

# Public Document Pack



To: Councillor Milne , Convener; and Councillors Donnelly and Lawrence

Town House,  
ABERDEEN 13 January 2016

## **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 **WEDNESDAY, 20 JANUARY 2016 at 10.00 am.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **B U S I N E S S**

- 1 Procedure Notice (Pages 5 - 6)

**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**

#### **PLANNING ADVISER - GARETH ALLISON**

- 2.1 1 Birch Road - erection of single storey extension to front of existing dwelling house - 151555
- 2.2 Delegated Report and Letters of Objection (Pages 7 - 16)

- 2.3 Planning policies referred to in documents submitted (Pages 17 - 60)
- 2.4 Notice of Review with supporting information submitted by applicant / agent  
(Pages 61 - 68)
- 2.5 Determination - Reasons for decision  
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

**PLANNING OFFICER - ROBERT FORBES**

- 3.1 109 Spital - Change of use from dwelling to house in multiple occupation (HMO) and associated external alterations - 150870
- 3.2 Delegated Report and Letters of Objection (Pages 69 - 82)
- 3.3 Planning policies referred to in documents submitted (Pages 83 - 98)
- 3.4 Notice of Review with supporting information submitted by applicant / agent  
(Pages 99 - 104)
- 3.5 Determination - Reasons for decision  
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 3.6 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

**PLANNING OFFICER - LUCY GREENE**

- 4.1 OldTown Farm Peterculter - erection of dwelling house at OldTown Farm Peterculter - 150710
- 4.2 Delegated Report and Letters of Objection (Pages 105 - 112)
- 4.3 Planning policies referred to in documents submitted (Pages 113 - 116)

- 4.4 Notice of Review with supporting information submitted by applicant / agent  
(Pages 117 - 130)
- 4.5 Determination - Reasons for decision  
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 4.6 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Lynsey McBain on [lymcbain@aberdeencity.gov.uk](mailto:lymcbain@aberdeencity.gov.uk) / tel 01224 522123

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## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

### PROCEDURE NOTE

#### GENERAL

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

#### DETERMINATION OF REVIEW

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

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

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

# Agenda Item 2.2

Signed (authorised Officer(s)):

1 BIRCH ROAD, ABERDEEN

ERECTION OF SINGLE STOREY  
EXTENSION TO FRONT OF EXISTING  
DWELLING HOUSE.

For: Mr & Mrs Saul

Application Type : Detailed Planning  
Permission

Application Ref. : P151555

Application Date : 25/09/2015

Advert :

Advertised on :

Officer : Alex Ferguson

Creation Date : 21 October 2015

Ward: Hilton/Woodside/Stockethill (G Adam /  
L Dunbar)

Community Council: No comments

## **RECOMMENDATION:**

**Refuse**

## **DESCRIPTION**

The application site comprises a 2 storey end-terraced dwellinghouse situated on the corner of Birch Road and Rowan Road. The corner-plot nature of the site means that the dwelling is slightly unorthodox in that it has a dual-frontage onto both streets and does not have a rear garden area, with both its southern and western elevations being bound by adjoining terraced properties. The c. 44sqm dwelling sits in a 170sqm plot with a garden area of 126sqm. The front garden area is entirely paved with lock-block paving stones. The dwelling has an existing porch and front access door on its northern, principal elevation.

## **RELEVANT HISTORY**

**92/2469** – Planning permission was granted in 1992 for the erection of a front porch on the dwelling's northern elevation and for the erection of garden walls.

## **PROPOSAL**

Permission is sought for the erection of a conservatory extension to the eastern elevation of the dwelling. The extension would project 3.99m out from the existing dwelling with a width of 3.98m. The extension would have a hipped, glazed roof with a ridge height of 3.9m and an eaves height of 3m. It would be predominantly glazed on each of its three elevations and would be finished with brick walls.

## **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=151555>

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

## **CONSULTATIONS**

**Roads Development Management** – No observations

**Environmental Health** – No observations

**Communities, Housing and Infrastructure (Flooding)** – No observations

**Community Council** – No comments

## **REPRESENTATIONS**

One letter of objection to the proposals was received. The issues raised in the letter of objection can be summarised as follows:

- The proposed conservatory would allow for the overlooking of the adjacent neighbouring property's front windows, therefore resulting in a loss of privacy;
- The extension would result in the significant overshadowing of the neighbouring property and a loss of daylight receipt;
- The extension would have an adverse impact on visibility splays and road safety;
- The extension would not be in keeping with the area.

## **PLANNING POLICY**

### **Aberdeen Local Development Plan (2012)**

#### **Policy D1 - Architecture and Placemaking**

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting.



Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

### **Policy H1 - Residential Areas**

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

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

### **Supplementary Guidance – Householder Development Guide**

#### Rear and side extensions – Grouped Terraces

Extensions should not project forward of any established building line

#### 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.

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.
- 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.

#### Daylight/sunlight calculations

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).

### Privacy

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.

### **Proposed Aberdeen Local Development Plan**

The following policies of the Proposed ALDP substantively reiterate the above policies of the Adopted Local Plan:

- D1 – Quality Placemaking by Design
- 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.

### Defining the principal and side elevations

The application property sits on the corner of Birch Road and Rowan Road and is considered to be a 'dual-frontage' dwelling. In such circumstances, it is important to define which elevation of the property is considered to be the principal elevation, so that the relevant guidance on householder extensions can be applied accordingly.

The front access door and porch are situated on the building's northern elevation which fronts onto Birch Road. This elevation is therefore considered to be the principal, or front, elevation of the dwellinghouse and the eastern elevation which

fronts onto Rowan Road can therefore be defined as the dwelling's side elevation.

However, due to the unorthodox corner plot nature of the site, the eastern elevation of the dwelling, on which the applicant is proposing to erect the extension, forms part of a uniform building line which includes the remainder of the terrace fronting on to Rowan Road. As a result, it is considered appropriate in this circumstance to apply the supplementary guidance relating to rear and side extensions to Grouped Terraces, as contained within the Householder Development Guide.

#### Supplementary guidance on house extensions

The guidance on rear and side extensions to Grouped Terrace properties states that: 'extensions should not project forward of any established building line'. As a result of the uniform building line of which the dwelling's eastern elevation forms part, the erection of any extension on this elevation would clearly be contrary to this guidance, the intention of which is to ensure that the visual character of the street scene would remain consistent and uncluttered.

Although it is considered that the guidance relating to side extensions to 'Grouped terrace' properties is perhaps most appropriate in this circumstance given the principal elevation of the property faces north, it is acknowledged that due to the uniform building line of the Rowan Road terrace of which the application dwelling forms part, the dwelling can be considered to have a dual-frontage onto both streets and that in this circumstance, it would be appropriate to also assess the proposal against the front extensions guidance.

If assessed against the front extensions guidance, the proposed extension would still be non-compliant, as it would incorporate an additional room not to be used solely for the purpose of protection from a storm and it would not pay careful consideration to the extent of the building line and the position of the adjacent buildings.

On the basis of the above, it is clear that the proposal conflicts with policies D1 (Architecture and Placemaking) H1 (Residential Areas) of the Aberdeen Local Development Plan and the relevant supplementary guidance. There are no material considerations which outweigh the relevant policies and guidance. The proposal would establish an undesirable precedent for similar applications. The cumulative impact of permitting such extensions would be to the detriment of visual amenity, arising from the erosion of the uniformity of the streetscene.

#### Overdevelopment

The Council's guidance does not have an official definition of exactly what constitutes overdevelopment, as overdevelopment should be considered within the context of each site. Although the extension would have a relatively small footprint when viewed in the context of the original dwelling, given the unorthodox

nature of the site where the dwellinghouse effectively has two front elevations and no private rear garden ground, the erection of any extension other than a n entrance porch or potentially a bay window would not be considered acceptable, in accordance with the aforementioned guidance for front extensions. Therefore, taking into account the site specific circumstances, it is considered in this case that the proposed extension would result in the overdevelopment of the site, which is contrary to Policy H1 (Residential Areas) of the ALDP.

#### Impact on residential amenity

The proposed extension would be set 1m in from the mutual southern boundary with No. 70 Rowan Road. Calculations demonstrate that the separation distance, combined with the hipped roof, single storey design of the extension and its orientation to the north of the adjacent property would be sufficient to ensure that it would not have a detrimental impact on the amount of daylight or sunlight received by No. 70 Rowan Road.

The extension would contain a large amount of glazing and it would be possible for occupants of the extension to look toward the windows of some neighbouring properties. However, the nearest properties on the opposite side of Rowan Road would be situated approximately 18m away and the separation distance is considered sufficient to ensure that there would not be a detrimental impact on the existing level of privacy enjoyed by the occupants of these properties.

The immediately adjacent neighbouring property to the south, at No. 70 Rowan Road, has a window on its front elevation at ground floor level that could be overlooked by users of the proposed conservatory. However, the window appears to serve a non-habitable room and would be situated at an angle from the proposed extension. Although the window could be overlooked by the occupants of the proposed extension, it is considered that the non-habitable nature of the overlooked room, combined with the angle between the extension and the window and the already public nature of the existing street-facing window would mean that any loss of privacy for the occupants of the neighbouring property would be relatively insignificant and not sufficient to warrant the refusal of the application.

It is therefore considered that the proposed works would not have a detrimental impact on the existing residential amenity of the area, in accordance with Policy H1 (Residential Areas) of the ALDP and the relevant supplementary guidance as contained within the Householder Development Guide.

#### Concerns raised in the letter of objection

The objector's concerns relating to overshadowing and a loss of privacy and daylight receipt have been addressed in the foregoing evaluation, as has the impact the extension would have on the character of the area.

The additional issue of the potential for the extension to have an adverse impact on road safety was also raised by the objector. The Council's Roads Development Management Team (RDMT) were consulted on the application and responded with no observations in this regard. Any issues regarding impact on visibility splays and road safety would have been picked up by the RDMT but they are satisfied that the extension would not have a detrimental impact in this regard.

#### Proposed Aberdeen Local Development Plan

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

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

The foregoing can only be assessed on a case by case basis. In relation to this particular application, Policies D1 and H1 of the Proposed Local Plan substantively reiterate the corresponding relevant policies of the Adopted Local Plan. The proposed works are considered to be contrary to the relevant policies of Adopted Local Plan for the reasons given in the foregoing evaluation and there are no material considerations – including the policies of the Proposed Local Plan – that would otherwise warrant the approval of the application.

## **RECOMMENDATION**

**Refuse**

## **REASONS FOR RECOMMENDATION**

**Refuse for the following reasons:-**

1. By virtue of extending beyond the eastern elevation of the dwelling, which forms part of a uniform building line, the proposed extension would disrupt the uniformity and integrity of the terrace and would therefore have a significant detrimental impact on the visual character of the area and result in the overdevelopment of the site. On the basis of the above, the proposal fails to demonstrate due regard for its context. It is clear that the proposal is contrary to

Policies D1 (Architecture and Placemaking) and H1 (Residential Areas) of the Aberdeen Local Development Plan and there are no material considerations which otherwise override the relevant policies. The proposed development would be contrary to the relevant supplementary guidance as contained within the Council's Householder Development Guide as it would result in an extension which projects beyond an established building line. It would create an unacceptably adverse impact upon visual amenity and character of the street scene.

