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

Town House,
ABERDEEN 09 July 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 2 - Town House on **THURSDAY, 16 JULY 2015** at **4.00 pm.**

RODERICK MACBEATH
SENIOR DEMOCRATIC SERVICES MANAGER

BUSINESS

- 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 Newburgh Circle - Change of Use of Amenity Space to Garden Ground - 141661

The documents associated with this application can be found at –
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141661>

PLANNING ADVISER - NICHOLAS LAWRENCE

- 2.1 Delegated Report (Pages 3 - 6)
- 2.2 Planning policies referred to in documents submitted (Pages 7 - 44)

- 2.3 Notice of Review with supporting information submitted by applicant / agent (Pages 45 - 50)
- 2.4 Determination - Reasons for decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.5 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

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

- 3 21 Ashley Park Lane - Extension to Premises to provide re-located Office Space and Archive - 150025

The documents associated with this application can be found at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150025>

PLANNING ADVISOR - PAUL WILLIAMSON

- 3.1 Delegated Report (Pages 51 - 58)
- 3.2 Planning policies referred to in documents submitted (Pages 59 - 62)
- 3.3 Notice of Review with supporting information submitted by applicant / agent (Pages 63 - 78)
- 3.4 Determination- Reasons for decision
Members, please note that reasons should be based against the development plan policies and any other material considerations.
- 3.5 Consideration of conditions to be attached to the application if Members are minded to over - turn the decision of the case officer

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Martyn Orchard on 01224 523097 or email morchard@aberdeencity.gov.uk

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations, shall be carried out in stages.
3. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
4. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
5. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
 - (a) written submissions;
 - (b) the holding of one or more hearing sessions;
 - (c) an inspection of the site.
6. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
7. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

DETERMINATION OF REVIEW

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

9. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-

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

Agenda Item 2.1

Signed (authorised Officer(s)):

19 NEWBURGH CIRCLE, BRIDGE OF DON

CHANGE OF USE OF AMENITY SPACE TO
GARDEN GROUND

For: Mr Lewis Muirhead

Application Type : Detailed Planning
Permission

Application Ref. : P141661

Application Date : 05/11/2014

Advert :

Advertised on :

Officer : Hannah Readman

Creation Date : 14 January 2015

Ward: Bridge of Don (M Jaffrey/J Reynolds/S
Stuart/W Young)

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The site relates to an area of grassed, amenity ground which is situated to the south east of the applicants dwelling. The area measures approximately 80sq metres and is located on the corner of Newburgh Circle and a cul-de-sac (also Newburgh Circle). Trees have been planted around the perimeter of the site. The surrounding area is characterised by residential dwellings, primarily of two storey, detached and semi-detached designs.

RELEVANT HISTORY

An application to purchase the amenity ground was rejected by the property team in 2013. This decision was appealed against and went to the property sub-committee in April 2014 where the report recommended that the sub-committee uphold the officers original decision not to sell the amenity ground on the basis that it did not comply with planning policy. This decision was moved by 5 votes to 4 and the area of ground was sold, contrary to officer recommendation.

Prior to the sale of the amenity ground being completed, several approaches to the planning authority were made by the applicant, seeking advice on the acceptability of the change of use. On two separate occasions it was advised that

the change of use for a smaller strip of land immediately adjacent to the garage would be considered acceptable, the planning authority advised that the full area of land sought would not comply with current planning policies and guidelines.

PROPOSAL

This application seeks detailed planning permission for the change of use of 80sq metres of amenity ground to garden ground. No other works requiring of planning permission are proposed, such as a means of enclosure above 1m in height.

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.=141661>
On accepting the disclaimer enter the application reference quoted on the first page of this report.

CONSULTATIONS

Roads Projects Team – No objection subject to a visibility splay of 2.4m x 25m being maintained.

Environmental Health – No observations.

Flooding – No observations.

Community Council – No response received.

REPRESENTATIONS

None.

PLANNING POLICY

Aberdeen Local Development Plan 2012: Policy H1 (Residential Areas) –

The site is located within an H1 Residential Area, where the Council seeks to retain the residential character and amenity of the area.

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)

Supplementary Guidance - Householder Development Guide

Amenity space is a valued asset within a residential area.

- Proposals to change these spaces to private garden ground should not adversely affect amenity space which makes a worthwhile contribution to the character of the area.
- The proposal should not result in any loss of visual amenity including the loss of trees.
- The proposal should not result in the narrowing of footpath corridors or lead to a loss of important views along such footpaths.

- 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.

EVALUATION

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

The area of ground in question is located within a residential area, where the council seek to retain the residential character and amenity of such areas. Amenity space positively contributes to the appearance of an area and provides wildlife habitats, sustainable urban drainage systems, pedestrian routes and informal recreation areas, as well as visual interest and a break from built form, all to enhance the quality and sense of place. All proposals for changes of use are assessed on its own individual merits.

This particular area of amenity ground contributes to an area that designs out crime and designs in a sense of safety and provides a good safety standard for drivers, cyclists and pedestrians by ensuring clear visibility between Newburgh Circle, the cul-de-sac and around the corner. The change of use of this area of ground, if enclosed, would compromise this merit and could reduce the sense of safety experienced, by reducing the wide visibility. The Roads Project Team did not raise any objections subject to a visibility splay (2.4m by 25m at the junction of the cul-de-sac), which has been obstructed by the planting of trees, being maintained by the owner. In refusing planning permission, the Roads Project Team will be advised of these trees and asked if they wish to take any action to address this obstruction.

The amenity ground makes a worthwhile contribution to the character of the area given its prominent location on the corner of a through road. Its open appearance provides a welcoming space for all residents to enjoy visually, reducing the built form of the area. The loss of this area to garden ground would have an adverse impact on the visual amenity of the area if enclosed and would give rise to the setting of an undesirable precedent that would make it difficult to resist similar proposals in the future, further eroding visual amenity and resulting in over development of such residential areas. It is not in the public interest to lose amenity space to garden ground which could lead to the gradual erosion of overall amenity and appearance of an area with time. Its loss as valuable incidental open space would harm the visual amenity of the area to the extent that is deemed contrary to supplementary guidance and therefore can't be supported.

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, Policy H1 *Residential Areas* substantively reiterates the guidance given from Policy H1 in the adopted Local Development Plan and therefore raise no additional material considerations.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The proposal is contrary to Policy H1 Residential Developments of the Aberdeen Local Development Plan and the subsequent *Policy H1 Residential Areas* of the Proposed Aberdeen Local Development Plan, whereby the Council seeks to retain residential character and amenity of an area. The Supplementary Guidance "Householder Development Guide" is also not complied with as the change of use would result in the loss of a valued asset within a residential area and an undesirable precedent for such development that could result in a gradual erosion of amenity space would be set.

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

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Supplementary Guidance

Topic: Householder Development Guide



▪ INTRODUCTION

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

▪ OVERALL OBJECTIVE

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

▪ SCOPE OF GUIDANCE

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

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

▪ THE ROLE OF THE PLANNING SYSTEM

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

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

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

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

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

▪ STATUTORY REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

▪ GENERAL PRINCIPLES

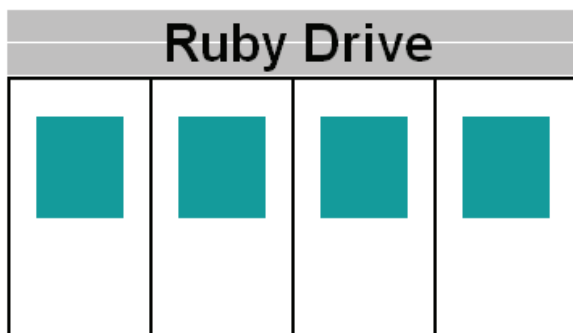
Elsewhere in this document, guidelines are set out in relation to specific types of development, such as house extensions, porches etc. In addition to those specific criteria, the following principles will be applied to **all** applications for householder development:

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

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

▪ **REAR & SIDE EXTENSIONS**

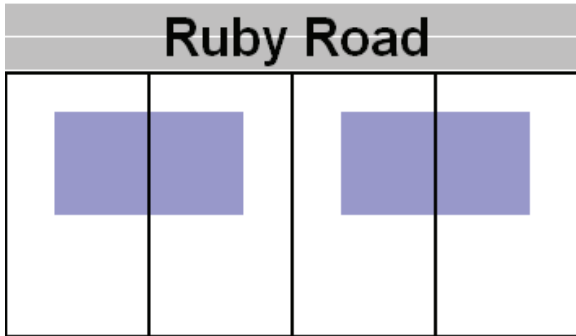
In addition to the design considerations noted above, the planning authority shall continue to apply guidelines relating to specific types of dwellings, as follows. Where dimensions are stated for projection of extensions, these should be measured from the rearmost original part of the main building,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



