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To: Councillor Milne, Convener; and Councillors J Morrison MBE and S Stuart

Town House,
ABERDEEN 16 February 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 4 - Town House on **WEDNESDAY, 24 FEBRUARY 2016 at 2.00 pm.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

BUSINESS

- 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 - ROBERT FORBES

- 2.1 Knowsie, 10 Cordyce View, Dyce - Construction of a 1.5 Storey Extension to Replace an Existing Extension and Outbuilding - 141127
- 2.2 Delegated Report, Decision Notice, Plans and Letter of Objection (Pages 7 - 20)
Members, please access all relevant plans at the following link:
<http://planning.aberdeencity.gov.uk/docs/planningdocuments.asp?appnumber=141127>
- 2.3 Planning policies referred to in documents submitted (Pages 21 - 64)

- 2.4 Notice of Review with supporting information submitted by applicant / agent (Pages 65 - 78)
- 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 ADVISER - GARETH ALLISON

- 3.1 1 Claremont Street, Aberdeen - Alteration and Change of Use from Office to 4 No. Flats - 150900
- 3.2 Delegated Report, Decision Notice, Plans and Letters of Objection (Pages 79 - 98)
Members, please access all relevant plans at the following link:
<http://planning.aberdeencity.gov.uk/docs/planningdocuments.asp?appnumber=150900>
- 3.3 Planning policies referred to in documents submitted (Pages 99 - 120)
- 3.4 Notice of Review with supporting information submitted by the Applicant / Agent (Pages 121 - 142)
- 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 the conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

PLANNING ADVISER - LUCY GREENE

- 4.1 10 King's Cross Road, Aberdeen - Formation of Straight Gable, Extension to Front Dormer and Erection of 1.5 Storey Extension to Rear - 151708
- 4.2 Delegated Report, Plans and Decision Notice (Pages 143 - 152)
Members, please access all relevant plans at the following link:
<http://planning.aberdeencity.gov.uk/docs/planningdocuments.asp?appnumber=151708>

- 4.3 Planning policies referred to in documents submitted (Pages 153 - 196)
- 4.4 Notice of Review with supporting information submitted by the Applicant / Agent (Pages 197 - 214)
- 4.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material conditions.
- 4.6 Consideration of the conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Mark Masson on mmasson@aberdeencity.gov.uk / tel 01224 522989 or Allison Swanson on aswanson@aberdeencity.gov.uk / tel 01224 522822

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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)):

KNOWSIE, 10 CORDYCE VIEW, DYCE

CONSTRUCTION OF A 1.5 STOREY
EXTENSION TO REPLACE AN EXISTING
EXTENSION AND OUTBUILDING.

For: Mr Brian Forbes

Application Type : Detailed Planning
Permission

Application Ref. : P141127

Application Date : 12/08/2014

Advert :

Advertised on :

Officer : Sheila Robertson

Creation Date : 11/09/ 2015

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

Community Council: No comments

RECOMMENDATION:

Refuse

DESCRIPTION

The application site is located on the north side of Cordyce View, a small cul de sac to the immediate north of Aberdeen Airport's East Terminal, and is occupied by a detached, hipped roofed, single storey dwelling house finished with render and a slate roof. The original dwelling house, which was 'L' shaped and positioned towards the east of the plot, has been substantially extended to the rear and western elevation by several single storey extensions, eventually linking with a lean to outbuilding located 1.4m off the western boundary. There is a small outhouse to the extreme north west of the rear garden which abuts an area of amenity space to the north planted with semi mature trees. The front garden currently provides parking for several cars and is screened by a low wall to the street elevation backed by 1.8m high hedging. The principal elevation of the dwelling house has open views towards the airport grounds.

The footprint of the existing dwelling house, including the previous extensions, results in a built site coverage of approximately 28% of the 860 sq m plot. Cordyce View is characterised by a variety of detached and semi detached dwelling houses, both single and 1.5 storey, of varying design, materials and age, all located to the north side.

RELEVANT HISTORY

130876 – Erection of 2 storey extension (withdrawn)

A5/004 – Rear extension.

96/2075 – Side extension.

86/0288 – Side extension.

PROPOSAL

Planning permission is sought to erect a 1.5 storey extension to the west of the original dwelling house and involving removal of an existing hipped roof extension, a lean to entrance porch/utility room and an adjoining outhouse. The new extension would be 8.8m wide x 9.6m deep, its rear elevation would sit flush with the existing building line while its front building line would sit 1m forward of the front building line of the original dwelling house, 200mm forward of the projection of the original outbuilding. The roof would be pitched, with straight gables to both front and rear elevations. The roof ridge height would be 6.8m, 2.6m higher than the roof ridge of the original dwelling house and some 3.7m higher than the extension to which it would abut. The eaves height would be 800mm above the adjoining extension, but match that of the original dwelling house. To ground floor level, the extension would provide a new lounge/dining room, storage room, W.C., rear vestibule and a staircase to the upper floor which would function as a games room/storage area with a W.C. Finishing materials would include grey wet dash render and slates. To the front (south) elevation, there would be a glazed door and triple windows to the ground floor and 2 triangular windows at upper level, while to the rear there would be a single glazed door, a set of triple glazed doors and a single window to the ground floor and 2 triangular windows at upper level.

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=141127>

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

CONSULTATIONS

Roads Development Management – No objections.

Environmental Health – No observations.

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

Community Council – No comments received.

REPRESENTATIONS

One letter of representation has been received objecting to the proposal on the grounds of loss of privacy from the windows at upper level.

PLANNING POLICY

Aberdeen Local Development Plan

Policy D1 – Architecture and Placemaking

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

Policy 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; and
3. complies with Supplementary Guidance contained in the Householder Development Guide.

Supplementary Guidance - Householder Development Guide

Rear/side extensions

There is no specific guidance relating to extensions to detached dwelling houses. Such development is assessed on their own merits on a site specific basis however all 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.

Proposed Aberdeen Local Development Plan

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

D1 – Quality Placemaking by Design (*D1 – Architecture and Placemaking in adopted LDP*)

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.

H1 – Residential Areas (*H1 – Residential Areas in adopted LDP*).

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 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; and
4. Complies with Supplementary Guidance.

EVALUATION

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

Principle of Development

The application site is located within an area zoned for residential use in the adopted Aberdeen Local Development Plan 2012, and relates to an existing dwelling house. The proposed extension is therefore acceptable in principle subject to an acceptable form and appearance. In determining what constitutes an acceptable form of extension, the local plan policies and associated supplementary guidance detailed above will be of relevance.

Design, Scale and Massing

The overall objective of the current Supplementary Guidance contained in the Householder Development Guide is to ensure that all extensions and alterations to residential properties should be well designed, with due regard for both their context and the design of the parent building. Such extensions and alterations should make a positive contribution to the design and appearance of a building and maintain the quality and character of the surrounding area. There is no specific guidance relating to the size and scale of extensions to detached properties, which are determined on a site specific basis on their own merits.

General principles expect that all extensions should be architecturally compatible in design and scale with the original house and surrounding area, materials should be complementary and any development should not overwhelm or dominate the original form or appearance of the dwelling house.

Elements of the proposed design are considered acceptable; there would be a minor increase of 6.72 sq m in the ground floor footprint, with a corresponding rise of 0.7% in total site coverage to 28.7%, which would maintain the current low site coverage and retain more than adequate useable rear garden space after development. This is in line with the Council's supplementary guidance on householder development, in that the proposal would not double the existing footprint of the original dwelling house, and would represent a negligible rise in

the ground floor footprint, although previously approved extensions have effectively increased the footprint slightly in excess of 100%.

The proposed materials would match or integrate with the existing dwelling house, and the height of the extension would not introduce an unduly intrusive element to the streetscape, where there are a wide variety of roof heights, some in excess of that proposed.

However, notwithstanding the above, there remains potential policy conflict whereby the design of the 1.5 storey extension is not considered architecturally compatible with the design and height of the original single storey dwelling house and its subsequent extensions. The proposed extension is highly visible from a public viewpoint and its scale, mass and height would permit the development to visually dominate and overwhelm the original character of the house. The relationship of the extension to the original dwelling house is one whereby the unsympathetic design and mass of the extension would result in the original building no longer remaining visually dominant, which policy seeks to prevent. The extended dwelling house would not read as a single, cohesive unit, and the extension therefore serves to significantly alter the character of the dwelling house in an unsympathetic manner, contrary to the general principles contained in the Supplementary Guidance and Policy D1 (Architecture and Placemaking). In addition, existing residential amenity would be affected by the sheer presence of such a domineering extension, contrary to Policy H1.

Impact on Residential Amenity

Additionally, no development should result in a situation where amenity is 'borrowed' from an adjacent property. Since daylight is ambient, the calculation is applied to the nearest windows serving a neighbouring habitable room. Using the "45 degree rule" as set out in the British Research Establishment's Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice', calculations indicate that all neighbouring properties are located sufficiently distant from the proposed extension to ensure no detrimental impact in terms of loss of daylight.

Turning to the impact to adjacent properties in terms of overshadowing, the orientation of the proposed extension and its distance are important factors. Calculations indicate that due to the size, form and orientation of the proposal, there would be no additional impact relating to overshadowing of private rear garden ground to surrounding properties.

New windows would not directly face neighbouring windows; therefore there would be no additional impact in terms of loss of privacy to the interior of neighbouring properties. An objection has been raised citing loss of privacy from the upper floor windows, although the objector has not been specific regarding the nature of the objection. However, on the assumption that it relates to potential overlooking of the rear garden ground of their property to the immediate west of the application property, their dwelling house is set at an oblique angle to, and

has a blank gable facing the application property. There is a garage located within the north east corner of the objector's garden, and both dwelling houses are separated by its access driveway running along the mutual boundary. The extension would have 2 windows at upper level, the one nearest the objector's property serving a W.C. where opaque glazing would be expected. The remaining window would be checked in a minimum distance of 5.5m from the new gable, and directly face north east, offering little opportunity for overlooking the neighbours rear garden other than their driveway and garage, both already visible from a public viewpoint, and not forming part of their main area of private garden space. Therefore it is considered that the objection is unfounded and the extension would result in minimal additional overlooking of an area that is already highly visible from a public viewpoint.

Conclusion

Notwithstanding some recognised positive aspects of the proposal, the height of the proposed extension and subsequent impact on the character of the original dwelling house remains cause for concern and fails to uphold the provisions of Policies D1 and H1 and associated supplementary guidance contained within the adopted Aberdeen Local Development Plan 2012 in that the proposed extension would visually dominate and overwhelm the original form of the dwelling house.

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 to 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 in the Proposed ALDP substantively reiterate that of the adopted local development plan and the proposal is therefore unacceptable in terms of both plans for the reasons already previously given.

On the basis of the above, it is considered that the proposal would not accord with the provisions of the Development Plan, and there are no material planning considerations – including the provisions of the Proposed Plan - that would warrant approval of the application and it would therefore not be unreasonable to refuse planning permission in this case.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The proposed extension would breach both Policy D1 (Architecture and Placemaking) and the relevant Supplementary Guidance contained in Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2012, as its design would overwhelm and dominate the original form and appearance of the dwelling house which would have a significant detrimental impact on the existing visual and residential amenities of the area by virtue of its overall height and massing. No material considerations have been identified that would warrant determination other than in accordance with the Development Plan. The proposal, if implemented, could establish an undesirable precedent for similar applications, potentially leading to a cumulative erosion of residential character, to the detriment of the visual and residential amenity of the area.

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

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Refusal of Planning Permission

MAC Architects
24 Oldmeldrum Road
Newmachar
AB21 0PJ

on behalf of **Mr Brian Forbes**

With reference to your application validly received on 12 August 2014 for Planning Permission under the above mentioned Act for the following development, viz:-

CONSTRUCTION OF A 1.5 STOREY EXTENSION TO REPLACE AN EXISTING EXTENSION AND OUTBUILDING.
at **Knowsie, 10 Cordyce View, Dyce**

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

100 REV B, 101 REV D, 102 REV C, 300 REV C, 301 REV C, 400 REV C, 401 REV C, 402 REV C, 403 REV C, 001

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

The proposed extension would breach both Policy D1 (Architecture and Placemaking) and the relevant Supplementary Guidance contained in Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2012, as its design would overwhelm and dominate the original form and appearance of the dwelling house which would have a significant detrimental impact on the existing visual and residential amenities of the area by virtue of its overall height and massing. No material considerations have been identified that would warrant determination other than in accordance with the Development Plan. The proposal, if implemented, could establish an undesirable precedent for similar applications, potentially leading to a cumulative erosion of residential character, to the detriment of the visual and residential amenity of the area.

PETE LEONARD
DIRECTOR

Continuation

The plans, drawings and documents that are the subject of this decision notice are numbered as follows:- 100 REV B, 101 REV D, 102 REV C, 300 REV C, 301 REV C, 400 REV C, 401 REV C, 402 REV C, 403 REV C, 001

Date of Signing 24 September 2015

Daniel Lewis
Development Management Manager

Enc.

PETE LEONARD
DIRECTOR

**NB. EXTREMELY IMPORTANT INFORMATION RELATED TO THIS REFUSAL OF
PLANNING APPROVAL**

The applicant has the right to have the decision to refuse the application reviewed by the planning authority and further details are given in Form attached below.

Regulation 28(4)(a)

Form 1

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions

1. If the applicant is aggrieved by the decision of the planning authority to –
 - a. refuse planning permission for the proposed development;
 - b. to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c. to grant planning permission or approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at <http://eplanning.scotland.gov.uk/>.

Notices of review submitted by post should be sent to –

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

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in it's existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

PETE LEONARD
DIRECTOR

PETE LEONARD
DIRECTOR

Stephanie Dunsmuir
Assisting Clerk to Local Review Body
Aberdeen City Council

11 Cordyce View
Dyce Aberdeen
21st January 2016.

Dear Miss Dunsmuir

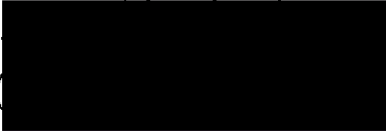
PLANNING REF 141127 - KITCHEN TO CORDYCE VIEW.

Thank you for your letter of 20th January,
regarding above property.

I have no objection to the plans,
if he removed the two windows on the wall close to my
driveway and overlooking my property. I value my
privacy and when it comes to selling, lots of buyers
would be put off buying, with two windows overlooking
the property!

