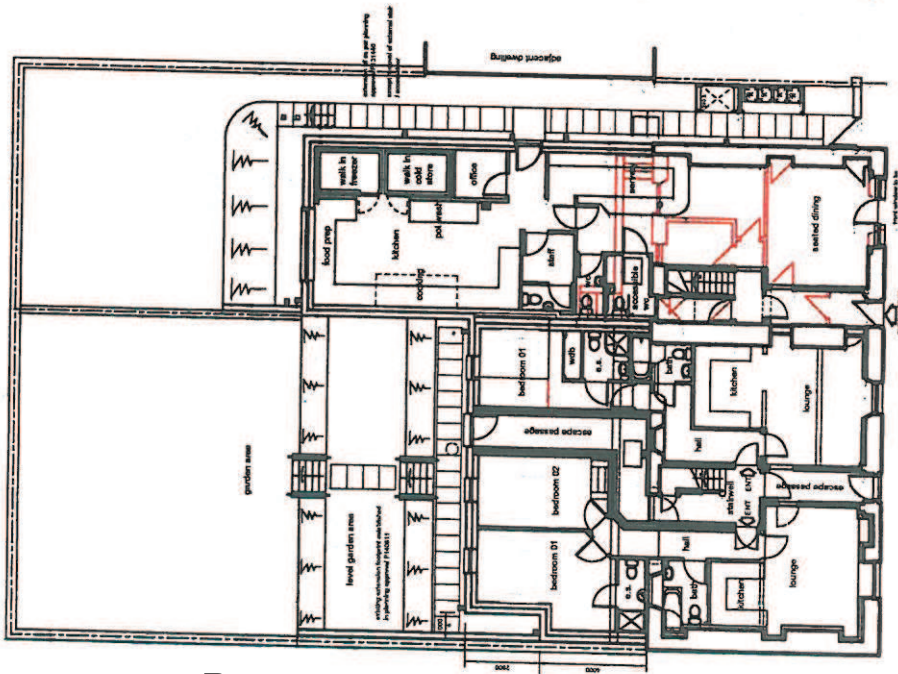
PROPOSED WEST ELEVATION 1:100



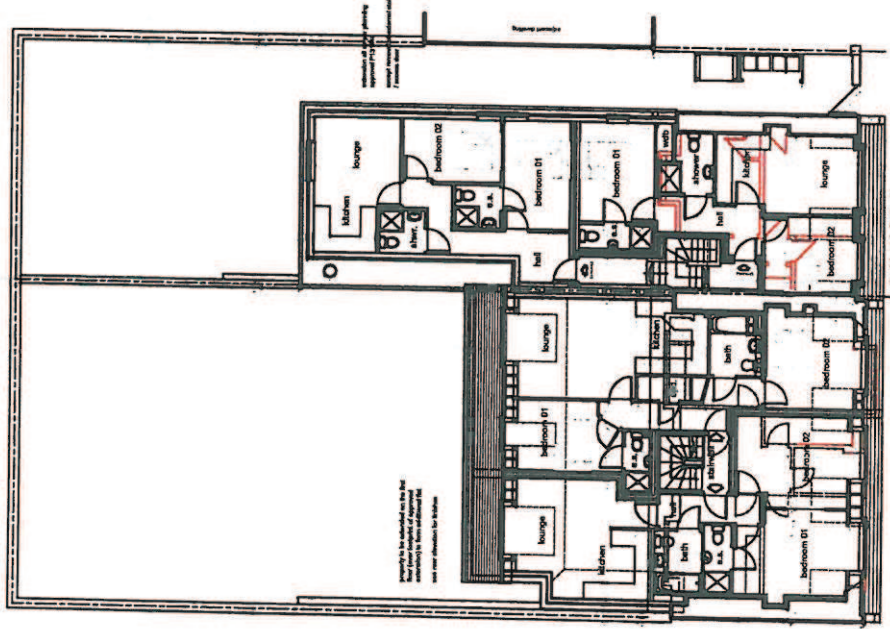
PROPOSED SOUTH ELEVATION 1:100



PROPOSED EAST ELEVATION 1:100



PROPOSED GROUND FLOOR PLAN 1:100

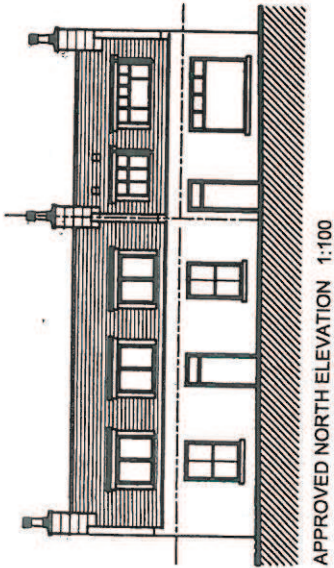


PROPOSED FIRST FLOOR PLAN 1:100

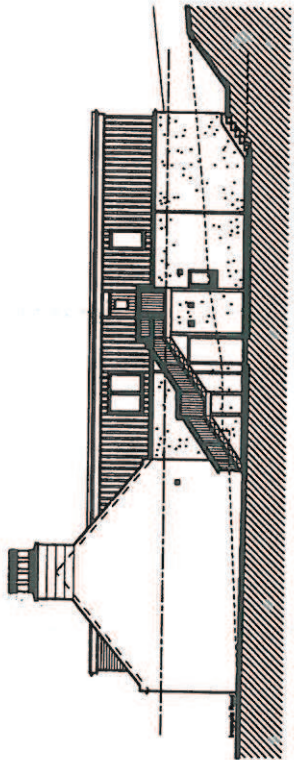
NEIL ROATH ARCHITECTS LTD
 ARCHITECTS AND DESIGN CONSULTANTS
 11 ROBERTSON PLACE, ABERDEEN, AB10 7YV
 TEL: 01224 646200 FAX: 01224 646201
 EMAIL: neil@neilroath.co.uk
 www.neilroath.co.uk

PROJECT: ALTERATIONS & EXTENSION AT
 19-25 INVERLURIE ROAD, ABERDEEN
 CLIENT: CATER CORPORATION

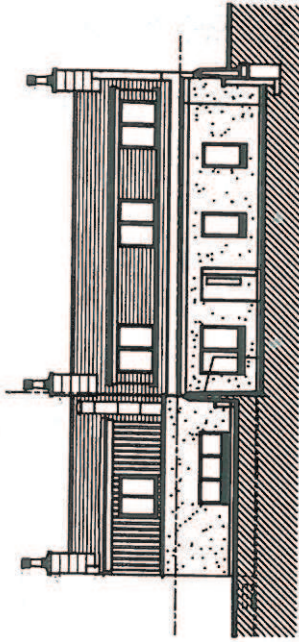
DATE: NOVEMBER 2014
 DRAWING NO: 41



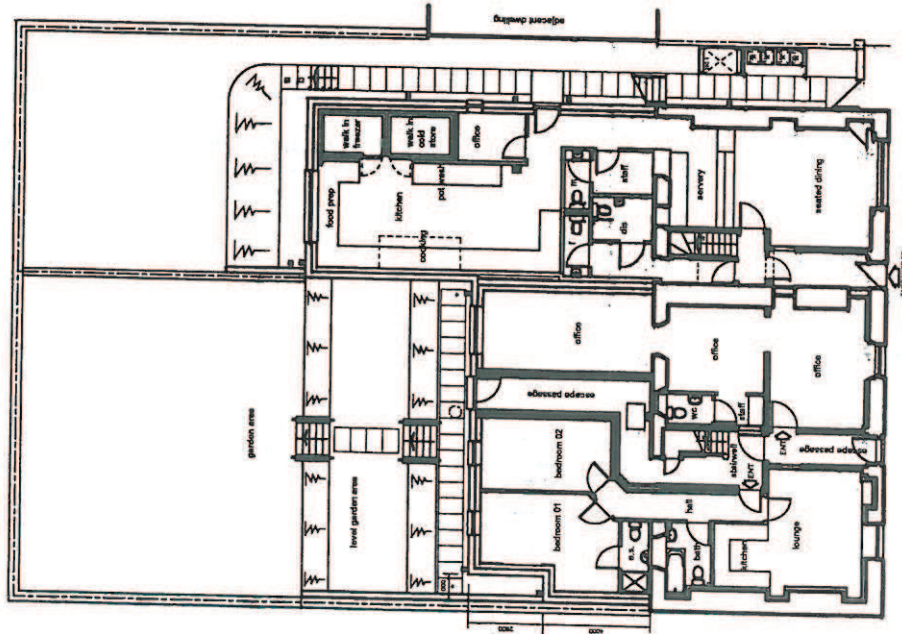
APPROVED NORTH ELEVATION 1:100



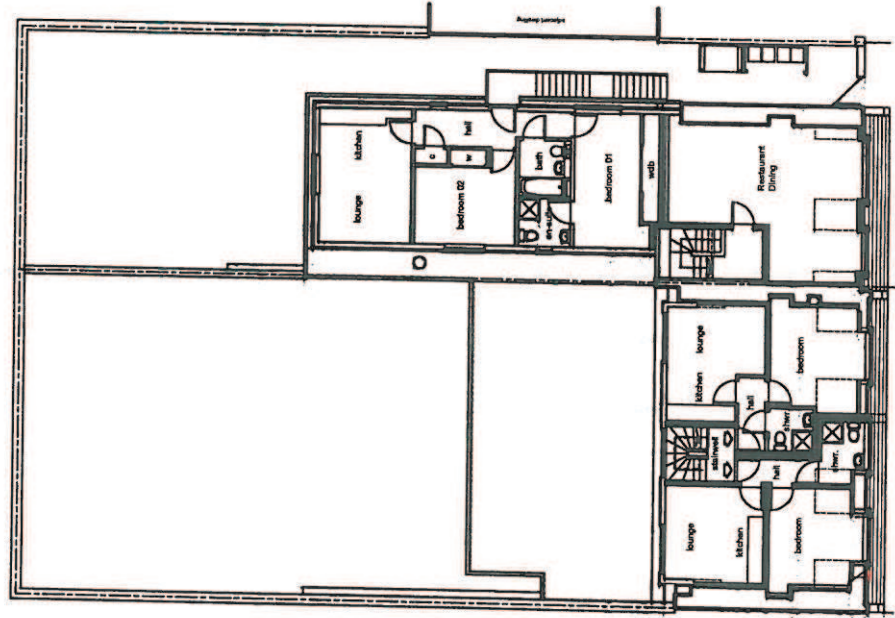
APPROVED WEST ELEVATION 1:100



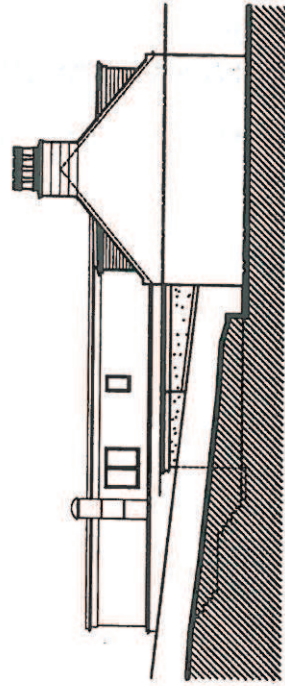
APPROVED SOUTH ELEVATION 1:100



APPROVED GROUND FLOOR PLAN 1:100



APPROVED FIRST FLOOR PLAN 1:100



APPROVED EAST ELEVATION 1:100

MR. ROTHNIE ARCHITECTS LTD
 THE DRAWING IS THE PROPERTY OF MR. ROTHNIE ARCHITECTS LTD AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MR. ROTHNIE ARCHITECTS LTD. THIS DRAWING IS THE PROPERTY OF MR. ROTHNIE ARCHITECTS LTD AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MR. ROTHNIE ARCHITECTS LTD.

NO.	DATE	DESCRIPTION

neil rothnie architects



MR. ROTHNIE ARCHITECTS LTD
 ARCHITECTS AND DESIGN CONSULTANTS
 11 ROBINSON PLACE, ABERDEEN, AB9 8YF
 TEL: 01224 620001 FAX: 01224 620002
 WWW: WWW.NRA.CO.UK
 CATER CORPORATION

PROJECT ALTERATIONS & EXTENSION AT
 19-25 INVERURIE ROAD, ABERDEEN
 COUNTY LAYOUTS AS APPROVED

SCALE	1:100	DATE	NOVEMBER 2014
DATE			
NO.	3339		

Agenda Item 9

Signed (authorised Officer(s)):

37 CARLTON PLACE, ABERDEEN

FORMATION OF ROOF LIGHTS TO FRONT ELEVATION, AND FORMATION OF DORMER TO REAR ELEVATION

For: Mr A. Carter

Application Type : Detailed Planning Permission

Application Ref. : P150126

Application Date : 02/02/2015

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

Advertised on : 11/02/2015

Officer : Hannah Readman

Creation Date : 1 April 2015

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

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The application site relates to a traditional two storey, terraced granite dwelling located within the Albyn Place/Rubislaw Conservation Area. The surrounding area is characterised by residential dwellings of a similar design. The application property contains uPVC tilt and turn windows. The roof scape as viewed from the rear lane at the 'odd' numbered side of Carlton Place, is characterised by traditional piended style dormer windows and undeveloped shallow pitched roofs.

RELEVANT HISTORY

06/1226 – Detailed planning permission was approved unconditionally in July 2006 for the replacement of a rear window and the formation of a timber decked area within the garden.

PROPOSAL

Detailed planning permission is sought for the installation of two conservation style roof lights to the front elevation and the formation of a flat roofed dormer window to the rear elevation. The conservation roof lights each measure 98cm in length by 55cm in width. An initial dormer window design measured 7m in length and 2m in height with glazed windows positioned at each end and a slanted solid

panel finished with natural slate tiles connecting them. This has since been amended to measure 5.85m in length by 1.85m in height with windows located at each end and a slanted solid panel between them. The uPVC windows located at first floor level on the rear elevation and the front bay window would be replaced with traditional timber sash and case windows, painted white.

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=150126>

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

CONSULTATIONS

Roads Development Management – Raised initial concerns over parking provision. Further information was provided to satisfactorily address these. No objection.

Environmental Health – No observations

Flooding – No observations

Community Council – No comments received

REPRESENTATIONS

None.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

States development should have a neutral effect on the character or appearance of a conservation area.

Scottish Historic Environment Policy (SHEP)

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

Aberdeen Local Development Plan 2012

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; and
3. Complies with the Supplementary Guidance relating to the Householder Development Guide.

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.

Supplementary Guidance

Householder Development Guide

Proposals for extensions should be architecturally compatible in design and scale with the original house. Dormer extensions should not appear to dominate the original roof space and should follow the following principles:

- Dormer extensions should not be built directly off the front of the wall head;
- Flat roofed extension should be 600mm below the existing ridge and 600mm in from the gable;
- Glazing should be positioned at the extremities of the dormer;
- Good examples of dormers will normally be aligned with windows below;
- Non-traditional style dormers may be accepted on the rear of non-listed buildings in conservation areas.

Roof lights should not create visual clutter on the roof and be evenly spaced.

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

The replacement of windows and doors in Conservation Areas which are not identical to the originals requires planning permission.

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted local development plan as summarised above:

H1 – Residential Areas (H1 - Residential Areas)

D1 – Quality Placemaking by Design (D1 – Architecture and Placemaking)

EVALUATION

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

The application property currently contains windows that are unsympathetic to the character of the conservation area. The removal of the uPVC windows is therefore welcomed. The proposed replacement windows would be timber and of a sash and case design with no horns hereby replicating other original windows in the street. The submitted cross sections and elevation drawing confirm that the dimensions and opening mechanism comply with Technical Advice Note: The Repair and Replacement of Windows and Doors guidance.

The proposed conservation style roof lights are relatively small and will therefore not dominate the front roof elevation. They have been positioned parallel to each other and 5.3m apart, avoiding visual clutter on roof, in compliance with supplementary guidance. The conservation style also ensures that the addition of roof lights on the front elevation does not compromise the historic character or appearance of the conservation area, in compliance with SPP, SHEP and Policy H1.