2. That approval of this proposal would establish an undesirable precedent for similar applications, the cumulative impact of which would be to the detriment of visual amenity, arising from the erosion of the uniformity of the streetscene. It is therefore recommended to refuse planning permission in this case.

Comment for Planning Application 151555

Name : E.Whiteley

Address : 70 Rowan Road

Aberdeen

AB16 5LH

Application Number: 151555

Proposed Development at: 1 Birch Road Aberdeen, AB16 5LG

19th October 2015

Dear Sirs,

I would like to raise the following objections to the above proposed development.

The proposed development would run close to and along the majority of the shared boundary with my property. The plans show windows directly overlooking my property which would result in a serious loss of privacy. This would be an unneighbourly development. Individuals have a right to the peaceful enjoyment of all their possessions which includes their home and other land [Human Rights Act]. The proposed development in overlooking my property would prevent the enjoyment of my property. Private and family life encompasses not only the home but also the surroundings [Human Rights Act, Article 8]. I would urge you to consider the responsibilities of the council in this.

Although a one storey development, there would still be significant overshadowing and loss of light to the detriment of my property. Due to the orientation of current buildings, light is already limited to the ground floor. The position of the proposed development would further reduce natural light to my property.

The position of the development would reduce sight lines to the junction between Birch Avenue and Rowan Road. Rowan Road invariably has parking on one side of the street and as a through road carries significant traffic. There are already safety problems from this. The proposed development would delay visibility to the junction when approaching from the South.

I am not aware of similar developments in the immediate area and the proposed development would not be in keeping with the nature of the area and its housing density as there would be disproportionate loss of space. The proposed development, considering its size and position, would have an overbearing effect.

E. Whiteley

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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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## 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](http://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](mailto: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

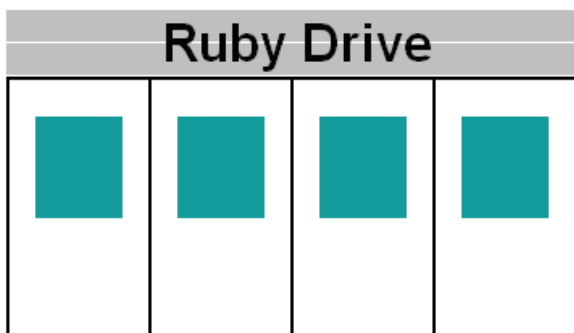
Elsewhere in this document, guidelines are set out in relation to specific types of development, such as house extensions, porches etc. In addition to those specific criteria, the following principles will be applied to **all** applications for householder development:

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**

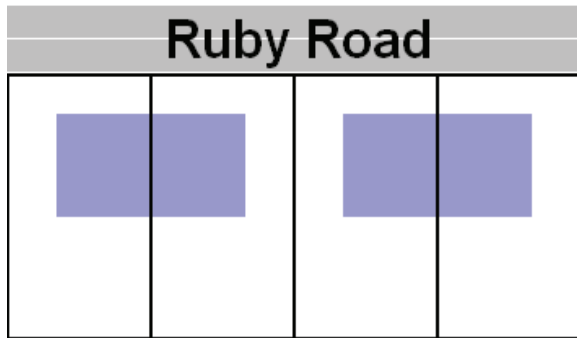
In addition to the design considerations noted above, the planning authority shall continue to apply guidelines relating to specific types of dwellings, as follows. Where dimensions are stated for projection of extensions, these should be measured from the rearmost original part of the main building,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

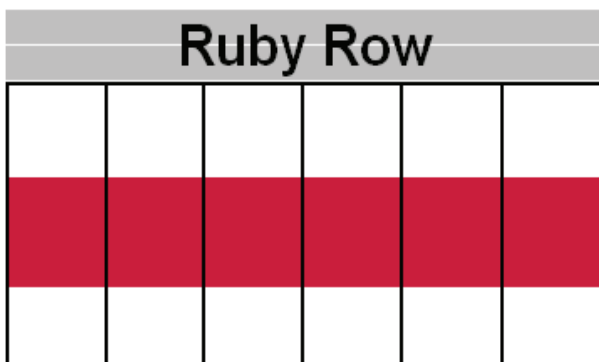
## 2. Semi-detached Dwellings



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

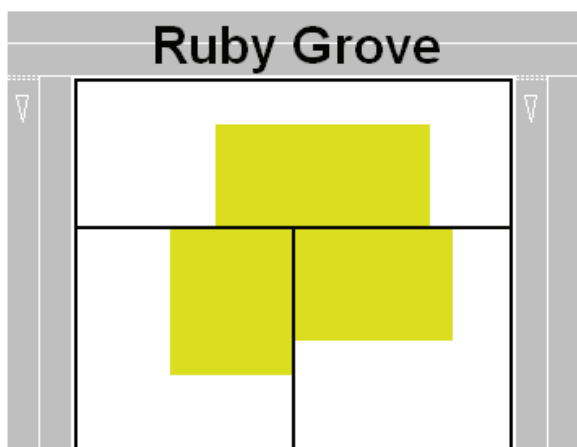


(a) Single storey extensions to terraced dwellings will be restricted to 3m in projection along a mutual boundary.

(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:

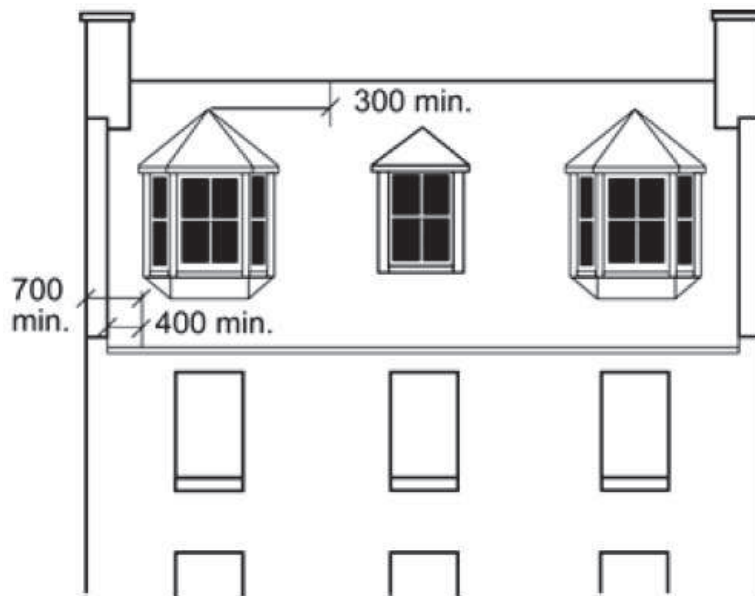
- a) On traditional properties, original dormers must be retained and repaired, and their removal and/or replacement with larger or modern dormers will not be permitted;
- b) The removal of inappropriate earlier dormers and roof extensions, and their replacement by architecturally and historically accurate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



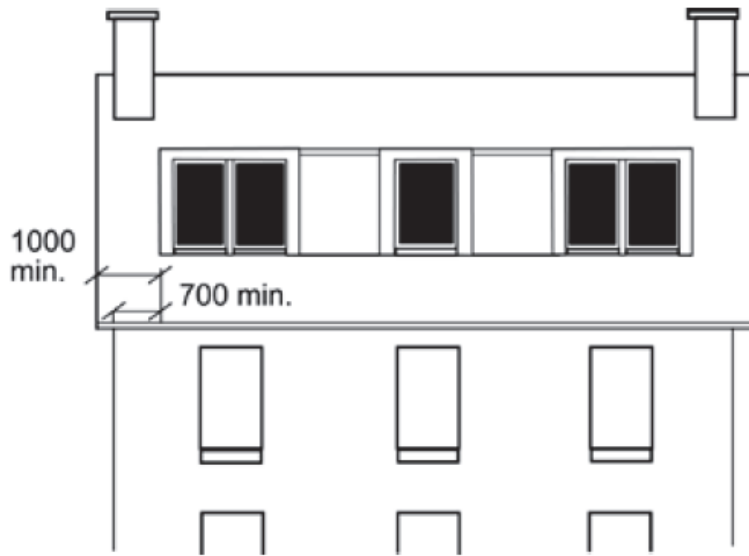
Piended dormers on typical Aberdeen tenement (linking dormers not acceptable on front elevations)

## 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.

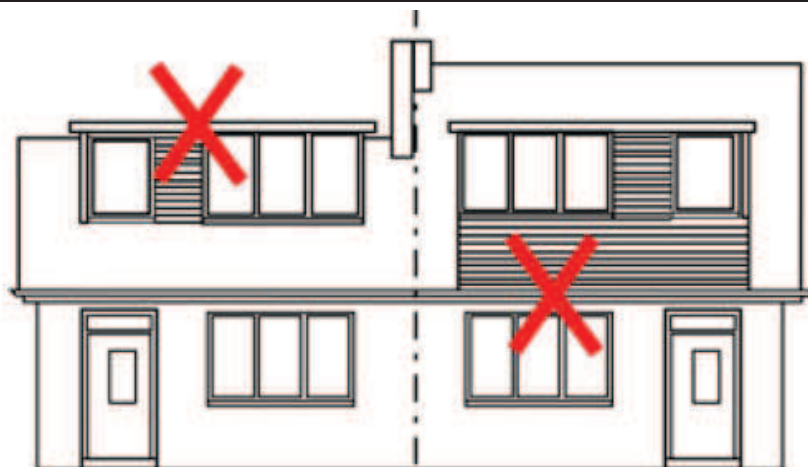




Flat roofed box dormer (normally only acceptable on rear elevations)

### Dormer Windows: Modern Properties

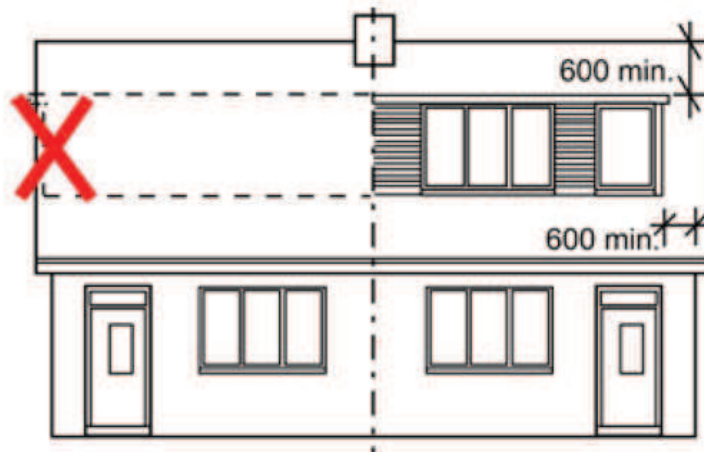
- a) Dormers and box dormer extensions have become common features in many modern housing areas, and the wide variety of designs of modern dwellings necessitates a greater flexibility in terms of design guidance. The amenity of other properties and the residential neighbourhood must however, still be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