Again thank you for keeping me

informed

Yours sincerely


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

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

▪ GENERAL PRINCIPLES

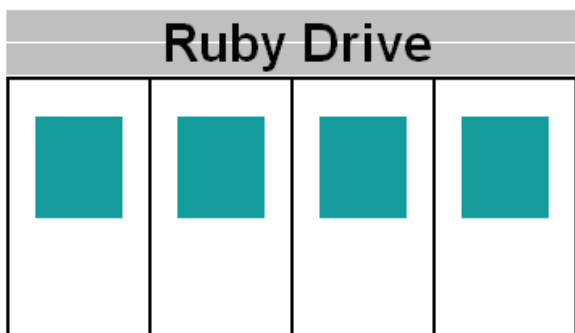
Elsewhere in this document, guidelines are set out in relation to specific types of development, such as house extensions, porches etc. In addition to those specific criteria, the following principles will be applied to **all** applications for householder development:

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

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

▪ **REAR & SIDE EXTENSIONS**

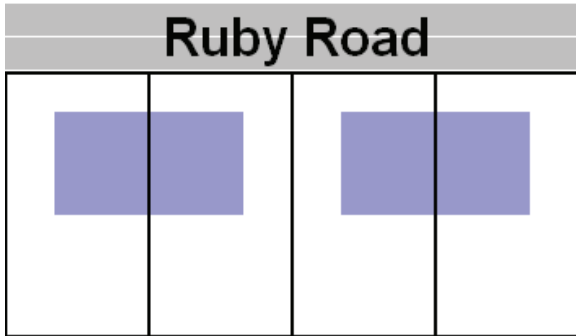
In addition to the design considerations noted above, the planning authority shall continue to apply guidelines relating to specific types of dwellings, as follows. Where dimensions are stated for projection of extensions, these should be measured from the rearmost original part of the main building,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



1. Detached Dwellings

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

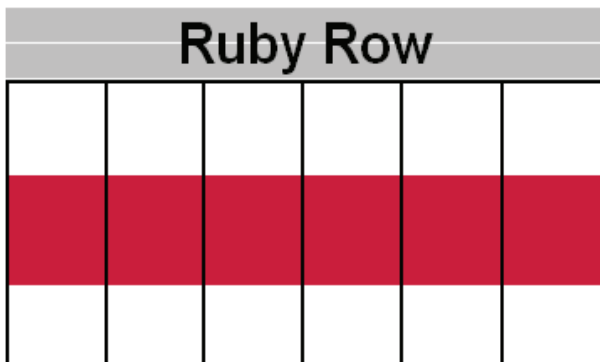
2. Semi-detached Dwellings



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

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

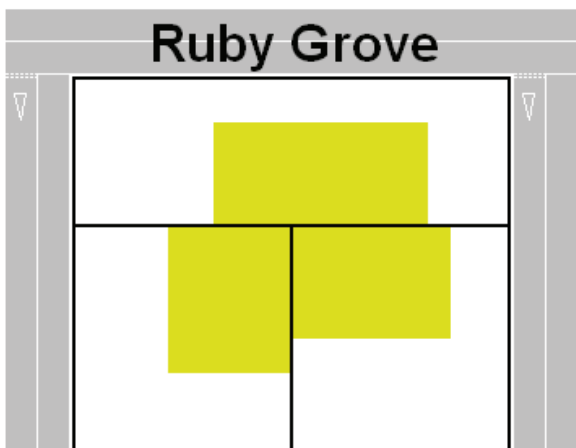
3. Conventional Terraced Dwellings



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

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

4. Grouped Terraces



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

▪ FRONT EXTENSIONS / PORCHES

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

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

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

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

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

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

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

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

▪ DORMER WINDOWS AND ROOF EXTENSIONS

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

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

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



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

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



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

Dormer Windows: General Principles

The following principles will normally apply in all cases:

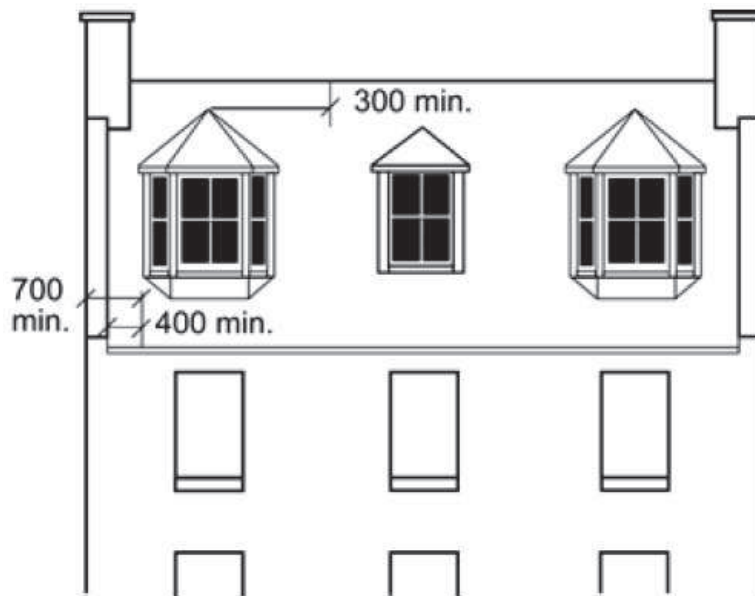
- a) On traditional properties, original dormers must be retained and repaired, and their removal and/or replacement with larger or modern dormers will not be permitted;
- b) The removal of inappropriate earlier dormers and roof extensions, and their replacement by architecturally and historically accurate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

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

Dormer Windows: Older properties of a traditional character

1. Front Elevations

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

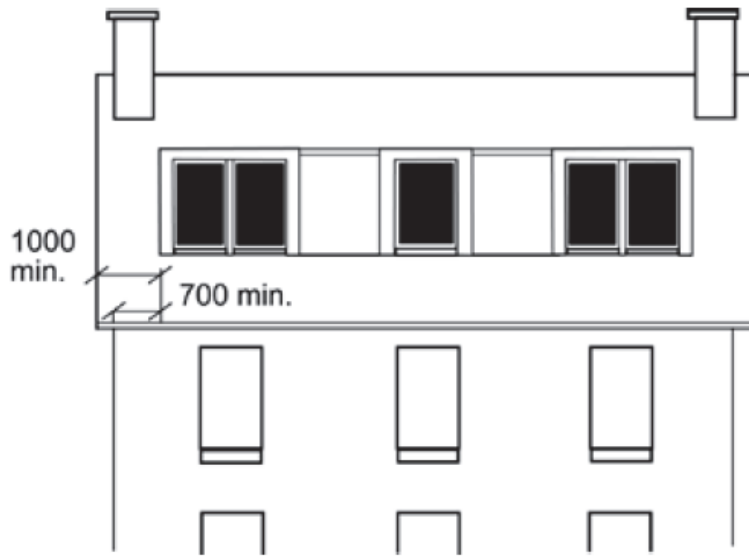


Piended dormers on typical Aberdeen tenement (linking dormers not acceptable on front elevations)

2. Rear Elevations and Exceptions

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

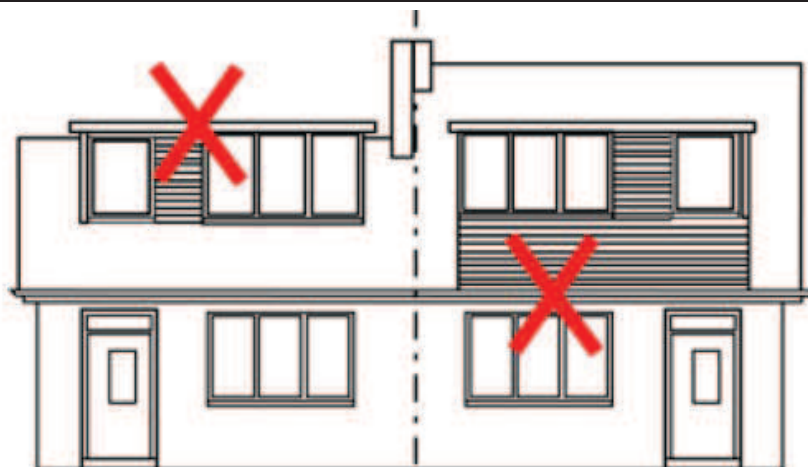
- a) The aggregate area of all dormer and/or dormer extensions should not dominate the original roof slope;
- b) Dormer haffits should be a minimum of 400mm in from the inside face of the gable tabling;
- c) The front face of dormer extensions should be a minimum of 400mm back from the front edge of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



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

Dormer Windows: Modern Properties

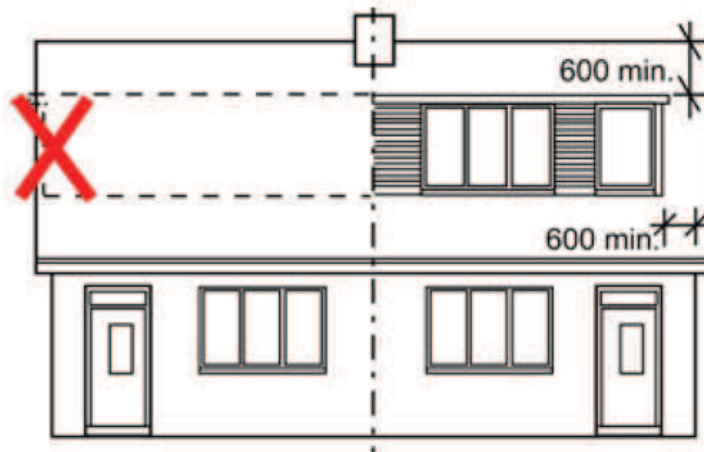
- a) Dormers and box dormer extensions have become common features in many modern housing areas, and the wide variety of designs of modern dwellings necessitates a greater flexibility in terms of design guidance. The amenity of other properties and the residential neighbourhood must however, still be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



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

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

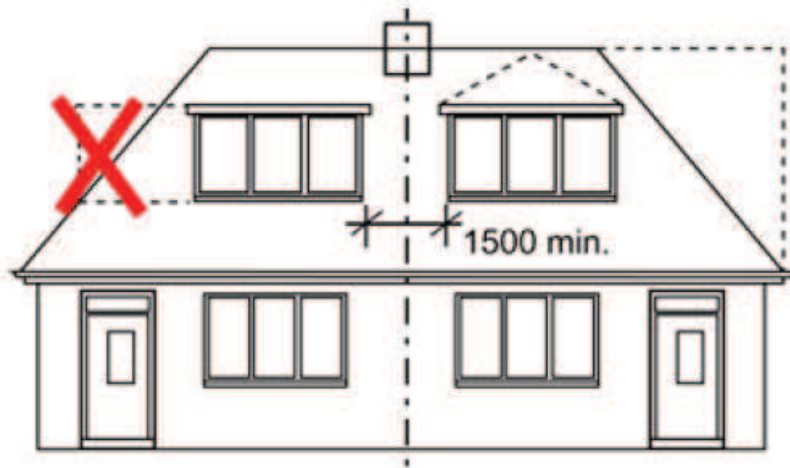
- d) The roof of the proposed extension should not extend to, or beyond the ridge of the existing roof, nor should it breach any hip. Dormer extensions cannot easily be formed in hipped roofs. Flat roofed extensions should generally be a minimum of 600mm below the existing ridge;
- e) The dormer extension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



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

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

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

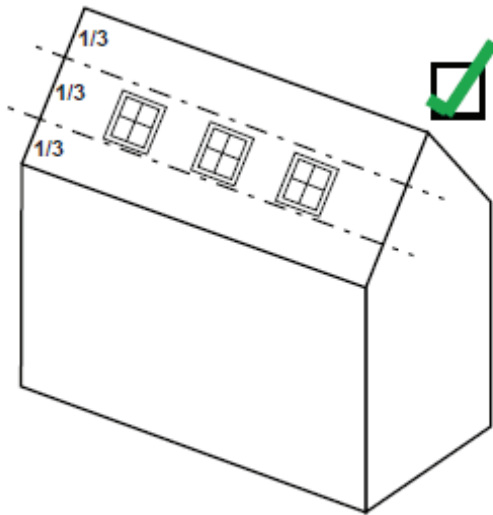


Flat roofed dormers on more traditional hipped roof house (Dormers should not breach hips. A pitched roof on this kind of dormer greatly increases its bulk). Extending roof to the gable on one side only is best avoided.

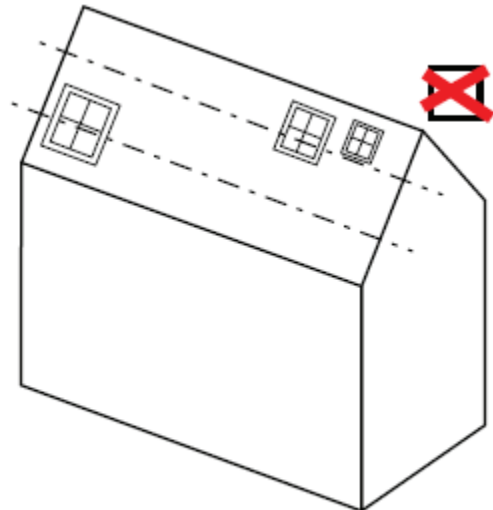
▪ **ROOFLIGHTS**

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

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



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

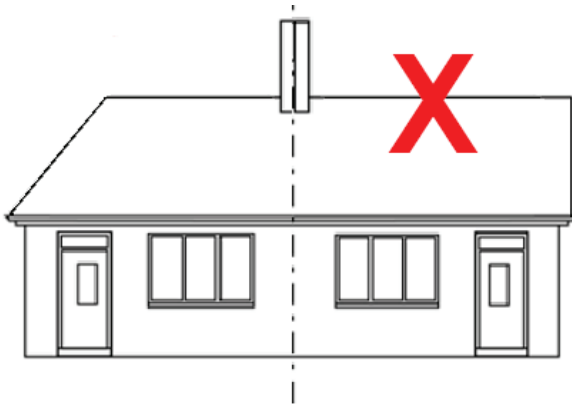


Rooflights too large and too close to eaves and verge. A variety of sizes, spacing and levels.

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

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

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



Hipped roof extensions

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

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

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

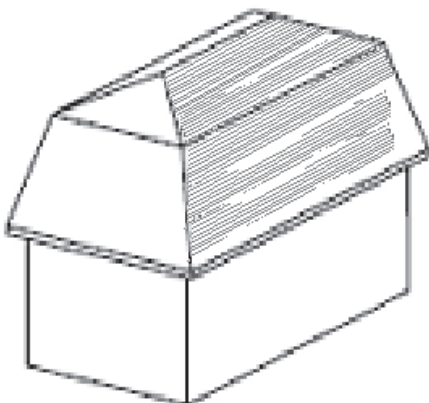
Half dormer windows

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



Wall-head gables

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



Mansard Roofs

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

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

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

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

▪ OTHER DOMESTIC ALTERATIONS

Replacement Windows and Doors

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

Satellite Dishes

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

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

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

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

Decking

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

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

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

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

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

Fences, Walls and Other Boundary Enclosures

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

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

Driveways

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

Planning permission will be required in the following circumstances;

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

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

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

Microrenewables

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

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

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

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

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

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

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

Asset Management
Enterprise, Planning and Infrastructure

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX A: GLOSSARY OF TERMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fenestration - The arrangement of the windows in a building.

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

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

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

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

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

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

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

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

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

Piended – scots term for hipped (pronounced peended)

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

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

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

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

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

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

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

Wallhead – The uppermost section of an external wall.