1. Detached Dwellings

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

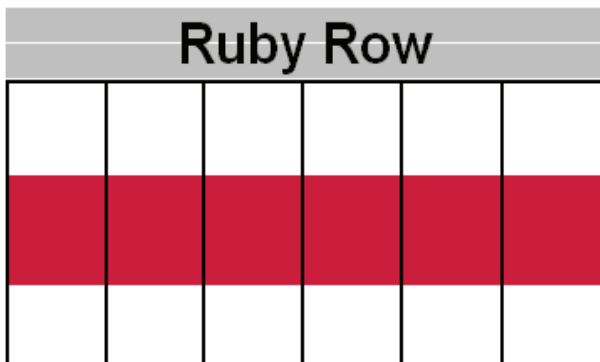
2. Semi-detached Dwellings



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

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

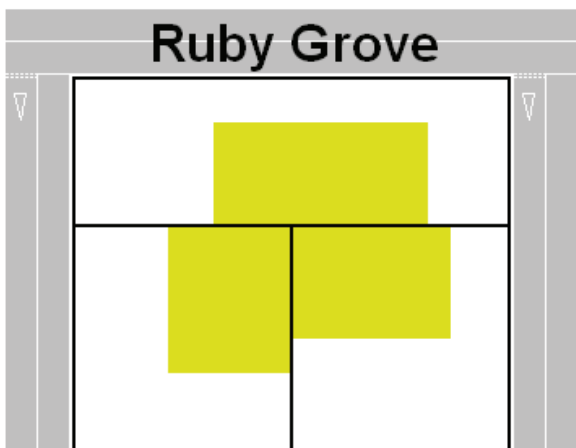
3. Conventional Terraced Dwellings



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

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

4. Grouped Terraces



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

▪ FRONT EXTENSIONS / PORCHES

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

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

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

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

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

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

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

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

▪ DORMER WINDOWS AND ROOF EXTENSIONS

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

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

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



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

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



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

Dormer Windows: General Principles

The following principles will normally apply in all cases:

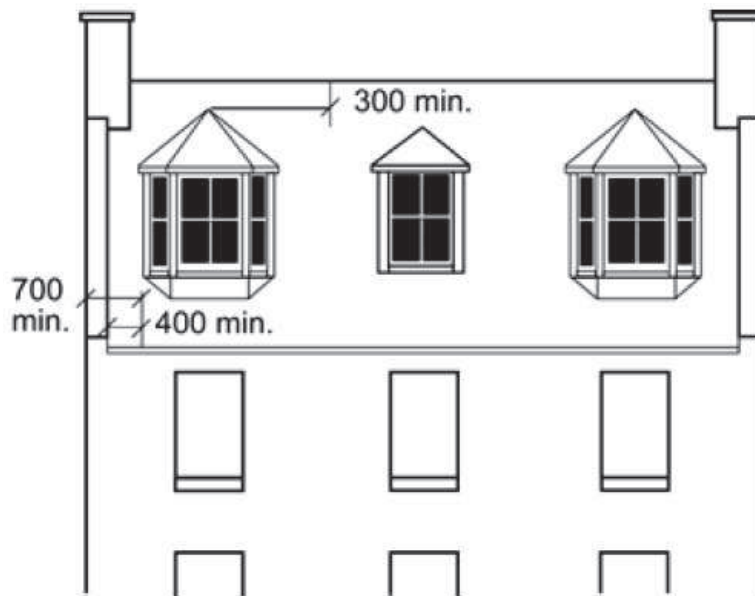
- a) On traditional properties, original dormers must be retained and repaired, and their removal and/or replacement with larger or modern dormers will not be permitted;
- b) The removal of inappropriate earlier dormers and roof extensions, and their replacement by architecturally and historically accurate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

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

Dormer Windows: Older properties of a traditional character

1. Front Elevations

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

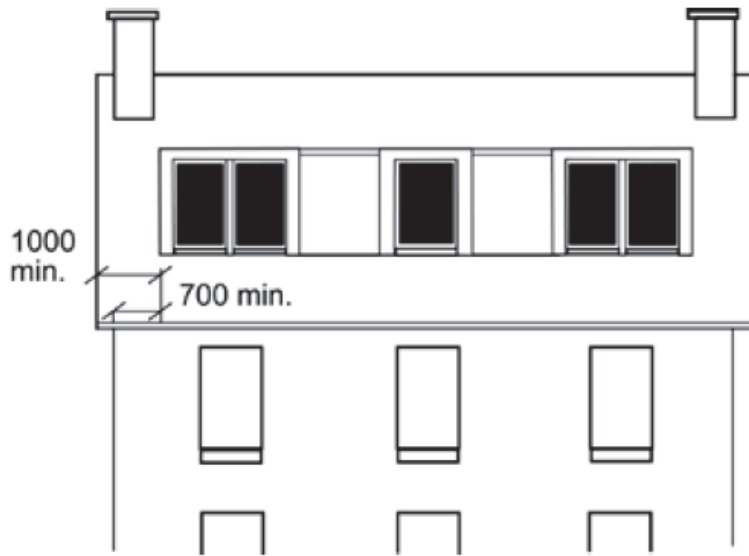


Piended dormers on typical Aberdeen tenement (linking dormers not acceptable on front elevations)

2. Rear Elevations and Exceptions

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

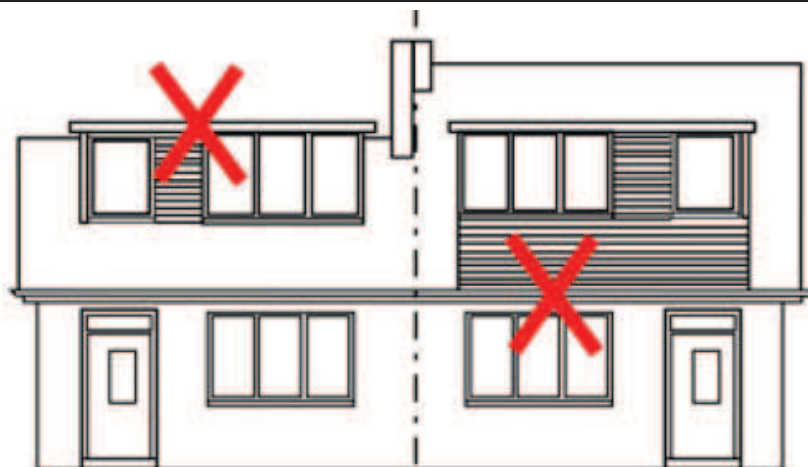
- a) The aggregate area of all dormer and/or dormer extensions should not dominate the original roof slope;
- b) Dormer haffits should be a minimum of 400mm in from the inside face of the gable tabling;
- c) The front face of dormer extensions should be a minimum of 400mm back from the front edge of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



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

Dormer Windows: Modern Properties

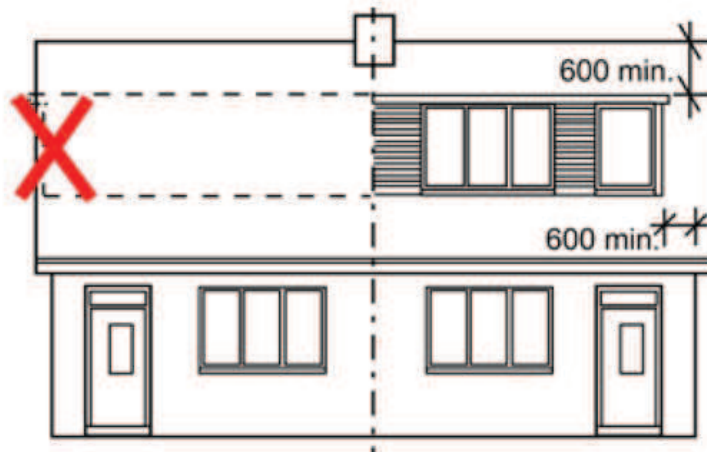
- a) Dormers and box dormer extensions have become common features in many modern housing areas, and the wide variety of designs of modern dwellings necessitates a greater flexibility in terms of design guidance. The amenity of other properties and the residential neighbourhood must however, still be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



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

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

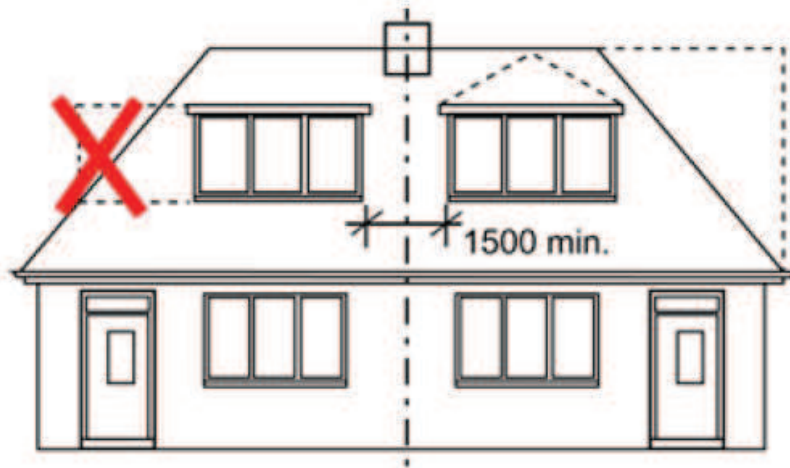
- d) The roof of the proposed extension should not extend to, or beyond the ridge of the existing roof, nor should it breach any hip. Dormer extensions cannot easily be formed in hipped roofs. Flat roofed extensions should generally be a minimum of 600mm below the existing ridge;
- e) The dormer extension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



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

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

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

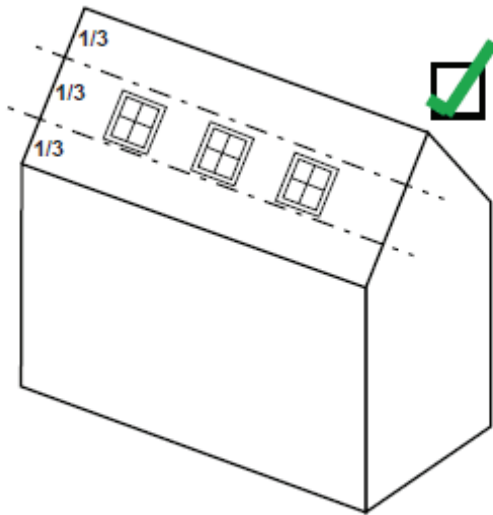


Flat roofed dormers on more traditional hipped roof house (Dormers should not breach hips. A pitched roof on this kind of dormer greatly increases its bulk). Extending roof to the gable on one side only is best avoided.