Initial concerns were raised with the mass of the proposed rear dormer window as it was considered to possess several features that contributed to a poor design quality. These included bulky aprons and haffits and subsequently a high solid to glazing ratio that was contributed to by an infill panel and proportionately small windows. The dormer was also positioned very close to the roof ridge line which, as a result, would no longer be visible from the rear lane and erode a traditional roof scape that is characterised by either undeveloped slated roofs or individual traditional dormers with a very prominent ridge line. One anomaly can be seen at no 43 where a box dormer, that was erected under permitted development rights and would not comply with current guidance and policy, has been erected. Therefore, the addition of a dormer of the proposed size and design would not be architecturally compatible with the dwelling and would unduly dominate an otherwise traditional roof scape.

In order to address these concerns, it was recommended that the dormer be reduced in width to line through with the right hand side, first floor window and the amount of glazing be increased so that solid form did not dominate. This would accommodate additional internal space without compromising the traditional roof form. An amended design was received that reduced the length of the dormer by 1.15m and the height by 0.15m yet keeping an internal headroom height of 2.1m. This contributed to an improved design but not one that addressed the concerns raised. The amended dormer would still restrict views of the original roof line and over-dominate the scale of the shallow roof pitch. Whilst the proposed dormer does comply with most of the supplementary guidelines relating generally to dormers on rear elevations, such over dominance and the highly visible, prominent location combined with what is still considered a poor design and the site specific setting, results in a dormer which is considered, on balance, to be excessive and inappropriate for the application building. Therefore, the proposed dormer does not to comply with Policy D1 which promotes high standards of design or the supplementary guidance which states

that solid panels between windows should not dominate and the aggregate area of the dormer should not dominate the original roof slope.

Scottish Historic Environment Policy (SHEP)

The property lies within the Albyn Place/Rubislaw Conservation Area and Historic Scotland 'Scottish Historic Environment Policy' (SHEP) must be referred to in determination of the application. SHEP states that the planning authority must pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area when determining applications.

It is acknowledged that the character and appearance of the area and the dwelling will improve as a result of the replacement windows as the dimensions and colour will match other traditional windows in the street. The introduction of two conservation style roof lights is deemed an appropriate addition to the property as the original front roof form will remain dominant.

Concern is raised when considering the addition of a dormer that is of a poor design as previously outlined, to a rear elevation that currently forms part of a traditional roof scape that is enjoyed by a variety of users of the rear lane. The proposed design is dominated by solid mass accumulating from the apron, haffits, roof and tiled panel, would not be in keeping with nor would it make a neutral or positive contribution to the dwellings setting within a conservation area. Accepting the proposed dormer would have a detrimental impact on the conservation area and set an undesirable development pattern that, if repeated, would further erode the special interest of the area and in particular the traditional ridge line that currently dominates. On balance, it is considered that the addition of timber sash and case windows to the first floor bay window and two rear windows does not outweigh the potential negative impact of the proposed rear dormer. Therefore the application does not comply with SHEP or SPP.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application, policies D1 *Quality Placemaking by Design* and H1

Residential Areas substantively reiterate the guidance given from policies in the adopted Local Development Plan and therefore raise no additional material considerations.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The dormer has not been designed with due consideration to its traditional context, would not be in keeping with the immediate roof scape and is considered to unacceptably mask the roof ridge and dominate the shallow pitched roof resulting in a negative impact on the Conservation Area. The development is therefore contrary to Scottish Planning Policy, Scottish Historic Environment Policy, Adopted Local Development Plan Policies D1 Architecture and Placemaking, H1 Residential Areas, Proposed Local Development Plan Policies D1 Quality Placemaking by Design and H1 Residential Areas, Supplementary Guidance: Householder Development Guide and the Technical Advice Note: The Repair and Replacement of Windows and Doors.

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

This page is intentionally left blank

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.

This page is intentionally left blank



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

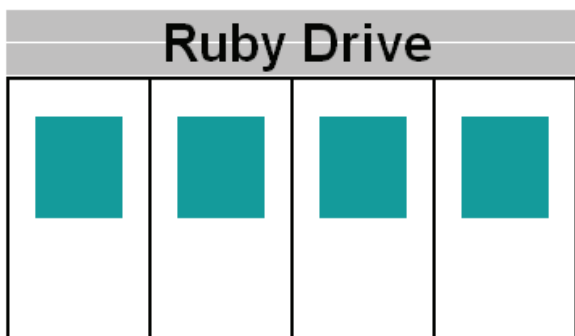
Elsewhere in this document, guidelines are set out in relation to specific types of development, such as house extensions, porches etc. In addition to those specific criteria, the following principles will be applied to **all** applications for householder development:

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**

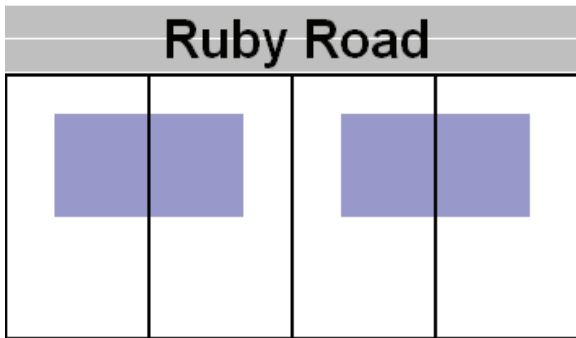
In addition to the design considerations noted above, the planning authority shall continue to apply guidelines relating to specific types of dwellings, as follows. Where dimensions are stated for projection of extensions, these should be measured from the rearmost original part of the main building,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

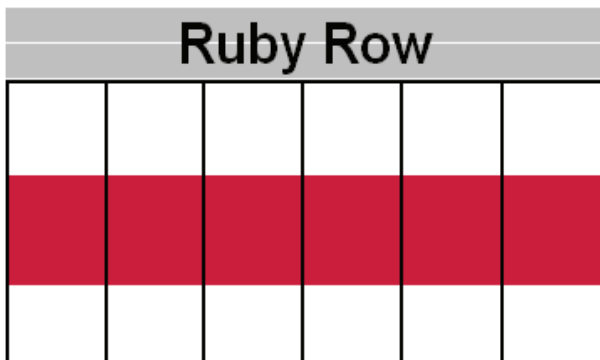
2. Semi-detached Dwellings



- 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.

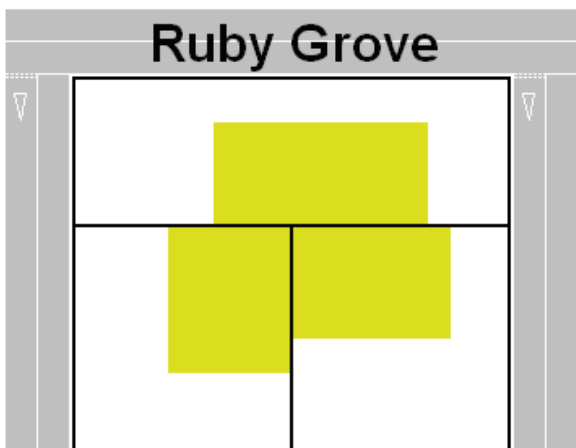
3. Conventional Terraced Dwellings



- (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:

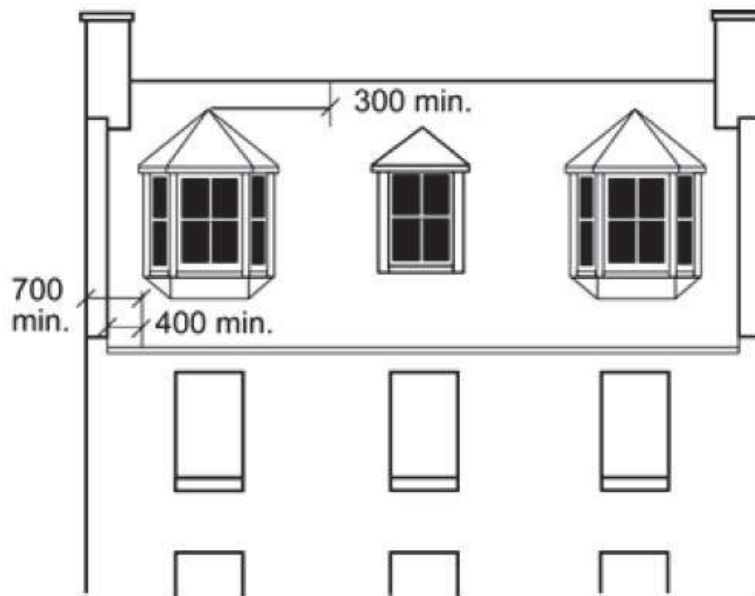
- a) On traditional properties, original dormers must be retained and repaired, and their removal and/or replacement with larger or modern dormers will not be permitted;
- b) The removal of inappropriate earlier dormers and roof extensions, and their replacement by architecturally and historically accurate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

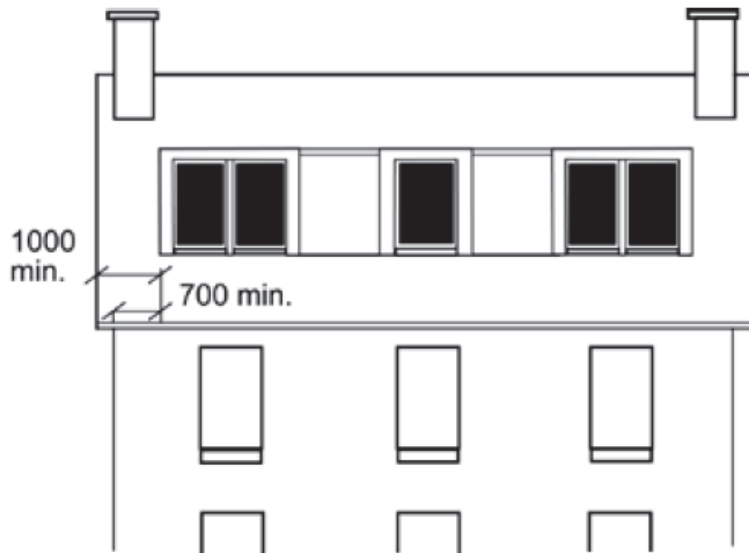


Piended dormers on typical Aberdeen tenement (linking dormers not acceptable on front elevations)

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:

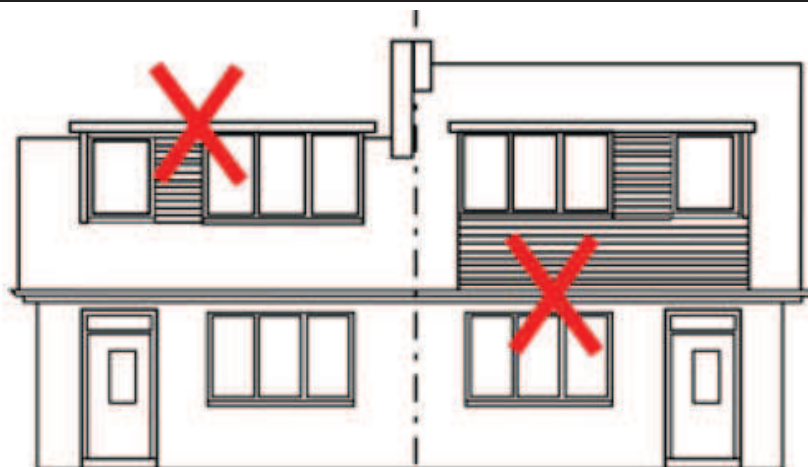
- a) The aggregate area of all dormer and/or dormer extensions should not dominate the original roof slope;
- b) Dormer haffits should be a minimum of 400mm in from the inside face of the gable tabling;
- c) The front face of dormer extensions should be a minimum of 400mm back from the front edge of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

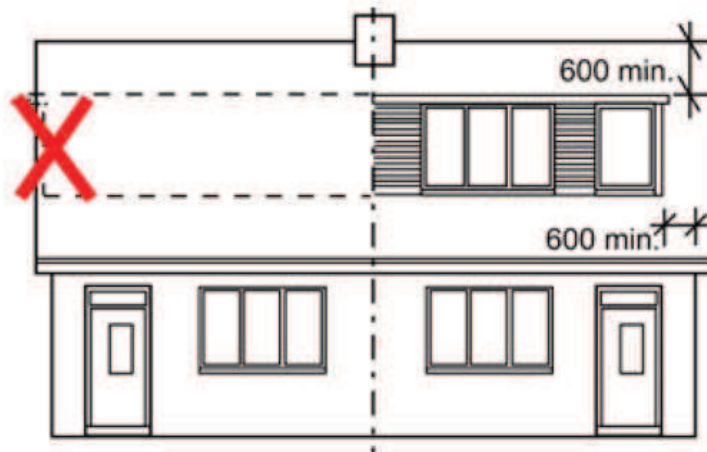
- a) Dormers and box dormer extensions have become common features in many modern housing areas, and the wide variety of designs of modern dwellings necessitates a greater flexibility in terms of design guidance. The amenity of other properties and the residential neighbourhood must however, still be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

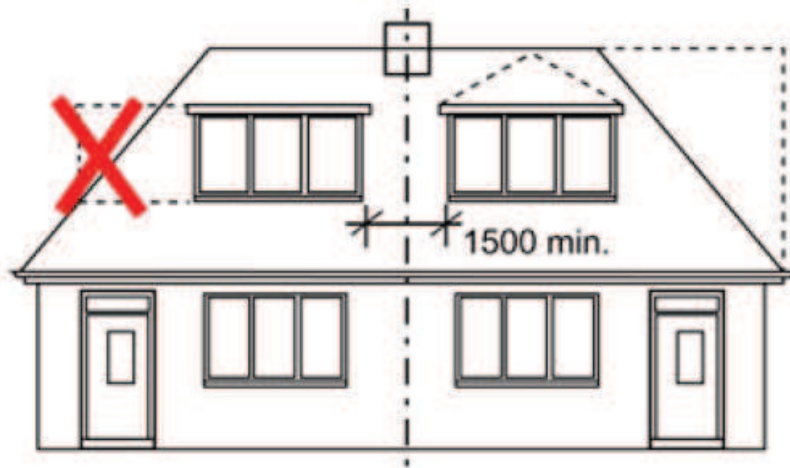
- d) The roof of the proposed extension should not extend to, or beyond the ridge of the existing roof, nor should it breach any hip. Dormer extensions cannot easily be formed in hipped roofs. Flat roofed extensions should generally be a minimum of 600mm below the existing ridge;
- e) The dormer extension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

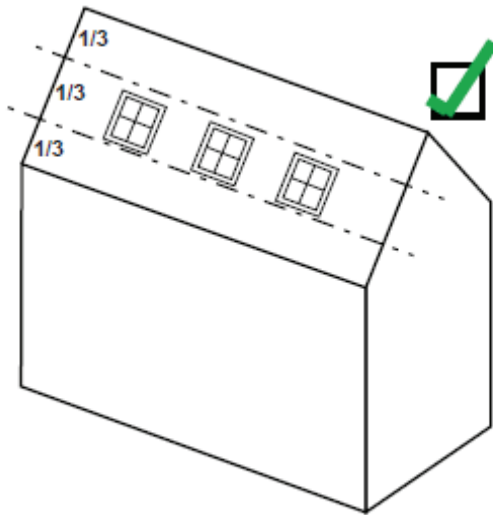


Flat roofed dormers on more traditional hipped roof house (Dormers should not breach hips. A pitched roof on this kind of dormer greatly increases its bulk). Extending roof to the gable on one side only is best avoided.