APPENDIX B: APPLICATION CHECKLIST GUIDE

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

APPENDIX C: DAYLIGHT AND SUNLIGHT

Daylight

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

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

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

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

The 45° Method for daylight

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

DIAGRAM 1: 45° METHOD

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

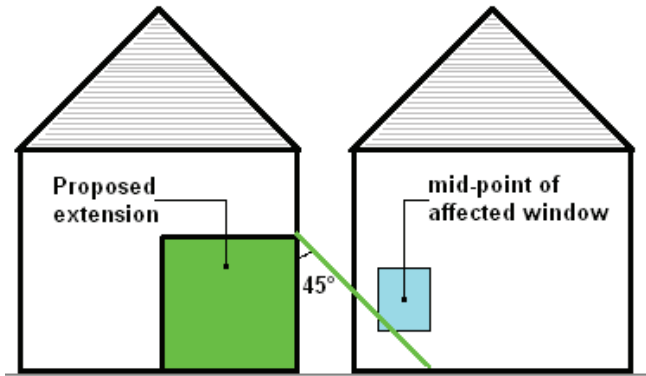


Fig A: Elevation view

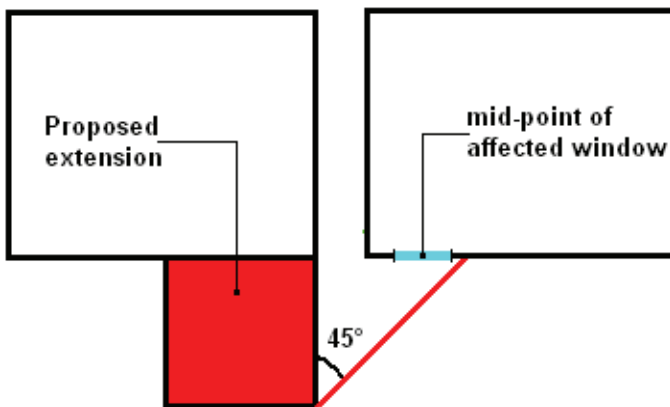


Fig B: Plan view

The 25° Method

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

DIAGRAM 2: 25° METHOD

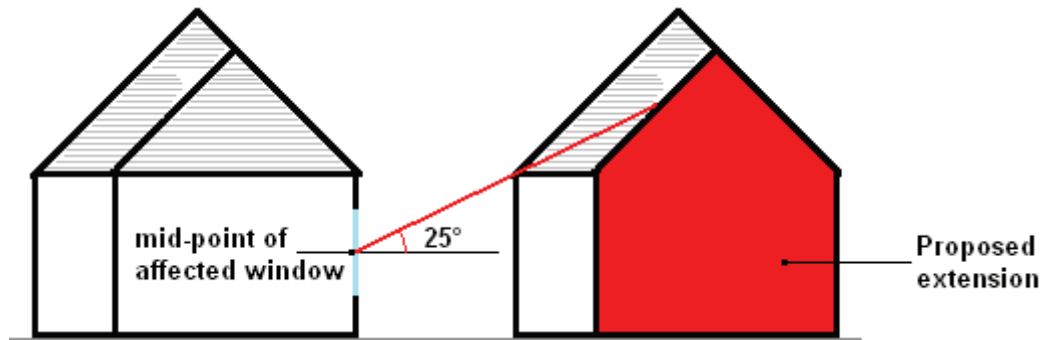


Fig A: Proposed extension may result in loss of daylight to adjacent window of a habitable room

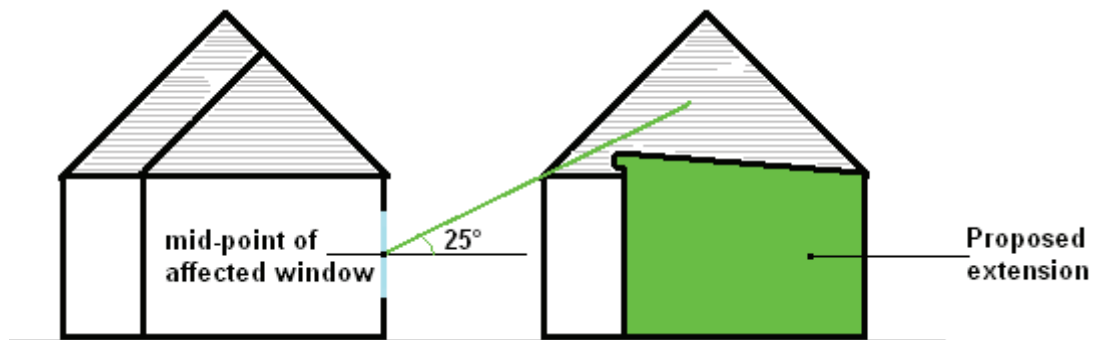


Fig B: Proposed extension would not result in loss of daylight to adjacent window of a habitable room

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

Sunlight

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

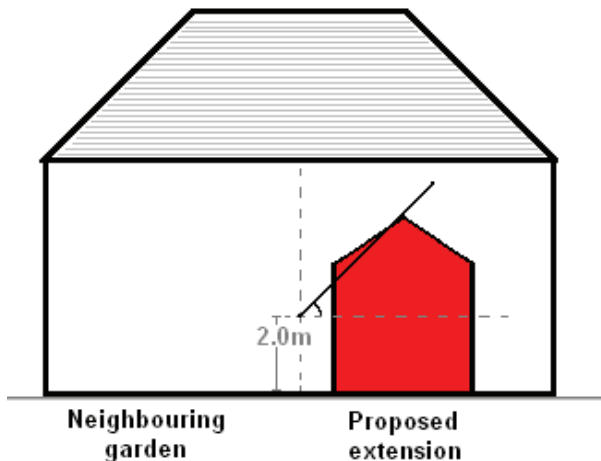
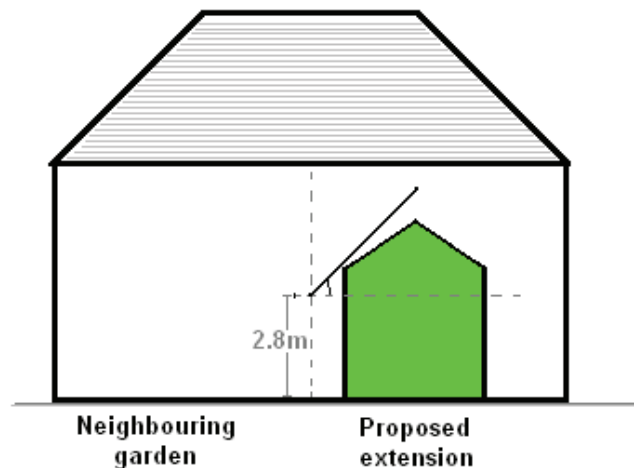
The method used involves drawing a line at 45 degrees to the horizontal. This line will begin at a point above ground level on the relevant boundary. The height above ground level will be determined by the orientation of the proposed building or structure relative to the affected space, as shown in the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

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

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

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

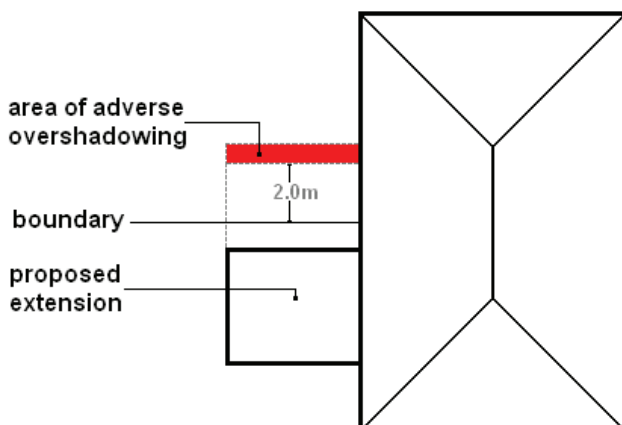
The diagram in Example 1 shows that the line drawn would not strike any part of the proposed extension, and therefore for the purposes of this test there would be no adverse affect on sunlight to the neighbouring garden.



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

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

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



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

Appendix D: Privacy

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

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

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

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

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

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

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

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

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 000095703-002

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:	MAC Architects
Ref. Number:	
First Name: *	Blair
Last Name: *	Milne
Telephone Number: *	01651 862688
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	

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

Building Name:	
Building Number:	24
Address 1 (Street): *	Oldmeldrum Road
Address 2:	
Town/City: *	Newmachar
Country: *	UK
Postcode: *	AB21 0PJ

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="Brian"/>
Last Name: *	<input type="text" value="Forbes"/>
Company/Organisation:	<input type="text"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

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

Building Name:	<input type="text"/>
Building Number:	<input type="text" value="10"/>
Address 1 (Street): *	<input type="text" value="Cordyce View"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Aberdeen"/>
Country: *	<input type="text" value="Scotland"/>
Postcode: *	<input type="text" value="AB21 7DS"/>

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="KNOWSIE"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="10 CORDYCE VIEW"/>	Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text" value="AB21 7DS"/>
Address 4:	<input type="text"/>		

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

Northing	<input type="text" value="812609"/>	Easting	<input type="text" value="388289"/>
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Description of the Proposal

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

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to 074 Local Review Board Form 'Statement' attached within the '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)

P141127 Application Documents;
Drawings: 074(GA)001A, 074(GA)100B, 074(GA)101D, 074(GA)102C, 074(GA)300C, 074(GA)301C, 074(GA)400C, 074(GA)401C, 074(GA)402C & 074(GA)403C
Renders: 074 Planning Amendment Document

Application Details

Please provide details of the application and decision.

What is the application reference number? *

P141127

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

12/08/14

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

24/09/15

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

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: Blair Milne

Declaration Date: 23/12/2015

Submission Date: 23/12/2015

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

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

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

N/A

Site inspection

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

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

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

N/A

Statement

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

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

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

Application P141127 was a re-submission developed in consultation with Aberdeen City Council following withdrawal of previous application P131876. Application P141127 was developed to incorporate a continuous eaves line, pitched roof and amended glazing ratios and fenestration in order to comply with the policies and interpretations/preferences of Aberdeen City Council Planning Department.

The existing dwelling has had a number of developments throughout it's lifetime of varying scales and styles and we the proposed replacement extension aims to provide a counterpoint of coherence to the overall dwelling whilst providing a well insulated and sustainably responsible development to meets the needs of the occupants. Furthermore the existing street consists of a wide ranging variety of dwelling styles and scales. It is felt the proposal fully complies with Policy D1 (Architecture and Placemaking) and the relevant Supplementary Guidance contained in Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2012, upon which the application was interpreted to deem refusal.

In addition it should also be noted that the developed proposals were only resubmitted following consultation with Aberdeen City Council. The intention to refuse the application came as a shock and only at the end of the planning process which we feel was contrary to conversations throughout. Processing of the Application Determination was also extremely significantly overdue from Aberdeen City Council.

Reference to previously approved and subsequently expired application 050001 (A5/0004) may also be relevant as this larger extension is the prelude to more recent applications P131876 and P141127.

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.

N/A

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.

P141127 Application Documents;
 Drawings: 074(GA)001A, 074(GA)100B, 074(GA)101D, 074(GA)102C, 074(GA)300C, 074(GA)301C, 074(GA)400C, 074(GA)401C, 074(GA)402C & 074(GA)403C
 Renders: 074 Planning Amendment Document

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

20 November 2015

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.

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In addition it should also be noted that the developed proposals were only resubmitted following consultation with Aberdeen City Council. The intention to refuse the application came as a shock and only at the end of the planning process which we feel was contrary to conversations throughout. Processing of the Application Determination was also extremely significantly overdue from Aberdeen City Council.

Reference to previously approved and subsequently expired application 050001 (A5/0004) may also be relevant as this larger extension is the prelude to more recent applications P131876 and P141127.

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

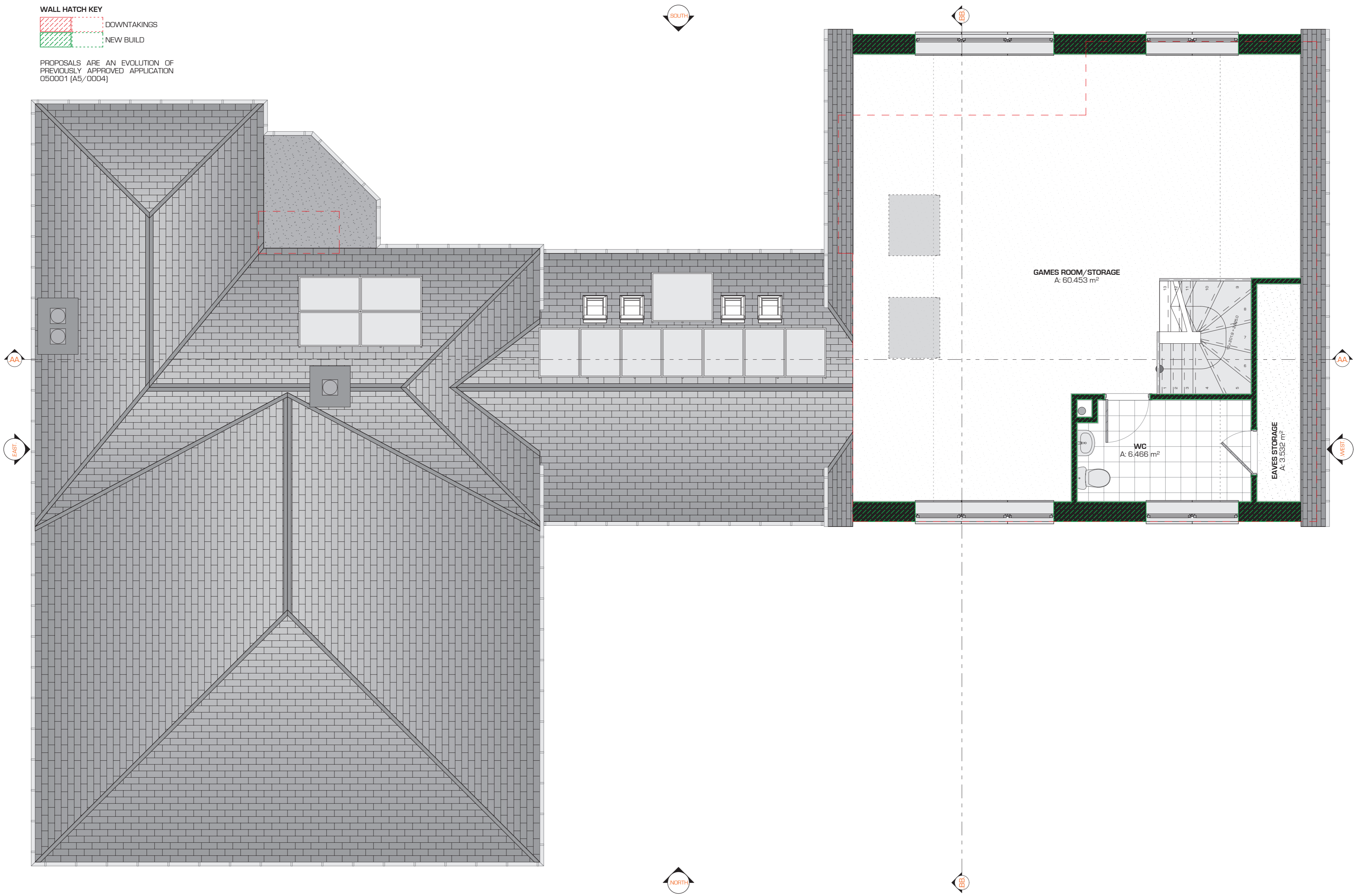
If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

N/A

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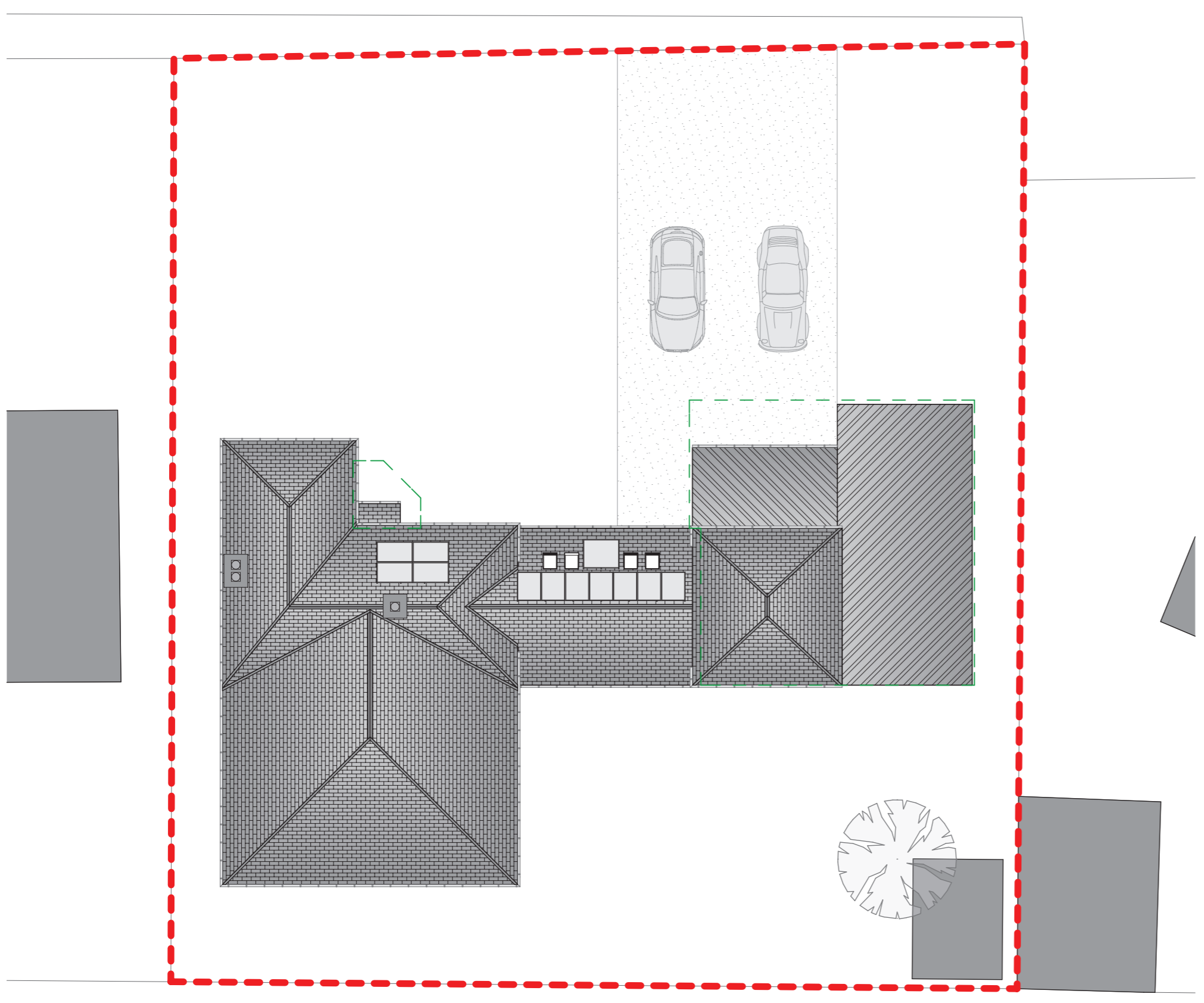
WALL HATCH KEY