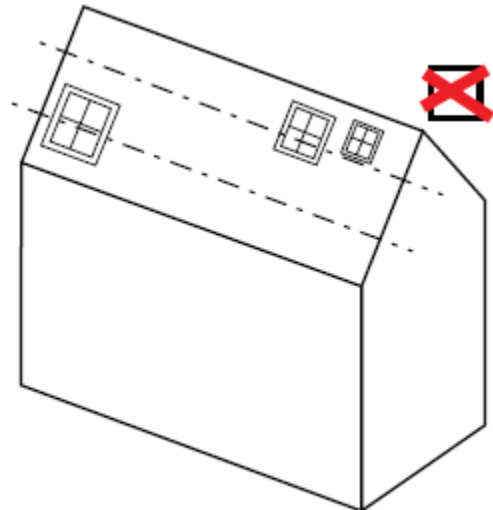
▪ **ROOFLIGHTS**

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

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



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



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

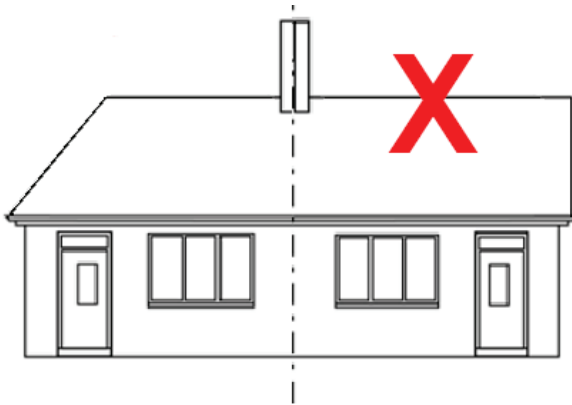
b) Rooflights should have a conspicuously vertical proportion. Seen from ground level, the foreshortening effect will tend to reduce the apparent height of the window, giving it a more squat appearance;

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

d) Large timber or cast iron rooflights divided into several sections were frequently provided above stairwells. It is not ideal to replace these with a single-pane modern rooflight. If the original rooflight cannot be repaired, aluminum or steel patent glazing is a more satisfactory option; and

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

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



Hipped roof extensions

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

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

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

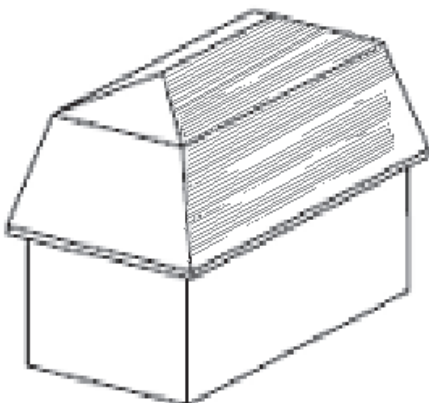
Half dormer windows

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



Wall-head gables

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



Mansard Roofs

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

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

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

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

▪ OTHER DOMESTIC ALTERATIONS

Replacement Windows and Doors

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

Satellite Dishes

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

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

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

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

Decking

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

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

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

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

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

Fences, Walls and Other Boundary Enclosures

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

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

Driveways

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

Planning permission will be required in the following circumstances;

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

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

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

Microrenewables

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

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

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

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

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

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

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

Asset Management
Enterprise, Planning and Infrastructure

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX A: GLOSSARY OF TERMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fenestration - The arrangement of the windows in a building.

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

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

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

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

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

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

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

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

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

Piended – scots term for hipped (pronounced peended)

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

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

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

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

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

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

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

Wallhead – The uppermost section of an external wall.

APPENDIX B: APPLICATION CHECKLIST GUIDE

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

APPENDIX C: DAYLIGHT AND SUNLIGHT

Daylight

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

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

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

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

The 45° Method for daylight

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

DIAGRAM 1: 45° METHOD

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

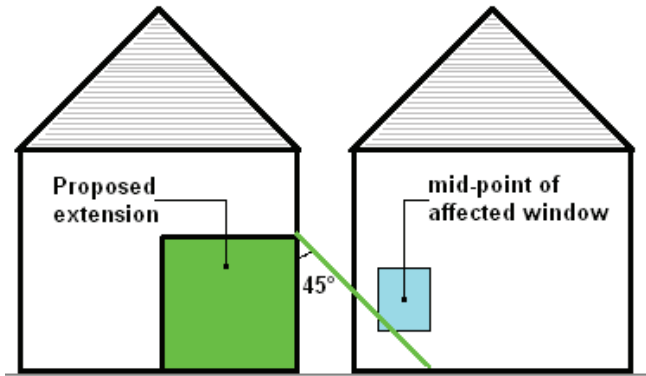


Fig A: Elevation view

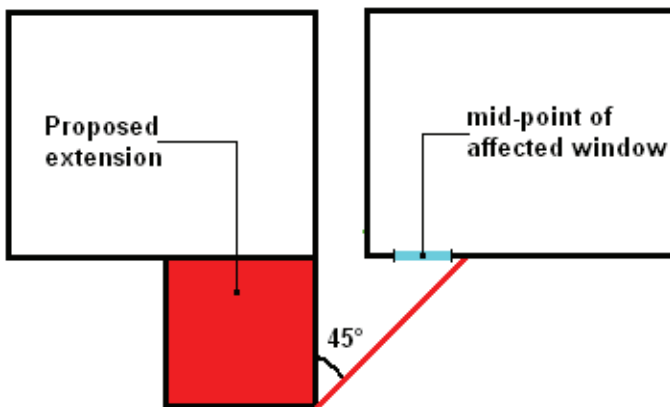


Fig B: Plan view

The 25° Method

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

DIAGRAM 2: 25° METHOD

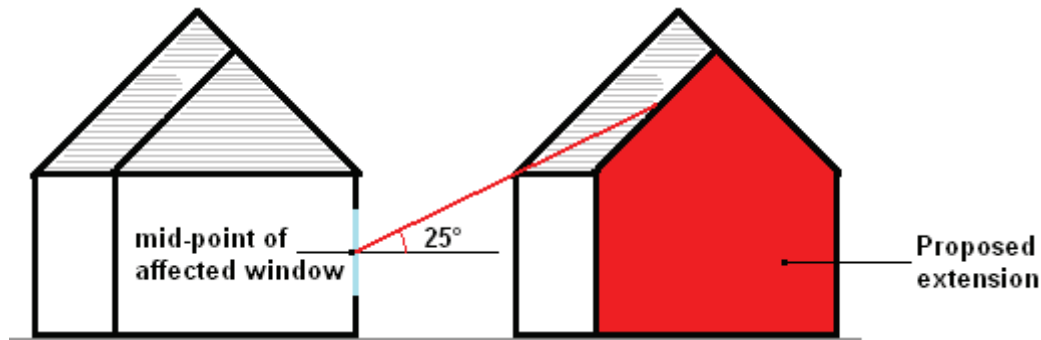


Fig A: Proposed extension may result in loss of daylight to adjacent window of a habitable room

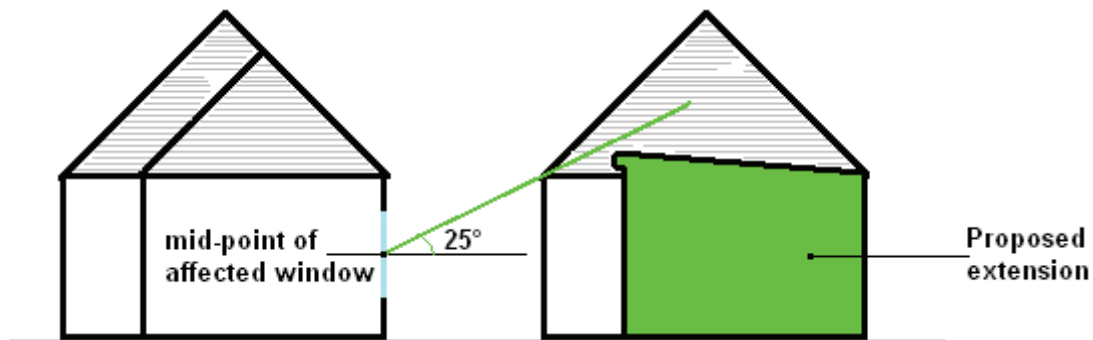


Fig B: Proposed extension would not result in loss of daylight to adjacent window of a habitable room