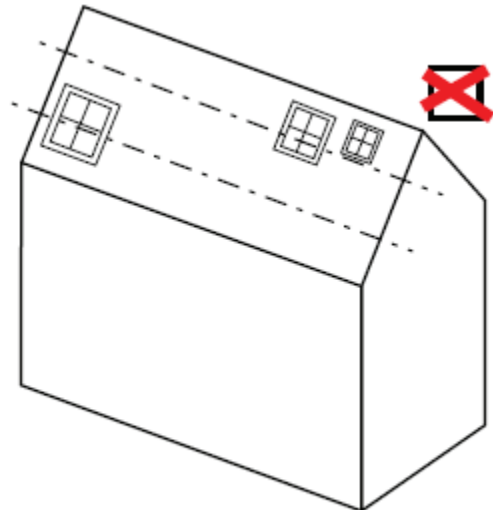
▪ **ROOFLIGHTS**

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.

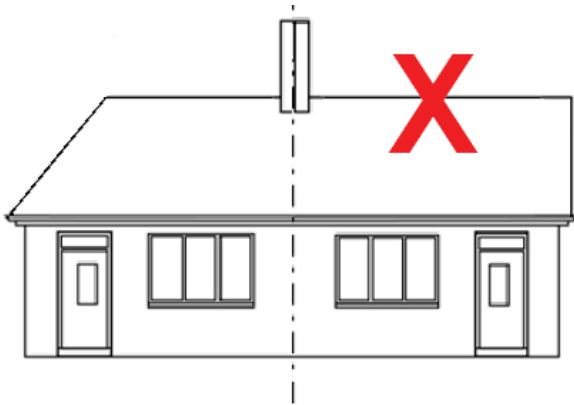


Rooflights too large and too close to eaves and verge. A variety of sizes, spacing and levels.

- 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.

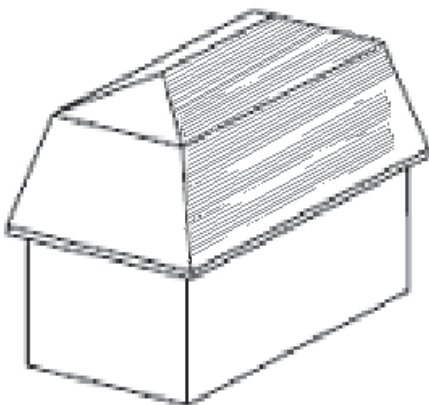
Half dormer windows

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.

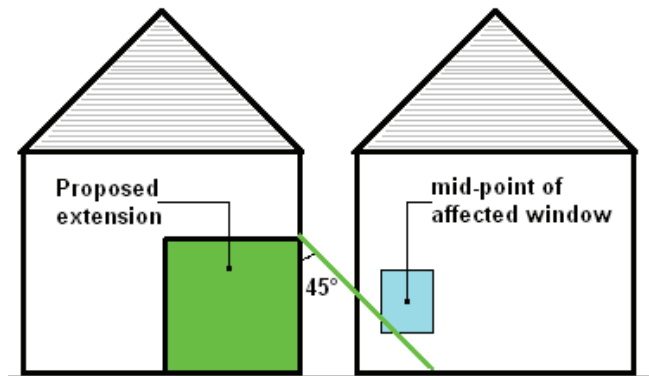


Fig A: Elevation view

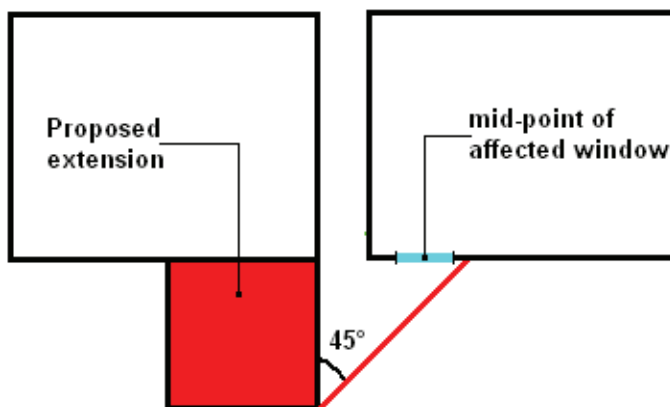


Fig B: Plan view

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

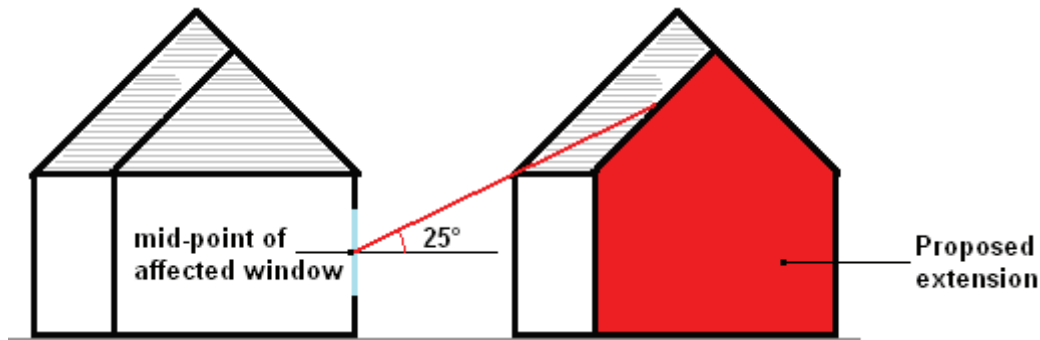


Fig A: Proposed extension may result in loss of daylight to adjacent window of a habitable room

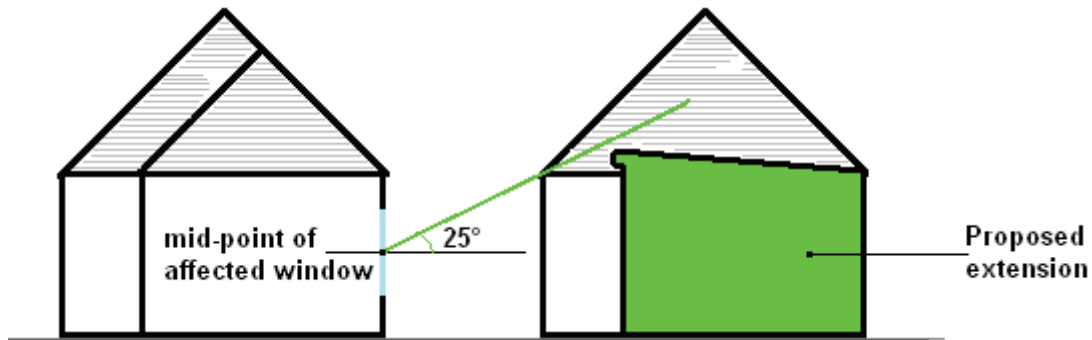


Fig B: Proposed extension would not result in loss of daylight to adjacent window of a habitable room

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.

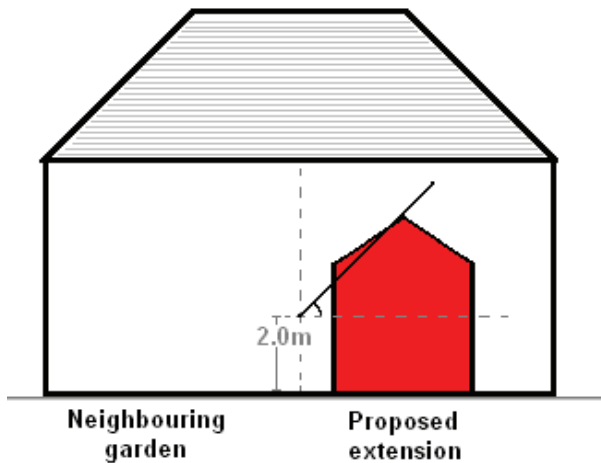
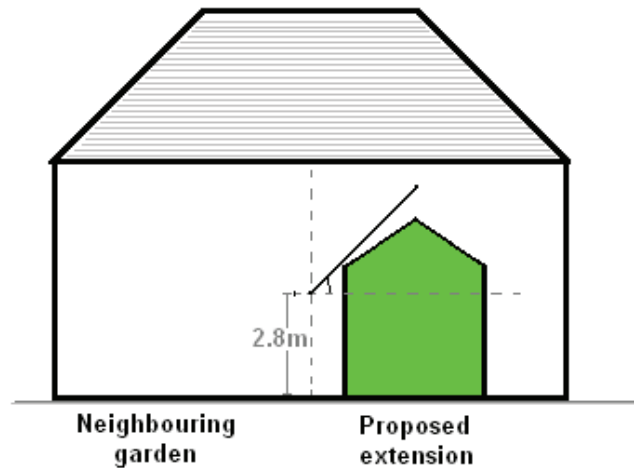
The method used involves drawing a line at 45 degrees to the horizontal. This line will begin at a point above ground level on the relevant boundary. The height above ground level will be determined by the orientation of the proposed building or structure relative to the affected space, as shown in the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

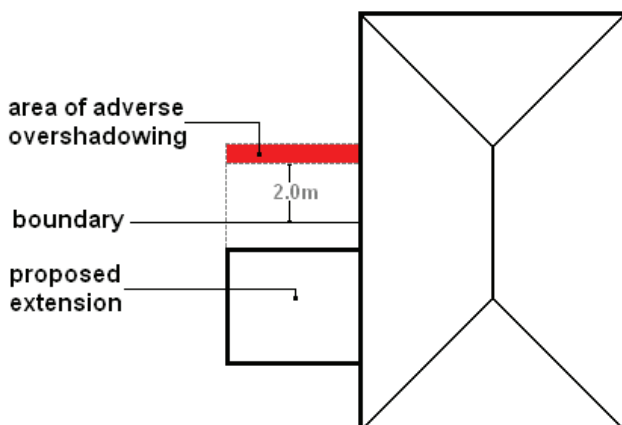
The diagram in Example 1 shows that the line drawn would not strike any part of the proposed extension, and therefore for the purposes of this test there would be no adverse affect on sunlight to the neighbouring garden.



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.



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

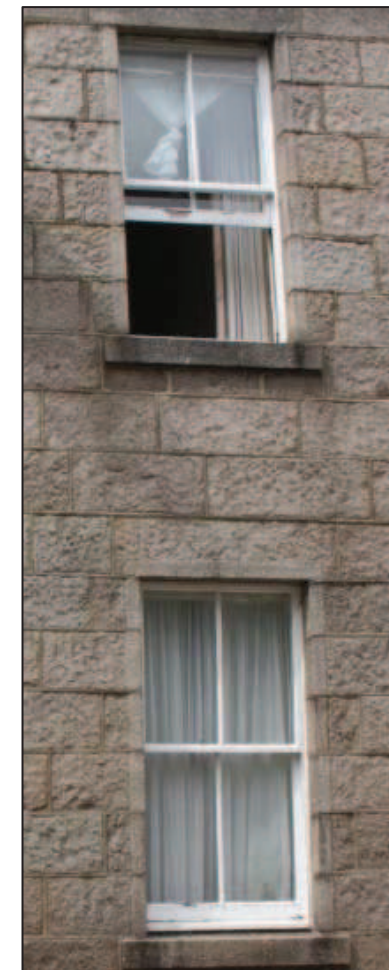
2. Thinking About Change

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.

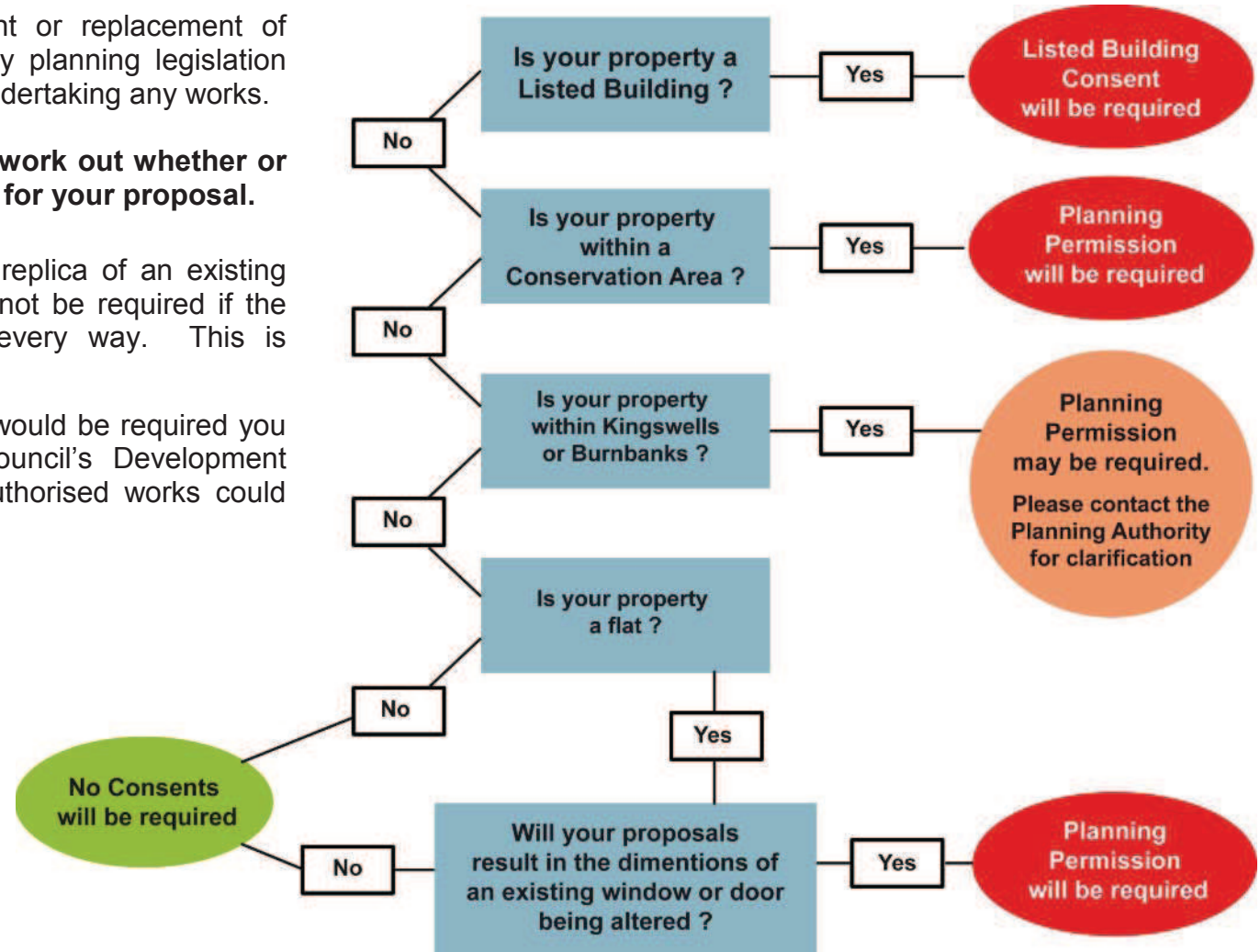
4. Do I Need Consent?

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.



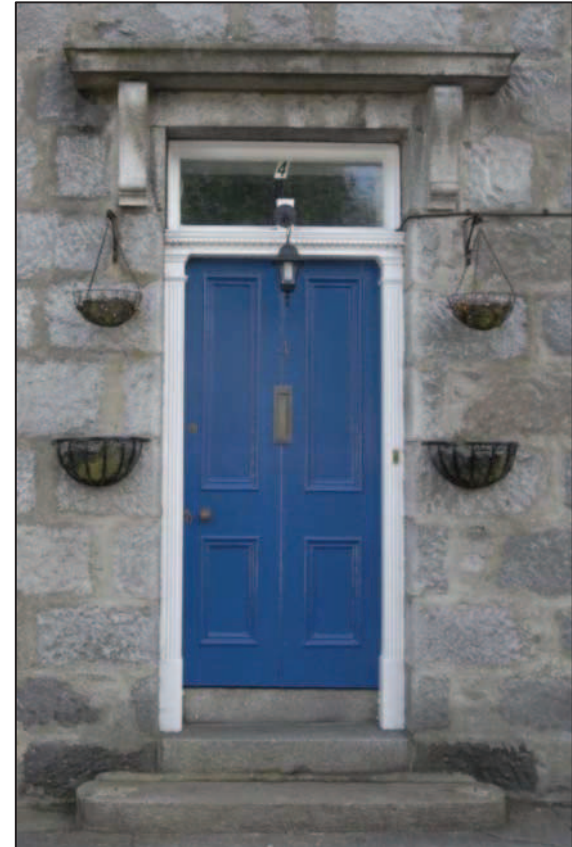
Examples of rectangular panes and curved glass

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.