 PROPOSALS ARE AN EVOLUTION OF PREVIOUSLY APPROVED APPLICATION 050001 (A5/0004)



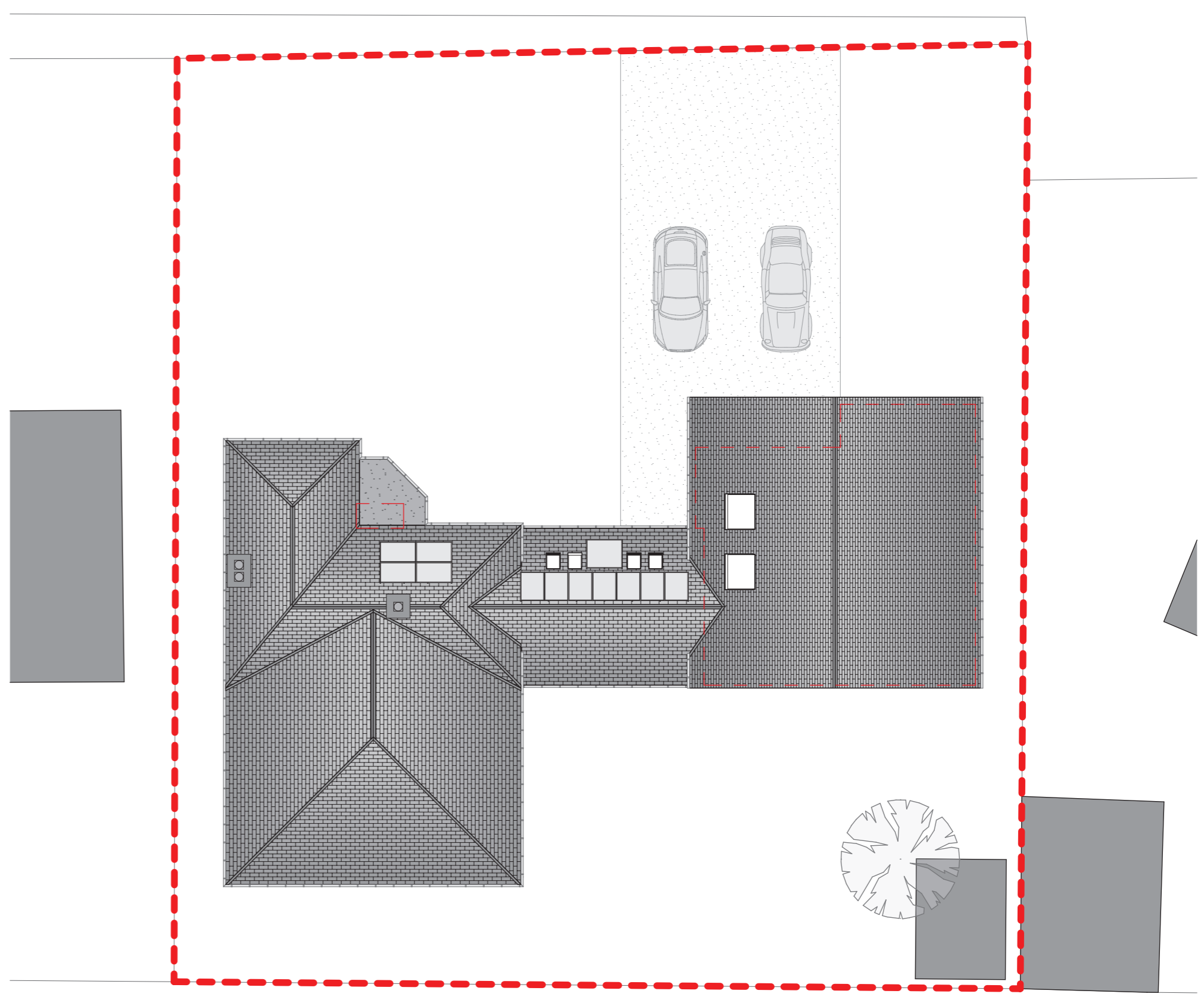
Proposed First Floor Plan 1:50

CORDYCE VIEW



Existing Site Plan 1:150
 Area of Site outlined in red: 866.118m²

CORDYCE VIEW



Proposed Site Plan 1:150
 Area of Site outlined in red: 866.118m²

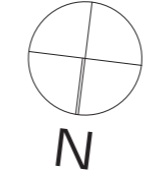
HEALTH & SAFETY
 Contractor to be aware of all current Health and Safety Regulations including the following:
 Construction (Health, Safety and Welfare) Regulations 1998
 Lifting Operations and Lifting Equipment Regulations 1998
 The Manual Handling Operations Regulations 1992
 Confined Spaces Regulations 1997
 Control of Substances Hazardous to Health Regulations 1999
 Full Health and Safety Information can be found in the Approved Code of Practice: Managing Health and Safety in Construction
 All works to be carried out in accordance with current British Standards and current Codes of Practice. Full reference of Standards can be found in the Reference Documents of the NBS Domestic Specification

NOTES
 01. Do not scale off this drawing.
 02. All dimensions are in millimetres unless otherwise stated.
 03. This drawing to be read in conjunction with all relevant architectural, civil/structural, and services engineer's drawings and specifications.
 04. Contractor to check all dimensions on site prior to commencement of works on site and any discrepancies to be notified to the Architect / Client.
 05. All works to be carried out in accordance with the current building regulations and local by-laws.
 06. All works to be carried out to the satisfaction of the local building control officer.

Rev.	Date	Description	Drn.	Chkd.	Appd.	Issue Status
A	22.01.14	Area Reduction & Layout Reconfiguration	BM	JC	-	PLANNING Project Title Mr Brian Forbes 10 Cordyce View Aberdeen AB21 7DS
B	27.06.14	Roof Amendment per Client Request	BM	JC	-	
C	27.02.15	Roof & Window Fenestration Amendment per ACC Request	BM	JC	-	
D	11.09.15	Outhouse Added to Site Plans per ACC Request	BM	JC	-	

Drawing Title
Proposed First Floor Plan & Site Plans
 Scale at A1
 1:50
 Date
 29.08.13
 Drawn
 BM
 Checked
 JC
 Approved
 -
 Job No
 074
 Drawing No
 074(GA)101
 Rev
 D

MAC
 architects
 26 Oldmeldrum Road
 Newmachar
 Aberdeen
 AB21 6PU
 t 01651 862688
 e info@mac-architects.co.uk
 www.mac-architects.co.uk



Scale @ 1:1

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1:2500

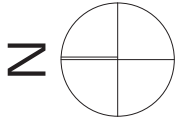
Site Plan

Area of Site outlined in red: 866.118m²

Rev.	Date	Description	Drn.	Chkd.	Apprd.
A	11/03/15	Outhouse Added to Location Plan per AOC Request	BM	JC	-

HEALTH & SAFETY
 Contractor to be aware of all current Health and Safety Regulations including the following:
 Construction (Health, Safety and Welfare) Regulations 1956
 Lifting Operations and Lifting Equipment Regulations 1988
 The Manual Handling Operations Regulations 1992
 Confined Space Regulations 1997
 Control of Substances Hazardous to Health Regulations 1989
 Full Health and Safety Information can be found in the Approved Code of Practice: Managing Health and Safety in Construction
 All works to be carried out in accordance with current British Standards and current Codes of Practice
 Full reference of Standards can be found in the Reference Documents of the NBS Domestic Specification

NOTES
 01. Do not scale off this drawing.
 02. All dimensions are in millimetres unless otherwise stated.
 03. This drawing to be read in conjunction with all relevant architectural, civil / structural, and services engineer's drawings and specifications.
 04. Contractor to check all dimensions on site prior to commencement of works on site and any discrepancies to be notified to the Architect. / Clerk of Works, current building regulations and local by-laws.
 05. All works to be carried out to the satisfaction of the local building control officer.



Issue Status	Project Title	Issue No.	Date	Drawn	Checked	Approved	Rev.
PLANNING	Mr Brian Forbes 10 Cordyce View Newmachar AB21 7DS	074	29.08.13	BM	JC	-	A

MAC
architects
 26 Oldmestrum Road
 Newmachar
 AB21 1 DFU
 t 01651 862888
 e info@mac-architects.co.uk
 w www.mac-architects.co.uk

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Agenda Item 3.2

141127Signed (authorised Officer(s)):

1 CLAREMONT STREET, ABERDEEN

ALTERATION AND CHANGE OF USE
FROM OFFICE TO 4NO FLATS

For: Grampian Develeopments Ltd

Application Type : Detailed Planning
Permission

Application Ref. : P150900

Application Date : 04/06/2015

Advert : None

Advertised on : N/A

Officer : Andrew Miller

Creation Date : 8 October 2015

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

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The application site comprises a two storey office block and area of car parking set back from Claremont Street. It dates from around the 1980s and has a vehicular access from Claremont Street. The building itself has windows and a door in its principal elevation (and three skylights to the rear). A two storey block of flats with mansard roof is located to the front, adjacent to the vehicular access. The surrounding area is formed largely of residential uses, reflected by its residential designation within the Aberdeen Local Development Plan 2012 (ALDP).

RELEVANT HISTORY

None

PROPOSAL

Detailed planning permission is sought for the alteration and change of use of the office block to four residential flats. Two flats would be located on each floor, with

the principal elevation of the building altered to accommodate a revised arrangement of windows and front door resulting in all flats being single aspect, apart from the upper floors where new skylights would be provided to the rear of the building. Externally, the front of the building would contain 5 parking spaces, with a landscaped area and storage space for bins and cycle parking.

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=150900>

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

CONSULTATIONS

Roads Development Management – No objections subject to cycle parking being covered.

Environmental Health – No objections, informative note relating to construction hours recommended.

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

Community Council – No response received.

REPRESENTATIONS

4 letters of objection been received. The objections raised relate to the following matters –

1. Development will have adverse impact on parking provision in local area. Parking is already problematic and the developer should provide two parking spaces per flat.
2. Is parking proposed for development?

The following matter raised is not a material planning consideration - reason given in brackets after:

1. Impact of development on access to utilities serving adjacent flats. (Rights of access are not a material planning consideration).

PLANNING POLICY

Aberdeen Local Development Plan

H1 – Residential Areas

Within existing residential areas (designated H1), proposals for new residential development and householder development will be approved in principle if it:

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

D1 – Architecture and Placemaking

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

D2 – Residential Amenity

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

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

Supplementary Guidance

The Council's Supplementary Guidance on the Subdivision and Redevelopment of Residential Curtilages is a material consideration in this instance. Although it is targeted at residential development on sites currently in residential use, some elements of the guidance are applicable to other types of development. This includes sections on amenity, daylight and sunlight.

Proposed Aberdeen Local Development Plan

H1 – Residential Areas

Within existing residential areas (designated H1), proposals for new residential development and householder development will be approved in principle if it:

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

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.

Proposed Aberdeen Local Development Plan Supplementary Guidance

The Council's Supplementary Guidance on the Subdivision and Redevelopment of Residential Curtilages is a material consideration in this instance. Although it is targeted at residential development on sites currently in residential use, some elements of the guidance are applicable to other types of development. This includes sections on amenity, daylight and sunlight.

Other Relevant Material Considerations

None

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that

determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

The main considerations in this instance relate to the principle of the development and the suitability of the change of use of the building to residential use (in terms of servicing, amenity, parking).

Principle

The site is located in a residential area, as designated by the ALDP. Associated policy H1 creates a presumption in favour of residential uses. However, policy H1 also has a number of requirements against which new residential development should be assessed, one of which is compliance with the Council's Supplementary Guidance on the Sub-division and Redevelopment of Residential Curtilages (SG). Whilst the guidance is specifically aimed at residential development within sites currently in residential use, elements of the guidance can be applied to other developments.

In this instance, the proposals constitute backland development, whereby the flats fail to provide a public frontage to a street and are sited to the rear of an existing block of flats. The SG states that the predominant pattern of development in most instances is one of residential properties having a public face fronting onto a road and gardens to the rear. The proposals fail to provide any public frontage and would result in an undesirable tandem/backland residential development. Whilst the proposals involve the conversion of an existing building, they still represent a backland proposed for residential use. Accordingly the proposal fails to comply with the requirements of policy H1 and SG.

Amenity

In terms of the provision of daylight/sunlight, the SG states that all new residential development should ensure that new residential properties are orientated to take full advantage of solar gain. In addition, new residential development should also ensure that sufficient daylight is afforded to residential properties. The proposals would only offer an outlook to the north east, though the properties on the first floor would contain rooflight windows affording some daylight.

In changing buildings to residential use, policy D2 states that such development should provide appropriate levels of amenity to be provided. The SG echoes this requirement. In this instance the proposed development would provide a small landscaped area (approx. 5 metres by 8 metres) to the front within the existing car park area. The proposed area of landscaping was increased from the original proposal, from 14 sq metres to 39 sq metres. Whilst the increase is welcome, the area would be a relatively poor quality amenity space, in shade of buildings or high walls to the east, south and west and would offer a poor level of external

amenity to the occupants of the flats. In addition, its location to the front of the flats would offer no privacy and would be dominated by the car parking spaces and turning area to the front of the flats, further diminishing the attractiveness and usability of the amenity space. When coupled with the poor level of daylighting, outlook and general oppressive nature of the flats outlined above, the proposed flats would fail to provide sufficient amenity for their residents. As such, the proposals fail to comply with the requirements of policy D2 and the SG.

Parking

The parking provision proposed would see four spaces to the front of the property. This is acceptable, with the Council's Roads Development Management Team raising no objections. Cycle parking is proposed adjacent to the landscaped area, although no specific details were provided, with Roads Development Management requiring the facility to be covered. These details can be dealt with by condition.

The material considerations raised in representations, related to concerns about parking. Point 2 queried if parking was being provided as part of the development – in response the proposals include 4 parking spaces. Point 1 raised concerns about the impact of the development on on-street parking in the surrounding area and goes on to state that this is already at capacity. In this regard the proposed development provides one space per unit (4). This meets the maximum standards set out by the Council's Parking Standards and is considered acceptable.

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 policies contained within the Proposed ALDP (as well as any associated Supplementary Guidance) substantively reiterates the requirements of the adopted ALDP. As such no further evaluation is considered necessary in respect of the proposed ALDP.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The change of use of the office building to four residential flats would result in backland residential development. The largely single aspect outlook of the units with a resultant lack of solar gain and relatively poor level of daylight, coupled with the lack of external amenity space would result in an oppressive and poor living environment, contrary to the requirements of policies H1 – Residential Areas, D2 – Design and Amenity and the Council’s Supplementary Guidance on the Sub-division and Redevelopment of Residential Curtilages.