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

Sunlight

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

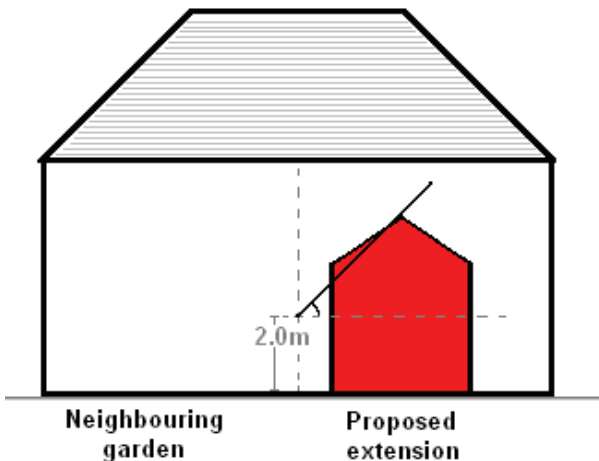
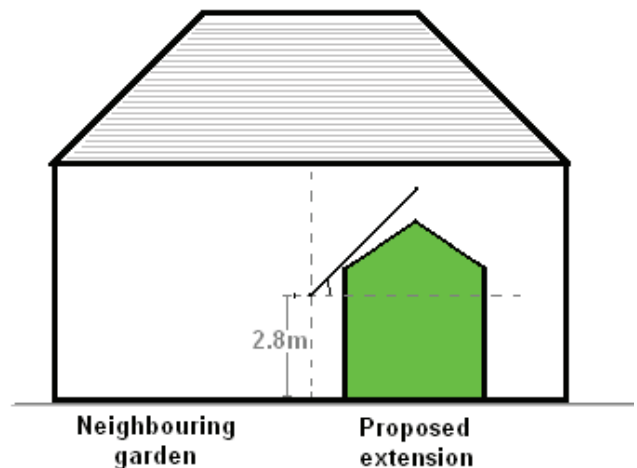
The method used involves drawing a line at 45 degrees to the horizontal. This line will begin at a point above ground level on the relevant boundary. The height above ground level will be determined by the orientation of the proposed building or structure relative to the affected space, as shown in the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

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

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

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

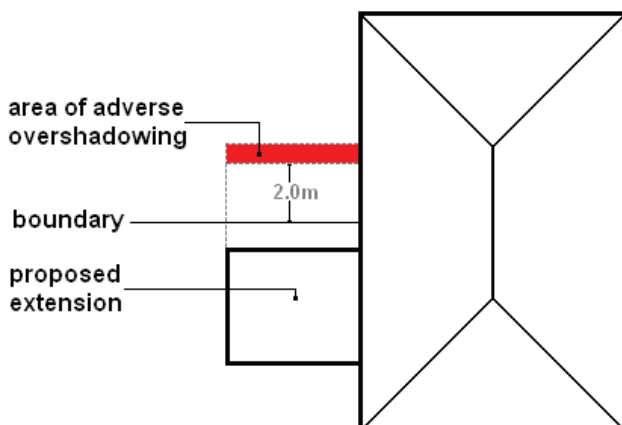
The diagram in Example 1 shows that the line drawn would not strike any part of the proposed extension, and therefore for the purposes of this test there would be no adverse affect on sunlight to the neighbouring garden.



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

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

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



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

Appendix D: Privacy

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

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

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

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

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

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

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

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

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Agent (if any)

Name

Name

Address

Address

Contact Telephone 1

Contact Telephone 2

Fax No

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

E-mail*

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

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Planning authority

Planning authority's application reference number

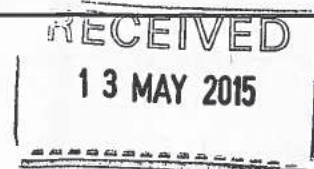
Site address

Description of proposed development

Date of application

Date of decision (if any)

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



Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

Site inspection

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

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

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

Statement

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

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

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

THE FINANCE (SHEET) & RESOURCES COMMITTEE ASKED TO
 SELL ME AT HAND ON THE BASIS THAT I WOULD USE
 IT FOR RESIDENTIAL + ANNUITY PURPOSES. I WOULD BE WILLING TO
 WORK OUT PLANS TO RISE UP THAT ANY PROBLEMS THEY
 JOSEPH IN THE HANDS AT HAND CAN BE OVERTONE.

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

Yes No

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

List of documents and evidence

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

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

Checklist

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

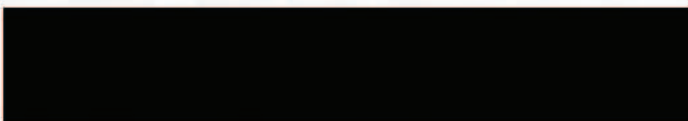
- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

Declaration

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

Signed



Date

15/5/15

From: Lewis [mailto: [REDACTED]]
Sent: 26 May 2015 23:34
To: Anna Wisniewska
Cc: Dawn Clark
Subject: Re: Notice of Review for P141661 - 19 Newburgh Circle, Bridge Of Don

Hi Anna

Ref Statement

The finance policy and resources committee via the property sub committee on the 22nd April 2014 agreed to sell me the amenity ground at 19 Newburgh circle bridge of don , Elected members on that committee were made aware of the objections by planning and others , but still decided to proceed with the sale . The planning department said in the report to the committee in the 22nd April that they would be willing to sell me one metre strip of the amenity land so the objection to selling of the amenity land is not a fair or true argument . I would be more than willing to work with planning to obtain the land but accept a restriction on use such as putting a hedge up that may restrict any views .

The land I wish to purchase is adjacent to my property and is often used by young persons for anti social Behaviour , and since I have taken over tendering of the area this nuisance has reduced significantly.

I would ask the committee to come out and visit the site and see for yourselves that there is no real problems in selling me the land

Regards Lewis Muirhead

Sent from my iPhone

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Agenda Item 3.1

Signed (authorised Officer(s)):

21 ASHLEY PARK LANE, ABERDEEN

EXTENSION TO PREMISES TO PROVIDE
RE-LOCATED OFFICE SPACE AND
ARCHIVE

For: Mr Alan Ross

Application Type : Detailed Planning
Permission

Application Ref. : P150025

Application Date : 07/01/2015

Advert :

Advertised on :

Officer : Gavin Clark

Creation Date : 23 April 2015

Ward:

Community Council: No response received

RECOMMENDATION: Refuse

DESCRIPTION

The application site is located on the western end of Ashley Park Lane, a cul-de-sac that runs between and parallel to Ashley Park South and Great Western Road and consists of a garage building with associated car parking to the side. The building is a pre-fabricated industrial style unit with a rectangular footprint and pitched roof, finished in profile metal sheeting. To the east of the building is a surfaced yard which is used for the parking of associated vehicles. There are a number of domestic garages located to the east in a linear form, five of which are in the control of the applicant.

The surrounding area is predominantly residential in nature, and includes granite-built residential properties on all sides. The site is located immediately adjacent to the Great Western Road Conservation Area.

RELEVANT HISTORY

Planning permission (Ref: 141345) was approved in November 2014 for a single storey extension to the garage to provide ancillary office accommodation.

Planning permission (Ref: 98/0074) was refused in March 1998 for the relocation of the office and storage facility on the grounds (1) that the proposal was contrary to the Councils policy on Back Lane Businesses as set out in paragraph 4.2.8. of the adopted Local Plan because it would result in the expansion and the

intensification of a non-conforming use in a back lane location in close proximity to domestic properties to the detriment of existing residential amenity and (2) the proposal would by virtue of its failure to accommodate additional off street parking to serve the new extension, result in overdevelopment of the site and in doing so would contravene the Council's adopted Car Parking Standards. In addition, it would result in the loss of existing on-site parking provision all to the detriment of road safety, public safety and the free flow of traffic in Ashley Park Lane.

PROPOSAL

The application seeks detailed planning permission for the erection of a two storey extension on the eastern elevation of the building, on land currently used for parking/storing vehicles. The building would measure approximately 4m x 21.5m and would have an overall height of approximately 6m. The building would be located 3m from the application site boundary. The ground floor of the extension would include a reception, office space, toilet facilities and a stairwell at ground floor level, as well as an archive, stairwell and canteen at first floor level. The building would be finished in grey cladding and would include glazing on the front (south) elevation.

Supporting Documents

All drawings relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref.=150025>

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

CONSULTATIONS

Roads Development Management - have advised that they would not object to the application, are content that adequate car parking could be provided within the building, to the side and within the lock-ups to compensate for the intensification in use brought about by the extension to the building.