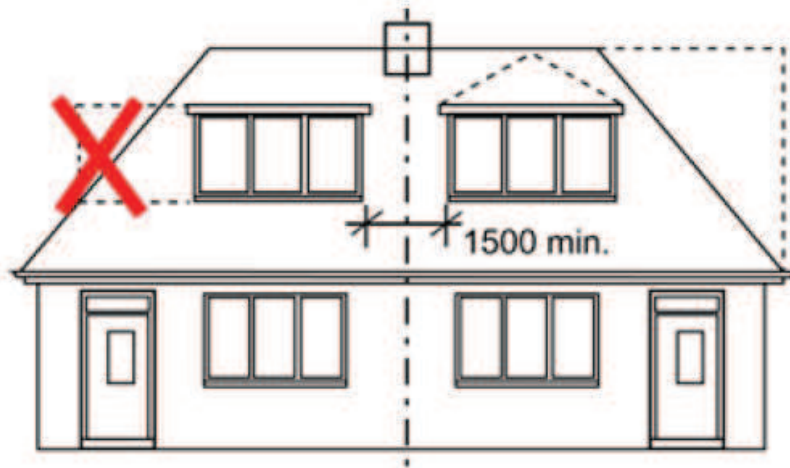
- d) The roof of the proposed extension should not extend to, or beyond the ridge of the existing roof, nor should it breach any hip. Dormer extensions cannot easily be formed in hipped roofs. Flat roofed extensions should generally be a minimum of 600mm below the existing ridge;
- e) The dormer extension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

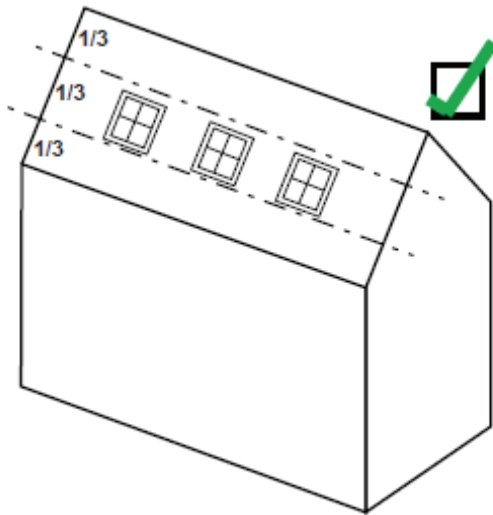


Flat roofed dormers on more traditional hipped roof house (Dormers should not breach hips. A pitched roof on this kind of dormer greatly increases its bulk). Extending roof to the gable on one side only is best avoided.

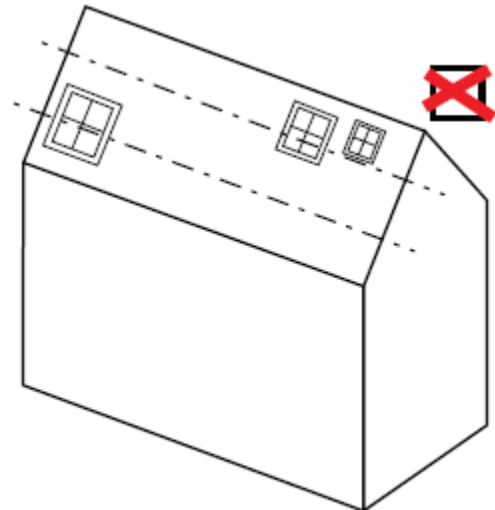
## ▪ ROOFLIGHTS

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.

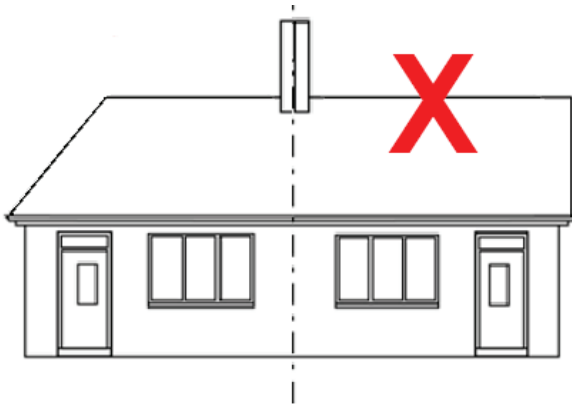


Rooflights too large and too close to eaves and verge. A variety of sizes, spacing and levels.

- 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.

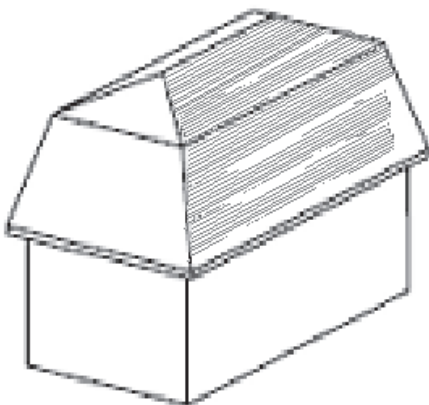
**Half dormer windows**

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](http://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**

<b>Have you discussed the proposed works with your neighbours?</b>	
<b>Is planning permission required?</b> Remember, some works can be carried out as 'Permitted Development'	
<b>Is any other form of consent required for the works?</b>	
<b>Have you considered the appointment of an architect, planning consultant or other agent to act on your behalf?</b> 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.	
<b>Will any supporting information be necessary to enable the planning authority to make a full assessment of issues relevant to the proposal?</b> For example, are there trees or protected species within the site?	
<b>Is the building a Listed Building or within a Conservation Area?</b> 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.	
<b>Have you considered your proposal in relation to the guidance contained within the Householder Development Guide?</b> Any proposal for householder development will be assessed against this Supplementary Guidance	
<b>Is the proposed design consistent with the character of the property and the surrounding area?</b>	
<b>Would the development proposed result in any significant adverse impact on your neighbours in terms of loss of light, overshadowing and/or privacy?</b>	
<b>Would the proposed development result in an insufficient provision of amenity space/private garden?</b>	
<b>Have any changes to access and/or parking requirements been discussed with the Council in its role as Roads Authority?</b>	

## 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.

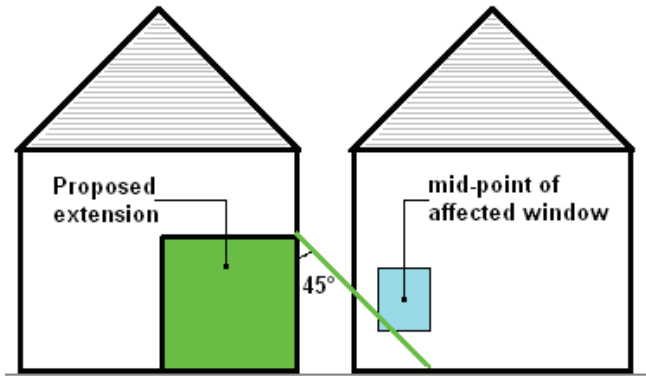


Fig A: Elevation view

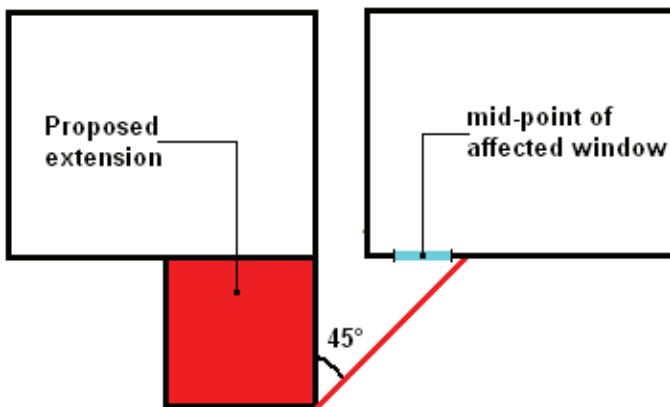
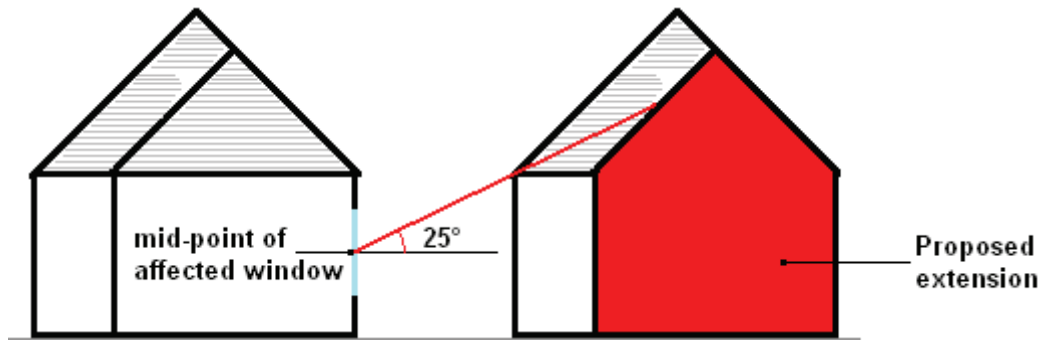


Fig B: Plan view

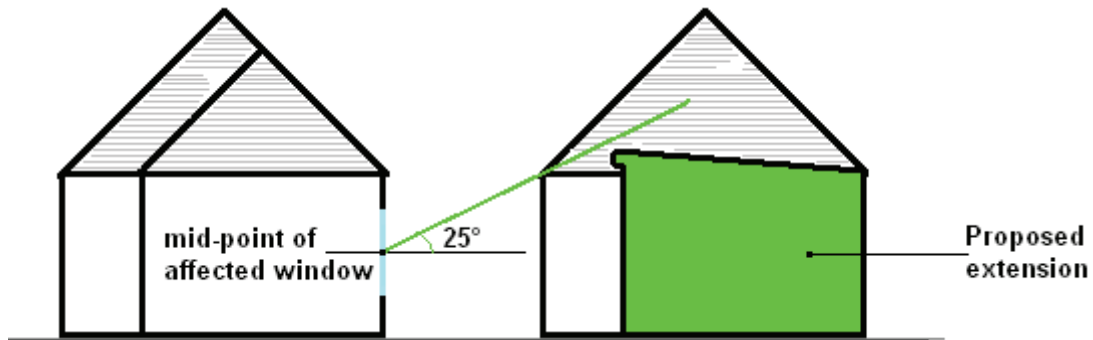
### The 25° Method

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.