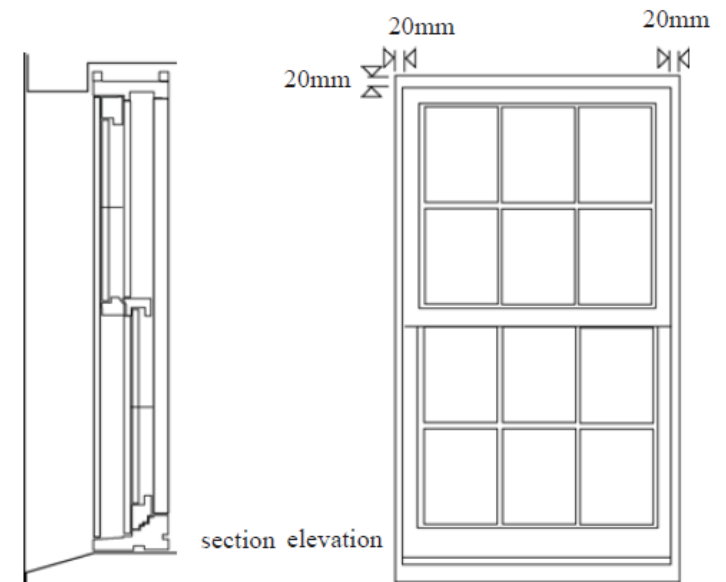
The reinstatement of the original types and arrangements of windows and doors will be encouraged. Modern windows and doors which are badly proportioned, the wrong type or incorrectly glazed should be restored to the original proportions wherever possible. If there is no indication what the original windows 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.

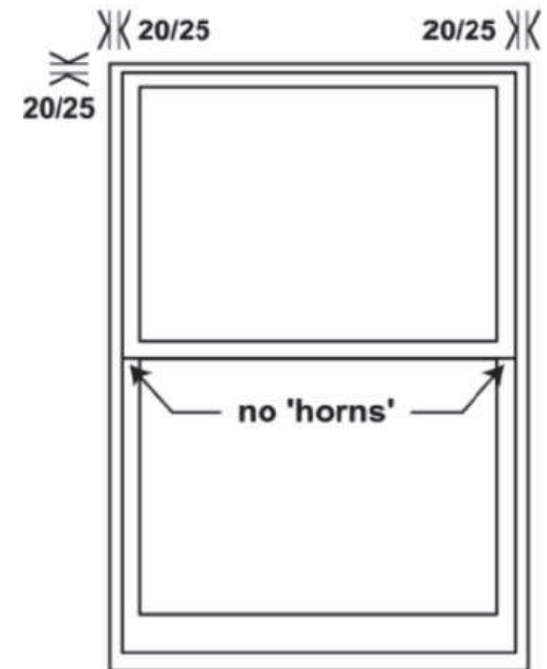
Where uPVC "lookalike" windows are to be used they should fully replicate the significant features of timber sash and case windows. Such features would include:

- 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.
- the meeting rails must fully overlap.
- the bottom rail of the lower sash must be at least 75mm high.
- 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.

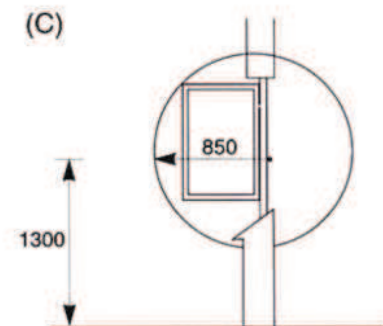
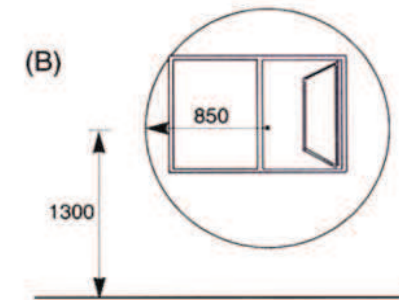
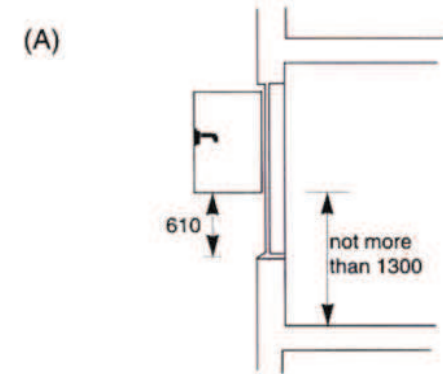
Emergency Escape Windows

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

This page is intentionally left blank



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 000118951-001

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:	Ken Mathieson Architectural Design Ltd
Ref. Number:	1930
First Name: *	Ken
Last Name: *	Mathieson
Telephone Number: *	01224 710357
Extension Number:	
Mobile Number:	
Fax Number:	01224 710358
Email Address: *	stuart@kenmathieson.com

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

Building Name:	Mansard House
Building Number:	15
Address 1 (Street): *	Oldmeldrum Road
Address 2:	Bucksburn
Town/City: *	Aberdeen
Country: *	UK
Postcode: *	AB21 9AD

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="A."/>
Last Name: *	<input type="text" value="Carter"/>
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="37"/>
Address 1 (Street): *	<input type="text" value="Carlton Place"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Aberdeen"/>
Country: *	<input type="text" value="Scotland"/>
Postcode: *	<input type="text" value="AB15 4BR"/>

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="37 CARLTON PLACE"/>	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 4BR"/>
Address 4:	<input type="text"/>		

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

Northing	<input type="text" value="806054"/>	Easting	<input type="text" value="392113"/>
----------	-------------------------------------	---------	-------------------------------------

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 see attached Statement

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)

Statement, Appendix Fig 1, Appendix Fig 2, Appendix Fig 3, Appendix Fig 4, Appendix Fig 5, Appendix Fig 6, Planning Refusal Document, Report of Handling, Ken Mathieson drawings Ref: 1930-002-C, Ken Mathieson drawing Ref: 1930-004-A, Site Plan

Application Details

Please provide details of the application and decision.

What is the application reference number? *

P150126

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

27/01/15

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

01/04/15

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

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)

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: Ken Mathieson

Declaration Date: 01/05/2015

Submission Date: 01/05/2015

Mr A. Carter

37 Carlton Place, Aberdeen, AB15 4BR

Request for review of refusal of planning application P150126 for the formation of roof lights to front elevation and formation of dormer to rear elevation.

Statement to accompany the Notice of Review.

Contents

- 1) Introduction
- 2) Site Description
- 3) Proposals
- 4) Processing of Application
- 5) Reasons for Refusal
- 6) Correspondence
- 7) Assessment of Proposal in terms of Planning Policy
- 8) Response to Grounds of Refusal and Assessment of Application by the Appointed Officer
- 9) Other Material Considerations
- 10) Conclusions
- 11) Appendix

1) Introduction

This Notice of Review has been prepared by Ken Mathieson Architectural Design on behalf of Mr A. Carter to support the request for review under the terms of section 43A(8) of the Town and Country Planning (Scotland) Act 1997 and Regulation 9 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, against the refusal by Aberdeen City Council to grant detailed planning permission for the formation of rooflights to the front elevation and the construction of a dormer to the rear of the dwellinghouse at 37Carlton Place.

The applicant has lived in the property for some 5 years and now wishes to alter the house in a sensitive way to meet the changing needs of his family.

Prior to preparing the application an extensive search was made of the Council's website which revealed similar dormers notably at 6 Carlton Place, 30 Fountainhall Road and 57 St Swithin Street to that which our client wishes to form had been approved within the conservation area and there had been no change in planning policy since the approval of those dormers and the present time. It was also noted that dormers of various styles have been approved at other addresses within the conservation area in terms of the current policy.

2) Site Description

The application site relates to a traditional two storey, terraced granite dwellinghouse situated on the south side of Carlton Place. The property is located within the Albyn Place/Rubislaw Conservation Area but is not included within the list of buildings of special architectural or historic interest. The building lies within a traditional west end granite street with the surrounding area characterised by residential dwellings of a similar design.

There is a rear service lane which separates the rear gardens of properties on this side of Carlton Place with those in Desswood Place.

The application property contains a number of uPVC tilt and turn windows which were installed before our client purchased the property.

The rear elevations of properties on the south side of Carlton Place have been altered in various ways over the years. The property at 43 Carlton Place has a large box dormer; other properties have had their rear wings altered whilst there is a wide variety of a design of garages and out buildings abutting the lane. Similarly properties backing on to the lane from Desswood Place have been altered and extended over the years.



View of site from rear service lane. Note the prominence of modern garages, alterations to rear wing of application site, chimney stacks half way down the roof & existing large box dormer at no 43.

3) Proposal

Detailed planning permission is sought for the formation of a flat roofed dormer window to the rear elevation. The dormer, which was reduced in size from a length of 6.85 metres to 5.85 metres following discussion with planning officers, has windows at either end with a sloped, slated panel between. The dormer hafts will now be 1100mm from the inside edges of the tabling as opposed to the 600mm proposed initially.

Approval is also sought for the installation of two conservation roof lights on the front elevation each measuring 980mm in length by 550mm in width. This allows the existing loft space to be converted to an additional bedroom. The existing uPVC windows located at first floor level on the rear elevation and in the front bay window would also be replaced with traditional timber sash and case windows, painted white.

4) Processing of Application

The application dated 27 January 2015 was registered as valid on 2 February 2015 under planning application ref no: P150126 and was refused under delegated powers by the appointed officer on 1 April 2015. The application was refused by the appointed officer despite a formal request being made under section 43A(8)(c) of the Act for an extension of one month to the two month period for the determination of the application by one month to allow further negotiation to take place. Regulation 2 of the Amendment of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008) allows this and it is particularly disappointing that this very reasonable request was dismissed without good reason being given.

This course of action was also contrary to the position set out in the e-mail dated 18 March 2015 from the planning Department. This can be seen in the e-mail trail in the Correspondence Section below. This matter is discussed further in the section Response to Grounds of Refusal and Assessment of Proposal by the Appointed Officer.

The application was advertised by the Council in accordance with the requirements of Section 65 of the Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Act 1997 as a development affecting the character of the conservation area. No representations were received from either the wider public nor from any amenity society. There were no objections received from neighbours through the neighbour notification process.

Similarly there was no comment made by the Community Council and other consultees raised no objection to the proposed development.

5) Reasons for Refusal

The reasons given for refusal are:

The dormer has not been designed with due consideration to its traditional context, would not be in keeping with the immediate roof scape and is considered to unacceptably mask the roof ridge and dominate the shallow pitched roof resulting in a negative impact on the Conservation Area. The development is therefore contrary to Scottish Planning Policy, Scottish Historic Environment Policy, Adopted Local Development Plan Policies D1 Architecture and Placemaking, H1 Residential Areas, Proposed Local Development Plan Policies D1 Quality Placemaking by Design and H1 Residential Areas, Supplementary Guidance: Householder Development Guide and the Technical Advice Note: The Repair and Replacement of Windows and Doors.

A copy of the decision notice is produced as appendix 1.

It should be noted that whilst the decision notice only refers to the design of the dormer window being unacceptable the Technical Advice Note referred to as the final reasons for refusal does not deal with the issue of new dormers and it is not clear as to why this has been included in the notice.

6) Correspondence

After the application was lodged there was a series of e-mails between our practice and the case officer. These e-mails are reproduced here to demonstrate the lengths we have gone to try to both understand the rationale behind the requirements of the Planning Department and to try to satisfy these requirements. The e-mails from the case officer dated 12 and 19 March 2015 clearly indicate that it is not the principle of a dormer extension on the rear which is the main concern but rather the size of the proposed dormer. We had also understood that the Planning Department were satisfied both with the rooflights on the front elevation and the reintroduction of traditional sash and case windows but the decision notice makes specific reference to the proposal being contrary to the Council's Technical Advice Note: The Repair and Replacement of Windows and Doors. This matter is discussed in greater detail under the Grounds of Appeal section.

.
.
26 March 2015 10:34:43
.

Hannah Readman (HReadman@aberdeencity.gov.uk)

MBochel@aberdeencity.gov.uk; gprentice@aberdeencity.gov.uk; Ken Mathieson
(ken@kenmathieson.com)

5 attachments (total 8.1 MB)

1930 - 001 - E.pdf

1930 - 002 - B.pdf
1930 - 004 - A.pdf

Morning Hannah,

Regrettably this application has given us cause for the first time to copy in all parties listed above.

Since this practice was established over 20 years ago we have worked along with the Planning Department and have avoided having to take this course of action.

I know this will be a lengthy email but I will keep to the facts. I would first like to confirm I have long understood that my job involves realising the aspirations of applicants needs while keeping within the statutory requirements of both the Planning Department and Building Control and thus have no prejudice in making any alterations required by the governing bodies if my client can still achieve their desired accommodation. This has been proven in this case when the original drawings submitted & attached for reference (1930 – 001 – E & 1930 – 002 – B) were amended at the request of the Planning Dept. within all practical constraints to the attached drawings (1930 – 002 – C & 1930 – 004 – A) [at the time of sending this email these revised drawings are still not available to view online].

I have made every possible change requested by the Planning Dept. to keep the proposals practical and if the Dormer is made any narrower the already revised staircase will be unable to fit into the new room.

Were it possible to achieve the Planning Dept. written alterations then I would have amended the drawings accordingly and there would have been no need to write addressing my concerns. I have exhausted my construction knowledge and cannot make this Dormer any narrower. I have requested that you provide me with overmarked sketches to help me realise how this request can be achieved in practical terms but these have not been forthcoming.

As ever I started this process by following Aberdeen City Councils House Holder Development Guide (H.H.D.G) specifically the guidance for Dormer Windows: Older Properties of a Traditional Character: Rear Elevations (Page 12). I then made the revisions where possible as suggested by the Planning Dept. However when I raised a concern that the request to “line the edges of the Dormer with the first floor window below” was an unusual variation and could not be seen in any of the surrounding properties I was directed to H.H.D.G Dormer Windows: General Principle (Page 10 point D). specifically the last line which reads “they will normally align with the windows below”. As you will be aware the H.H.D.G. is an illustrated guide and the examples shown have the centre of the windows lining through with the centre of the windows below at no point dose this guidance make reference to edges lining through in older properties of traditional character. I am still awaiting confirmation from the Planning Dept. as to where this initial request and ultimately sticking point on this application has come from.

You have previously made broad references to polices such as D1, SPP (81 page document) & SHEP (98 page document) without being specific to this application, I still await full clarification to these points. I believe that Aberdeen City Council would have considered these policies before producing a H.H.D.G (Householder Design Guide) to be followed by both the Planning Department and Agents alike.

For clarification this is not the first Dormer in the street scape as a variety of different styles present. The most domineering of which is the full Box Dormer located at No. 43. Although it is widely accepted by all parties that this is a very poor example of a Dormer and should not be repeated in style. Regardless of what is proposed at No. 37 this Box Dormer located only 3 doors away from our property will always be the main focus of the roof scape round this group of houses. The full Box Dormer at No. 43 will provide a restricted street view on

any proposal looking up and down the service lane as it hides the roofs looking from the West and would be the outline silhouette of any nearby proposal looking from the East.