Environmental Health – no observations.

Communities, Housing and Infrastructure (Flooding) – no observations

Community Council – no response received.

REPRESENTATIONS

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

1. That the proposal would constitute over development in a predominantly residential area;
2. That the proposed extension would remove a significant amount of car parking space from the yard, exacerbating the problem in the surrounding area;
3. That the proposal would have an unacceptable impact on the levels of privacy afforded to neighbouring properties; and
4. The scale of development would obstruct a significant amount of daylight from neighbouring properties.

PLANNING POLICY

Aberdeen Local Development Plan

Policy D1: Architecture and Placemaking: states that, 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.

Policy H1: Residential Areas: states that, within existing residential areas, proposals for non-residential uses will be refused unless: they are considered complementary to residential use; or it can be demonstrated that the use would cause no conflict with, or nuisance to the enjoyment of existing residential amenity.

Proposed Aberdeen Local Development Plan

- Policy D1: Quality Placemaking by Design; and
- Policy H1: Residential Areas

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 Development

The application site is located within an area zoned as “residential” in the Aberdeen Local Development Plan. The corresponding policy H1 sets out that within such areas proposals for non-residential uses will be refused unless they are considered complementary to residential use; or it can be demonstrated that the use would cause no conflict with, or nuisance to existing residential amenity. A commercial garage has existed on this site for many years and whilst such a use is not considered to be complementary to residential use, it has nevertheless been established. Accordingly, this application requires to be assessed on the basis of whether the expansion of the building and the intensification of the use would conflict with or nuisance to the existing residential amenity.

The site is located in a predominantly residential area and the development would involve the intensification of this non-residential use. The existing garage covers a floor area of approximately 303 sqm and would see an increase in the floor area associated with the garage of 56% arising from the provision of an additional 172 sqm over two floors.

Whilst it is noted that there would be only a marginal increase in the floor area for vehicle repairs (which would see the existing office space vacated and removed to the extension), by increasing the size of the building to such an extent (taking both floors into account) it is reasonable to conclude that the business activity and use of the premises would intensify. The floor space within the workshop and thus its capacity to accommodate vehicles for repair would be increased. Further, the extension would occupy part of an area currently used for parking and storing vehicles. As a result, there is the potential for the displaced vehicles to be parked in the lane. There are no parking restrictions in the lane. It is reasonable to assume that overspill parking would occur, which could result in access to the domestic garages in the lane being blocked, to the detriment of the amenity of the residents in the locality. The intensification of the activity of the site, the potential additional vehicles movements that would occur and the potential overspill parking on the lane cumulatively would negatively impact on the residential character and amenity of the surrounding area to an unacceptable degree. As a result the proposed development does not accord with Policy H1 (Residential Areas) of the ALDP.

Design

The proposal would see the installation of a two storey extension that would be finished in grey cladding and would include elements of glazing. The proposal would include materials that complement the character and appearance of the existing building and it is assessed that the design has been undertaken with due consideration for its context. The proposed design therefore accords with the general terms of Policy D1 (Architecture and Placemaking) of the ALDP.

The proposal has also been assessed in terms of potential impact on neighbouring properties, including those lying adjacent in Ashley Park Lane. The windows at ground floor level would be obscured by a large fence and the high level window at first floor level would provide light into a proposed canteen. It is considered that any impact on privacy/ overlooking would be negligible and not to such an extent as to warrant refusal of planning permission. In addition, the agent has provided drawings indicating that the overbearing impact of the proposed extension would not be to such a degree as to warrant refusal of planning permission. Any overshadowing in the rear gardens would be negligible and only for small periods of the day.

Roads Issues

The Council's Roads Officer has not objected to the planning application. However, it should be noted that the loss of car parking (five spaces to the side of the building) have not been compensated for elsewhere within the site, which could result in further indiscriminate car parking on the surrounding road network and on the back lane leading to the business.

Letters of Objection/ Conclusion

The issues raised in the letters of representation have mostly been addressed in the above evaluation. It was concluded that there would be the potential for overspill parking, restricting the use of domestic garages on the lane to the detriment of residents in the surrounding area, thus impacting on residential amenity. Daylighting, privacy and the scale of the proposed extension have also been discussed in greater detail above.

For the reasoning mentioned above the proposed development is considered to be unacceptable. Other material considerations do not outweigh the proposals failure to accord with Policy H1 (Residential Areas) and is therefore recommended for refusal.

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 within the proposed ALDP are similar to those of the adopted ALDP; therefore no further evaluation is required in respect of the proposed ALDP.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

That the proposal is contrary to Policy H1 Residential Areas of the Aberdeen Local Development Plan because it would result in the expansion and the intensification of a non-conforming use in a back lane location in close proximity to domestic properties to the detriment of the existing residential amenity. The loss of existing on-site parking would be likely to result in overspill parking occurring on the lane, to the detriment of the existing residential amenity.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 05 February 2015 19:37
To: PI
Subject: Planning Comment for 150025

Comment for Planning Application 150025

Name : Helen Turner
Address : 9 Ashley Park South
Aberdeen AB10 6RP

Telephone :

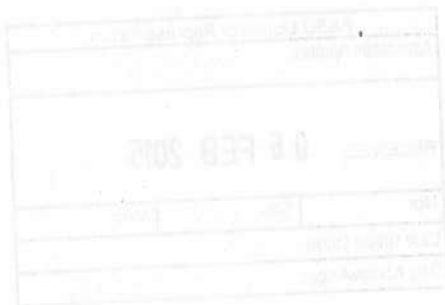
Email [REDACTED]

type :

Comment : This planning application is for a business which is over development in a residential area. The business is motor repairs and servicing which attracts cars to the area, as the plans remove a significant amount of parking space from the yard, there will be significant extra pressure on an already congested area, which includes a school, and a church (which operates 7 days per week).

The plans show a significant amount of glass on the first floor. This is a infringement of privacy on the residential gardens which would be overlooked by the development. The scale of the development will obstruct a significant amount of daylight from neighbouring properties (in addition to shading already experienced from the existing building)and this is in contravention of Aberdeen City Council Guidelines

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Policy D1 – Architecture and Placemaking

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

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

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

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

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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

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NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

Yes No

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

Planning authority

Planning authority's application reference number

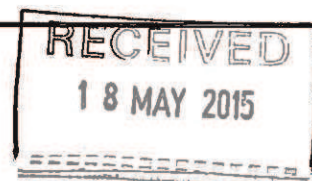
Site address

Description of proposed development

Date of application

Date of decision (if any)

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



Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

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:

None

Statement

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

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

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

Refer to separate document.

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

Yes No

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

List of documents and evidence

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

3766_sk01A - Plans + Elevations Approved 2014 Scheme
 3766_100 - Plans + Elevations Refused Scheme
 3766_101- Daylight Assesment
 3766_102 - Existing + Proposed View_01
 3766_103 - Existing + Proposed View_02

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

Checklist

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

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

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

Declaration

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

Signed  Date

Mr Alan Ross

21 Ashley Park Lane, Aberdeen, AB10 6RZ

Request for review of refusal of planning application P150025 for the erection of an extension to provide re-located office and archive

Statement to accompany the Notice of Review.

Introduction

This Notice of Review has been prepared by Fitzgerald and Associates Ltd on behalf of Mr Alan Ross 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 construction of an extension to the repair garage premises at 21 Ashley Park Lane.

Site Description

The application site is located on the western end of Ashley Park Lane, a cul-de-sac which runs between and parallel to Ashley Park South and Great Western Road. Ashley Park Lane is essentially a service lane providing rear access to properties and to lock up garages throughout its length.

The property consists of a garage building with associated car parking to the side. The building is a pre-fabricated industrial style unit with a rectangular footprint and pitched roof, finished in profile metal sheeting. There is a surfaced yard to the east of the building which is used for the parking of associated vehicles. The applicant has control of five of the lock up garages in the lane, close to the repair garage.

The surrounding area is predominantly residential in nature, and includes granite residential properties on all sides. The site is not covered by any special protection and lies outwith any conservation area.

The repair garage is a long established business, operating for 25+ years, providing a service to an extensive local customer base. The applicant and his family have, throughout their time operating the business, sought to be a good neighbour and are not aware of any complaints about the operation of the business.

Proposal

The application seeks full planning permission for the erection of a two storey extension on the eastern elevation of the building, on land currently used for parking of vehicles. The building would measure approximately 3.8m x 21.3m and would have an overall height of approximately 6m. This is 1.5 metres lower than the ridge line of the existing workshop. The building would be located 3m from the application site boundary. The ground floor of the extension would include a reception, office space, toilet facilities with the first floor being used as an archive store and canteen. The building would be finished in grey cladding and would include glazing on the front elevation to the lane.

Decision of Appointed Officer

The application was refused on 1 May 2015 for the following reason.

That the proposal is contrary to Policy H1 Residential Areas of the Aberdeen Local Development Plan because it would result in the expansion and the intensification of a non-conforming use in a back lane location in close proximity to domestic properties to the detriment of the existing residential amenity. The loss of existing on-site parking would be likely to result in overspill parking occurring on the lane, to the detriment of the existing residential amenity.