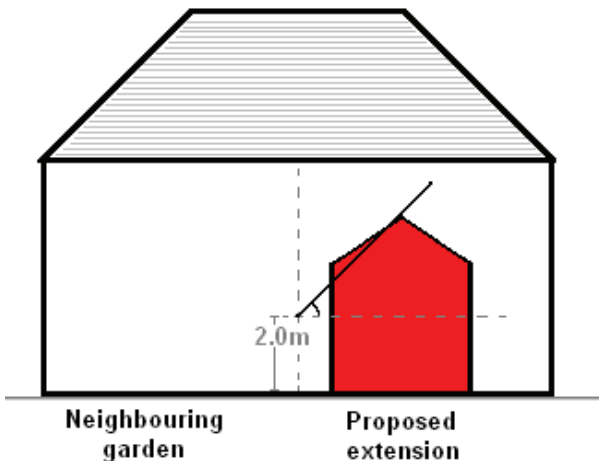
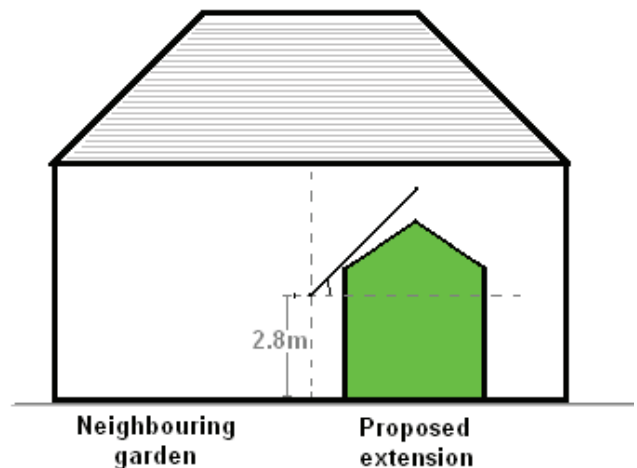
The method used involves drawing a line at 45 degrees to the horizontal. This line will begin at a point above ground level on the relevant boundary. The height above ground level will be determined by the orientation of the proposed building or structure relative to the affected space, as shown in the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

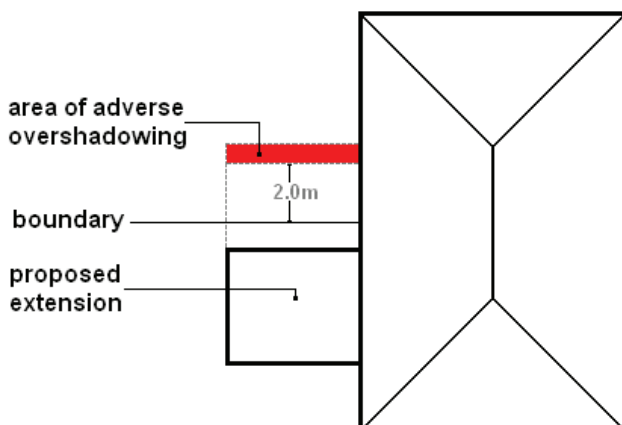
The diagram in Example 1 shows that the line drawn would not strike any part of the proposed extension, and therefore for the purposes of this test there would be no adverse affect on sunlight to the neighbouring garden.



**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.



## **Policy D1- Quality Placemaking by Design**

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.

Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Places that are distinctive and designed with a real understanding of context will sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities;

- **distinctive**
- **welcoming**
- **safe and pleasant**
- **easy to move around**
- **adaptable**
- **resource efficient**

How a development meets these qualities must be demonstrated in a design strategy whose scope and content will be appropriate with the scale and/or importance of the proposal.

To further ensure there is a consistent approach to placemaking throughout the city, the Aberdeen Masterplan Process will be applied to larger sites within the city.

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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 development and householder development will be approved in principle if it:

- 1 does not constitute over development;
- 2 does not have an unacceptable impact on the character and 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; and
- 4 complies with Supplementary Guidance.

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.

Any proposed loss of Local Shops or Community facilities would need to comply with the relevant policies Policy CF1 Existing Community Sites and Facilities and Policy NC7 Local Shop Units.

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Business Hub 4, Ground Floor North Marischal College, Broad Street ABERDEEN AB10 1AB

Tel: 01224 523 470

Fax: 01224 523 180

Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE                      000136744-002

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

## Applicant or Agent Details

Are you an applicant, or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Cr Smith"/>
Ref. Number:	<input type="text"/>
First Name: *	<input type="text" value="Grant"/>
Last Name: *	<input type="text" value="Allan"/>
Telephone Number: *	<input type="text" value="01383 732181"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address: *	<input type="text" value="grant.allan@crsmith.co.uk"/>

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

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

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

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

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

Building Name:	<input type="text"/>
Building Number:	<input type="text" value="1"/>
Address 1 (Street): *	<input type="text" value="Birch Road"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Aberdeen"/>
Country: *	<input type="text" value="Scotland"/>
Postcode: *	<input type="text" value="AB16 5LG"/>

## Site Address Details

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

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

Address 1:	<input type="text" value="1 BIRCH ROAD"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="AB16 5LG"/>
Address 4:	<input type="text"/>		

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

Northing	<input type="text" value="807841"/>	Easting	<input type="text" value="391733"/>
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## Description of the Proposal

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

Proposed erection of conservatory

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Provided in 'Supporting Documents' section

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

Yes  No

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Clients Supporting Statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

P151555

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

23/09/15

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

04/11/15

## Review Procedure

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

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

Yes  No

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

Please select a further procedure \*

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

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

surrounding properties have porches and conservatories which extend past the building line.

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

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

Yes  No

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

Yes  No

## Checklist - Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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



## **Declare - Notice of Review**

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

Declaration Name: Grant Allan

Declaration Date: 16/11/2015

Submission Date: 16/11/2015

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**Client's Supporting Statement**  
**1 Birch Road, Aberdeen**  
**P151555**

Reasons for Appeal

1. The adjacent street (Plane Tree Road) Lot 37 has a similar and seemingly bigger conservatory which is not in keeping with the building line according to the explanation given for refusal, more so, Lot 37 is a mid- terrace, unlike 1 Birch Road which is on a corner.
2. 1 Birch Road is the only house within the terrace that has only one entrance/exit which could be deemed a high health and safety risk in event of an emergency, for example fire. The proposed conservatory would eliminate that risk by providing another entrance/exit.
3. Lots 54 and 69 of Rowan Road, have extensions in the forms of poaches which are not in-keeping with the building line. In addition the first house on the corner of Rowan and Cairncry Roads has a seemingly permanent large wooden structure facing Rowan Road.
4. Given the unorthodox position of 1 Birch Road it does not allows for adequate natural light in the living room, kitchen and bedroom #2. The proposed conservatory will allow of natural light in an enclose space where the occupants could relax with little or no artificial light which is of eminence value of mental stability.
5. The propose conservatory will not be a hindrance to vehicular traffic or pedestrians line of sight.

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# Agenda Item 3.2

Signed (authorised Officer(s)):

109 SPITAL, OLD ABERDEEN

CHANGE OF USE FROM DWELLING TO HOUSE OF MULTIPLE OCCUPATION (HMO) AND ASSOCIATED EXTERNAL ALTERATIONS

For: Mr Ahmed Quadhir

Application Type : Detailed Planning Permission  
Application Ref. : P150870  
Application Date : 09/06/2015  
Advert : Section 60/65 - Dev aff LB/CA  
Advertised on : 01/07/2015  
Officer : Gavin Clark  
Creation Date : 25 August 2015  
Ward: George Street/Harbour (A May/J Morrison/N Morrison)  
Community Council: No response received

**RECOMMENDATION:** Refuse

## DESCRIPTION

The application property is a two storey detached dwellinghouse, located to the rear of 111-113 Spital between the Spital and Froghall View, and within the Old Aberdeen Conservation Area. The property itself has no street frontage, although it is visible from Froghall View, access is taken via a flight of steps from the Spital.

## RELEVANT HISTORY

None

## PROPOSAL

The proposal seeks planning permission for a material change of use of the property, to allow use as a House of Multiple Occupation (HMO). This would allow more than 5 unrelated persons to live in the premises together. The proposal also involves minor alterations to the external appearance of the building by way of blocking up the existing window and door at ground floor level and forming a new door on the eastern elevation.

The proposal would include four bedrooms, two bathrooms and a store at first floor level and two bedrooms a shower room, store, utility room and kitchen area/ living room at ground floor level.

## **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.=150870>. On accepting the disclaimers enter the application reference quoted on the first page of this report.

## **CONSULTATIONS**

**Roads Development Management** – object to the application. The proposal would result in an additional excess demand on the surrounding road network, with no off-street parking available. Response will be discussed in greater detail in the evaluation section of this report.

**Environmental Health** – no observations.

**Communities, Housing and Infrastructure (Flooding)** – no observations.

**Community Council** – Old Aberdeen Community Council have objected to the application for the following reasons:

1. The development would lead to an excessive and unsustainable concentration of HMO's within the local area;
2. The proposal would result in the loss of a further family dwelling; reducing the provision of affordable housing in the surrounding area;
3. The current development of 3000 student beds is likely to create overprovision, with further loss of family homes to the detriment of Old Aberdeen;
4. The proposal would be contrary to Policies H1 (Residential Areas) and T2 (Managing the Transport Impact of Development) of the ALDP; and
5. The effect of the parking requirements for residents and visitors would put additional stress on parking in the area.

## **REPRESENTATIONS**

In addition to the objection from Old Aberdeen Community Council, two further letters of objection were received. The objections raised relate to the following matters –

1. The change of use from dwelling to HMO would result in a material change in the character of the surrounding residential area, by virtue of excessive concentration of HMO's, contrary to the guidance as set out

- within the Householder Development Guide – Supplementary Planning Guidance;
2. The proposal would result in a significant intensification of use, with associated increases in noise levels, pedestrian movements and other disturbances to neighbours;
  3. The proposal would have an unacceptable impact on parking provision on the surrounding road network;
  4. The proposed alterations would have a negative impact on the character and appearance of both the dwellinghouse and the surrounding conservation area;
  5. The alterations would be contrary to the City Council's Supplementary Guidance on Windows and Doors; which discourages the blocking up of windows and doors;
  6. Concerns were highlighted in relation to proposed internal alterations, although it was noted that this matter could not be considered in the planning application, as the proposal is not a listed building.

## **PLANNING POLICY**

### **National Policy and Guidance**

Scottish Planning Series – Planning Circular 2/2012 (Houses in Multiple Occupation: Guidance on Planning Control and Licensing): states that planning authorities should be mindful of the potential impact that concentration of HMO properties may have on the amenity of the area. Essentially, it encourages policies being put in place in order to ensure there are not an over-concentration of HMO properties in particular locations.

### **Aberdeen Local Development Plan**

Policy T2: Managing the Transport Impact of Development: states that new developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

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 D5: Built Heritage: proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

Policy H2: Mixed Use Areas: states that development, or change of use within Mixed Use Areas must take account the existing uses and character of the surrounding area and avoid undue conflict with adjacent land uses and amenity.

## **Proposed Local Development Plan**

- Policy T2: Managing the Transport Impact of Development;
- Policy D1: Quality Placemaking by Design;
- Policy D4: Historic Environment
- Policy H2: Mixed Use Areas

## **Supplementary Guidance**

Householder Development Guide – Houses in Multiple Occupation: This guidance sets the thresholds at which a house or flat will no longer be considered to be in domestic use and will thus be treated as a HMO, 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. These include, but are not limited to:

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; and
3. An excessive concentration of HMOs in a given locality, cumulatively resulting in a material change in the character of that area. Such considerations 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.

Technical Advice Note: Repair and Replacement of Windows and Doors

## **EVALUATION**

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

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



## **Principle of Development**

The application lies within an area identified as mixed use within the Aberdeen Local Development Plan. Within such areas Policy H2 (Mixed Use Areas) is applicable, and advises change of use within Mixed Use Areas must take account the existing uses and character of the surrounding area and avoid undue conflict with adjacent land uses and amenity.

For the reasoning provided in the evaluation below, the proposed development would be to the detriment of surrounding residential amenity and would conflict with surrounding land uses to an unacceptable degree. The proposal therefore fails to accord with Policy H2 (Mixed Use Areas).

## **Policy Assessment**

Consideration must be given to the suitability of a change of use of the premises from residential property to an HMO in terms of impact on the surrounding area. The Council's Supplementary Planning Guidance – Householder Development Guide states that all HMOs will be assessed against, but not limited to, three criterion as identified above.