In relation to the Proposed Aberdeen Local Development Plan 2015, and for similar reasons, the proposals fail to accord with the requirements of policies H1 – Residential Areas and D1 – Quality Placemaking by Design.

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

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Refusal of Planning Permission

Neil Rothine Architects
116 Rosemount Place
Aberdeen
AB25 2YW

on behalf of **Grampian Develeopments Ltd**

With reference to your application validly received on 4 June 2015 for Planning Permission under the above mentioned Act for the following development, viz:-

ALTERATION AND CHANGE OF USE FROM OFFICE TO 4NO FLATS at 1 Claremont Street, Aberdeen

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

01, 02, 03

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

The change of use of the office building to four residential flats would result in backland residential development. The largely single aspect outlook of the units with a resultant lack of solar gain and relatively poor level of daylight, coupled with the lack of external amenity space would result in an oppressive and poor living environment, contrary to the requirements of policies H1 – Residential Areas, D2 - Design and Amenity and the Council's Supplementary Guidance on the Sub-division and Redevelopment of Residential Curtilages.

In relation to the Proposed Aberdeen Local Development Plan 2015, and for similar reasons, the proposals fail to accord with the requirements of policies H1 - Residential Areas and D1 – Quality Placemaking by Design.

PETE LEONARD
DIRECTOR

Continuation

The plans, drawings and documents that are the subject of this decision notice are numbered as follows:- 01, 02, 03

Date of Signing 8 October 2015

Daniel Lewis
Development Management Manager

Enc.

PETE LEONARD
DIRECTOR

NB. EXTREMELY IMPORTANT INFORMATION RELATED TO THIS REFUSAL OF PLANNING APPROVAL

The applicant has the right to have the decision to refuse the application reviewed by the planning authority and further details are given in Form attached below.

Regulation 28(4)(a)

Form 1

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions

1. If the applicant is aggrieved by the decision of the planning authority to –
 - a. refuse planning permission for the proposed development;
 - b. to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c. to grant planning permission or approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at <http://eplanning.scotland.gov.uk/>.

Notices of review submitted by post should be sent to –

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

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in it's existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

PETE LEONARD
 DIRECTOR

PETE LEONARD
DIRECTOR

PI

From: webmaster@aberdeencity.gov.uk
Sent: 13 June 2015 12:12
To: PI
Subject: Planning Comment for 150900

Comment for Planning Application 150900

Name : Melanie Begg

Address : 14 CLAREMONT GARDENS

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Good afternoon,

Can you please let me know if there is proposed parking for this development? i.e. How many allocated spaces will there be?

Regards, Melanie Begg

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 01 July 2015 10:07
To: PI
Subject: Planning Comment for 150900

Comment for Planning Application 150900

Name : Mrs Carron Boardman
Address : 95 Westburn Drive
Aberdeen
AB25 2BU

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I am the landlord of the property 1b Claremont street. I have some concerns about the work to be carried out, the access to the site is via a shared drive with my flat, i require assurances that the work will not affect his access as this will have a detrimental effect for my tenants.

I also require to know and understand how the gas services are intended to be provided to the site, my understanding is that the current gas meter to the existing offices is on our property and the gas pipe runs under my property.

Does the developer have any intentions to secure the parking, I see from the plans that 5 spaces are allocated, I also have a space adjacent to the site and require assurances that no vehicles will be permitted to use this space.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 01 July 2015 10:04
To: PI
Subject: Planning Comment for 150900

Comment for Planning Application 150900

Name : Bruce Wymer
Address : 95 Westburn Drive
Aberdeen
AB25 2BU

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I am the landlord of the property 1c Claremont street. I have some concerns about the work to be carried out, the access to the site is via a shared drive with my flat, i require assurances that the work will not affect this access as this will have a detrimental effect for my tenants.

also require to know and understand how the gas services are intended to be provided to the site, my understanding is that the current gas meter to the existing offices is on our property and the gas pipe runs under my property.

Does the developer have any intentions to secure the parking, I see from the plans that 5 spaces are allocated, I also have a space adjacent to the site and require assurances that no vehicles will be permitted to use this space.

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PI

From: [REDACTED]
Sent: 13 June 2015 16:59
To: PI
Cc: Peter Meredith; [REDACTED]
Subject: Planning Application No. 150900

Dear Sirs,

There is already an extremely severe car parking problem in the Claremont Street/Gardens area, particularly with many properties owning two or more cars while only having one allocated parking space. Unless the developers can guarantee that each property has two private offstreet parking spaces, I would very strongly object to the development of these new flats.

Your acknowledgement of this objection would be much appreciated.

Thanks very much,

Peter Meredith,
12 Claremont Gardens,
AB10 6RG.

This message may contain confidential information which may also be legally privileged and is intended only for the use of the parties to whom it is addressed. If you are not an intended recipient you are hereby notified that any disclosure, copying, distribution or use of any information in this e-mail is strictly prohibited. If you receive this message in error please notify the sender by return e-mail and then destroy it. Further, we make every endeavour to keep our network free from viruses. However, you do need to verify that this e-mail and any attachments are free of viruses as we can take no responsibility for any computer viruses which might be transferred by way of this e-mail. All information and attachments remain the property of Subsea 7 and should be held as confidential.

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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 D2 - Design and Amenity

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

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

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

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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: The sub-division and redevelopment of residential curtilages

March 2012

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1.0 Introduction

- 1.1 In recent years the growing restriction of available land supply for new housing development on both greenfield and brownfield sites in the City together with escalating house prices have led to increasing pressures for:
- the construction of houses and flats (together henceforth referred to as dwellings) within the garden ground of existing residential property (curtilage splitting) and
 - the complete demolition and replacement of existing dwellings by new dwellings at higher density on the same curtilage or curtilages (redevelopment)
- 1.2 These pressures are most intense in the areas of the City with the highest house prices and with the lowest densities of residential development. It is here that developers perceive that the most opportunities exist for splitting of curtilages/redevelopment and the greatest returns can be made on investment. The Deeside settlements of Cults, Bieldside and Milltimber have been a particular target of developers in this respect.
- 1.3 The problem of preparing guidelines to assist in the determination of planning applications that involve the sub-division or complete redevelopment of an existing residential curtilage(s) to create one or more new dwellings on the original site(s) is caused by the wide variety in the form and layout of residential properties in the city. These range from large dwellings sitting in grounds of one acre and upwards, to granite properties of the late 19th century, inter-war developments and post war housing estates. Within most of these general groups there are differing types of building, i.e. detached, semi-detached or terraced, each with different arrangements and provision of rear or side gardens and in some cases rear lanes to provide vehicular or pedestrian access. To attempt to prepare concise guidelines to cover for all of the eventualities arising from this wide cross section of curtilages is complex. Nevertheless, the fundamental character of many attractive residential areas formed by the pattern of development and the relationship between buildings and landscaped garden ground with mature trees is likely to be adversely affected if the current trend of curtilage splitting and redevelopment continues indefinitely. With this in mind, the guidelines in this document are considered to be essential as part of the planning response to protect the appearance and residential amenity of the City as a whole.
- 1.4 It should be noted that, although specifically targeted at residential development on sites currently in residential use, some elements of this guidance are applicable to other types of development. For instance, non residential development within the curtilage of an existing dwelling and the construction of dwellings on greenfield and brownfield sites that are not currently in residential use.

2.0 Development Guidelines

- 2.1 It is considered that curtilage splitting involves development on urban green space (garden ground), whilst redevelopment of residential sites involves development on both urban green space (garden ground) and brownfield land (the footprint of existing dwellings). This supplementary guidance is considered necessary to establish the criteria against which applications for redevelopment and curtilage splitting should be assessed.
- 2.2 The following development guidelines are not intended to be cover all the planning considerations that are relevant or all potential curtilage split or redevelopment scenarios but they are targeted at providing more specific guidance on the most commonly encountered situations.

3.0 Privacy, residential amenity, daylight and sunlight

- 3.1 As a general principle new residential development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development in terms of privacy, overlooking, daylighting or sunlighting.
- 3.2 The relationship of new residential development to existing dwellings is an important factor to be considered in assessing whether the privacy, amenity, sunlight and daylight of residents of both existing and proposed dwellings would be adversely affected.

Privacy

- 3.3 To ensure privacy, as a general guideline, there should be a minimum separation of 18 metres between the windows of existing and proposed habitable rooms (i.e. the shortest line joining one window opening to any part of the other). Notwithstanding the foregoing there will be circumstances in which greater distances are appropriate – for instance where there are differences in ground levels or where higher buildings are proposed. Habitable rooms constitute all rooms designed for living, eating or sleeping e.g. lounges, bedrooms and dining rooms/areas. This distance can be reduced if the angle between the windows of the existing and proposed residential properties is offset, if effective screening exists, or if screening is proposed that would not obstruct light (see Appendix 2), adversely affect residential amenity or be unacceptable for other planning reasons. Appendix 1 provides further guidance on the acceptable distances between windows to ensure adequate privacy based on the angle between them. This methodology will also be applied to assess the potential privacy impact of proposed extensions to existing residential property.
- 3.4 Devices such as angled or controlled aspect windows or louvres will not normally be a justification for a reduction in these privacy distances. In exceptional circumstances high level windows may be acceptable as long as they are not to habitable rooms or are secondary windows to habitable rooms (ie smaller windows provided in addition and usually in a different wall, to a room's main window).

- 3.5 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.

Amenity space

- 3.6 Residential development should have a public face to the street and a private face to an enclosed garden or court. All residents should have access to sitting out areas.
- 3.7 Rear gardens of dwellings up to two storeys in height should have an average length of at least 9 metres and dwellings of more than 2 storeys should have garden lengths of at least 11 metres. Garden ground should be conveniently located immediately adjoining residential properties, be in a single block of a size and layout to be useable for sitting out and have an acceptable level of privacy and amenity. For instance, it will not be acceptable for private garden ground to be:
- at the street frontage of a property, close to and overlooked from the road
 - located under the canopy of trees or in a location that is excessively shaded by vegetation or buildings or to directly overlooked by windows of habitable rooms of adjoining residential property
 - rear gardens should be enclosed by solid fences or walls of at least 1.8 metres in height in order to ensure security and privacy.
- 3.8 In flatted developments in high density, central urban locations site constraints may mean that a balcony for each flat may be all that can be accommodated. Even in these situations, however, garden ground should be provided if at all possible (for instance by placing car parking areas under a deck, under the buildings or underground to free up space for garden ground or amenity areas)
- 3.9 Where it is necessary to accommodate car parking within a private court,
- the parking must not dominate the space and no more than 50 percent of any court should be taken up by parking spaces or access roads and
 - a detailed landscape plan will be require to be submitted along with any planning application
 - car parking courts should be located to the rear of any proposed residential development and not between the street frontage of the development and the public road

Daylight

- 3.10 Where appropriate, the impact of new residential development on daylight for both existing and proposed residents will be informed both by professional judgement and by technical guidance. If not submitted with an application, applicants will be asked in appropriate

circumstances to support their proposals with calculations and illustrations based on the BRE Information Paper on Site Layout Planning for Daylight¹. Development proposals should satisfy the 25 degree approach illustrated in the diagram in Appendix 2. The 25 degree approach defines the point at which good interior daylighting can be achieved. It requires that (on the main front and rear elevations of a building) no obstruction measured in a vertical section perpendicular to the main face from a point two metres above ground level, subtends an angle more than 25 degrees to the horizontal. If the 25 degree approach is not met there may still remain the potential for adequate daylighting and a more detailed assessment must be made by calculating the vertical sky component using the methodology in the BRE Information Paper¹. The appropriate methodology in this BRE Information Paper¹ will also be applied to assess the potential sunlight impacts of proposed extensions to existing residential property

Sunlight

3.11 New dwellings should be designed and orientated to make the most of the opportunities offered by the site for views and sunlight in order to provide a pleasant living environment and maximise passive solar gain. If not submitted with an application, applicants will be asked in appropriate circumstances to support their proposals with calculations and illustrations based on the BRE Information Papers on sunlight and solar gain². This methodology will also be applied to assess the potential sunlight impacts of proposed extensions to existing residential property.

4.0 Design and Materials

4.1 In general the design and external finishes of any new dwellings should complement those of the surrounding area. High quality contemporary or modern design that enhances the appearance of the area, or that provides an attractive contrast to surrounding buildings, will be encouraged where appropriate.

4.2 In conservation areas there will be a presumption against the demolition of existing granite built dwellings. In circumstances in which it is proposed to demolish a granite faced dwelling, or in conservation areas where granite architecture predominates, there will be a requirement that all elevations of new development that would be prominently visible from the street (including gables) should be finished with natural granite and the main roof should be of complementary natural roofing materials (almost always natural slate). An exception may be made in circumstances where a particularly high quality modern design is proposed. However, particular care will be necessary to ensure that any new dwelling incorporates design elements and materials that respect the character of the area.

5.0 Density, pattern and scale of development

5.1 The construction of a new dwelling or dwellings within an established area will affect the overall density and pattern of development of the

surrounding area, the acceptability of which will be dependent on the general form of development in the locality. Consideration must be given to the effect the dwelling or dwellings may have on the character of the area formed by the intricate relationship between buildings and their surrounding spaces created by gardens and other features. New dwellings must be designed to respect this relationship.

- 5.2 In terms of density, as a general guide, no more than a third (33 percent) of the total site area for each individual curtilage should be built upon. Densities of less than 33 percent will be required in areas of lower density housing. Densities higher than 33 percent will only be allowed when similar densities are characteristic of development in the surrounding residential area.
- 5.3 In most cases the predominant pattern of development in suburban residential areas is one of dwellings in a formal or semi-formal building line fronting onto a public road and having back gardens which provide private amenity space. In these areas the construction of dwellings in the rear gardens of existing dwellings, or the redevelopment of a site that results in dwellings that do not front onto a public road, constitutes a form of development that is alien to the established density, character and pattern of development. This form of development can also and erode the privacy and private amenity space available to existing residents. Furthermore, the use of rear lanes for shared pedestrian or vehicular access to dwellings in rear gardens is not considered acceptable in that it results in the creation of a pedestrian safety hazard. Finally, approval of “tandem” or backland development of this sort sets an undesirable precedent for future applications of a similar nature, which, if replicated, could result in the creation of a second building line behind existing dwellings and fundamentally erode the character and residential amenity of such areas. With this in mind, in all suburban areas characterised by formal or semi-formal building line fronting onto a public road and having back gardens which provide private amenity space there will be a general presumption against the construction of new dwellings in rear garden ground behind existing or proposed dwellings in circumstances where the new dwellings do not front onto a public road.
- 5.4 New dwellings should not project forward of the building line of the street (if there is one). The width of a curtilage may allow for a dwelling to be built alongside an existing dwelling or for an existing house or dwellings to be demolished to make way for a new development facing the street. The distance between proposed dwellings, and between proposed and existing dwellings, (ie between gable ends) should be similar to that predominating on the street.
- 5.5 Notwithstanding the foregoing, the following may be possible:
 - (a) to convert existing substantial sized traditional granite built outbuildings at the rear of existing properties to form dwellings (subject to other material considerations) where most of the

accommodation of any individual dwelling is contained within the envelope of the original structure. The creation of new dwelling(s) within rear wings attached to existing houses will not be permitted.

(b) to accommodate a new dwelling in the rear garden of an existing dwelling on a corner site so that existing and proposed dwellings have a road frontage. In these instances, as well as complying with other planning criteria, both the existing and proposed dwellings will require private garden ground in compliance with guidelines in the 'Amenity Space' section above (please see para. 3.6 – 3.9). The amalgamation or joining together of the gardens of existing dwellings to accommodate a new dwelling or dwellings and associated garden ground will not be allowed in these circumstances.