A copy of the decision is attached as appendix 1 and a copy of the Report of Handling as appendix 2

Relevant Planning History

Planning permission was granted on 7 November 2014 for the erection of a single storey extension to provide ancillary office accommodation, which covers part of the footprint of the proposed extension under review. Refer to drawing 3766_sk01a

Response to Grounds of Refusal and Assessment of Application by the Appointed Officer

It is agreed that the two most relevant Aberdeen Local Development Plan policies are those which are discussed in the Report of Handling namely Policy H1 - Residential Areas and Policy D1 - Architecture and Placemaking.

It is unfortunate however that no reference was made in the Report of Handling to the central aims of national policy in terms of Scottish Planning Policy and the high level aims of the Aberdeen City and Shire Strategic Development Plan 2014 to support sustainable economic development. Small businesses make a very important contribution to the economy. The garage business at 21 Ashley Park Lane employs 11 staff as well as providing an important service to the local area.

Policy D1

Policy D1 seeks to ensure high standards of design. The proposed extension has been designed to give a crisp, contemporary appearance which will enhance the appearance of the existing premises. The Appointed Officer in the Report of Handling considers that:

'The proposal would include materials that complement the character and appearance of building and it is assessed that the design has been undertaken with due consideration for its context. The proposed design therefore accords with the general terms of Policy D1 (Architecture and Placemaking) of the ALDP'.

The impact of the proposed extension on neighbouring residential properties has also been considered in terms of Policy D1. Information was submitted which confirms that the proposed extension meets the requirements of best practice set out in the Building Research Establishment: Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BR 209). This is shown in drawing 3766_101.

The Appointed Officer concluded that;

'The proposal has also been assessed in terms of potential impact on neighbouring residential properties has been considered, including those lying adjacent in Ashley Park Lane. The windows at ground floor level would be obscured by a large fence and the high level window at first floor level would provide light into a proposed canteen. It is considered that any impact on privacy/ overlooking would be negligible and not to such an extent as to warrant refusal of planning permission. In addition, the agent has provided drawings indicating that the overbearing impact of the proposed extension would not be to such a degree as to warrant refusal of planning permission. No overshadowing in the rear gardens is anticipated.'

It is clear, therefore, that the proposal meets the requirements of Policy D1 both in terms of the overall design quality and that there is no adverse impact on residential amenity by virtue of the scale, form and siting of the proposed extension.

Policy H1

Policy H1 requires that within existing residential areas, proposals for non-residential uses will be refused unless:

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

The policy does not distinguish between the extension of existing non-residential uses and the introduction of new uses in to the area.

The garage is a long established business use which has been operated in a considerate manner without detriment to residential amenity.

The application seeks permission for a modest extension to the premises essentially to allow improved administration, storage and staff facilities.

The reason for refusal appears to relate solely to concerns about displaced parking into the lane and the impact this will have on residential amenity. The application involves the loss of one car parking space above that which was approved in terms of the 2014 permission. That space is difficult to access and would be easily blocked. The applicants have sought to address the issue of car parking by the use of neighbouring lock up garages for vehicle storage. The workshop itself is not being extended. However the relocation of the existing small office space provides an additional car bay to meet new MOT legislation.

The conclusion of the Appointed Officer in terms of Policy H1 is

'As a result, there is the potential for the displaced vehicles to be parked in the lane. There are no parking restrictions in the lane. It is reasonable to assume that overspill parking would occur, which could result in access to the domestic garages in the lane being blocked, to the detriment of the amenity of the residents in the locality. The intensification of the activity of the site, the potential additional vehicles movements that would occur and the potential overspill parking on the lane cumulatively would negatively impact on the residential character and amenity of the surrounding area to an unacceptable degree. As a result the proposed development does not accord with Policy H1 (Residential Areas) of the ALDP'.

There is no evidence to support this conclusion.

The Roads Officer's comments which are attached as appendix 3 clearly state that the Roads Section supports the application. It is not clear why the Report of Handling refers to the Roads Section as not objecting to the application whereas, in fact, the Roads Section positively support the proposal and it is worth repeating the Roads Comment's below.

' The previous application noted there were 5 lock ups in the ownership of the garage providing space for vehicle storage in addition to vehicles stored within the garage workshop space. Aberdeen City Council guidelines require the service bays to have 3 parking spaces available.

Given the office space to the east side of the building relocates the office and facilities currently sited within the garage, there is an increase in vehicle parking within the garage building. The additional parking space available in the lock ups, as noted in P141345, can be regarded as storage space for vehicles.

I would support the application'.

It is felt that there is no justification for the Appointed Officer's conclusions and that there is no reason to believe that the proposed extension will cause any adverse impact to residential amenity by reason of traffic issues.

There was no response received either from the Community Council or any other consultee.

Letter of Objection

The Report of Handling indicates one letter of objection was received which was summarised in the Report. It is unfortunate that further in the Report, under the evaluation of the application, it refers to letters rather than the single letter which was summarised. The objections relate to the following matters -

- '1. That the proposal would constitute over development in a predominantly residential area;
2. That the proposed extension would remove a significant amount of car parking space from the yard, exacerbating the problem in the surrounding area;
3. That the proposal would have an unacceptable impact on the levels of privacy afforded to neighbouring properties; and
4. The scale of development would obstruct a significant amount of daylight from neighbouring properties'.

It is felt that these issues have all been addressed in this Statement which demonstrates conclusively that there is no adverse impact on residential amenity either as a result of the scale and form of the extension or through parking or traffic in the lane.

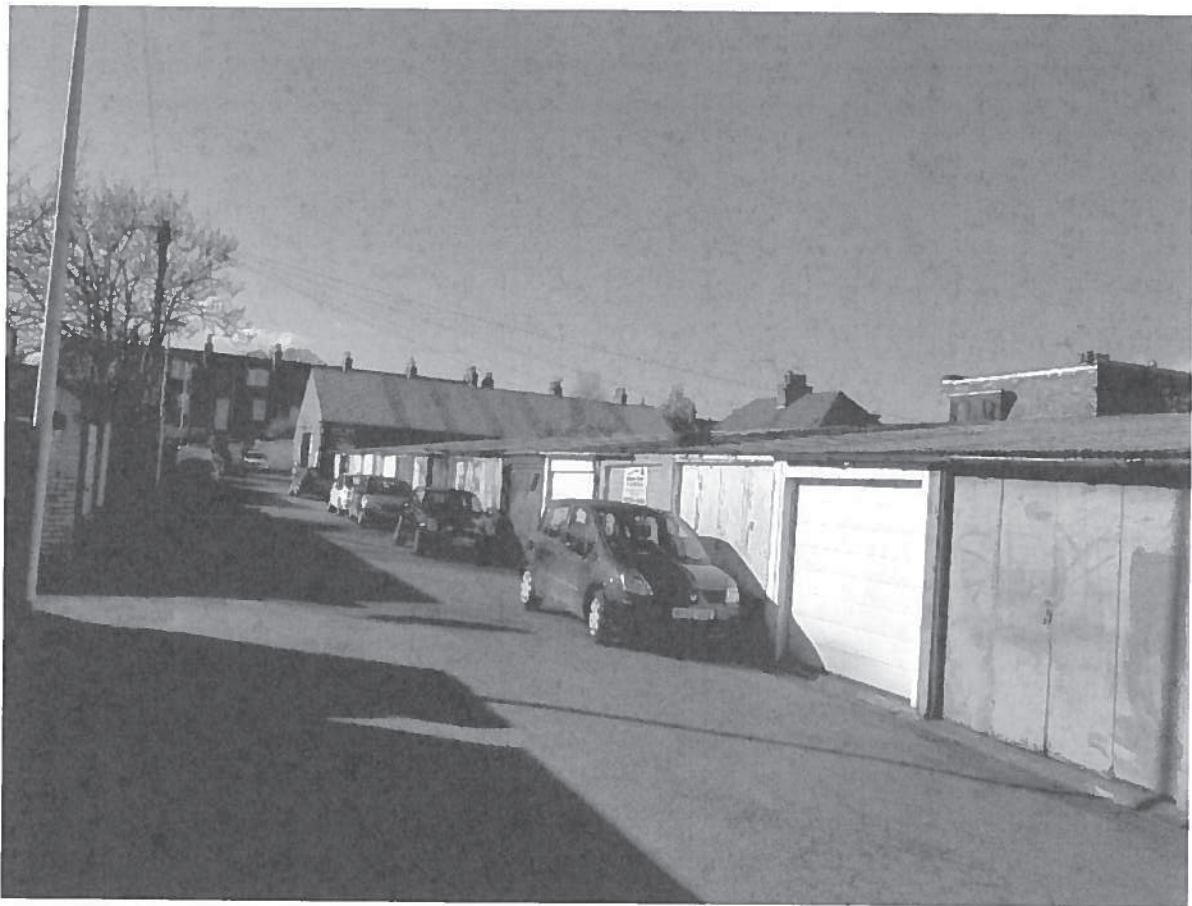
It is felt there are no other material considerations.