Little external amenity space is provided as part of the development. The application proposes a six-bed HMO, and given the size of the property it would be expected that a suitable degree of amenity would be provided for residents. A small area of concreted ground is available around the periphery of the house, however given the intensity of use; it is considered that insufficient amenity would be provided to the residents.

Relating to HMOs in the locality, it is noted that there are a large amount in the surroundings. A recent reporters appeal decision (at 39 King's Crescent) noted that further HMOs in this area would result in an unacceptable material change in the character of the primarily residential character, it is therefore assessed that the same could be assumed for the current application, and the proposal would therefore be contrary to this element of policy.

The guidance also states that where dedicated parking cannot be provided alongside the development, a proposal must not result in the exacerbation of parking problems in the local area.

The Council's Roads Development Management Team has objected to the application on the basis that it fails to provide any off-street parking. Whilst there is no current parking standard for HMOs, forthcoming draft supplementary guidance requires 0.5 spaces per bedroom, meaning there would be a shortfall of 3 parking spaces against this measure. Whilst there is parking on the Spital, colleagues in Traffic Management advise that there is an existing high demand for spaces and parking is at a premium.

This results in two impacts – one being an adverse impact on established residential amenity in this mixed use area, whereby there would be an increase in parking demand where there is a high demand. The other is a potential impact on road safety, as an increase in pressure on on-street parking could result in indiscriminate parking along the Spital and throughout Old Aberdeen, to the detriment of road safety.

The shortfall of parking means that the change of use does not comply with the requirements of the SG, by failing to provide sufficient designated parking and as a result would exacerbate existing parking problems in the surrounding area.

Cycle parking should also be provided within the curtilage of the property. This has not been provided, however it is noted that this matter could be controlled via an appropriate planning condition.

In terms of design, a number of minor alterations are proposed to the building. These include the blocking up the existing window and door at ground floor level and forming a new door on the eastern elevation. The proposed works are relatively minor in nature, and would not be readily visible from any public elevations. These works are therefore considered to have been designed with due consideration for their context, and would have a neutral impact on the character/ appearance of the surrounding conservation area, as a result the proposal would not offend the general principles of Scottish Planning Policy (SPP), Scottish Historic Environment Policy (SHEP) and Policies D1 (Architecture and Placemaking) and D5 (Built Heritage) of the ALDP.

### **Issues Raised by Community Council/ Letters of Representation**

The following matters were raised in the bullet points above, and are answered as follows:

#### Community Council:

1. The issue in relation to the concentration of HMO's in the surrounding area has been addressed elsewhere within this report;
2. This matter is broadly the same as the one mentioned above;
3. The matter of overprovision has been discussed within the above evaluation;
4. The proposal has been assessed against current Policy, where is noted to be contrary to Policies H2 (Mixed Use Areas) and T2 (Managing the Transport Impact of Development) of the ALDP;
5. The matters relating to parking has been discussed within the above evaluation.

#### Letters of Representation:

1. The concentration and over provision of HMO's has been discussed above;
2. Intensification of use has also been discussed above, as has compliance with the Council's Householder Development Guide – Supplementary Guidance;
3. The acceptability of the proposal in terms of parking provision has been discussed within the above evaluation;
4. The alterations are relatively minimal in nature, and would have a neutral impact on the surrounding conservation area and the existing building, this has been discussed in greater detail above;
5. The guidance advised that *"in principle blocking up should be done in materials that relate to the surrounding building and evidence of the opening, such as window surrounds, be retained"*. The proposal adds little to the character and appearance of the surrounding area, and subject to a condition requiring finalised materials/ techniques the window/ door could be blocked to an appropriate standard. The proposal is not contrary to the Council's Supplementary Guidance on Windows and Doors; and
6. As advised, the internal works do not require an application for planning permission, as the property is not listed.

In this instance a number of matters were raised substantiate the Council's recommendation to refuse planning permission.

### **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 plan are similar to those of the adopted plan; therefore no further evaluation is required in respect of the proposed plan.

## **Conclusion**

In this instance there are no material planning considerations that would warrant approval of planning permission, the proposal is therefore recommended for refusal.

**RECOMMENDATION: Refuse**

## **REASONS FOR RECOMMENDATION**

The change of use of the residential property to a House of Multiple Occupation (HMO) fails to provide any parking as part of the development in an area where on-street parking is at a premium and would result in the exacerbation of parking problems in the surrounding area, therefore having an adverse effect on the amenity of the established residential area as well as road safety. The proposal change of use would also see an unacceptable material change of use of the surrounding residential area. In addition, the HMO fails to provide sufficient useable amenity space. Accordingly, the change of use to a House of Multiple Occupation fails to accord with Policies H2 (Residential Areas) and T2 (Managing the Transport Impact of Development), as well as the requirements of the Council's Supplementary Planning Guidance – Householder Development Guide.

The proposal also fails to accord with the general principles of Policies Policy T2 (Managing the Transport Impact of Development) and H2 (Mixed Use Areas) of the proposed local development plan.

**PI**

---

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 03 July 2015 14:42  
**To:** PI  
**Subject:** Planning Comment for 150870

Comment for Planning Application 150870

Name : Richard & Teresa Harwood  
Address : 37 Kings Crescent  
Old Aberdeen  
Aberdeen  
AB24 3HP

Telephone :

Email :

type :

Comment :

Richard & Teresa Harwood  
Viewton Cottage  
37 Kings Crescent  
Old Aberdeen  
Aberdeen  
AB24 3HP

Development Management  
Enterprise, Planning and Infrastructure  
Aberdeen City Council  
Business Hub 4, Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

03 July 2015

Dear Sir / Madam,  
Application Number 150870 , 109 Spital, Aberdeen AB24 3HX Application for Change of Use from Residential to House in Multiple Occupation.

Both my wife I and wish to object to the granting of this application for the following reasons: -

The Old Aberdeen area already has a disproportionate level of HMO provision within the immediate and wider area with a new 110 bed project already under way on St Peters Street. Granting permission for another HMO in this area would further exacerbate the district's increasingly imbalanced demographics.

The granting of this application would adversely affect the amenity of the area both for immediate neighbours and the wider community.

The Spital is a narrow road used by buses and emergency vehicles and parking provision for the additional residents has not been addressed within the application.

We would also like to draw attention to the Aberdeen Local Development Plan : Supplementary Guidance - Topic: Householder Development Guide, page 26. As this application fails on all three assessment points, we trust that the Planning Department will consider our points of objection favourably and recommend the refusal of this application by Aberdeen City Council.

Yours sincerely,

Richard & Teresa Harwood

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P&SD Letters of Representation		
Application Number: 150870		
RECEIVED 06 JUL 2015		
Nor <input checked="" type="checkbox"/>	Soj <input type="checkbox"/>	MAp <input type="checkbox"/>
Case Officer Initials GAC		
Date Acknowledged: 08/07/2015		



Planning Dept,  
Aberdeen City Council,  
Marischal College

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

150870

29<sup>th</sup> July 2015

Dear Sirs,

109 Spital, Old Aberdeen Conservation Area  
Application for external alterations  
and change of use to House in Multiple Occupation (6 bedrooms)

The Society wishes to lodge an objection to this application on the following grounds:-

- 1) There is already a significant number of HMOs in the immediate vicinity, and the granting of the application to convert this family house from domestic use to an HMO would tip the balance, resulting in a material change in the character of this residential area, by virtue of the excessive concentration of HMOs which would result. This would be contrary to the City Council's policy, especially as presented in the "Householders Development Guide" Supplementary Guidance.

In particular, however, such a material change in the character of the area would have an adverse impact on the general residential amenity of nearby homes, by shifting the balance from that of a settled community to one of short-term lets and a transient population. For this part of Old Aberdeen to function as a sustainable community, there must be no more changes of use from family homes to HMOs.

- 2) Occupation of this house by 6 unrelated adults rather than a family represents a significant intensification of use, with associated increase in noise levels, and frequency of pedestrian traffic to and from the property; also an increase in the number of visitors, and the potential for increased disturbance to neighbouring properties.
- 3) The proposal is completely unacceptable on account of the lack of parking. This house is situated up a narrow footpath, and there is no vehicular access, so no parking space. There is no parking available on the Spital, and it has to be pointed out that this section of the road is already heavily over-parked and congested, particularly where it narrows, often causing serious problems with traffic flow. It is a common sight to see a queue of traffic behind a lorry or bus which is unable to move forward, sometimes causing lengthy delays, on account of badly parked cars.

Any increase in on-street parking due to the conversion of 109, Spital to an HMO would be bound to exacerbate an already extremely difficult parking problem in this vicinity. The proposal is therefore contrary to City Council policy as outlined in "The Householder's Development Guide".

- 4) The proposed alterations would damage the character of this house, particularly on the east elevation which faces, and is visible from, the main road. It thus compromises the character of this part of the Conservation Area.

The blocking up of the main front door and the loss of a main double window at the front (to be converted to a small door) are unacceptable in a Conservation Area. First, they destroy the aesthetic balance of the ground floor and first floor windows, by removing the matching lower one and replacing it with a door. Second the loss of the existing front door makes a nonsense of the architectural feature above it, where the masonry at that corner sweeps up to a point to emphasise the main entrance. Apart from these points, the loss of window on the front elevation significantly detracts from the appearance of the house, and would present a very blank façade, which would be detrimental to the Conservation Area.

- 5) The proposed alterations would be contrary to the City Council's Supplementary Guidance on "Windows and Doors", both in the current guidance, and in the proposed Local Plan guidance. These both state:-

"The blocking up, in whole or in part, of original openings should only occur where the window makes little contribution to the building or area."

- 6) Although this is not a listed building, and therefore the interior cannot be considered in relation to this application, the Society wishes to record its regret that yet another proposal has been submitted to convert a 3 bedroomed family home to a short-term let with many more bedrooms, necessitating the carving up of nicely proportioned rooms in to mean-sized bedrooms with a view to maximising profit from leasing. Unless there is a stop put to the proliferation of HMOs in Old Aberdeen, more family homes will be irrevocably converted in this way.

For all the reasons outlined above, Old Aberdeen Heritage Society requests that the City Council refuse this application.

Yours faithfully,

(Mrs). B. McPetrie  
Planning Secretary



# OLD ABERDEEN COMMUNITY COUNCIL

Planning Liaison  
2 Harrow Road  
ABERDEEN  
AB24 1UN

Development Management  
Enterprise, Planning and Infrastructure  
Aberdeen City Council  
Business Hub 4, Marischal College  
Broad Street  
ABERDEEN  
AB10 1AB

29<sup>th</sup> July 2015

Dear Sir,

**Planning Application No. P150870 – 109 Spital, Aberdeen AB24 3HX**

The Old Aberdeen Community Council (OACC) wishes to object to the above application and would comment as follows: -

This development would increase the excessive and unsustainable concentration of Houses in Multiple Occupation (HMO) within this local area. For the good of the remaining residents in this locality and for the community as a whole, the Planning and Development Management Committee should exercise the powers specifically delegated to the Planning Authority by the Scottish Government under Planning Circular 2/2012, paragraph 7, and adopt a moratorium against HMO conversion developments until the policy on HMO concentrations is consulted on and adopted by Aberdeen City Council's Communities, Housing and Infrastructure Committee.