(c) In the case of the redevelopment of an exceptionally large site (if the form of development is not alien to the general pattern, density and character of dwellings in the area), it may be possible for detached houses to be built which gain access from a new private driveway or a new road constructed to adoptable standard. Where a driveway (rather than a road to adoptable standard) is proposed this should serve a maximum of three or four houses

5.6 In all circumstances, the scale and massing of the any new dwelling(s) should complement the scale of the surrounding properties. Where new dwellings are proposed that front onto a street adjoining or between existing existing properties, a street elevation to a recognised scale will require to be submitted with any planning application to illustrate the relationship between the proposed dwelling(s) and existing adjoining properties. In these circumstances, it will not be acceptable for the ridges or wallheads of any new dwelling(s) to rise above the height of the ridges or wallheads on adjoining dwellings unless this results directly from a pre-existing difference in ground level (eg a dwelling to be built at a higher level due to the slope of street).

5.7 It is important to remember that, in many instances, a residential property can be extended without the need for planning permission, which can be particularly relevant when considering the impact the proposal may have on neighbouring residents and the appearance of the surrounding built environment. Permitted development rights will be removed by planning condition where appropriate in these circumstances.

6.0 Trees and garden ground

6.1 Trees make a valuable contribution to the landscape setting of urban areas and the loss of significant trees can be valid reason for refusal of planning permission. With this in mind there will be a presumption in favour of retaining semi-mature and mature trees either within the site or immediately adjacent to it regardless of whether they are protected by a Tree Preservation Order or sited in a Conservation Area. Where

mature or semi-mature trees are located on a site a tree survey will require to be submitted with the planning application in accordance with guidance in British Standard 5837. Care should be taken to position new buildings to minimise potential disturbance to the root system or the tree canopy. If trees are to be lost, replacement planting will be required where possible to mitigate for the loss.

- 6.2 Similarly the loss of garden ground can be a material consideration that can lead to refusal of an application in circumstances where it is considered to make a significant contribution to the visual amenity of the neighbourhood. For example, the loss of mature or attractive garden areas that are prominent in views from adjoining streets.

7.0 Pedestrian/vehicular safety and car parking

- 7.1 The provision of pedestrian and vehicular access to both the existing and the new dwelling is essential. In every case there should be safe and convenient pedestrian and vehicular access from the dwelling to the public road and pavement, avoiding contrived solutions. With the exception of private driveways it will not normally be acceptable for pedestrian access to be shared with vehicles eg where pedestrians have to walk on the carriageway of rear lanes or public roads to gain access to the development.

- 7.2 On-site parking to the appropriate level as stated in the adopted parking standards must be met both for the existing and the new dwelling(s).

- 7.3 Vehicular access from the public street must provide safe sightlines for pedestrians and the driver of the vehicle.

- 7.4 Driveways should be at least 5 metres in length (6 metres in front of garage doors).

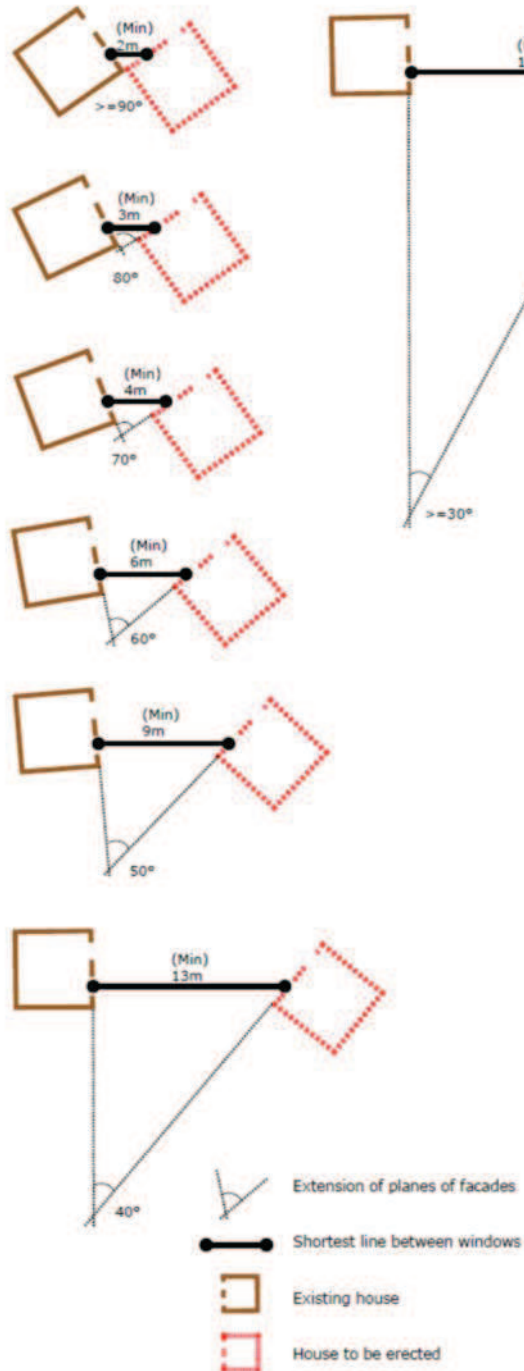
8.0 Precedent

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

9.0 Conclusion

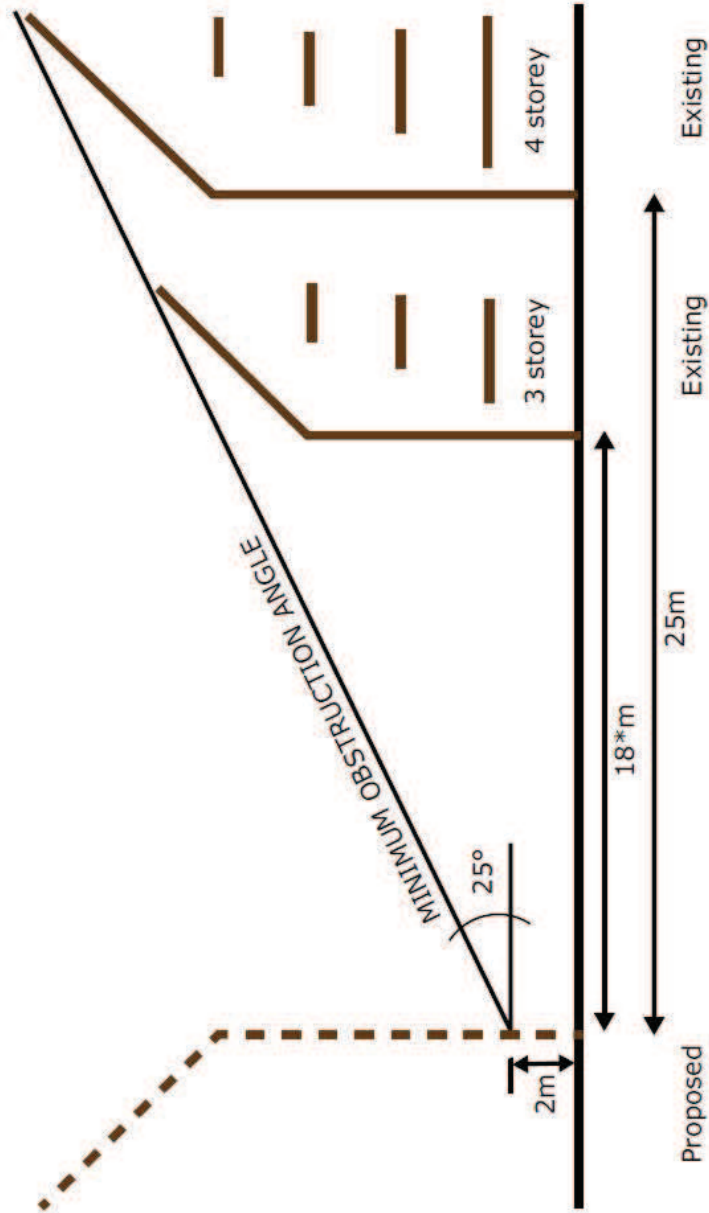
- 9.1 Since every application requires to be assessed on its own merits and site specific circumstances vary so much other issues may be relevant to individual planning applications. However the issues that have been identified above should always be considered when determining an application for the sub-division or redevelopment of existing residential curtilages.

**Appendix 1 -
Method for checking privacy distances between window openings**



Angle between extension of planes of facades of buildings	Minimum distance (m) for the shortest line joining window openings	Angle between extension of planes of facades of buildings	Minimum distance (m) for the shortest line joining window openings
$>90^\circ$	2	60°	6
90°	2	59°	6.5
89°	2.5	58°	7
88°	2.5	57°	7
87°	2.5	56°	7.5
86°	2.5	55°	7.5
85°	2.5	54°	8
84°	3	53°	8.5
83°	3	52°	8.5
82°	3	51°	9
81°	3	50°	9
80°	3	49°	9.5
79°	3.5	48°	10
78°	3.5	47°	10.5
77°	3.5	46°	11
76°	3.5	45°	11
75°	3.5	44°	11.5
74°	4	43°	12
73°	4	42°	12.5
72°	4	41°	13
71°	4	40°	13
70°	4	39°	13.5
69°	4.5	38°	14
68°	4.5	37°	14.5
67°	5	36°	15
66°	5	35°	15.5
65°	5	34°	16
64°	5.5	33°	16.5
63°	5.5	32°	17
62°	6	31°	17.5
61°	6	30°	18
60°	6	$>30^\circ$	18

Appendix 2 -
The 25 degree approach to calculating daylight



* It should be noted that 18 metres is the minimum separation distance for privacy but where development is proposed adjacent to taller buildings or on sloping sites this distance must be increased if adequate daylight is to be achieved to the ground floor of the proposed house.

REFERENCES

1. Littlefair PJ. "Site layout planning for daylight". Building Research Establishment Information Paper. March 1992.
2. Littlefair PJ. "Site layout for sunlight and solar gain". Building Research Establishment Information Paper. March 1992

The above publications can be purchased from: BRE Bucknalls Lane Watford WD25 9XX or <http://www.brebookshop.com>

FURTHER INFORMATION

If you require any further information please contact us:

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

**Telephone: 01224 523470
Fax: 01224 636181
E-Mail: pi@aberdeencity.gov.uk**

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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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 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	<input type="text"/>	Ref No.	<input type="text"/>
Forename	<input type="text"/>	Forename	<input type="text"/>
Surname	<input type="text"/>	Surname	<input type="text"/>
Company Name	GRAMPIAN DEVELOPMENTS LTD	Company Name	NEIL ROTHNIE ARCHITECTS
Building No./Name	THE GALLERIA	Building No./Name	116
Address Line 1	BON ALDRO STREET	Address Line 1	ROSEMOUNT PLACE
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	ABERDEEN	Town/City	ABERDEEN
Postcode	<input type="text"/>	Postcode	AB25 2YW
Telephone	<input type="text"/>	Telephone	<input type="text"/>
Mobile	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text"/>
3. Application Details			
Planning authority	ABERDEEN CITY COUNCIL		
Planning authority's application reference number	P150900		
Site address	<div style="border: 1px solid black; padding: 5px;"> <p>1 CLAREMONT STREET ABERDEEN AB10 1QP</p> <div style="float: right; border: 1px solid black; padding: 2px;"> <p>RECEIVED 11 JAN 2013</p> </div> </div>		
Description of proposed development	ALTERATIONS AND CHANGE OF USE FROM OFFICE TO 4 NO FLATS		

Date of application

4th JUNE 2015

Date of decision (if any)

8th OCTOBER 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.

[Empty rectangular box for explanation]

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?

NO REQUIREMENT TO ENTER THE BUILDING

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

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.

THE REASONS FOR REFUSAL ARE HIGHLY SUBJECTIVE AS THE POLICIES STATED SET NO DEFINITIVE TESTS FOR THE REASONS STATED

THE BUILDING IMMEDIATELY ADJACENT WAS GRANTED CONSENT (P111602) FOR ALMOST AN IDENTICAL PROPOSAL AND THIS WAS APPROVED WITH NO GARDEN OR AMENITY WHATSOEVER. THIS SETS A CLEAR PRECEDENT FOR THIS APPLICATION AND THIS IS FURTHER SUPPORTED BY THE APPEAL DECISION (DPA PPA-100-1062) WHICH ALSO DEALS WITH THE REASON OF BACKLAND RESIDENTIAL DEVELOPMENT.

THIS BUILDING EXISTS AND IT IS UNLIKELY TO BE USED AGAIN AS AN OFFICE THERE ARE NO OTHER PRACTICAL OR FEASIBLE USES POSSIBLE OR OBVIOUS USES OTHER THAN RESIDENTIAL.

WE DISCUSSED AND REACHED AGREEMENT WITH THE ROADS DEPT TO REDUCE AND REVISE THE LAYOUT OF THE CAR PARKING TO INCREASE THE AREA OF GARDEN GROUND WHICH THE PLANNING OFFICER DID NOT ACCEPT

PLEASE REFER TO FULL SUPPORTING STATEMENT ATTACHED

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 - DOCUMENT(S) + DRAWING AND ACKNOWLEDGEMENT
SITE PLAN DRAWING AMENDED TO SHOW DIMENSIONS
CORRESPONDENCE BETWEEN NEIL ROTHWIE ARCHITECTS, ANDREW MUIR (PLANNING OFFICER) AND KAMRAN SYED (ROADS DEPT) RELATING TO PLANNING COMMENTS AND SPECIFICALLY THE CAR PARK LAYOUT AND RESULTANT GARDEN AREA REFUSAL

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:



Name:

NEIL ROTHWIE

Date:

7th JAN 2016

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



3223/nar

Notice of Review in connection with Refusal of Planning Permission for Proposed Alterations to Existing Building and Change of Use to form 4no. Flats, 1 Claremont Street, Aberdeen. AB10 1QP. Planning Ref P150900

SUPPORTING STATEMENT

The reasons for refusal of this application are highly subjective as the policies stated set no definitive tests for the reasons stated e.g. lack of solar gain, poor level of daylight and lack of external amenity space etc

If we are an aspiring city and committed to the current City Centre Masterplan then we are being foiled or failed by our Planning system. In essence the policies in the current Local Development Plan are no longer consistent with what we seek to achieve in the City Centre.

The levels of amenity we proposed for the flats is entirely consistent with levels of amenity in other flats in similar locations relative to the city centre i.e. original flats, flats created by conversion and new build flats over the past 20 years. Please also note there has, over the past 20 years or so, been a significant number of city centre properties converted to flats where they mostly have no external garden or amenity space. The 2no. flats immediately adjacent (Planning reference P111642) were approved in May 2012. These were formed by conversion of an existing former office building and have no garden ground whatsoever. On the basis of this precedent, the level of amenity we propose, cannot be deemed to be sub standard

The application of the Supplementary Guidance ; Sub-division and Re-Development of Residential Curtilages is simply wrong. This SG was conceived to deal with sub-division of residential feu in more outlying sub-urban areas and not the city centre. The use or application of this policy highlights exactly the point made in our first paragraph where policies are used or interpreted in an unduly negative tone which eventually inhibits development.

In the currency of the application considered that we had dealt with the Planning officer's concerns regarding the level of external amenity area or garden ground by reducing the number of car parking spaces from 5 to 4 and this reduction was accepted by the Roads Department. It is also worth noting that the Roads department had no objection to this application. Please refer to the correspondence between ourselves as agents and the Roads Department.

We would also highlight the decision by the DPEA in connection with the refusal of Planning Permission for a single dwelling at 33A Burns Road, Aberdeen. AB15 4NT (reference PPA-100-2062) where the reporter referring to Policy D2 states " that residents shall have access to a sitting out area". In this application whilst we considered the garden area would have met this criteria we subsequently amended the layout of parking to enhance and increase the garden ground.

This Notice of Review is to challenge how policies are interpreted and to highlight the discrepancy between the public aspirations of the Council in terms of the City Centre Masterplan and how planning applications such as these are dealt with. This application, and many other smaller interventions, would cumulatively bring more people in to live in the city centre.