Our application would not be the first approved Dormer window in Carlton Place under the current policy at No. 6 Carlton Place (Ref: 121229) was approved unconditionally a photo of which is attached which was taken using a mobile phone from a service lane which runs next to the property. You commented "The photo you attached from the rear garden of 93 Hamilton Place misrepresents the true visual impact as the boundary wall has been removed here to allow for development and once reinstated will significantly reduce the visibility of the rear elevations of even numbered properties on Carlton Place" I am concerned that you missed that the photo was taken from a lane and not from inside the garden as stated and have not noticed that the window is clearly visible above the garage and over the arm of a JCB which would be higher than any reinstated wall.

Our client only contacted us with a view to extending his property after he had researched approved Dormers online at Aberdeen City Council's Planning Portal. I have had a quick check of the Planning Website looking at Rear Dormers to Older properties which have been approved under the same policy as our application will be reviewed on. I have restricted my search to properties within the same Electoral Ward only and found the following examples which have close similarities to our proposal:

- 33 Stanley Street (Ref: 141507)
- 30 Fountain Hall Road (Ref: 140794)
- 57 St Swithen Street (Ref: 130781)
- 72 Blenheim Place (Ref: 121802)
- 6 Carlton Place (Ref: 121229)
- 29 Desswood Place (Ref: 120273)

These are only a hand full of same policy approvals within the immediate area and many more examples can be found to traditional properties within the City Centre if the search area is expanded.

I believe that no public objections have been made regarding this application confirming that no neighbours effected have any issues with the original drawings (1930 – 001 – E & 1930 – 002 – B) prior to being amended at your request to (1930 – 002 – C & 1930 – 004 – A).

My client is not involved within the Construction industry and has asked me to explain to him why other people's applications which he is looking at online are getting approved when this application has been singled out as different. I am at a loss to clarify why the Planning Dept. has taken this view and I also believe that this application has been treated in an unfair, unreasonable and inconsistent manner when we have shown from the very beginning of the application a willingness to work alongside the Department and will where possible alter the design to keep all parties happy.

Within all of the above in mind I still formally request that the Council extends the period for determination for our application Ref: 150126 by 1 month as allowed by section 47 of the 1997 Planning Act. To allow the Planning Department clearly explain to both myself and the applicant their decision making process and still allow time for a review of the same.

At this stage we would hope that this application can still be reviewed without prejudice by the Planning Department.

I look forward to your reply however should you wish to discuss any part of this application please do not hesitate to contact me on Tel: 01224 710357.

Kind Regards
STUART MATHIESON
on behalf of

KEN MATHIESON ARCHITECTURAL DESIGN Ltd.
Tel No. 01224 710357

From: Stuart [mailto:stuart@kenmathieson.com]
Sent: 24 March 2015 09:28
To: 'Hannah Readman'; gprentice@aberdeencity.gov.uk; MBochel@aberdeencity.gov.uk
Cc: Ken Mathieson
Subject: 1930 - 37 Carlton Place - Ref: 150126

Morning Hannah,

We are looking for a consistent approach by the Planning Department to dormer design which should be easily achieved as there is specific Aberdeen House holder guidance for Rear dormer windows to older properties of a traditional character which can be followed. Making broad references to policies such as D1, SPP (81 page document) & SHEP (98 page document) without being specific is why I am still asking for full clarification.

We feel that the Planning department is treating this application in an unreasonable and inconsistent manner as we have:

- Fully complied with page 12 of the Houses holder development guide requirements to Rear Elevations of older properties of a traditional character.
- The Planning department has accepted greater dormer windows with similar public views in the surrounding areas with No policy change.
- I believe no public objections were made to the proposals.

I will need to know exactly why you are choosing to ignore sections of your own guidance and which sections of these large documents you are superseding them. I would be grateful could clarify where you have found that the edges of dormer windows and not the centre of windows must align.

I cannot accept that this application be determined until full clarification on every principle outstanding has been addressed.

This decision by the Planning department will not just have an effect on this application but will surpass its own guidance leaving it very difficult for agents to make future confident and successful applications to the Planning Department.

Kind Regards
STUART MATHIESON
on behalf of
KEN MATHIESON ARCHITECTURAL DESIGN Ltd.
Tel No. 01224 710357

From: Hannah Readman [mailto:HReadman@aberdeencity.gov.uk]
Sent: 24 March 2015 08:50
To: 'Stuart'
Subject: RE: 1930 - 37 Carlton Place - Ref: 150126

Hi Stuart,

It is not disputed that the dormer complies with some of the householder guidance but other policies such as D1 and SPP and SHEP must also be considered to ensure that this dormer is appropriate for its setting. I would draw your attention to the second paragraph on page 9 of the householder guidance starting "as a basic principle..." which directly relates to this application.

The application will proceed to be determined at the end of this week unless you state by return that you wish to address the issues raised.

Kind Regards,

Hannah Readman
Planning Trainee

Planning and Sustainable Development | Enterprise Planning and Infrastructure | Aberdeen
City Council | Business Hub 4 | Ground Floor North | Marischal College | Broad Street
| Aberdeen | AB10 1AB
Tel: 01224 522023 (Internal: 2023) | Email: hreadman@aberdeencity.gov.uk |
Web: www.aberdeencity.gov.uk

From: Stuart [<mailto:stuart@kenmathieson.com>]
Sent: 24 March 2015 08:30
To: Hannah Readman; Garfield Prentice; Margaret Bochel
Cc: Ken Mathieson
Subject: 1930 - 37 Carlton Place - Ref: 150126

Morning Hannah,

Having read p10 of the House holder developments guide which references General Principals to Dormer Window guidance I can see nothing in the design guide that requires the edge of the proposed dormer to line through with the windows below. In the cases where were dormer windows must line through with windows below the guidance makes specific reference to Front elevations. In any case where a dormer window above must lines through with the window below it is clearly shown as the centres of the windows which must alien not the edges. This is the traditional Aberdeen approach and what is illustrated in the Guidance document.

We can find no reference which requires the edge of windows line though.

Page 12 of the House holder development guide gives specific requirement to Rear Elevations of older properties of a traditional character and our proposals comply with all of these conditions.

We feel that the Planning department is taking an unfair approach the this application as we have:

- Fully complied with page 12 of the Houses holder development guide requirements to Rear Elevations of older properties of a traditional character.
- The Planning department has accepted greater dormer windows with similar public views in the surrounding areas with No policy change.
- I believe no public objections were made to the proposals

Once again will have still not received a satisfactory explanation as to why such a different approach is has been taken to this dormer application at no 37 Carlton Place in comparison to what has been adopted to approved dormers in the surrounding area.

Kind Regards
STUART MATHIESON
on behalf of
KEN MATHIESON ARCHITECTURAL DESIGN Ltd.
Tel No. 01224 710357

From: Hannah Readman [<mailto:HReadman@aberdeencity.gov.uk>]
Sent: 23 March 2015 17:32
To: 'Stuart'
Subject: RE: 1930 - 37 Carlton Place - Ref: 150126

Hi Stuart,

The reason why we are pursuing a high quality designed dormer here is because of the specific setting – a shallow roof pitch which does not lend itself to naturally accommodating a dormer and the likely reason why other roofs immediately adjacent haven't been developed. Also, as previously stated, because the roof scape of which 37 forms part of is characterised by traditional dormers of differing sizes which positively contributes to the character of the conservation area and accepting the proposed design would negatively affect this and therefore be contrary to Scottish Planning Policy and Scottish Historic Environment Policy. Point D on page 10 of the householder guide states that good examples are normally aligned with windows below and therefore this a strong basis on which to design a dormer that does not dominate the original roof. This was also a point to indicate the reduction in width required.

Google maps provides an elevated image from street view as the camera is mounted on top of the car. 29 Deswood does not relate to this application for the reasons previously explained. I need to see justification from you for the chosen design in relation to the application property as per the reasons in my previous email.

Do you want to drop by the office to sketch over plans this week? I am free tomorrow morning or Wednesday afternoon. The layout as per the original drawing would appear to work, then I would remove the solid panel and put in glazing in line with the other two windows to gain headroom there and reduce the width of the dormer which would sufficiently accommodate a double bed.

Kind Regards,

Hannah Readman
Planning Trainee

Planning and Sustainable Development | Enterprise Planning and Infrastructure |Aberdeen
City Council |Business Hub 4 |Ground Floor North |Marischal College | Broad Street
|Aberdeen |AB10 1AB
Tel: 01224 522023 (Internal: 2023) | Email: hreadman@aberdeencity.gov.uk |
Web: www.aberdeencity.gov.uk

From: Stuart [mailto:stuart@kenmathieson.com]
Sent: 23 March 2015 16:52
To: Hannah Readman; Garfield Prentice
Cc: [REDACTED]; Ken Mathieson
Subject: 1930 - 37 Carlton Place - Ref: 150126

Afternoon Hannah,

I have looked over page 12 & 13 of the House holder development guide and have made every effort to meet these requirement as far as is possible. I have looked through the many photographs of dormer windows which I have taken around the surrounding area and I cannot find any which line through with the first floor windows and I would be grateful if you could clarify why in this singular instance you wish the dormer to line through with one of first floor windows as the end result for the dormer would be unbalanced on the roof as it would not be lining through with anything on the other side?

There are a great many variations of dormer windows in the surrounding area and the majority seem to be approx. 500mm from the tabling much closer than your recommendation.

I have attached for clarification a street shot of the dormer at 6 Carlton Place which still has the boundary wall in place and the dormer window can be easily seen. I have also attached an aerial view of 29 Desswood Place which shows a pedestrian walkway running along the back of the properties.

Our client has made every effort to work with the Planning Department and has already made changes to the original application to meet with your recommendations, however I have been unable to make the dormer any narrower as I would not be able to achieve the head height required for the staircase.

Could you please over mark a sketch to allow both myself and the applicant a better idea of your requirements for a high quality box dormer which would be suitable to this situation and how this would work in practical terms to allow the staircase up to the proposals.

We are very much open to a practical solution but we need the Planning Department to work with us. To assist us in this process and your sketches would be welcomed input to achieving a positive design.

I look forward your reply.

Please give me a call at our offices if anything is unclear as I would be happy to talk through any queries you may have.

Kind Regards
STUART MATHIESON
on behalf of
KEN MATHIESON ARCHITECTURAL DESIGN Ltd.
Tel No. 01224 710357

From: Hannah Readman [mailto:HReadman@aberdeencity.gov.uk]
Sent: 23 March 2015 15:23
To: 'Stuart'
Subject: 37 Carlton Place - Ref: 150126

Hi Stuart,

No 6 Carlton Place is on the other side of the street and does not have a rear lane as per the application property. The photo you attached from the rear garden of 93 Hamilton Place misrepresents the true visual impact as the boundary wall has been removed here to allow for development and once reinstated will significantly reduce the visibility of the rear elevations of even numbered properties on Carlton Place. There are several box dormers on this side of Carlton Place, the approval at no.6 took account of this established roof scape. The design of the dormer at no.6 is also different to the proposed dormer at 37 as it is fully glazed. The dormer you refer to at 29 Deswood Place is again part of a different roof scape that is not bounded by a rear lane, over 500m away from the application property, and has a steeper pitch than the application property.

As you have previously described, the roof pitches along Carlton Place vary and this itself contributes to the character of the conservation area. The "odd" side of Carlton Place is characterised by traditional style dormers with the exception of 43 which we agree has a dormer that was erected under PD and is of a very poor design that does not comply with current legislation in any way. I have accepted that the shallow roof pitch at 37 cannot accommodate a traditional style dormer and therefore, in order to receive support, we need to see a high quality box dormer that shows due consideration for the dwelling by lining through with windows below and not dominating the original roof. The current design would set a negative bar where if repeated on other dwellings on the same roof scape or sat alone, would severely erode the character of the rear lane within the conservation area. Each planning application is judged on a case by case basis and we need to see justification for why this dormer is right in this location, for this dwelling and not what other properties that do not contribute to the immediate setting of 37 Carlton Place have.

The application will proceed to be determined this week unless you advise by return that your client is willing to make further amendments to address the issues previously raised.

Kind Regards,

Hannah Readman
Planning Trainee

Planning and Sustainable Development | Enterprise Planning and Infrastructure | Aberdeen
City Council | Business Hub 4 | Ground Floor North | Marischal College | Broad Street
| Aberdeen | AB10 1AB
Tel: 01224 522023 (Internal: 2023) | Email: hreadman@aberdeencity.gov.uk |
Web: www.aberdeencity.gov.uk

From: Stuart [mailto:stuart@kenmathieson.com]
Sent: 21 March 2015 11:04
To: Hannah Readman; Margaret Bochel; Garfield Prentice
Cc: [REDACTED] Ken Mathieson
Subject: 1930 - Planning Email Draft - 37 Carlton Place - Ref: 150126

Morning Hannah,

We formally request that the Council extends the period for determination for our application Ref: 150126 by 1 month as allowed by section 47 of the 1997 Planning Act.

I have contacted our client who feels very strongly that the Planning Department are acting in both an unreasonable and inconsistent manner with his application and in doing so has caused him considerable worry and unnecessary expense. Both he and we believe that the dormer is of a far better design and closer to your policies than the recently approved dormer at No 6 in the same street (Planning Ref: 121229). As I have previously mentioned there has been no change in policy since that approval was granted. Our client has indicated to us that had he not seen the dormer at No 6 approved on the Council's website he would not have gone through the expense of taking his application to this stage as the Planning Department's requirements mean that his aspirations cannot be met. We both feel that there is no practical difference in the context between the current proposal and that which has been approved at No 6. Indeed that No 6 could be considered to be more prominent, certainly in longer views from the lane behind Fountainhall Road. For these reasons we believe the Planning Department is acting both in an unfair and inconsistent manner and request that there be some transparency in the decision making process.

I feel that we have gone a long way to meeting your requirements by reducing the overall width of the dormer significantly by 1000mm as well as reducing the height and depth of the fascia as seen in our attached drawings ref: 1930-004-A & 1930-002-C. Both sides of our dormer are now 1100mm between the haffit of the dormer and the tabling compared with the approved dormer at No 6 which is only 600mm from the tabling. In order to achieve this result we have redesigned the staircase to terminate at a point to minimise the length of the dormer. Our revised proposals are substantially smaller than the recently approved dormer window at 6 Carlton Place which was approved under the same policy.

Planning approved elevations of No. 6 are attached as well as a photograph taken using a mobile phone from the public lane which runs next to the property. This photograph also captures several other flat roofed dormers. You will note that our dormer has windows extending down to the lead flashing and does not have a slate upstand as shown on the photograph and approved drawings.

Also attached are the Planning Approved drawings for the rear dormer extension to 29 Deswood Place (Planning Ref: 120273). The planning approved dormer to No. 29 Desswood Place also has the haffits much closer to the tabling and has a vertical slate infill

between the windows creating a full box dormer. Our proposal improves on this by incorporating a sloping slate section between the windows which allow a clean break and assists in providing the appearance to 2no separate dormer from ground level as you have previously mentioned.

The rear service lane off Carlton Place & Desswood Place is subject to many different styles & proportions of dormers and extensions which have been added over time to meet the changing needs of the homeowners and these variations to the rear service lane add to the character of the area. With the mixture of materials, colours, extensions, boundaries, garages etc. making a contrast with the uniformity of the main street scape frontage of Carlton Place. Our application continues this tradition and should be seen as a positive addition to a forward moving evolving city.

I believe that there are no public objections to our proposals and would appreciate if you could clearly clarify for my client's benefit exactly why you believe this application should not receive approval where others have.

Kind Regards
STUART MATHIESON
on behalf of
KEN MATHIESON ARCHITECTURAL DESIGN Ltd.
Tel No. 01224 710357

From: Hannah Readman [mailto:HReadman@aberdeencity.gov.uk]
Sent: 19 March 2015 15:10
To: 'Stuart'
Cc: Carter, Andrew; [REDACTED]
Subject: RE: 1930 - 37 Carlton Place - 15/0126

Hello Stuart,

Thanks for getting back to me with revised drawings. I have reviewed and considered the revised drawings and the reduction in height and depth of the fascia is acknowledged as a positive amendment. However, this does not go far enough to address our concerns and the design remains too dominant for the shallow pitched roof. The proposal does not sufficiently comply with supplementary guidance: householder development guide which is a material consideration of Policy H1: Residential Areas and does not demonstrate a high standard of design as required under Policy D1: Architecture and Placemaking and will therefore be refused.