*Circular 2/2012 Planning Authority Management of HMO Concentrations*

*7. Where concentrations of HMOs are considered to have a negative effect on the amenity of a community, or where it is considered likely that such a situation may arise, planning authorities may adopt policies to manage HMO concentrations*

The application is for a "Change of Use" from a family home to an HMO for 5 or more unrelated tenants and represents the loss of yet another family dwelling to a commercial use, further reducing the availability of affordable housing for permanent residents in local employment.

The current development of over 3000 student beds in Aberdeen is likely to create overprovision and family dwellings being converted to HMOs by non-domiciled landlords will have been for the landlords' short-term commercial gain, to the detriment of Old Aberdeen and its permanent residents.

Permitting the application would mean that the future of dwelling house could only be for intensive commercial occupation, contrary to policy H1 (Residential Areas) of the ALDP.

The change of use would result in a more intensive occupancy, added comings and goings and increased visitor numbers, factors which would give rise to increased noise and anti-social conduct and result in a loss of enjoyment of existing residential amenity. This loss is contrary to Policy H1 of the adopted ALDP.

The site cannot provide any parking for residents or visitors, contrary to the aims of policy T2 Managing the Transport impact of Development.

The site lies close to the Old Aberdeen Controlled Parking Zone and there is little parking available in the area. The effect of the parking requirements for residents and visitors would put additional stress on parking in the area.

For these reasons, we would ask that this application be refused in its entirety.

Yours sincerely,

George A. Wood  
Planning Liaison  
For and on behalf of Old Aberdeen Community Council.

## **Policy T2 – Managing the Transport Impact of Development**

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

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

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

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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 D5 – Built Heritage**

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

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

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

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

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## Policy H2 – Mixed Use Areas

Applications for development or change of use within Mixed Use Areas must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. Where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity. Conversely, where new industrial, business or commercial uses are permitted, development should not adversely affect the amenity of people living and working in the area.

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## **Policy T2 Managing the Transport Impact of Development**

Commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in Supplementary Guidance Transport and Accessibility.

The development of new communities should be accompanied by an increase in local services and employment opportunities that reduce the need to travel and include integrated walking, cycling and public transport infrastructure to ensure that, where travel is necessary, sustainable modes are prioritised. Where sufficient sustainable transport links to and from new developments are not in place, developers will be required to provide such facilities or a suitable contribution towards implementation. Further information is contained in the relevant Supplementary Guidance detailed which should be read in conjunction with this policy.

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## **Policy D1- Quality Placemaking by Design**

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.

Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Places that are distinctive and designed with a real understanding of context will sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities;

- **distinctive**
- **welcoming**
- **safe and pleasant**
- **easy to move around**
- **adaptable**
- **resource efficient**

How a development meets these qualities must be demonstrated in a design strategy whose scope and content will be appropriate with the scale and/or importance of the proposal.

To further ensure there is a consistent approach to placemaking throughout the city, the Aberdeen Masterplan Process will be applied to larger sites within the city.

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## **Policy D4 – Historic Environment**

The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP, its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. It will assess the impact of proposed development and support high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas, archaeology, scheduled monument, historic gardens and designed landscapes.

The physical in situ preservation of all scheduled monuments and archaeological sites will be supported. Developments that would adversely impact upon archaeological remains, including battlefields, of either national or local importance, or on their setting will only be permitted in exceptional circumstances, where there is no practical alternative site and where there are imperative reasons of over-riding public need.

In any such case, the applicant must at their own expense:

- take satisfactory steps to mitigate adverse development impacts; and
- where the preservation of the site in its original location is not possible, arrange for the full excavation and recording of the site in advance of development.

In those cases where this is not justifiable or feasible, provision should be made for excavation and record with an appropriate assessment and evaluation. The appropriate publication/curation of findings will be expected.

Further guidance can be found within the supplementary guidance and technical advice notes listed in Appendix 6.

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## **Policy H2 Mixed Use Areas**

Applications for development or change of use within Mixed Use Areas must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. Where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity. Conversely, where new industrial, business or commercial uses are permitted, development should not adversely affect the amenity of people living and working in the area.

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## NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County 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 2013  
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

**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.**

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS  
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR	Ref No.	
Forename	ANAMED	Forename	
Surname	QUADRI	Surname	
Company Name	/	Company Name	NEIL ROTHNE ARCHITECTS
Building No./Name		Building No./Name	116
Address Line 1		Address Line 1	ROSEMOUNT PLACE
Address Line 2		Address Line 2	
Town/City		Town/City	ABERDEEN
Postcode		Postcode	AB25 2YW
Telephone	Telephone	01224 624724	
Mobile	Mobile		
Fax	Fax		
Email		Email	neil@neilrothne.co.uk
3. Application Details			
Planning authority	ABERDEEN CITY COUNCIL		
Planning authority's application reference number	P 150870		
Site address	<div style="border: 1px solid black; padding: 5px; display: flex; justify-content: space-between;"> <div style="width: 70%;">                     109 SPITAL                      OLD ABERDEEN.                      AB24 3HX                 </div> <div style="width: 25%; text-align: center;"> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">                         RECEIVED                          19 NOV 2015                     </div> </div> </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px;">                     CHANGE OF USE FROM DWELLIN TO HOUSE OF MULTIPLE OCCUPATION (HMO)                 </div>		

Date of application

9th JUNE 2015

Date of decision (if any)

31st SEPTEMBER 2015

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

**4. Nature of Application**

- Application for planning permission (including householder application)
- Application for planning permission in principle
- 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)
- Application for approval of matters specified in conditions

**5. Reasons for seeking review**

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

**6. 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.

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

If you have marked either of the first 2 options, 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 necessary.

**7. Site inspection**

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

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

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

N/A

### 8. 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.

THIS APPLICATION FOR AN HMO IS IN THE HEART OF A WELL RECOGNISED AND ESTABLISHED SOUVENIR AREA. THERE COULD HARDLY BE A BETTER LOCATION  
IT IS SIMPLY IMPOSSIBLE TO PROVIDE PARKING TO THIS PROPERTY AS IT IS ONLY ACCESSIBLE UP A NARROW SET OF STEPS.  
THERE IS NO CONSIDERANCE OF HOW MANY PARKING SPACES THE WOULD HAVE GENERATED OR REQUIRED. THE IMPACT OF ADDITIONAL PARKING IS THEREFORE OVERSTATED  
THE PROPOSED CHANGE OF USE WITHOUT MATERIAL CANNOT BE DETERMINED AS UNACCEPTABLE WITHOUT SOME DETERMINATION OF HOW THE PROPERTY WAS OR COULD HAVE BEEN USED PREVIOUSLY.  
THERE ARE NO CLEAR OR DEFINED POLICIES OR TESTS BY WHICH THIS APPLICATION CAN BE PROPERLY ASSESSED  
PLEASE REFER TO FULL SUPPORTING STATEMENT.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes  No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

**9. 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

- ORIGINAL PLANNING APPLICATION: FORM & DRAWINGS.
- E-MAIL EXCHANGE BETWEEN NEIL ROTUNIE ARCHITECTS AND PLANNING OFFICER
- FORMAL REFUSAL OF PLANNING PERMISSION. (DRAWINGS ARE THE SAME AS ORIGINAL PLANNING APP.)
- NOTICE OF REVIEW WITH SUPPORTING STATEMENT.

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.

**10. Checklist**

Please mark the appropriate boxes to confirm that 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 requesting 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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:  NEIL A. ROTUNIE Date: 18th NOV 2015

Any information provided on this form will be held and processed in accordance with the requirements of the Freedom of Information Act.



3214/nar

## SUPPORTING STATEMENT

### NOTICE OF REVIEW IN CONNECTION WITH REFUSAL OF PLANNING PERMISSION FOR INTERNAL ALTERATIONS AT 109 SPITAL, ABERDEEN. AB24 3HX

We would comment on the reasons for refusal as follows;

- This application is for an HMO in the centre of what is well recognised as a 'University' area being only some 300m to the closest University facility and some 600m from the main University buildings or campus. As an HMO this could be occupied by undergraduates, post-graduates, mature students and perhaps lecturers. As it lies on the City Centre (south) side of the main University campus there could hardly be a better location.
- The property as it exists is located behind an existing property occupying an elevated area and being accessible only by a path and steps. The dwelling as it exists has no parking. Furthermore it is physically impossible to provide any vehicular access and equally impossible to create any parking spaces within our client's ownership. Whilst Froghall View lies to the west of the property there is a significant change of level between the existing dwelling (higher) as well as an area of ground which our client has no control over so again it is not possible to access the site. This whole objection is based on the presumption that a change of use will generate new or more parking than it would do so as a dwelling. As a dwelling with more than 4 bedrooms this would 'generate' a requirement of 3no. parking spaces and this fact seems to be completely ignored in both the Roads Department and Planning Officer's assessment. It should also be noted that Planning Permission is only required if there are more than five persons in an HMO. The net effect of this assessment would be that to grant approval for a six person HMO the difference is 0.5 of a parking space and we would strongly contend that this *would result in an exacerbation of parking problems in the surrounding area.*
- The proposed change of use whilst material cannot be determined as unacceptable without some form of determination of exactly how the dwelling was used previously and as noted previously it is entirely feasible that this house was occupied by a large family or indeed it could have been occupied and or run as an HMO with five persons. The statement that the proposed change of use is unacceptable is therefore a matter of opinion and is not based on an assessment of any clear policies or tests.
- *The HMO fails to provide sufficient useable amenity space.* We are not aware that there are specific standards, tests or policies which determine the level of amenity space for an HMO. There are none contained in the Supplementary Guidance; Householder Development Guide as referred to in the reasons for objection We would repeat that this is or was a large family dwelling and whilst it may not meet the 'ideal' standard in terms of amenity (or garden ground) should it be built in the present day the garden ground or amenity spaces round the dwelling do not overlook or are overlooked. We are not aware that the occupants of an HMO would use the amenity space any differently from the current use as a dwelling that they are insufficient or in any way considered to be less acceptable to justify the judgement made by the Planning Officer in this particular case.