Conclusion

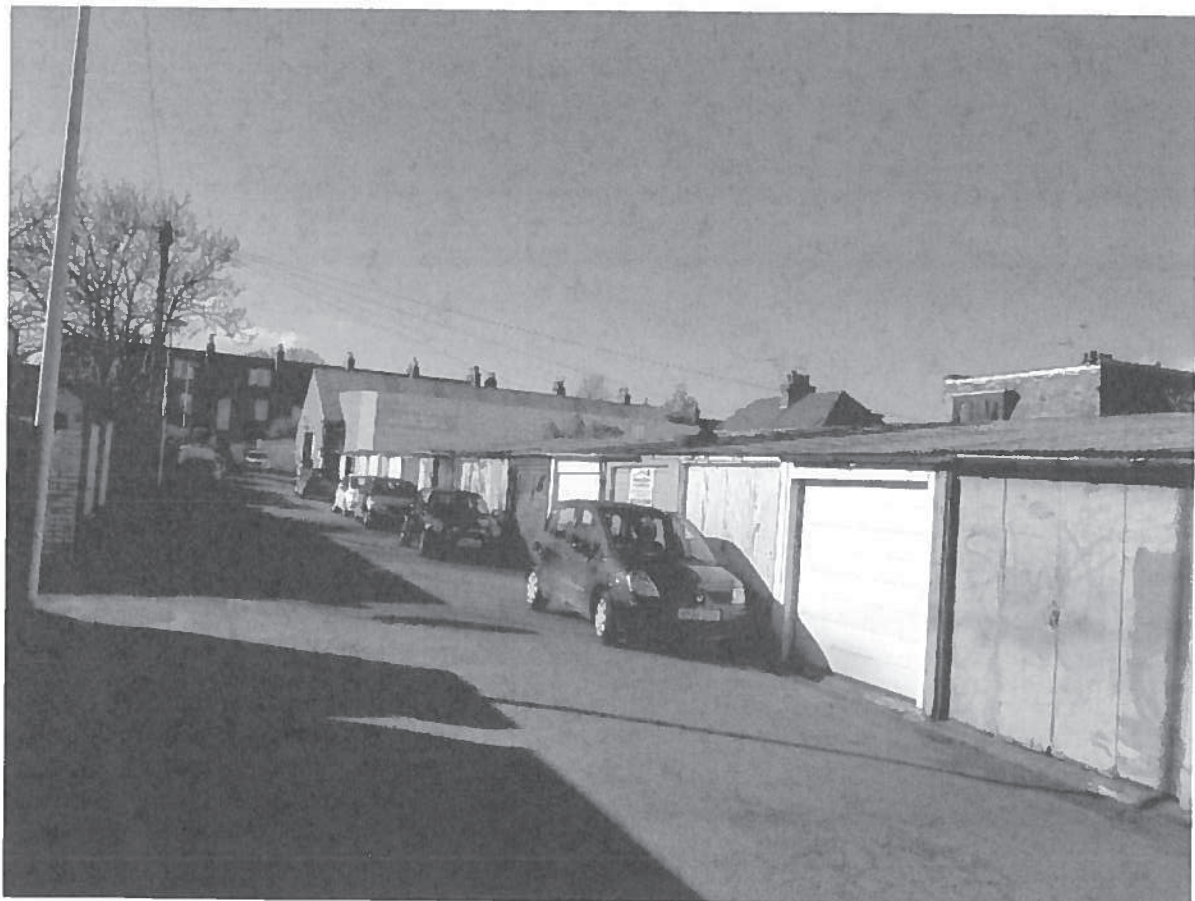
The extension to the premises has been well designed to respect the character of the area and to protect residential amenity. The site can readily accommodate the development without giving rise to parking or traffic issues in Ashley Park Lane.

The Local Review Body is accordingly asked to grant this appeal to allow a long established, successful, small, local business to develop in a sensitive manner.

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Existing View_01



Proposed View_01

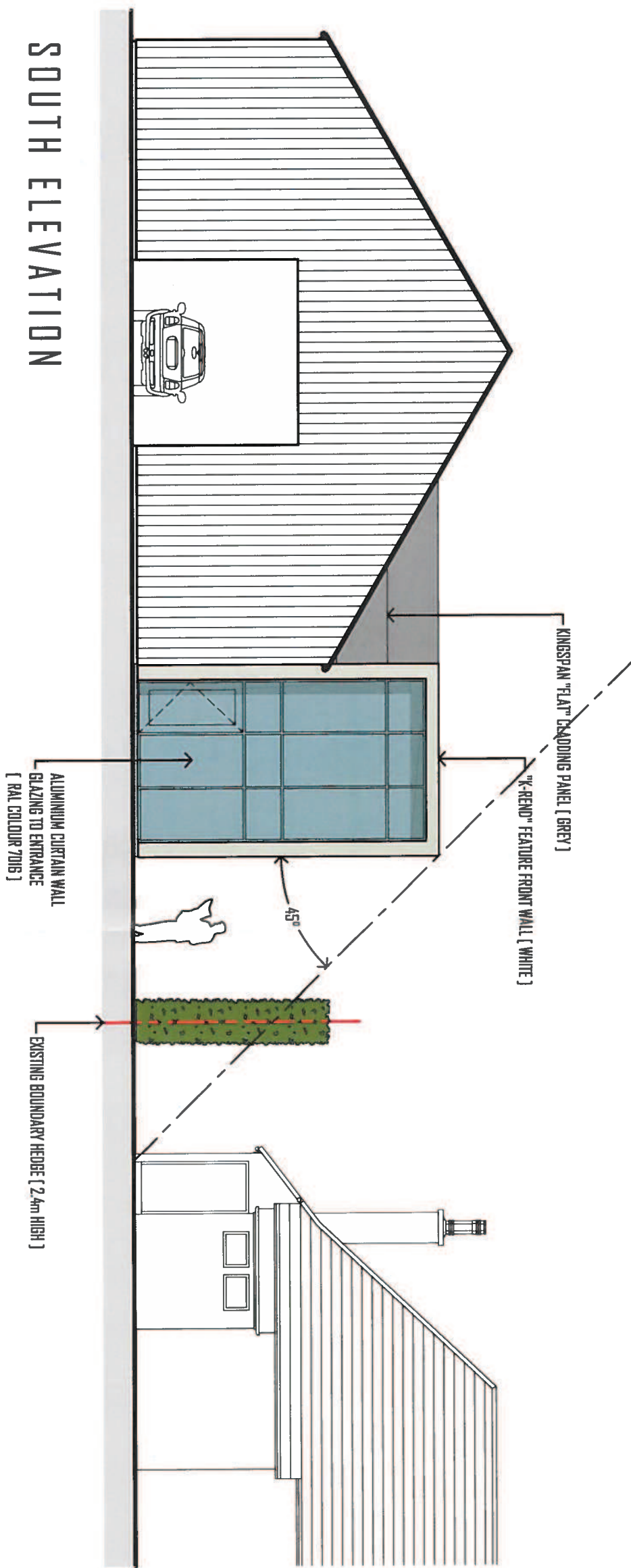


Existing View_02



Proposed View_02

SOUTH ELEVATION

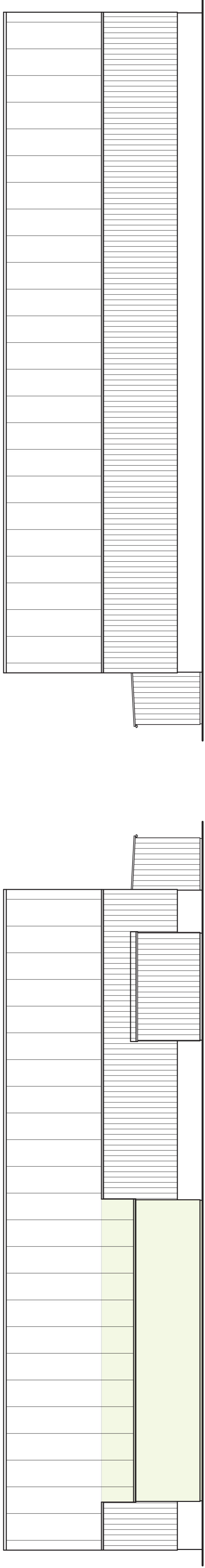


DRAWING - 3766_ID1 - SCALE A3 = 1 : 100



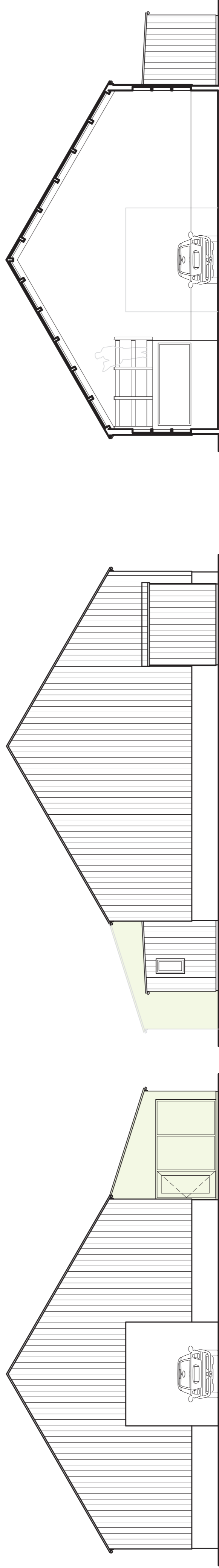
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Rev.:	Date:	Comments:
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EAST ELEVATION