Kind Regards,

Hannah Readman
Planning Trainee

Planning and Sustainable Development | Enterprise Planning and Infrastructure |Aberdeen
City Council |Business Hub 4 |Ground Floor North |Marischal College | Broad Street
|Aberdeen |AB10 1AB
Tel: 01224 522023 (Internal: 2023) | Email: hreadman@aberdeencity.gov.uk |
Web: www.aberdeencity.gov.uk

From: Stuart [mailto:stuart@kenmathieson.com]
Sent: 19 March 2015 11:33
To: Hannah Readman

Cc: Carter, Andrew; [REDACTED]
Subject: 1930 - 37 Carlton Place - 15/0126

Morning Hannah,

Please see attached amended drawings for the proposed dormer window at 37 Carlton Place as previously discussed. We have reviewed all aspects of the proposals including structural implications, drainage runs, room access, headroom etc. as well as altering the dormer to allow a more aesthetically pleasing and reduced proposal. You will note we have taken the ceiling level in at the top of the window head therefore allowing us to reduce the height / depth of the fascia and give a more vertical emphasis to the windows. I trust this meets with your requirements and look forward to hearing from you.

Kind Regards
STUART MATHIESON
on behalf of
KEN MATHIESON ARCHITECTURAL DESIGN Ltd.
Tel No. 01224 710357

From: Hannah Readman [mailto:HReadman@aberdeencity.gov.uk]
Sent: 18 March 2015 11:47
To: 'stuart@kenmathieson.com'
Subject: RE: 1930 - 37 Carlton Place - 15/0126

Good Morning Stuart,

Have you had the opportunity to discuss the below with your client? Please submit any amended plans by Wednesday 25th March in order to receive a decision within the 8 week determination date or advise if an extension is required.

Kind Regards,

Hannah Readman
Planning Trainee

Planning and Sustainable Development | Enterprise Planning and Infrastructure | Aberdeen City Council | Business Hub 4 | Ground Floor North | Marischal College | Broad Street | Aberdeen | AB10 1AB
Tel: 01224 522023 (Internal: 2023) | Email: hreadman@aberdeencity.gov.uk |
Web: www.aberdeencity.gov.uk

From: Hannah Readman
Sent: 12 March 2015 16:50
To: 'stuart@kenmathieson.com'
Subject: RE: 1930 - 37 Carlton Place - 15/0126

Hi Stuart,

Following my site visit on Tuesday, I am satisfied that a dormer can be accommodated here however the submitted design requires amendments in order to receive approval.

I have discussed it with a manager and in order to receive approval, we need to see a dormer that is more architecturally compatible with the shallow roof and house. This can be achieved by reducing the width of the dormer in line with the right hand side 1st floor window and reflecting this reduction in width on the left hand side. Glazing should dominate the dormer; this could be achieved by using 4 windows as per the current proposed size and

have a narrow slated panel which would give the impression from ground level of it being two dormers. Alternatively, 5 glazed windows could be accommodated in a straight line thus gaining some additional head room within.

Our suggestions would achieve a compromise whereby the client still gets a 5m wide bedroom and externally, a modern dormer that makes a positive contribute to the roof and street scape is achieved and does not over develop the original roof form as per the poor example at 43 Carlton Place.

Kind Regards,

Hannah Readman
Planning Trainee

Planning and Sustainable Development | Enterprise Planning and Infrastructure |Aberdeen
City Council |Business Hub 4 |Ground Floor North |Marischal College | Broad Street
|Aberdeen |AB10 1AB
Tel: 01224 522023 (Internal: 2023) | Email: hreadman@aberdeencity.gov.uk |
Web: www.aberdeencity.gov.uk

From: Hannah Readman
Sent: 09 March 2015 17:26
To: stuart@kenmathieson.com
Subject: RE: 1930 - 37 Carlton Place - 15/0126

Hi Stuart,

Just to keep a paper trail here – I called on Friday and again today to raise concerns over the proposed design of the rear dormer window, I enquired to see if a traditional piended dormer would be possible here, in-keeping with the majority of dormers on this roof scape. I understand that this is not possible at this site as the roof pitch is too shallow. I therefore need to assess if the shallow roof can accommodate a flat roofed dormer without over dominating the original roof and that complies with current legislation and will either have a neutral or positive impact on the character of the conservation area. A revised design would be required to achieve this, including more glazing as solid panels should not dominate. The rear lane, as we have discussed is used for a variety of functions including servicing, access to garages and informal travel routes and it does contribute to the character of the conservation area for a variety of reasons.

A dormer at no 43 Carlton Place negatively dominates the roof of a nearby property and is an example of one that was erected under PD rights prior to current legislation that was introduced to prevent this poor design being repeated. Other than this, there are no other modern, flat roofed dormers on that roof scape that relates to the rear lane of Carlton Place but there are some others within the vicinity. No 6 Carlton Place was cited as a dormer that has received planning permission and is indirectly visible from the rear lane of Fountainhall Road. I am going on site tomorrow to establish the visual impact of this dormer and will re-visit the rear lane that 37 Carlton Place backs on to.

I appreciate that you were frustrated with my lack of technical architectural knowledge, I apologise for the frustration caused but I am trying to do my best here as a planner within the guidance of current policy, legislation and senior colleagues professional advice and judgement. I also took time to discuss this with Building Standards in order to further understand their technical input. I shall continue to do this to ensure that the right outcome is achieved here.

Kind Regards,

Hannah Readman
Planning Trainee

Planning and Sustainable Development | Enterprise Planning and Infrastructure |Aberdeen
City Council |Business Hub 4 |Ground Floor North |Marischal College | Broad Street
|Aberdeen |AB10 1AB
Tel: 01224 522023 (Internal: 2023) | Email: hreadman@aberdeencity.gov.uk |
Web: www.aberdeencity.gov.uk

From: Hannah Readman
Sent: 27 February 2015 17:15
To: 'Stuart'
Subject: RE: 1930 - 37 Carlton Place - 15/0126

Thanks Stuart – that looks fine at a glance but will look in more detail on Monday.

Have a good weekend.

Kind Regards,

Hannah Readman
Planning Trainee

Planning and Sustainable Development | Enterprise Planning and Infrastructure |Aberdeen
City Council |Business Hub 4 |Ground Floor North |Marischal College | Broad Street
|Aberdeen |AB10 1AB
Tel: 01224 522023 (Internal: 2023) | Email: hreadman@aberdeencity.gov.uk |
Web: www.aberdeencity.gov.uk

From: Stuart [mailto:stuart@kenmathieson.com]
Sent: 27 February 2015 16:59
To: Hannah Readman
Subject: 1930 - 37 Carlton Place - 15/0126

Afternoon Hannah,
Please see attached Sash & Case window details as requested.
If you have any queries just give me a call on Tel: 01224 710357 to discuss.

Kind Regards
STUART MATHIESON
on behalf of
KEN MATHIESON ARCHITECTURAL DESIGN Ltd.
Tel No. 01224 710357

From: Hannah Readman [mailto:HReadman@aberdeencity.gov.uk]
Sent: 27 February 2015 10:24
To: 'Stuart'
Subject: RE: 1930 - 37 Carlton Place - 15/0126

Hi Stuart,

I am logged in so my phone should ring.

What you explain sounds fine but I do need it in plan form that shows the window elevation and cross sections specific to this house so that I can approve the drawings. A scale of 1:10 or 1:20 should be used.

Kind Regards,

Hannah Readman
Planning Trainee

Planning and Sustainable Development | Enterprise Planning and Infrastructure | Aberdeen City Council | Business Hub 4 | Ground Floor North | Marischal College | Broad Street | Aberdeen | AB10 1AB
Tel: 01224 522023 (Internal: 2023) | Email: hreadman@aberdeencity.gov.uk |
Web: www.aberdeencity.gov.uk

From: Stuart [mailto:stuart@kenmathieson.com]
Sent: 27 February 2015 09:25
To: Hannah Readman
Subject: 1930 - 37 Carlton Place - 15/0126

Morning Hannah,
Tried giving you a call but got your voice mail.
What you have is timber window manufacturers standard drawing for sash & case windows. These details are not job specific but drawn to take into account all possible scenarios. The elevations will be as per our drawings with no horns or astragals and min 75mm bottom rail, however the cross section will be as per the manufacturers details (with 75mm bottom rail). Hope all is clear but if you have any queries please give me a call at our office on Tel: 01224 710357.

Kind Regards
STUART MATHIESON
on behalf of
KEN MATHIESON ARCHITECTURAL DESIGN Ltd.
Tel No. 01224 710357

From: Hannah Readman [mailto:HReadman@aberdeencity.gov.uk]
Sent: 27 February 2015 09:06
To: 'Stuart'
Subject: RE: 1930 - 37 Carlton Place - 15/0126

Hi Stuart,

The cross sections don't appear to match up with the elevation drawing, specifically the bottom rail which should be at least 75mm high. The planted astragals are also unacceptable on public elevations in conservation areas and the horns are not a traditional feature of most nineteenth century windows in Aberdeen and should be removed unless evidence suggests that they were a traditional feature on windows at this property. Please see page 18 of the Technical Advice Note: The repair and replacement of windows and doors for the technical details of acceptable replacement windows, for both timber and pvcu.

Kind Regards,

Hannah Readman

Planning Trainee

Planning and Sustainable Development | Enterprise Planning and Infrastructure |Aberdeen
City Council |Business Hub 4 |Ground Floor North |Marischal College | Broad Street
|Aberdeen |AB10 1AB
Tel: 01224 522023 (Internal: 2023) | Email: hreadman@aberdeencity.gov.uk |
Web: www.aberdeencity.gov.uk

From: Stuart [mailto:stuart@kenmathieson.com]
Sent: 26 February 2015 17:37
To: Hannah Readman
Subject: 1930 - 37 Carlton Place - 15/0126

Evening Hannah,
Please see attached manufacturers details for vertical sliding timber sash & case windows
as requested.
I trust all is in order however should you have any queries please do not hesitate to contact
me.

Kind Regards
STUART MATHIESON
on behalf of
KEN MATHIESON ARCHITECTURAL DESIGN Ltd.
Tel No. 01224 710357

From: Hannah Readman [mailto:HReadman@aberdeencity.gov.uk]
Sent: 24 February 2015 09:15
To: 'stuart@kenmathieson.com'
Subject: 15/0126 - 37 Carlton Place

Good Morning,

We have had comments back from the roads project team now and they have noted an
increase in bedrooms from 3 to 4. As per the Transport and Accessibility supplementary
guidance houses with 4 or more bedrooms should supply 3 off street parking spaces. Please
can you confirm how many off street spaces are available at the above address and show
them in an updated plan.

I also see that some of the existing first floor windows are being replaced. Can you confirm
that these are to be exactly 'like for like' with the existing and therefore do not form part of
this planning application? If however there is to be a change to the frame or astragal width
then they will need to be included in the application and the relevant cross sections should
be submitted.

Can you confirm the material of the new dormer windows?

Kind Regards,

Hannah Readman
Planning Trainee

Planning and Sustainable Development | Enterprise Planning and Infrastructure |Aberdeen
City Council |Business Hub 4 |Ground Floor North |Marischal College | Broad Street
|Aberdeen |AB10 1AB
Tel: 01224 522023 (Internal: 2023) | Email: hreadman@aberdeencity.gov.uk |
Web: www.aberdeencity.gov.uk

7) Assessment of Proposal in terms of Planning Policy

National policy is set out in Scottish Planning Policy (SPP) and Scottish Historic Environment Policy (SHEP)

Para 143 of SPP requires proposals for development within a conservation area to preserve or enhance the character of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Development should not adversely affect the special interest and character of a Conservation area.

SHEP reiterates the requirement to protect and enhance the character of a conservation area but clearly states that the protection of the historic environment is not about preventing change. The Guidance Note 'Managing Change in the Historic Environment: Roofs' does not prohibit new dormers particularly where not on principal elevations but does require dormers (and rooflights) to be designed and positioned appropriately.

Development Plan

The application does not raise any issues of strategic significance and therefore requires to be assessed in terms of the Aberdeen Local Development Plan 2012 and the emerging replacement plan the Proposed Aberdeen Local Development Plan. The property lies within an area identified as H1- Residential Areas in the Aberdeen Local Development Plan 2012. The report of handling identifies policies H1 and general policy D1 Architecture and Placemaking as being the relevant policies and their subsequent replacement policies in the Proposed Plan which essentially reiterate the existing policies. It is agreed that this is the case.

Policy H1 - Residential Areas supports new residential development and alterations to existing residential properties in principle if it

- (i) does not constitute over development;
- (ii) does not have an unacceptable impact on the character or amenity of the surrounding area;
- (iii) complies with Supplementary Guidance on House Extensions.

Policy D1 - Architecture and Placemaking (retitled Quality Placemaking by Design in the Proposed Plan) new development is to 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 and the proportions of building elements, will be considered in assessing that contribution. (The policy has been paraphrased for the development under consideration).

It is the Supplementary Guidance: Householder Development Guide which provides more detailed policy guidance. This forms part of the adopted Local Development Plan and there is no indication that the requirements of the guidance in respect to dormers or rooflights will be amended as part of the Proposed Plan.

Supplementary Guidance expands upon other policies and provides greater detail to support the Local Development Plan which allows the Local Development Plan to focus on the overall spatial strategy and key policies and proposals. It is felt therefore that the key detailed guidance against which the proposal needs to be assessed is the Householder Development Supplementary Guidance which provides clarity on the requirements of Policies H1 and D1.

Proposed Dormer Window

The Supplementary Guidance requires, as a basic principle, new dormer windows or roof extensions to respect the scale of the building and not dominate or tend to overwhelm or unbalance the original roof.

The Guidelines for the construction of dormers on the rear elevations of older properties list a number of detailed requirements which are listed below together with an assessment of the proposed dormer in terms of that requirement.

a) The aggregate area of all dormer and/or dormer extensions should not dominate the original roof slope.

Response. The dormer is set in 1100mm from the inside edge of the tabling and the roof is 250 mm below the ridge of the house. The dormer is also set back 1850mm from the front of the wallhead. Taken together this results in a well-proportioned dormer, carefully positioned which allows the original roof, side slopes and ridge to remain dominant.

b) Dormer haffits should be a minimum of 400mm in from the inside face of the gable tabling;

Response. The distance between the haffits and inside edge of the tabling is 1100mm

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.

Response. The distance between the front face of the dormer and front edge of the roof is 1850mm

d) Flat roofs on box dormers should be a reasonable distance below the ridge

Response. The roof of the dormer is 250mm below the ridge of the house. This is similar to dormers throughout the City. The ridgeline will remain intact, the ridge pieces will remain as present and there will be no impact on the front elevation of the house.

e) Windows should be located at both ends of box dormers;

Response. The proposed dormer has equal sized windows at either end. The Planning Department sought in their email dated 12th March 2015 that the edge of the window at the Western end of the dormer should line through with the edge of the window at first floor level i.e. the dormer should not project any nearer to the boundary than the edge of that window. This is not a requirement of the Supplementary Guidance. Point D on page 10 of the householder guide states that good examples are normally aligned centrally with windows below however this is only mention again in the report in terms of Front Elevation guidance. The guidance set out specifically for Rear Elevations states only that windows should be located at both ends of box dormers. The Supplementary Guidance is an illustrated guide and at no point does the Guidance make reference to the edges of windows lining through in older properties of traditional character.

f) A small apron may be permitted below a rear window

Response. No apron is proposed.

g) *Solid panels between windows in box dormers may be permitted but should not dominate the dormer elevation.*

The windows take up some 71% of the length of the dormer. The link panel will slope back at 75 degrees. Taken together this results in a dormer where the link panel is not dominant.