Referring specifically to the reasons for refusal we cannot disagree that the conversion of this existing building would result in 'backland residential development' but this building exists and it is very difficult to see what other possible or practical use it could be put to. It may not be desirable in Planning terms but if a new use is not found then it will lie vacant and in time possibly fall in to disrepair. Whilst the demand for office space is currently very low and particularly for buildings set back from the street this is also of a style and quality which we would contend is simply not desirable. Furthermore, there are examples; limited but they exist nonetheless, of traditional

tenement blocks set within blocks formed by other tenements or the like which proves that backland residential development can 'work'

Due to the conditions of the site where three of the external walls are boundary walls it is not possible to introduce windows to these which in turn creates the single aspect flats. This in itself will not affect or reduce solar gain. This is not a criteria set by any Planning Policy. Furthermore, if granted consent, these flats would have to meet current Building Standards which covers energy conservation etc. Building Standards will also require windows to be of an area appropriate to the rooms which they serve and we can state categorically that we can meet these standards.

The issue of amenity is dealt with in foregoing paragraphs but we would strongly disagree that the living environment for any inhabitant of these flats would "oppressive and poor". This is a very subjective statement and is not supported in any way by and specific policies or test set by any policies.

In conclusion this proposal should be welcomed within the city centre, if the Council is to be judged to be serious about the City Centre Masterplan. As an architect of more than 30 years of experience in Aberdeen and having been responsible for some 200 flats within the city centre over many locations we are very disappointed that this application was refused especially given the particular dynamics of the current economy of Aberdeen allied with the general trends of office users looking towards modern buildings. This will result in a challenge for the Council and their Planning officers in how we look not only at this application but many more in the near future.

Neil Rothnie
Neil Rothnie Architects Ltd.



3223/nar

6th January 2016

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Town House
Broad Street
Aberdeen
AB10 1AQ

Dear Sir

Notice of Review in connection with Refusal of Planning Permission for Proposed Alterations to Existing Building and Change of Use to form 4no. Flats, 1 Claremont Street, Aberdeen. AB10 1QP. Planning Ref P150900

Please find enclosed the following documents in support of our Notice of Review for the above

- Notice of Review form duly completed and signed
- Supporting Statement
- Copy of all correspondence, applications and refusal and relevant drawings

Yours faithfully



Neil Rothnie
Neil Rothnie Architects Ltd.

Cc client



This page is intentionally left blank

Neil Rothnie

From: Neil Rothnie [REDACTED]
Sent: 22 September 2015 11:38
To: 'Andrew Miller'
Subject: 1 Claremont street
Attachments: S22C-6e15092210140.pdf

Andrew,

Please find attached the layout, for parking which we had (tentatively) agreed with Roads further to our e-mail exchange earlier this week.

Regards,

Neil Rothnie

NEIL ROTHNIE ARCHITECTS
116 Rosemount Place
Aberdeen

[REDACTED]

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From: [REDACTED]
Sent: 22 September 2015 03:14
To: [REDACTED]
Subject: Message from 22C-6e



PROF

1:100

PROPOSED GROUND FLOOR PLAN

Handwritten notes in red ink: 'CYCLIST (COVERED)', 'STAIRS', and other illegible scribbles.

Neil Rothnie

From: Neil Rothnie [REDACTED]
Sent: 21 September 2015 09:34
To: 'Andrew Miller'
Subject: RE: 1 Claremont street

Andrew,

I will provide the amended layouts.

Regards,

Neil Rothnie

NEIL ROTHNIE ARCHITECTS
116 Rosemount Place
Aberdeen

T [REDACTED]
F [REDACTED]

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From: Andrew Miller [mailto:AndMiller@aberdeencity.gov.uk]
Sent: 21 September 2015 09:21
To: 'Neil Rothnie'
Subject: RE: 1 Claremont street

Neil,

I have made a recommendation on this case however before I pass over for final signing off are you happy for the plans to be determined as were originally submitted or would you rather amend the plans to the attached sketches. If the latter, I would be obliged if you could send amended plans to this effect.

Many Thanks

Andrew

From: Neil Rothnie [REDACTED]
Sent: 21 August 2015 07:07
To: Andrew Miller; Garfield Prentice
Subject: 1 Claremont street

Andrew,

I am forwarding an e-mail exchange I have had with Kamran Syed and I have asked if he can confirm if he will accept this layout as it certainly works for us. I would therefore ask yourself , if we amend the drawing to this arrangement, which delivers a more recognizable garden area/ amenity, would you be prepared to accept this?

Your prompt attention would be appreciated.

Regards,

Neil Rothnie

NEIL ROTHNIE ARCHITECTS
116 Rosemount Place
Aberdeen

T
F

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From: Kamran Syed [<mailto:KaSyed@aberdeencity.gov.uk>]
Sent: 20 August 2015 17:29
To: Neil Rothnie [REDACTED]
Subject: FW: ! Claremont street

Neil,

I have discussed your plan with Mark Wilkie to provide 4 car parking spaces rather than 5, please note that 5 parking spaces as agreed before is already a compromised as total parking requirements for this type of proposal is almost 6 car parking spaces. Your plan indicates 4th parking at the north of bin area, however this does not appear to be practical as car parked in car parking bay 3 would obstruct cars accessing/exiting to 4th parking bay. Hence only 3 practical parking spaces have been proposed for which we are not comfortable and consider that at least 4 car parking spaces (again this as well a compromised) would be acceptable.

On closer look I have tried to fit 4 car park spaces on the plan, please see the attached plan. The only issue is that the 4th parking space which is adjacent to bin area is bit tight as the passenger can only exit from the western side where I have shown a hardstanding area. Please look in to this plan and you might discuss this with waste team as well. The hardstanding would allow bin to be collected as well as cyclist could use this path to access to cycle parking area. Also let me know how the bins would be collected, would the residents need to walk and use bin facility at road side??

Footpath shown to take access to the main entrance which would be 1.0m wide, however green landscape small block at top of footpath need to be hardstanding. So all parking of 2.4m x4.8m would be acceptable. Hardstanding area at least 1.0m and footpath should be 1.0m is acceptable.

Please do not hesitate to contact me if you need any assistance.

Regards
Kamran Syed

From: Neil Rothnie
Sent: 20 August 2015 10:19
To: Kamran Syed
Subject: ! Claremont street

Kamran,

Please find attached the proposed 4no. car parking arrangement

Regards,

Neil Rothnie

NEIL ROTHNIE ARCHITECTS
116 Rosemount Place
Aberdeen

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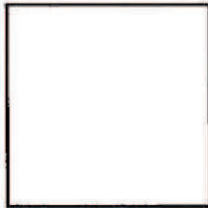
use, disclosure or distribution by any other person is prohibited. If you are not the intended recipient, please contact the sender by e-mail and destroy all copies of this message.

From: [REDACTED]

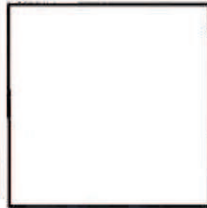
Sent: 20 August 2015 03:19

To: [REDACTED]

Subject: Message from ZC-6e



This email has been checked for viruses by Avast antivirus software.
www.avast.com



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Neil Rothnie

From: Kamran Syed [KaSyed@aberdeencity.gov.uk]
Sent: 21 August 2015 08:48
To: 'Neil Rothnie'
Cc: Mark Wilkie
Subject: RE: ! Claremont street

Neil,

You have to provide us scaled plan which demonstrate that scheme could work. Please display all the dimensions on the plan and also speak to waste strategy section and see if they are content as well with the scheme. Also provide us information about existing and proposed waste collection procedure.

Regards
Kamran syed

From: Neil Rothnie [REDACTED]
Sent: 21 August 2015 07:04
To: Kamran Syed
Subject: RE: ! Claremont street

Kamran,

Perfect, The minor tweaks certainly work for us. On this basis would you be happy with this layout and could you confirm this?

Regards,

Neil Rothnie

NEIL ROTHNIE ARCHITECTS
116 Rosemount Place
Aberdeen
[REDACTED]

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Neil Rothnie

From: Kamran Syed [KaSyed@aberdeencity.gov.uk]
Sent: 20 August 2015 09:33
To: 'Neil Rothnie'
Subject: RE: 1 claremont street

Neil,

Could you provide me the parking layout which shows 4 car parking spaces and 4No cycle parking spaces in order to take any decision.

Regards
Kamran

From: Neil Rothnie [REDACTED]
Sent: 19 August 2015 12:02
To: Kamran Syed
Cc: Mark Wilkie
Subject: RE: 1 claremont street

Kamran,

Thanks, I'll wait to hear from you tomorrow.
Just a point to note ; this application has not yet been determined so the number of spaces could yet be agreed between all parties

Regards,

Neil Rothnie

NEIL ROTHNIE ARCHITECTS
116 Rosemount Place
Aberdeen
[REDACTED]

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are not the intended recipient, please contact the sender by e-mail and destroy all copies of this message.

From: Kamran Syed [<mailto:KaSyed@aberdeencity.gov.uk>]
Sent: 19 August 2015 11:30
To: 'Neil Rothnie'
Cc: Mark Wilkie
Subject: RE: 1 claremont street

Neil,

I understand that 5 car parking spaces were consented and now you request to provide total of 4 car parking spaces instead of 5. If this is the case shortfall of one parking might won't have significant impact but let me take consent from Mark Wilkie. He has been copied in this email , however he doesn't work on Wednesday so I would advise you to wait for confirmation till tomorrow.

Regards
Kamran

From: Neil Rothnie [REDACTED]
Sent: 19 August 2015 08:39
To: Kamran Syed
Subject: 1 claremont street

Kamran,

I am copying your comment on this application and would ask if you would accept 4no. spaces for the 4no. flats created by the conversion of this existing building. The reason for asking is that the Planners have an issue regarding amenity space and if one parking space is 'dropped' we can create a more useable garden area. If you could get back to me ASAP I would appreciate it.

Thanks

Regards,

Neil Rothnie

NEIL ROTHNIE ARCHITECTS
116 Rosemount Place
Aberdeen

Neil Rothnie

From: Neil Rothnie [REDACTED]
Sent: 17 August 2015 10:17
To: 'Andrew Miller'
Subject: RE: 1 Claremont street

Andrew,

Having thought of this over the weekend would it be of any use if we could provide a list of other flats which have been approved in the last few years where they have limited or no external amenity space?

Does your view stem from a change in policies, or how they are interpreted or applied?

Can we discuss this?

Regards,

Neil Rothnie

NEIL ROTHNIE ARCHITECTS
116 Rosemount Place
Aberdeen
[REDACTED]

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From: Andrew Miller [<mailto:AndMiller@aberdeencity.gov.uk>]
Sent: 14 August 2015 10:37
To: 'Neil Rothnie'
Subject: RE: 1 Claremont street

Good Morning Neil,

Apologies for the delay in response on this one.

Policy D2 of the ALDP requires new development to be designed with appropriate levels of amenity. The change of use to residential in this instance constitutes backland development with a residential element. There is no outlook from the single aspect flats proposed, offering a poor level of amenity to the proposed residents. The relatively small area of amenity space would fail to compensate for this requirement. Accordingly I would be minded to recommend the application for refusal in this instance.

I appreciate this is not the outcome your client is seeking. In terms of any compromises unfortunately I cannot see any resolution to overcome the issues presented in a residential use for the building. The application can either be withdrawn or I can proceed to determination with the application. Your client is of course entitled to appeal any refusal, in this instance it would be to the local review body.

Kind Regards

Andrew

From: Neil Rothnie

Sent: 13 August 2015 08:32

To: Andrew Miller

Subject: 1 Claremont street

Andrew,

Could you give me an update on this one?

Thanks

Regards,

Neil Rothnie

NEIL ROTHNIE ARCHITECTS

116 Rosemount Place

Aberdeen

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Agenda Item 4.2

Signed (authorised Officer(s)):

10 KING'S CROSS ROAD, ABERDEEN

FORMATION OF STRAIGHT GABLE,
EXTENSION TO FRONT DORMER AND
ERECTION OF 1.5 STOREY EXTENSION
TO REAR.

For: Mr Alastair Hunter

Application Type : Detailed Planning
Permission

Application Ref. : P151708

Application Date : 28/10/2015

Advert :

Advertised on :

Officer : Sepideh Hajisoltani

Creation Date :

Ward: Hazlehead/Ashley/Queens Cross(M
Greig/J Stewart/R Thomson/J Corall)

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The application site is located to the south of King's Cross Road and extends to 511.7 sq.m and is occupied by a 1.5 storey semi-detached dwelling house and a detached single garage to the rear. The area is characterised by properties of similar design and materials.

The site is identified by the Adopted Aberdeen Local Development Plan 2012 as a Residential Area.

RELEVANT HISTORY

Detailed planning application for formation of a dormer window was approved unconditionally in May 2005.

PROPOSAL

Detailed Planning Permission is sought for straightening the existing hipped gable and erecting a 1.5 storey rear extension to the existing dwellinghouse. The proposed extensions would accommodate a new kitchen/ living area at the ground floor and three numbers of enlarged bedrooms with an en-suite, a bathroom and a storage space on the first floor.

The proposed rear extension would have an overall projection of 4m and would have an eaves height of 3.4m and a ridge height of 7.3m.

The proposal also includes dormer extensions to the front of the property (north elevation) and a new dormer on the eastern pitch of the proposed rear extension pitched roof.

Finishing materials would include a slated roof and rendered cladding.

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=151708>

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 received.

REPRESENTATIONS

None.

PLANNING POLICY

Aberdeen Local Development Plan

Policy D1- Architecture and Placemaking

To ensure high standard 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 have an unacceptable impact on the character or amenity of the surrounding area; and
2. complies with Supplementary Guidance contained in the Householder Development Guide.

Supplementary Guidance **Householder Development Guide**

Proposed Aberdeen Local Development Plan

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

D1- Quality Placemaking by Design (D1- Architecture and Placemaking in adopted LDP);

H1- Residential Areas (H1- Residential Areas in adopted LDP).

EVALUATION

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

Principle of Development

The application site is located within an area zoned for residential use in the Adopted Aberdeen Local Development Plan (2012), and relates to an existing dwelling. The proposal is therefore acceptable in principle subject to an acceptable form and appearance. In determining what constitutes an acceptable form of extension, the aforementioned national and local planning policies and associated supplementary guidance will be of relevance.

Design, Scale & Massing

a) hip to gable extension:

The Council's Supplementary Guidance: Householder Development Guide was adopted in August 2012 and introduced specific guidance on straightening of the hipped roofs. This document highlights that applications for such development prior to this date were determined under different circumstances in terms of the applicable policy context and therefore offer no precedent for applications submitted after the adoption of this guidance. The current Householder Development Guide states that modifying only one half of a hipped roof is likely to result in the roof/ building 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 acceptable unless the other half of the building has already been altered in this way or such proposal would not, as a result of the existing streetscape and the character of the buildings therein, result in any adverse impact on the character or visual amenity of the wider area.

As the application property adjoins another with a hipped roof, the proposal does not meet the first criteria and the proposal therefore falls to be assessed against the second exception.

In this case the existing streetscape, particularly on Kings Cross Road has a consistent design theme of hipped roofed properties. It is considered that there is a clear predominance of the original design character of hipped roof prevailing within this streetscape. The only two exceptions with a hip to gable extension in the immediate area are No. 2 Kings Cross Avenue (approved in 2004) and 2 Kings Cross Terrace (approved in February 2012) and as mentioned above the decision does not set precedent for similar applications submitted after the introduction of the Supplementary Guidance in August 2012.

To permit additional such alterations would clearly degrade the character of the streetscape. Equally, the fact that such alterations have happened for a single property on this street does not mean that these instances demonstrated a high level of design consciousness, but rather highlights the general consistency in roof form in the local context.