- **Policy H2 (Residential Areas)** *this must be a mistake as Policy H1 – Residential Areas and H2- Mixed Use Areas.* On the presumption that this should read H2 as the site falls within a Mixed Use Area we would contend that we have dealt with this in all of the foregoing items as we would strongly contend that the proposed use will not have an unacceptable impact on the character or amenity of the surrounding area and that a satisfactory residential environment is created and/or maintained.
- **Policy T2 (Managing the Transport Impact of Development)** Again we have dealt with the statements in this policy in the second bullet point of this supporting statement and would repeat that the Roads Department and Planning Officer have failed to recognise that the existing dwelling could or would generate a level of parking equal to or very similar to what is proposed.
- **Householder Development Guide.** We would refer to the specific heading of Houses in Multiple Occupant (HMOs) and the latter three guidance points. We have addressed item 1 in terms of car parking in previous paragraphs. We have also addressed item 2 in terms of existing residential amenity and levels of car parking again in previous paragraphs and whilst item 3 addresses the potential for excessive concentrations of HMOs in a given locality this is not stated as a reason for refusal. We would draw attention to the statement in an early part of this policy statement *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.* Again as we have stated at the outset **there could hardly be a better location.**

**Neil Rothnie Neil Rothnie Architects Ltd.**

NEIL ROTHNIE ARCHITECTS LTD . 116 ROSEMOUNT PLACE . ABERDEEN . AB25 2YW  
 ARCHITECTS AND DESIGN CONSULTANTS  01224 624724 .  01224 649394 . E: [neil@neilrothnie.co.uk](mailto:neil@neilrothnie.co.uk)

Registered in Scotland No. SC436939  
 Registered Office : 116 Rosemount Place Aberdeen AB25 2YW



# Agenda Item 4.2

Signed (authorised Officer(s)):

OLDTOWN FARM, PETERCULTER,  
ABERDEEN

ERECTION OF DWELLINGHOUSE AT  
OLDTOWN FARM PERTERCULTER

For: T/A Oldtown Farm Ltd

Application Type : Planning Permission in  
Principle

Application Ref. : P150710

Application Date : 07/05/2015

Advert : Dev. Plan Departure

Advertised on : 20/05/2015

Officer : Dineke Brasier

Creation Date : 14/07/2015

Ward: Lower Deeside (M Boulton/A

Malone/M Malik)

Community Council: Comments

## RECOMMENDATION:

### Refuse

### DESCRIPTION

Old Town Farm is an existing farm complex comprising of a substantial two storey granite and slate farmhouse, a pair of semi-detached one and a half storey dwellings, a converted bothy, and various large agricultural buildings all set around an informal large area of hardstanding.

The complex is set in a rural location in the Green Belt and accessed via a narrow single lane road. The Peterculter Golf Club course runs to the east of the farm, although it is separated by fields, with the club house and parking area located to the north east.

The site subject of this application is a grassed area measuring approximately 68.5m by 21.5m and extends to an area of approximately 1472m<sup>2</sup>. It is fenced off from other agricultural fields by a post and wire fence. There is currently a very small single storey stone structure with a tiled hipped roof. Young trees have been planted along the boundary with the area of hardstanding and the access road.

## RELEVANT HISTORY

The overall farm has a long and complex planning history. The main relevant implemented planning applications are the following:

- 040126 – Construction of a dwelling to replace the existing farmhouse – Approved conditionally
- 031953 – Alterations and extensions of old bothy to form a new dwellinghouse – Approved conditionally
- 021663 – Change of use of steading to form 2 new dwellings – Approved conditionally.

In addition, during the 1990s three planning applications (900015, 911585 and 950376) for the erection of a dwelling were refused.

## PROPOSAL

Planning permission in principle is sought for the creation of an additional dwelling at land at Oldtown Farm.

The information submitted consists of a location plan outlining the proposed residential curtilage of the proposed dwelling and a labour requirement report for the farm. As such, the only issue that can be tested is the principle of the development. Information on other issues such as scale, design and access has not been provided and are therefore not considered under this application.

## 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=150710>

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

Ground Assessment and Drainage Recommendation Report  
Labour Requirement

## CONSULTATIONS

**Roads Development Management**- No observations

**Environmental Health** – No observations

**Communities, Housing and Infrastructure (Flooding)** – No observations

**Community Council** – Objects to the proposal on the following grounds:

1. No justified need for an additional dwelling as the owner lives at the farmhouse. The only exception might be during the lambing season, but this only lasts for two months per year;
2. The proposal would add to the cluster of buildings at Oldtown Farm which already borders on overdevelopment due to the large number of dwellings and agricultural buildings on the site;
3. The land identified for the dwelling appears very large to be considered as an exception under policy NE2;
4. The proposed new house would be very prominent in the landscape.

## **REPRESENTATIONS**

None

## **PLANNING POLICY**

### **National Policy and Guidance**

#### Scottish Planning Policy:

Paragraphs 49 and 52: Sets out the Scottish Government's approach towards development in the Green Belt. The purpose of Green Belts is to support the spatial strategy in a local development plan by directing development to the most appropriate locations and supporting regeneration, protecting and enhancing the character, landscape setting and identity of the settlement and protecting and providing access to open space. The following types of development could be considered appropriate:

- Development associated with agriculture (including the reuse of agricultural buildings);
- Development associated with woodland and forestry;
- Development associated with horticulture;
- Recreational uses compatible with an agricultural or natural setting;
- Essential infrastructure;
- Development meeting a national or established need, if no other suitable site is available;
- Intensification of established uses subject to the development being of a suitable scale and form.

### **Aberdeen Local Development Plan**

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

### **Proposed Aberdeen Local Development Plan**

Policy NE2 (Green Belt) substantively reiterates policy NE2 (Green Belt) in the Adopted Local Development Plan as summarised above.

## 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 the development:

The only issue under consideration for this planning application is the principle of the proposed development. The site is located outside the residential curtilage of any of the existing properties at the farm complex. The development would therefore comprise the erection of an additional dwelling and creation of a residential curtilage. Oldtown Farm is located in the Green Belt and policy NE2 (Green Belt) applies. This policy sets out that only very limited types of development might be permitted in the Green Belt, which does not include the creation of additional dwellings, unless such dwellings are essential for the operation of an agricultural enterprise.

The applicant has submitted a Labour Requirement Report setting out the labour requirement for the farm. This report sets out that 0.94 labour unit would be required to run the farm to its current standards.

At present, the Oldtown Farm complex consists of the farmhouse, and three dwellings located in converted agricultural buildings. Even though the Local Plan makes an exception for development essential for agriculture, it is considered that, in this case, the need for an additional dwelling in the green belt is not justified as there are already various properties on the farm complex. Furthermore, the site is not in a remote location, and is relatively near to the town of Peterculter where sufficient accommodation would be available.

In addition, the proposal would be contrary to an important principle of Green Belt policy on both a national and local level. This policy does not allow the construction of additional new dwellings in the countryside or in Green Belts, unless there is a clear justification this is required for forestry or agricultural purposes. In this case, if upon retirement, the farmer decides to sell off, or lease out the farmholding, but wishes to retain the farmhouse, this cannot be considered a justification for the erection of a dwelling in the green belt. To undermine this principle would allow landowners throughout the countryside and Green Belt areas to sell off or lease out the farmholding without the farmhouse, and then seek permission for a new house. This would result in a proliferation of housing in these areas, which would be damaging to the character and appearance of the Green Belt and the landscape setting of the City in general. This would be contrary to both national and local policy on Green Belt, which strictly controls development in these areas.

The proposal would constitute a clear departure from policy NE2 (Green Belt) of the Aberdeen Local Development Plan and, for the reasons set out above, there is no proven justification for a departure from this policy.

In conclusion, it is considered that the creation of an additional dwelling with associated residential curtilage at the Oldtown Farm complex would be contrary to the principle of both national and local policies controlling development within the Green Belt. It would increase the built-up appearance of this part of the Green Belt, which would be to the detriment of the character and appearance of the Green Belt and the landscape setting of the City, in general. As such, the proposal fails to comply with Scottish Planning Policy, and policy NE2 (Green Belt) of the Aberdeen Local.

### 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 no new issues were raised.

## **RECOMMENDATION**

### **Refuse**

## **REASONS FOR RECOMMENDATION**

1. The proposal would undermine the principles of controlling development and preventing the construction of additional housing in the Green Belt, leading to the erosion of the character of such areas. This is contrary to the requirements of policy NE2 (Green Belt) of the Aberdeen Local Development Plan and policy NE2 (Green Belt) of the Proposed Local Development Plan as the applicant has failed to demonstrate that the proposed house is required to provide residential accommodation for an essential agricultural worker who must be housed immediately adjacent to Oldtown Farm.

2. The proposal would set an undesirable precedent for applications of a similar nature which would result in the proliferation of additional housing in the Green Belt, which would result in the erosion of the character and appearance of the Green Belt, and the landscape setting of the city.

**Planning Application P150710: Old Town Farm, Peterculter: erection of a New Dwelling House**

The members of Culter Community Council (CCC) discussed this application (P150710) and passed it to the CCC Planning Sub Group for further discussion and to formulate their objections, comments and questions as follows:

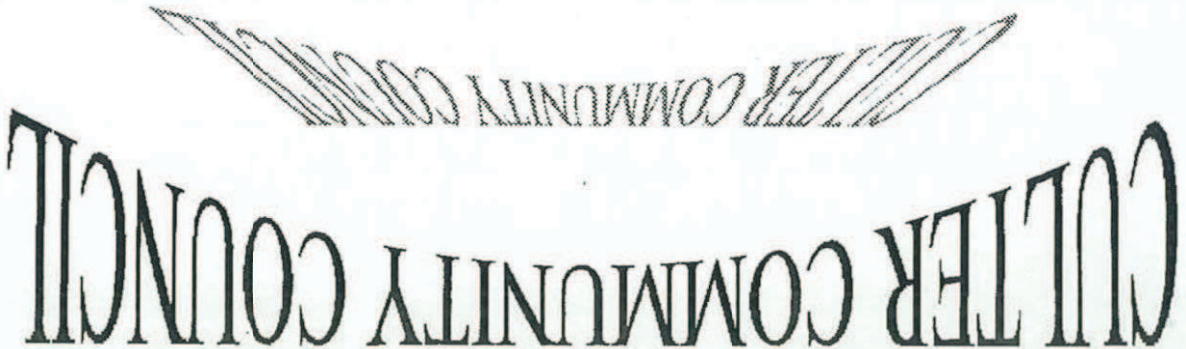
- Since the owner/applicant lives in the farm house the members of CCC consider that the case made for an agricultural worker did not justify his/her presence was essential at all times.
- The exception to this could be during lambing. However the short period necessary for lambing is a maximum of two months
- The members of CCC therefore question the need for a new house in the Green Belt especially since the Old Town Farm 'farm toon' cluster of buildings is so close to the urban part of Peterculter where houses are available
- It will also add to the cluster of buildings at Old Town which is already bordering on overdevelopment with a significant number of residential homes within it converted from steadings, barns etc as well as functioning agricultural buildings
- The land identified on the plans and the proposed new four bedroom house appear to be very large contrary to Policy NE 2 allowable exception 1b ("the development is small scale")

8<sup>th</sup> May 2015

St Quentin  
18 Hillside Road  
Peterculter  
Aberdeen  
AB14 0TX

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

Dear Ms Brasier



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## Policy NE2 – Green Belt

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

The following exceptions apply to this policy:

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

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## Policy NE2 Green Belt

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

The following exceptions apply to this policy:

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

- a) The development is within the boundary of the existing activity;
- b) The development is small-scale;
- c) The intensity of activity is not significantly increased; and
- d) Any proposed built construction is ancillary to what exists.

2 Essential infrastructure (such as electronic communications infrastructure, electricity grid connections, transport proposals identified in the LDP or roads planned through the masterplanning of opportunity sites) will only be permitted if it cannot be accommodated anywhere other than the Green Belt.

3 Buildings in the Green Belt which have a historic or architectural interest, or a valuable traditional character, will be permitted to undergo an appropriate change of use which makes a worthwhile contribution to the visual character of the Green Belt. Please see relevant Supplementary Guidance on Conversion of Buildings in the Countryside for detailed requirements.