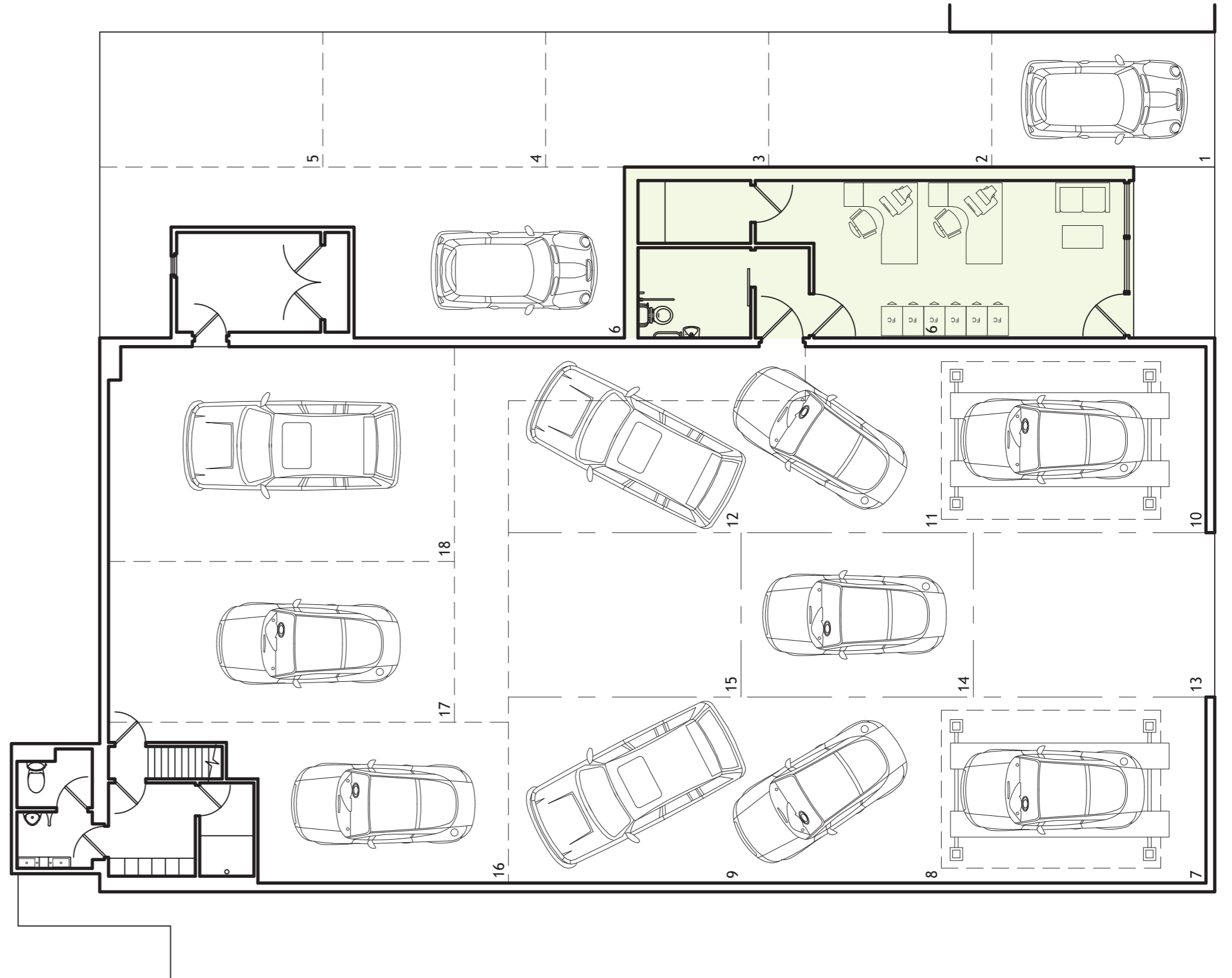
WEST ELEVATION



SOUTH ELEVATION

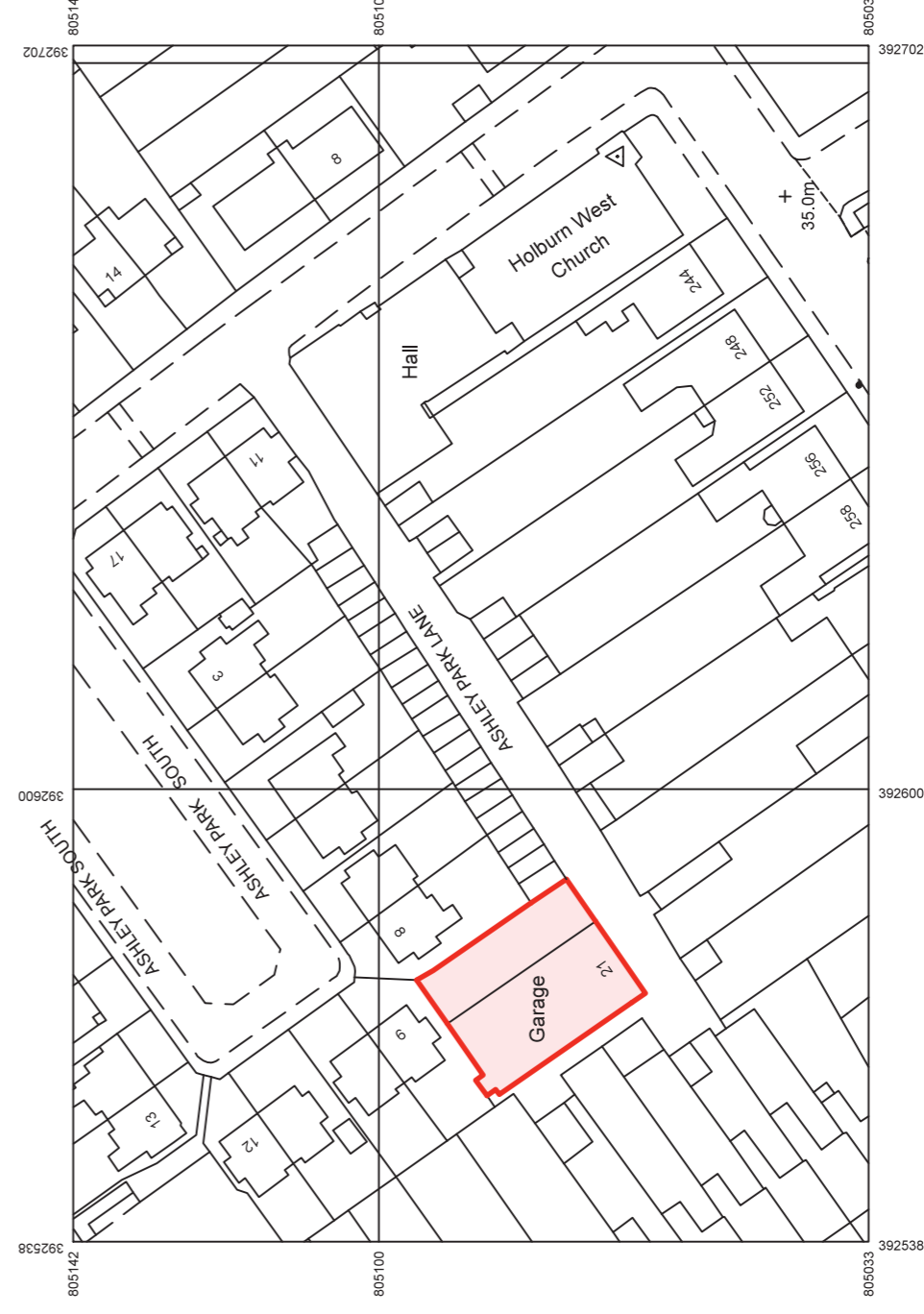
NORTH ELEVATION

SECTION AA



GROUND FLOOR PLAN

Ordnance Survey[®]
Superplan Data[®]



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Location Plan [scale 1 : 1000]

FITZGERALD ASSOCIATES (+) ARCHITECTURAL + INTERIOR DESIGNERS 53 ABERDEEN STREET, ABERDEEN, AB9 5YX Tel: +44 (0)1224 633375 Fax: +44 (0)1224 638620 Email: info@fitzgeraldassociates.co.uk	
Client:	Alan J Ross (Motor Engineers) Ltd
Project:	Garage Extension 21 Ashby Park Lane Aberdeen AB10 6EZ
Description:	Sketch Plans Floor Plan + Elevations
Drawn By:	Alan J Ross
Scale:	1 : 100
Date:	October 2012
Project No.:	3766
Drawing No.:	sk01
Rev.:	A

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