Page 13 of the Household Design Guide has a diagram illustrating these requirements. This is reproduced below together with a drawing showing the proposed dormer which has been annotated to demonstrate compliance with the Supplementary Guidance.

See Appendix – Fig 1 for comparison sketch.

The Supplementary Guidance refers to ‘non-public’ elevations of buildings when discussing rear elevations. This term is not defined nor does the Guidance make reference to the implications of rear service lanes as is the case in this instance. The principal elevation of the house is clearly the front facing Carlton Place. The character of the lane is that of a rear access. Large lengths of original boundary wall have been removed and replaced with garages and other outbuildings whilst properties have been altered in various ways over the years. Whilst it is accepted that in terms of the Supplementary Guidance the existing large box dormer at number 43 should not be accepted as a precedent it nevertheless clearly forms part of the character of the area.

The Council’s Albyn Place and Rubislaw Conservation Area Appraisal gives little guidance for dealing with the current proposal. The Appraisal makes little reference to the key characteristics of the area which need to be retained or enhanced along rear lanes concentrating very much on principal street elevations. It does not identify the construction of new dormers on rear elevations (unlike on front elevations) as a threat to maintaining the character of the area.

The dormer has been designed in a way which clearly retains a significant area of original roof below the dormer, is set further in from the tabling than other dormers which allows the relationship of the dormer to the ridge line to be seen and reduces the size of the hafts all of which mean that the dormer will be subservient to the existing roof.

The properties backing on to the lane are clearly rear elevations, significant lengths of the old boundary walls to the lane have been removed and replaced by more modern structures, there is a very large box dormer at no. 43, rear gardens contain trees which act as a foil to the buildings.

For these reasons it is felt that the proposed dormer satisfies the requirements of Supplementary Guidance and as it does not adversely affect the character of the Conservation Area is in accordance with policies H1 and D1 as well as meeting the high level requirements of SPP and SHEP.

Proposed Rooflights

The Householder Design Guide contains a number of requirements for the installation of rooflights. Those which apply to the current proposal are described below together with how the application responds to the requirement

a) *Rooflights should be the smallest size appropriate*

Response. 550 x 980mm are the smallest Conservation roof window that Velux produce.

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;*

Response. The two rooflights have been specified to give a traditional vertical appearance.

c) *On older buildings, and particularly on listed buildings and buildings in conservation areas, a 'heritage' type of roof light will be expected. This is of particular importance on public elevations Even the addition of a central glazing bar to a roof light can provide a more authentic appearance in such instances;*

Response. 'Heritage Rooflights' with central glazing bars are proposed.

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.*

Response. The design of the rooflights keeps the projection to a minimum.

The front elevation of the house has a 'mansard' style of roof. The two rooflights are positioned at a similar height towards either side of the upper roof slope. They are a very minor alteration to the roof, will have little visual impact, are similar to rooflights seen throughout the conservation area, are entirely in accordance with the requirements of Supplementary Guidance and will have no adverse impact on the appearance of the conservation area.

Proposed Replacement Windows

The uPVC windows located at first floor level on the rear elevation and the front bay window would be replaced with traditional timber sash and case windows, painted white. Guidance on replacement windows is provided in the Council's Technical Advice Note: Repair and Replacement Windows and Doors, 19 March 2013.

The proposed windows are of a style which meets the requirements for replacing traditional windows. The fact that they will replace modern, windows restores traditional features in the building means that this change enhances the appearance of a Conservation Area. The Council's Albyn Place and Rubislaw Conservation Appraisal identifies the repair and replacement of windows with those of traditional style, proportions and materials as an opportunity for enhancing the conservation area. The intention to replace modern windows with traditional timber sash and case windows clearly meets this objective

8) Response to Grounds of Refusal and Assessment of Proposal by the Appointed Officer

The Appointed Officer's Report of Handling states that the rooflights comply with SPP, SHEP and Policy H1 and that the replacement windows comply with Technical Advice Note: The Repair and Replacement of Windows and Doors Guidance. The reason for refusal given in the decision notice relates solely to the dormer window and not to either the rooflights or the replacement windows.

In the light of this assessment it is not clear as to why the refusal notice includes reference to being contrary to the Technical Advice Note: The Repair and Replacement of Windows and Doors Guidance as this Guidance does not refer to the issue of dormer windows.

The Report of Handling contains a serious error in the section referring to the Supplementary Guidance: Householder Development Guide. The Report of Handling incorrectly sets out the

requirements for dormers in modern buildings rather than the requirements for dormers in older buildings. In making this mistake the whole assessment of the application in respect of the dormer is fundamentally flawed. One particular example of an incorrect requirement is reference to the need for the roof of the dormer to be at least 600mm below the ridge of the property. This requirement only applies to newer properties and not to older properties. It has been particularly disappointing that this mistake was brought to the attention of the Department during the processing of the application but no attempt was made to correct the error. The correct requirement is described in the Policy Section of this statement.

The correspondence section of the statement illustrates both the lengthy negotiations which have taken place in order to both try and understand and to satisfy the requirements of the Planning Department.

The plans for the dormer were amended to try to address the concerns of the Planning Department. Once again it must be stated that the Department has not objected to the principle of a rear dormer. The reason given in the decision notice is that the dormer would unacceptably mask the ridgeline and dominate the shallow pitched roof resulting in a negative impact.

The Council has allowed dormers on shallow pitched roofs within the Conservation Area under the current policy. Despite repeated requests there has been no clear explanation given for adopting a different approach to the current proposal.

There have been box dormers approved recently at nearby properties, in particular at 6 Carlton Place (Ref: 121229), 30 Fountainhall Road (Ref: 140794), 29 Desswood Place (Ref: 120273) and 57 St Swithin Street (Ref: 130781). That at 30 Fountainhall Road faces onto a rear lane and whilst there is no lane behind 6 Carlton Place that dormer is very visible in views from the lane on the west side of Fountainhall Road. Both of these dormers are larger than that proposed at 37 Carlton Place. It is important that planning decisions are made in a consistent way in order for the wider public to have confidence in the planning system.

The dormer at 6 Carlton Place which is clearly visible from the lane to the rear of properties on the west side of Fountainhall Road is substantially larger than that proposed at 37 Carlton Place. That at no. 6 is much further forward on the roof of the building being built off the wallhead and it is longer in that it extends closer to the tabling. See appendix – Fig 2.

The dormer at 30 Fountainhall Road which backs on to a rear lane extends to 1000mm from the tabling, it is further forward on the roof and has a significantly deeper fascia than that proposed at 37 Carlton. The dormer at 30 Fountainhall Road also involved the removal of a traditional piended dormer which is contrary to SHEP policy. See appendix – Fig 3.

The dormer at 29 Desswood Place is another large dormer again closer to the tabling and closer to the front edge of the roof than that proposed at 37 Carlton Place. See appendix – Fig 4

Confusingly it is only the Report of Handling for the applications at 30 Fountainhall Road and 57 St Swithin Street which includes reference to policy D. In both of these cases the dormer was felt to comply with Policy D1. The applications at 6 Carlton Place and 29 Desswood Place contain no such reference and it is not clear why different policies are used to assess similar applications.

The dormer to 57 St Swithin Street creates a large box dormer to the rear elevation with a large apron upstand and with windows taken in from either side of the edge leaving a sizable gap between the glazing and the edge of the dormer. The windows appear to be unevenly spaced away from the edges. The dormer can be viewed from 2 streets Union Grove & Union Grove Lane. See appendix – Fig 5.

The approved dormer at 72 Blenheim Place (Ref: 121802) shows the removal of a traditional piended dormer which was centrally aligned to the first floor window below and the erection of a flat roof box dormer which is no longer central to either the roof nor the first floor window below. This dormer can be viewed from Blenheim Lane. See appendix – Fig 6.

The examples above are only a handful of same policy approval all taken within the immediate area of Aberdeen. Many more cases can be found to properties within the City Centre if the search area is expanded.



Picture above of a recently approved Dormer at 6 Carlton Place (Ref: 121229). Note large slate apron, closer projection to tabling and further forward projection.

There has not been any satisfactory explanation given as to why such a different approach has been adopted by the Planning Department to dealing with applications of a similar nature in the same conservation area.

In describing the impact of the dormer the Report of Handling contains a further inaccuracy In that in dealing with the scale of the dormer it refers to an apron below the windows. No such apron is proposed and as has been described above the proposed dormer is smaller than others which have been approved in the area in recent years.

The lane contains various different styles of Dormer window extensions, garages, outbuildings, the buildings have rear wings some of which have been altered. There is a substantial number of trees and other vegetation which limits views of the proposed dormer. The impact of the proposed Dormer is further reduced by the presence of Chimney stacks located half way down the slope of the roof.

9) Other Material Considerations

No objections were received to the application either through the neighbour notification process or the advertisement of the application. There is no adverse impact on residential amenity. It is felt that the application raises no other material considerations.

10) Conclusion

This statement demonstrates that, contrary to the reasons given for refusal, the proposed development both complies with detailed Development Plan policy and meets the requirements of Scottish Planning Policy and Scottish Historic Environment Policy in that the proposal will have a neutral impact on the character of the conservation area.

This application complies with Development Plan policy including the detailed Supplementary Guidance.

The Planning Department has accepted the principle of a dormer in this location in their email correspondence dated 12 March 2015.

The statement demonstrates that the Appointed Officer has applied policy incorrectly by referencing the wrong sections of the Supplementary Guidance.

The Planning Department has been inconsistent in dealing with this application in a different manner to other recent applications for similar dormer windows within the conservation area to the detriment of the applicant's interests.

Previously approved applications have been considered acceptable, to comply with policy and not to have an adverse impact on the character of the conservation area. There has been no satisfactory explanation given as to why a different approach has been adopted in this instance.

The Case Officer has exaggerated the Report of Handling with reference to policies that do not refer to Dormer Windows.

The application has not attracted any objections and raises no other material considerations.

The Local Review Body is accordingly respectfully requested to grant this appeal to allow the applicant to alter his home in a sensitive way in order to meet his changing family needs.

11) Appendix

- Report of Handling
- Planning Refusal Document
- Fig 1 – Comparison to illustration provided in Supplementary Guidance
- Fig 2 – Comparison to approved dormer at 6 Carlton Place (121229)
- Fig 3 – Comparison to approved dormer at 30 Fountainhall Road (140794)
- Fig 4 – Comparison to approved dormer at 29 Desswood Place (120273)
- Fig 5 – Comparison to approved dormer at 57 St Swithin Street (130781)
- Fig 6 – Comparison to approved dormer at 72 Blenheim Place (121802)
- Ken Mathieson drawing Ref: 1930 – 002 – C
- Ken Mathieson drawing Ref: 1930 – 004 – A
- Site Plan

This page is intentionally left blank

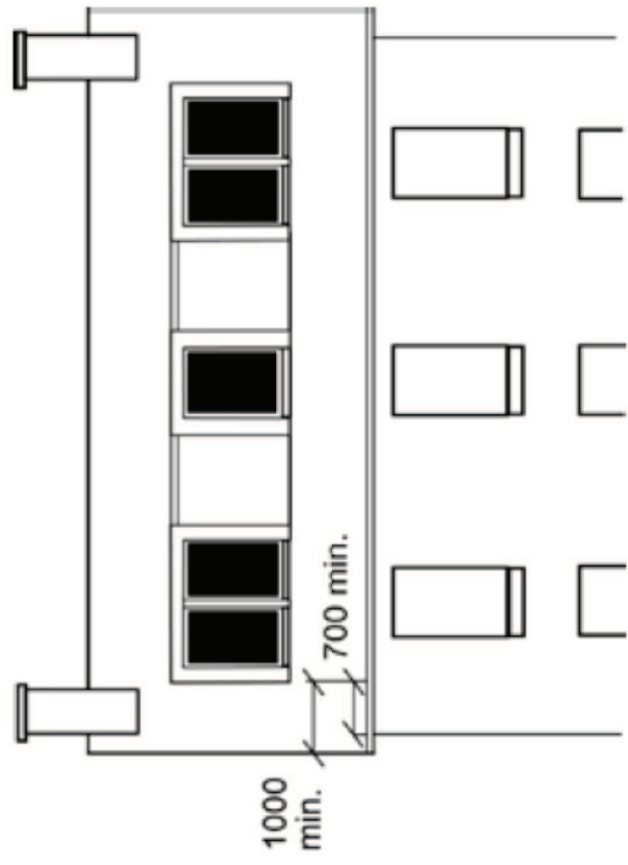
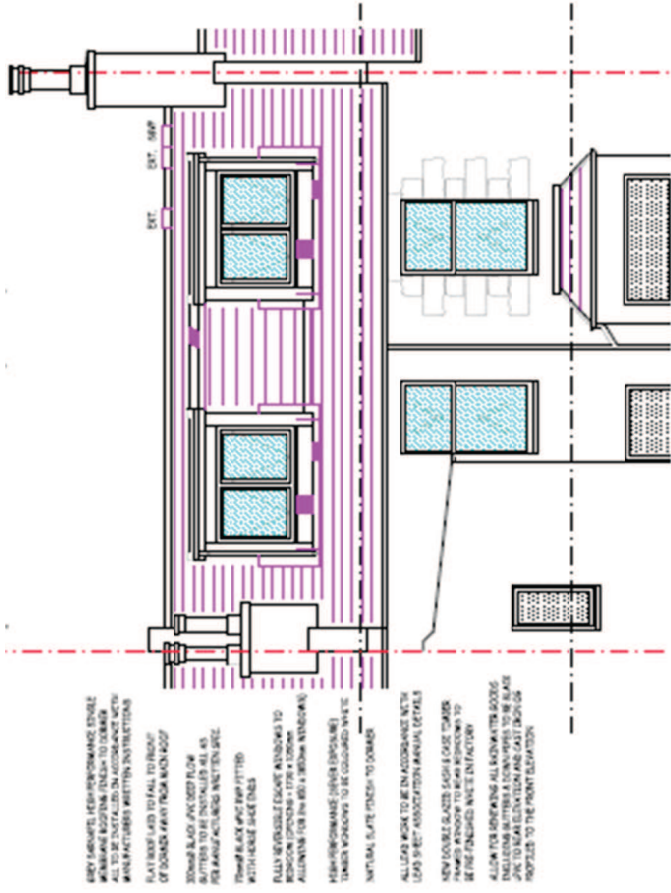


Fig 1. Illustration from page 13 of Supplementary Guidance (nts)

Proposed Dormer to 37 Carlton Place (nts)