4 Proposals for extensions of existing buildings, as part of a conversion or rehabilitation scheme, will be permitted in the Green Belt provided:

- a) The original building remains visually dominant;
- b) The design of the extension is sympathetic to the original building in terms of massing, detailing and materials, and
- c) The siting of the extension relates well to the setting of the original building.

5 Replacement on a one-for-one basis of existing permanent houses currently in occupation will normally be permitted provided:

- It can be demonstrated to the Council that they have been in continuous occupation for at least 5 of the seven years immediately prior to the date of the application;
- The replacement house, except in exceptional circumstances (e.g. to improve a dangerous access), occupies the same site as the building it would replace. Where replacement houses are permitted on sites different from the original site, the original house will require to be removed;
- Replacement houses should be of a scale, design and external appearance that contributes to the visual character of the Green Belt.

All proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials. All developments in the Green Belt should have regard to other policies of the Local Development Plan in respect of landscape, trees and woodlands, natural heritage and pipelines and control of major accident hazards.

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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

Contact Telephone 1   
Contact Telephone 2   
Fax No

E-mail\*

### Agent (if any)

Name

Address

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.

RECEIVED  
28 OCT 2015  
hand delivered

**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.

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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.

PLEASE SEE ATTACHED PLANNING STATEMENT

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

Yes  No

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.

REFUSAL NOTICE DATED 28 JULY 2015  
 REFUSED DRAWINGS 5132/05, 5132/001 + 5132/002  
 OFFICER'S DELEGATED REPORT  
 SAC CONSULTING LABOUR REQUIREMENT REPORT  
 LETTER FROM CULTER COMMUNITY COUNCIL DATED 8/5/15  
 S.A MCGREGOR DRAINAGE REPORT

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

27 October 2015





**Planning Statement for Notice of Review for:**

**Erection of Dwellinghouse at Oldtown Farm,  
Peterculter – Planning Permission Reference  
P150710**

**For Mr K and L Pratt**

**October 2015**

## 1. Appeal Proposal

This appeal relates to Aberdeen City Council's refusal of Planning Permission in Principle reference P150170 for the erection of dwellinghouse at Oldtown, Peterculter.

The appeal site measures 1472 square metres and seeks permission for an additional farm worker's house at Oldtown Farm.

The reasons for refusal state:

1. The proposal would undermine the principles of controlling development and preventing the construction of additional housing in the Green Belt, leading to the erosion of character of such areas. This is contrary to the requirements of Policy NE2 (Green Belt) of the Aberdeen Local Development Plan and Policy NE2 (Green Belt) of the Proposed Local Development Plan as the applicant has failed to demonstrate that the proposed house is required to provide residential accommodation for an essential agricultural worker who must be housed immediately adjacent to Oldtown Farm.
2. The proposal would set an undesirable precedent for applications of a similar nature which would result in the proliferation of additional housing in the Green Belt which would result in the erosion of the character and appearance of the Green Belt and the landscape setting of the city.

## 2. Background

The farm at Oldtown as been operated for the last 13 years by the appellant. It is a very successful farming business and is mostly intensively farmed given the pedigree nature of the Texel sheep flock.

The farmland area extends to 40 hectares with 10 hectares in hay and 30 hectares in grazing. When the application was submitted there were 140 ewes, 10 rams and 210 lambs at the farm, totalling 360 animals. Obviously at the time of submitting the appeal there are less animals in total due to less number of lambs. Notwithstanding flucutations in total numbers, the labour unit requirement at the farm is 0.94, however, there are clearly times (months at a time) when the requirement is for more than one worker to be present on a full time basis on the farm and indeed it is stated within the supporting SAC report that this could well also be an underestimate.

There are several buildings at Oldtown Farm including Oldtown Farmhouse where the applicant resides. Other converted buildings are owned and occupied by other family members who do not work on the farm. There is a bothy which is also in separate ownership and rented out privately. There are three large sheds within the farm complex to the north east and south west of the existing farmhouse. There are no other buildings at Oldtown which could be converted or rented to a farm worker.



Oldtown Farmhouse

The appellant employs a full-time shepherd but they live in extremely poor conditions in a small caravan with no toilet or running water, situated in the lambing shed. Clearly it is located here to be close to the sheep. It is not a sensible or efficient way to operate the unit.



One of the farm buildings

The application site is located to the northeast of the existing farmhouse and is well related to the existing buildings. It is a well contained area of ground currently fenced off with post and wire fencing for horses and with trees along the south eastern and south western boundaries. The access to the house would be taken from the existing access track to the farmhouse and farm buildings. The site is otherwise surrounded by agricultural land.



Application site looking south west and towards Oldtown Farmhouse



Application site looking north east and towards Peterculter

As far as possible, the appellant works on the farm on a full-time basis but does work on other business commitments and is also unable to physically fulfil all the labour requirements on the farm. While it is acknowledged that the existing farmhouse provides a dwellinghouse in support of the farming operation, this is not an adequate situation for the practical day to day running of the farm which regularly requires two people to look after all the sheep and especially so for the months of lambing. It is essential for the efficient operation of the farm that more than one worker can be based at the farm and has suitable accommodation there, particularly with regard to the security of livestock and equipment and from an animal welfare point of view.

The supporting ground assessment and drainage recommendation report as submitted and prepared by S.A McGregor confirms that the site is of a granular gravelly nature and the subsoils below 1m indicated well-draining soils. The underlying strata are considered suitable for the construction of standard sub-surface soakaway systems for the disposal of both foul water and rain/surface waters from the proposed new house.

### 3. Planning Policy

The **Aberdeen and Aberdeenshire Strategic Development Plan 2014** aims to make sure that new development meets the needs of the whole community, both now and in the future, and makes the area a more attractive place for residents and businesses to move to. To achieve the vision the highest standards for urban and rural design must be set, a mix of land uses should be promoted, land should be used more efficiently and previously developed land must be reused. Land brought forward for development must be used efficiently and brownfield and regeneration areas should be given priority.

**The Aberdeen Local Development Plan Policy NE2 Green Belt** states that no development will be permitted in the green belt other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal. The Proposed Aberdeen Local Development Plan Policy NE2 Green Belt substantively reiterates Policy NE2 Green Belt in the Adopted Local 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. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

**Policy D6 Landscape** states that development will not be acceptable unless it avoids significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it; obstructing important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches; disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them; sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities. Development should avoid significant adverse impacts upon existing landscape elements, including linear and boundary features or other components, which contribute to local amenity, and provide opportunities for conserving, restoring or enhancing them.

## 4. Material Considerations

**Scottish Planning Policy 2014** has evolved and provides a welcoming approach to small scale appropriately located development in the countryside and introduces a presumption in favour of development that contributes to sustainable development. It allows greater flexibility in residential development and encourages rural development that supports prosperous and sustainable communities while protecting and enhancing environmental quality. Plans should make provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities and recognises that authorities should also set out the circumstances in which new housing outwith settlements may be appropriate, particularly in rural areas. Development Plans should promote the development of rural communities and aim to support and sustain fragile and dispersed communities through appropriate housing development. A factor which guides development decisions includes making efficient use of existing capabilities of land, buildings and infrastructure. Development associated with agriculture can be acceptable in a Green Belt location.

The aim of **Planning Advice Note 72 on Housing in the Countryside** is to provide widespread and good quality rural housing. It recognises that more people want to live and work in rural areas. Small scale development on brownfield sites is seen as appropriate in rural areas but sites must be accessible and well designed.

In **Planning Advice Note 73 Rural Diversification** the Scottish Government confirms its commitment to supporting rural life, rural communities and the rural economy and recognises that one size does not fit all and a flexible approach is often required to help businesses realise their opportunities. The advice confirms that it is important to take into account the particular needs or special circumstances of a business and be realistic about the resources available to them and that while house-building in itself is not diversification, there are circumstances where in relation to a business new housing may be acceptable as a complementary part of a development.



## 5. Justification and Conclusion

There are several inconsistencies in how the application has been assessed. There are exceptions to the Green Belt Policy which have not been accurately assessed. Proposals for development associated with existing activities in the Green Belt will be permitted but only if all of the following criteria are met: development is within the boundary of the existing activity (the appeal site is located within the farm); the development is small scale (the erection of a single dwellinghouse is a small scale development); the intensity of the activity is not significantly increased (the erection of a single dwellinghouse is not a significant development); any proposed built construction is ancillary to what exists (the dwellinghouse would clearly be ancillary to the farm operations).

The reasons for refusal are also disputed. Firstly, it is not agreed that the development would lead to the erosion of the character of the Green Belt. This is clearly a rural development which is to be encouraged in line with Scottish Planning Policy 2014 and it would not be detrimental to the environment. SPP states that development associated with agriculture can be acceptable in a Green Belt location. The dwellinghouse would also provide good quality housing for a farm worker in line with PAN72 and would be a small scale and accessible development. The comments from Culter Community Council that the site is large and that Oldtown is already overdeveloped are not agreed.

Secondly, it is not agreed (again as Culter Community Council has also commented) that the appellants has failed to demonstrate that the dwellinghouse is for an essential agricultural worker who must be located immediately adjacent to Oldtown Farm. Texel sheep are a specialist breed and while it is acknowledged that Peterculter is not far away from the site, farm workers need to be located at the farm and it is essential for them to be on site to assist with the flock. The intermittent nature of current employees due to the lack of suitable, permanent, full time accommodation does not assist with the efficiency and effectiveness of the business and a dwellinghouse for a permanent, consistent full time worker would support the business moving forward in line with national policy and advice.

Thirdly, the development would not set an undesirable precedent as the site is not prominent and is well contained within the complex of existing farm buildings and other houses, contrary to the comments of Culter Community Council, and it would not erode the character and appearance of the landscape setting of the City. It is important to note that no specific reasons for refusal are given on policy grounds related to layout, siting, design or landscape impact. It is therefore argued that the development complies with Policy D1 on Architecture and Placemaking and Policy D6 on Landscape in that the development would make a positive contribution to its setting and would not significantly affect landscape character and elements which contribute to, or provide, a distinct 'sense of place', no views are obstructed and there would be no disturbance, loss or damage to important recreation, wildlife or woodlands.

To conclude, there is an essential requirement for an additional house for a farm worker at Oldtown Farm. While there may not be a documented requirement for two full time workers at the farm there is clearly a need for more than one and the majority of the time the work involved requires two people to carry out the work as effectively as possible. PAN 73 recognises that "one size does not fit all" and a flexible approach is often required to help businesses realise their opportunities. In relation to Oldtown there are particular needs of the business which would be supported by the erection of a farm workers house. The business cannot continue to operate as it is at the moment, major assistance with suitable accommodation is required to suitably support the pedigree Texel flock.

It is important to note that there are no technical objections from consultees and there are no local objections from third parties.

The proposal would be sustainable as it is directly adjacent to the farm unit and the land and infrastructure required is in place for the development and maximises the capability of these. There is a particular and specific need in this case for the development which SPP 2014 clearly supports. A high standard of rural design would be employed at the detailed application stage and the appellant is agreeable to any such conditions considered appropriate. The house will add neatly to the small cluster of houses and buildings at this location. However, as suggested by Culter Community Council, an agricultural tie condition would not be appropriate as is current best practice as recommended by the Chief Planner for Scotland in November 2011.

It is therefore respectfully requested that Planning Permission in Principle be granted.