Fig 1

This page is intentionally left blank

This page is intentionally left blank

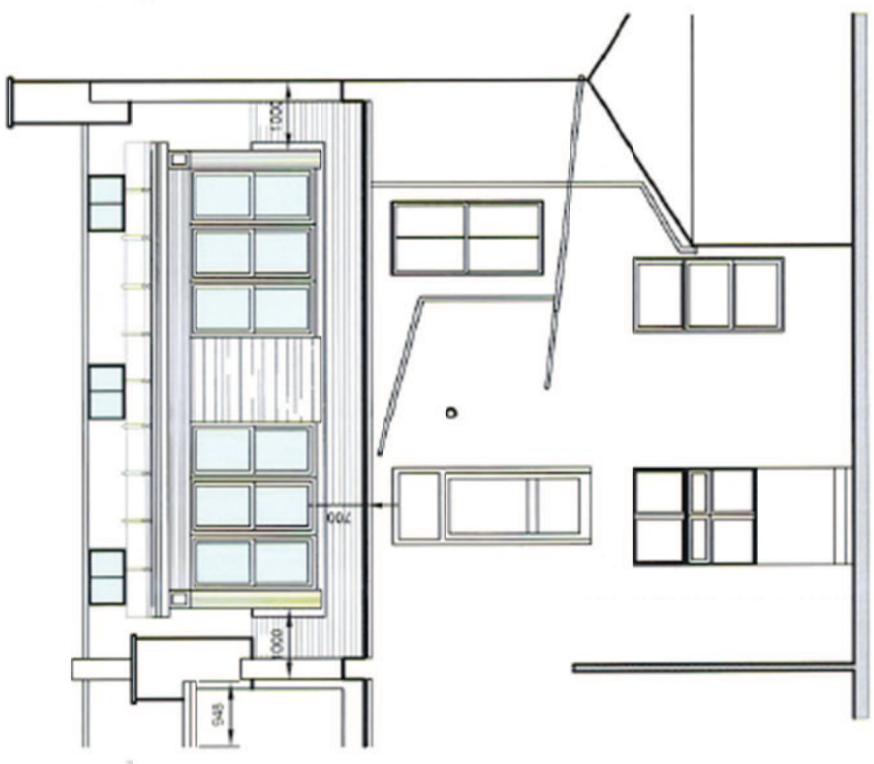
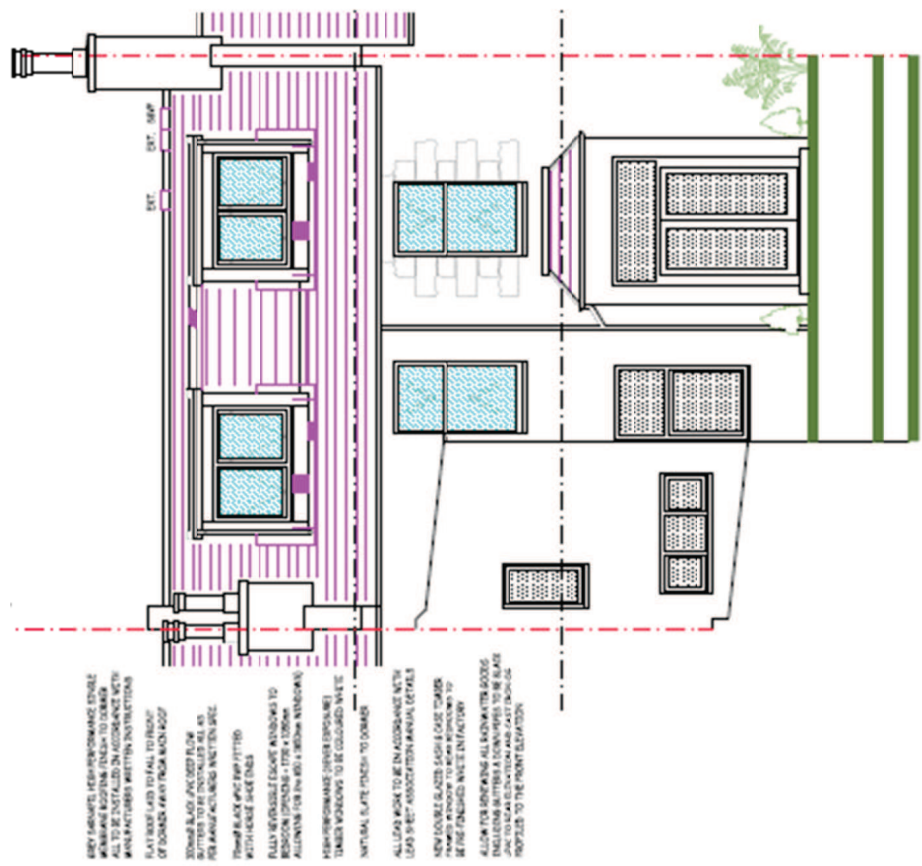
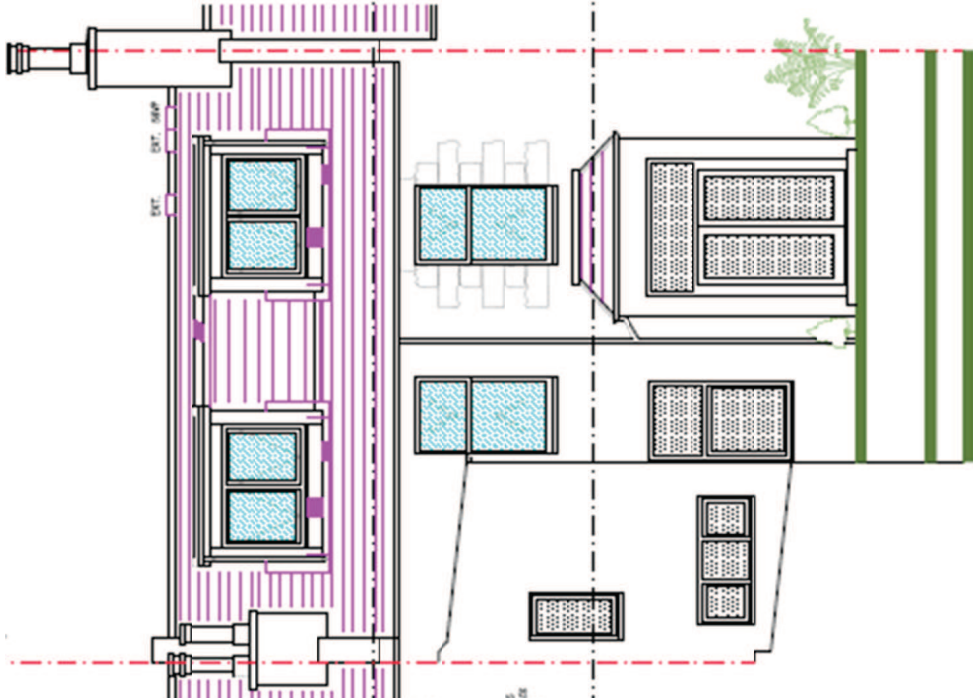


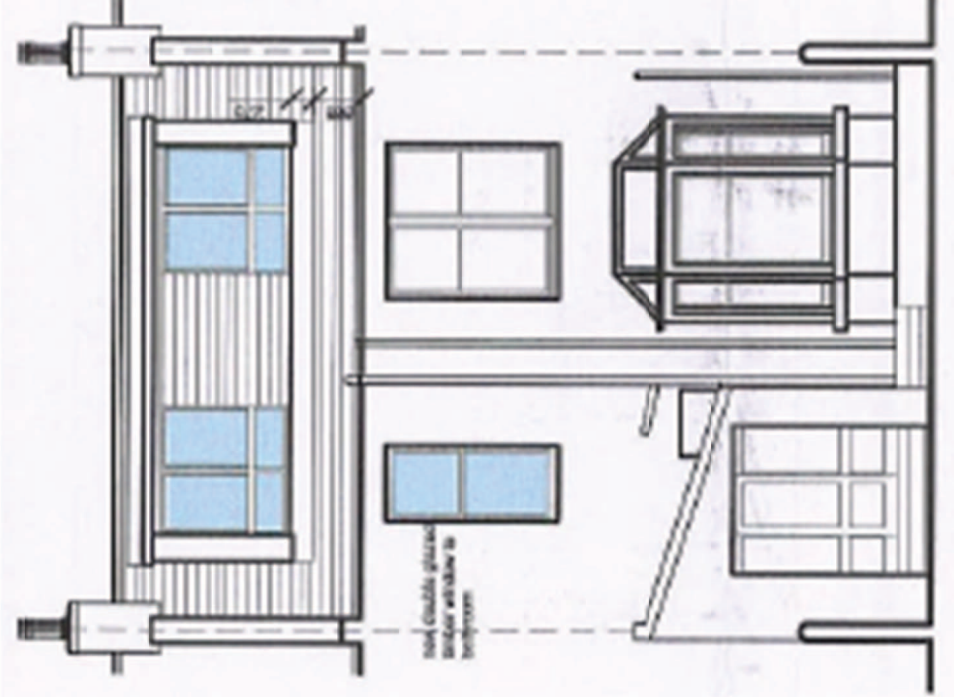
Fig 3 - Approved Dormer to 30 Fountainhall Road Ref: 140794 (nts) Proposed Dormer to 37 Carlton Place (nts)

Fig 3

This page is intentionally left blank



EVERY SURFACE, HIGH PERFORMANCE STABLE
 WEARABLE SYSTEM FINISH TO DORMER
 ALL TO BE INSTALLED IN ACCORDANCE WITH
 MANUFACTURER'S WRITTEN INSTRUCTIONS
 FLASHING LAD TO FALL TO RIGHT
 OF DORMER AWAY FROM MAIN ROOF
 TYPICAL BLADE JUNE 2007 R/C/06
 BUTTERS TO BE INSTALLED AS
 PER MANUFACTURER'S WRITTEN SPEC.
 FLASHING LAD TO BE FITTED
 WITH TYPICAL FLASHING
 FULLY INSULATED EDGE WINDOWS TO
 BE SLOPED (SLOPE = 1/2" IN 12")
 ALUMINUM FOR THE 10' x 10' WINDOW
 HIGH PERFORMANCE (ORER EXPOSURE)
 THINER WINDOWS TO BE COLORED WHITE
 NETTING PLATE FINISH TO DORMER
 ALL LEAD WORK TO BE IN ACCORDANCE WITH
 LEAD SAFE ASSOCIATION MANUAL DETAILS
 NEW DOUBLE GLAZED SASH & CASE TIMBER
 FRAMED WINDOWS TO BE AS REFERRED TO
 BE THE FINISHED WHITE INFANTRY
 ALLOW FOR SHIMMING ALL WINDOW GLAZINGS
 INCLUDING BUTTERS A DOWN PIPES TO BE GLAZED
 JWC TO MAIN ELEVATION AND EAST DOWN PIPES
 PROFILES TO THE FRONT ELEVATION



Non-Glazed glass
 to be used in
 dormer

Fig 4 – Approved dormer at 29 Desswood Place – Ref: 120273 (nts) Proposed Dormer at 37 Carlton Place (nts)

Fig 4

This page is intentionally left blank

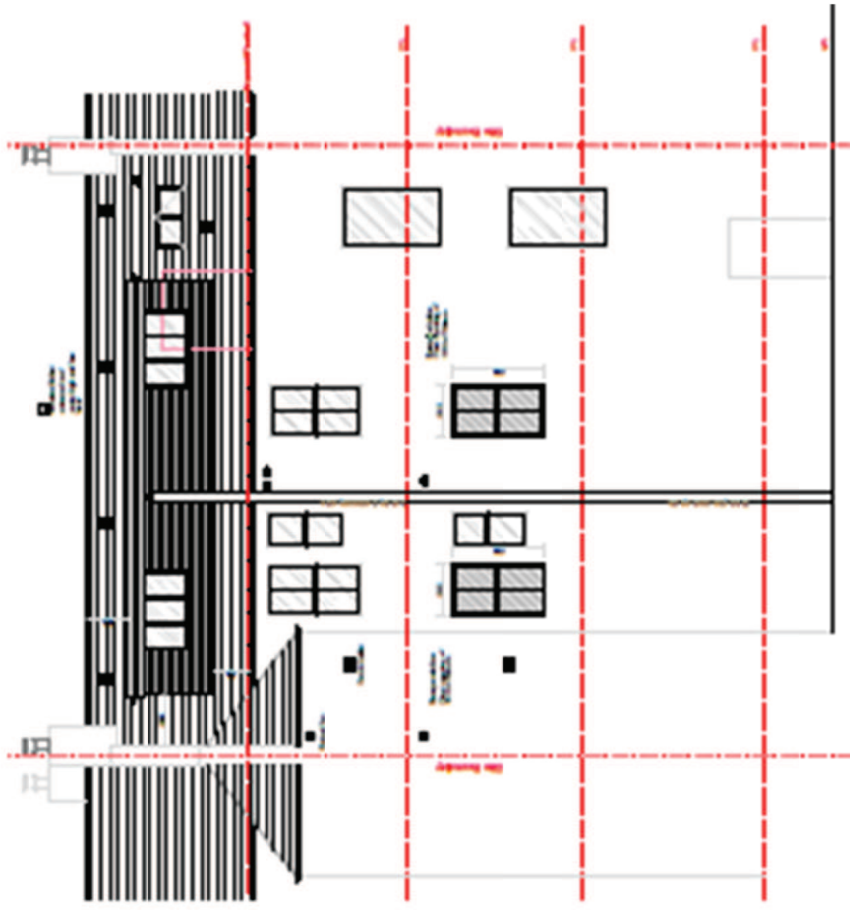
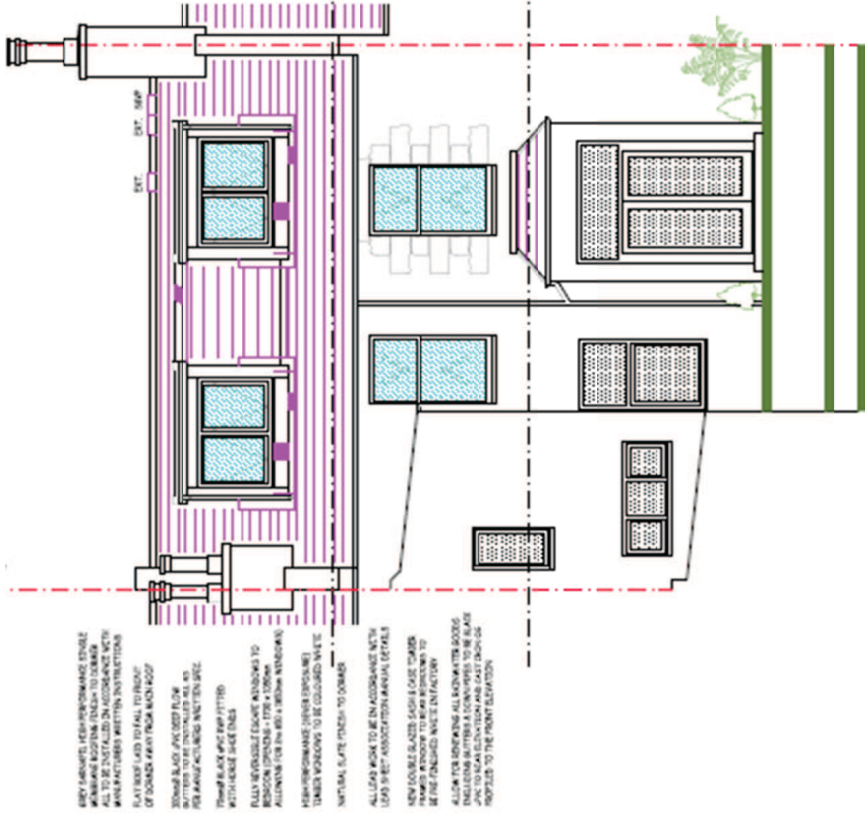


Fig 5 - Approved Dormer at 57 St Swithen Street - Ref: 130781 (nts) Proposed Dormer to 37 Carlton Place (nts)

Fig 5

This page is intentionally left blank

This page is intentionally left blank

Proposal Details

Proposal Name	Notice of Review - 37 Carlton Place - P150126
Proposal Description	Notice of Review - 37 Carlton Place - P150126
Address	37 CARLTON PLACE, ABERDEEN, AB15 4BR
Local Authority	Aberdeen City Council
Application Online Reference	000118951-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete
Payment Method	incomplete

Attachment Details

1930 - 002 - C	Attached	A1
1930 - 004 - A	Attached	A2
1930 - Planning Refusal - P150126	Attached	A4
1930 - Report of Handling - P150126	Attached	A4
NOR - 37 Carlton Place - Statement	Attached	A4
NOR - Appendix - Fig 1	Attached	A4
NOR - Appendix - Fig 2	Attached	A4
NOR - Appendix - Fig 3	Attached	A4
NOR - Appendix - Fig 4	Attached	A4
NOR - Appendix - Fig 5	Attached	A4
NOR - Appendix - Fig 6	Attached	A4
Notice of Review	System	A4
Notice of Review	System	A4
scotapp	System	A4
Site Plan	Attached	A4

This page is intentionally left blank