The reasons mentioned above demonstrate that the proposed hip to gable extension has not been designed with due regards for its context, and would not make a positive contribution to its setting, as required by policy D1 (Architecture and Placemaking).

b) Rear extension and extended dormers

The proposal would result in an increase to site coverage by 9%, which is considered to be low and acceptable within the context of the surrounding residential area. This is in line with the Council's supplementary Guidance on householder development, in that the proposal would not double the existing footprint of the original dwelling, and at least half of the rear garden ground would remain undeveloped.

The proposed dormers to the principal elevation of the application property would be predominantly glazed. However the scale of the extended dormer on the proposed enlarged roof would result in an overwhelming visual appearance on this semi-detached property.

Turning to the proposed rear extension, it is considered that the 1.5 storey extension is subservient to the property by way of its, size, scale and overall height in relation to the existing dwelling. Finishing material are acceptable in the context of the surrounding properties and wider area generally.

Residential Amenity

Additionally, the Council's Householder Development Guide states that no development should result in a situation where amenity is 'borrowed' from an adjacent property. Since daylight is ambient, the calculation is applied to the

nearest window serving a habitable room. Using the “45 degree rule” as set out in the British Research Establishment’s Site Layout Planning for Daylight and Sunlight – A guide to Good Practice’, calculations indicate that all neighbouring properties are located sufficiently distant from the proposed extension to ensure no significant detrimental impact in terms of loss of daylight to habitable windows.

Turning to the impact to adjacent properties in terms of overshadowing, the orientation of the proposed extension and its distance are important factors. Calculations indicate that due to the size, form and orientation of the proposal there would not be any additional impact relating to overshadowing of private rear garden ground to surrounding properties.

Assessment of privacy within adjacent dwellings focuses upon the context of a particular development site including the nature of the respective rooms and orientation of the respective windows. It is considered that introduction of a dormer window on the east elevation would have additional detrimental impact in terms of privacy as it will directly look into the rear garden of No. 8 Kings Cross Road.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. 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 representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis. In relation to this particular application, the policies in the Proposed ALDP substantively reiterate those in the Adopted Local Development Plan and the proposal is not considered to be acceptable in terms of the relevant policies set out in the Proposed ALDP.

Conclusion

To summarise, while it is acknowledged that there are two properties on Kings Cross Crescent and Kings Cross Avenue with approved planning applications for a hip to gable extension, it is considered that the proposed straightening of the hipped roof on Kings Cross Road would create an unbalanced look for the semi-

detached property and additionally the proposed dormers combined with the hip to gable extension would overwhelm and dominate the original appearance of the dwelling roof in a manner that fails to demonstrate due regard for its context or make a positive contribution to its setting. The proposed dormer to the rear of the application property would have a detrimental impact in terms of privacy on the neighbouring property to the east. For avoidance of doubt, the principle of forming dormers to the front and rear elevations are acceptable, however any such dormers must be designed in a manner which is architecturally compatible with the scale and building proportions of the application property and should not have a detrimental impact on the residential amenity of the surrounding properties. For the aforementioned reasons, the proposal thereby fails to comply with the relevant policies and the associated supplementary Guidance contained within the Adopted Aberdeen Local Development Plan 2012.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The proposal does not comply with Policy D1 (Architecture and Placemaking) and H1 (Residential Areas) of Aberdeen Local Development Plan 2012 and the associated 'Householder Development Guide' Supplementary Guidance in that the proposal does not demonstrate due regard for the design and context of the streetscape, and as a result the proposed development would appear out of context and would impose a negative design on the surrounding area. It is also noted that the proposed rear dormer would have a detrimental impact on privacy of No. 8 Kings Cross Road. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that the proposal does not accord with the provisions of the Development Plan and that there are no material planning considerations – including the Proposed Aberdeen Local Development Plan – that would warrant approval of the application.



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

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Refusal of Planning Permission

Tinto Architecture
Millhouse
3 Grandholm Crescent
Bridge Of Don
Aberdeen
AB22 8BB

on behalf of **Mr Alastair Hunter**

With reference to your application validly received on 28 October 2015 for Planning Permission under the above mentioned Act for the following development, viz:-

FORMATION OF STRAIGHT GABLE, EXTENSION TO FRONT DORMER AND ERECTION OF 1.5 STOREY EXTENSION TO REAR.
at **10 King's Cross Road, Aberdeen**

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

Document No: 164406;
Detail: Site-Location; Drawing No: not provided;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151708&index=164406>

Document No: 164407;
Detail: Proposed Layouts, Elevations and Section; Drawing No: not provided;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151708&index=164407>

Document No: 164408;
Detail: Proposed Site-Location; Drawing No: not provided;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151708&index=164408>

PETE LEONARD
DIRECTOR

Continuation

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

The proposal does not comply with Policy D1 (Architecture and Placemaking) and H1 (Residential Areas) of Aberdeen Local Development Plan 2012 and the associated 'Householder Development Guide' Supplementary Guidance in that the proposal does not demonstrate due regard for the design and context of the streetscape, and as a result the proposed development would appear out of context and would impose a negative design on the surrounding area. It is also noted that the proposed rear dormer would have a detrimental impact on privacy of No. 8 Kings Cross Road. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that the proposal does not accord with the provisions of the Development Plan and that there are no material planning considerations - including the Proposed Aberdeen Local Development Plan - that would warrant approval of the application.

The plans, drawings and documents that are the subject of this decision notice are numbered as follows:-

Document No: 164406;

Detail: Site-Location; Drawing No: not provided;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151708&index=164406>

Document No: 164407;

Detail: Proposed Layouts, Elevations and Section; Drawing No: not provided;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151708&index=164407>

Document No: 164408;

Detail: Proposed Site-Location; Drawing No: not provided;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151708&index=164408>

Date of Signing

Daniel Lewis

Development Management Manager

Enc.

PETE LEONARD
DIRECTOR

**NB. EXTREMELY IMPORTANT INFORMATION RELATED TO THIS REFUSAL OF
PLANNING APPROVAL**

The applicant has the right to have the decision to refuse the application reviewed by the planning authority and further details are given in Form attached below.

Regulation 28(4)(a)

Form 1

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions

1. If the applicant is aggrieved by the decision of the planning authority to –
 - a. refuse planning permission for the proposed development;
 - b. to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c. to grant planning permission or approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at <http://eplanning.scotland.gov.uk/>.

Notices of review submitted by post should be sent to –

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

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in it's existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

PETE LEONARD
DIRECTOR

PETE LEONARD
DIRECTOR

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

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

▪ GENERAL PRINCIPLES

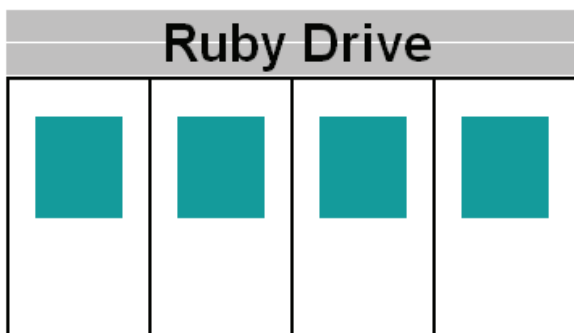
Elsewhere in this document, guidelines are set out in relation to specific types of development, such as house extensions, porches etc. In addition to those specific criteria, the following principles will be applied to **all** applications for householder development:

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

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

▪ **REAR & SIDE EXTENSIONS**

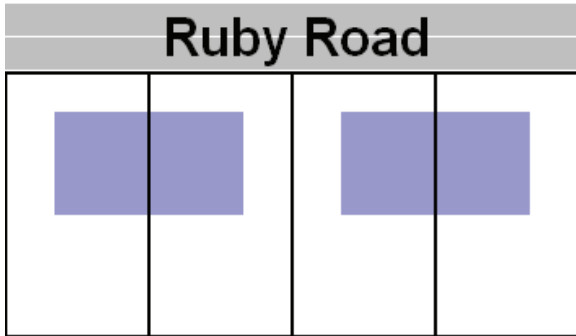
In addition to the design considerations noted above, the planning authority shall continue to apply guidelines relating to specific types of dwellings, as follows. Where dimensions are stated for projection of extensions, these should be measured from the rearmost original part of the main building,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



1. Detached Dwellings

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

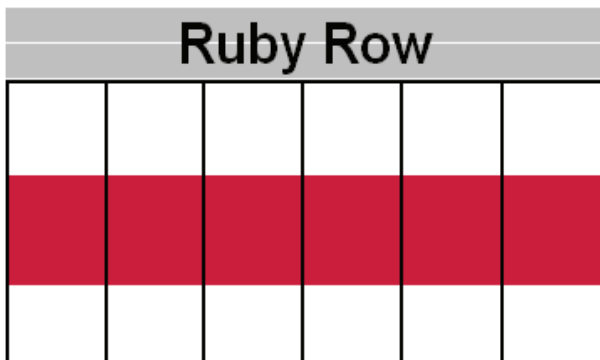
2. Semi-detached Dwellings



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

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

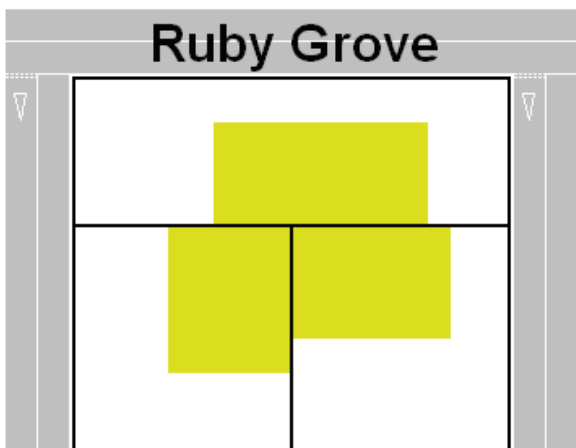
3. Conventional Terraced Dwellings



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

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

4. Grouped Terraces



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

▪ FRONT EXTENSIONS / PORCHES

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

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

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

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

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

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

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

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

▪ DORMER WINDOWS AND ROOF EXTENSIONS

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

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

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



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

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



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

Dormer Windows: General Principles

The following principles will normally apply in all cases:

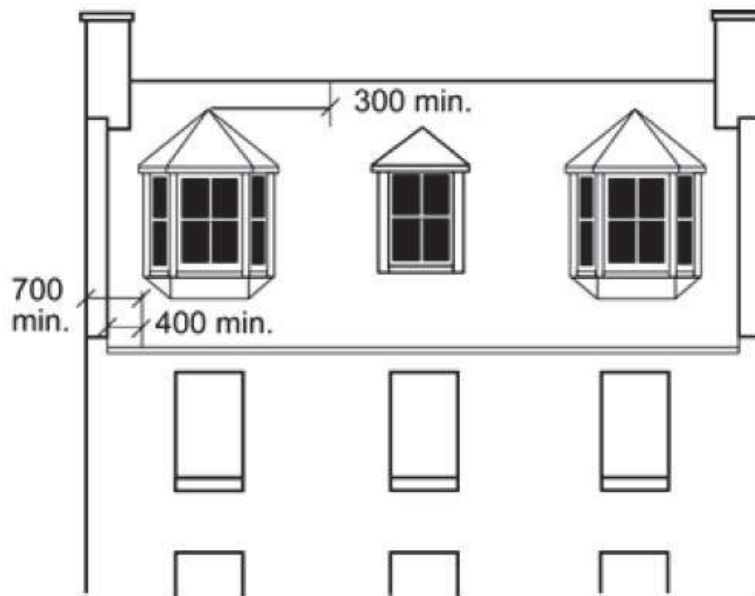
- a) On traditional properties, original dormers must be retained and repaired, and their removal and/or replacement with larger or modern dormers will not be permitted;
- b) The removal of inappropriate earlier dormers and roof extensions, and their replacement by architecturally and historically accurate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

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

Dormer Windows: Older properties of a traditional character

1. Front Elevations

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

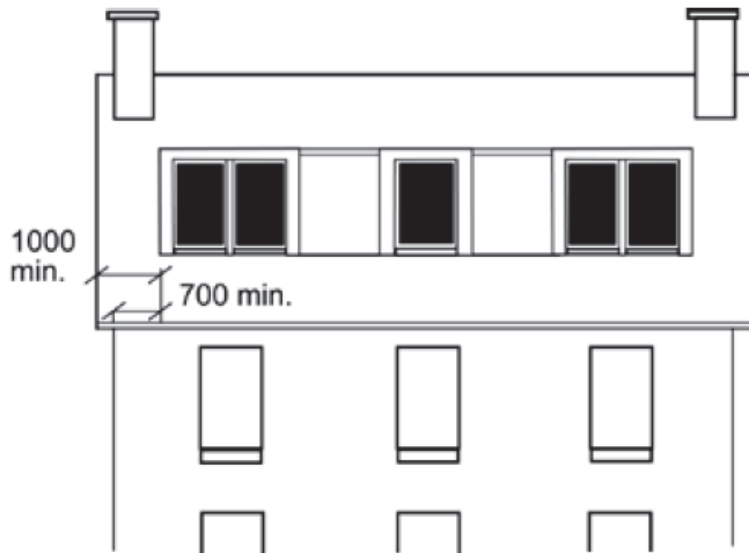


Piended dormers on typical Aberdeen tenement (linking dormers not acceptable on front elevations)

2. Rear Elevations and Exceptions

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

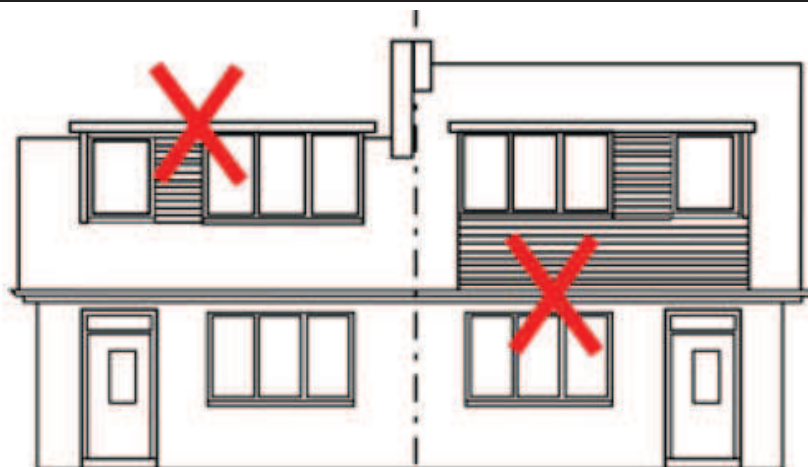
- a) The aggregate area of all dormer and/or dormer extensions should not dominate the original roof slope;
- b) Dormer haffits should be a minimum of 400mm in from the inside face of the gable tabling;
- c) The front face of dormer extensions should be a minimum of 400mm back from the front edge of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



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

Dormer Windows: Modern Properties

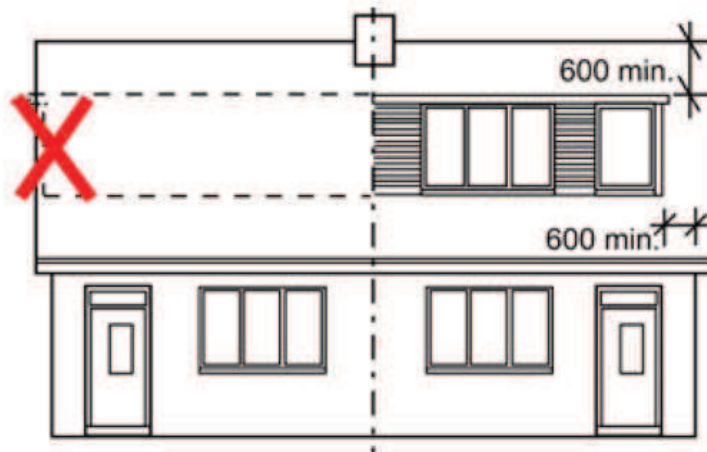
- a) Dormers and box dormer extensions have become common features in many modern housing areas, and the wide variety of designs of modern dwellings necessitates a greater flexibility in terms of design guidance. The amenity of other properties and the residential neighbourhood must however, still be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



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

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

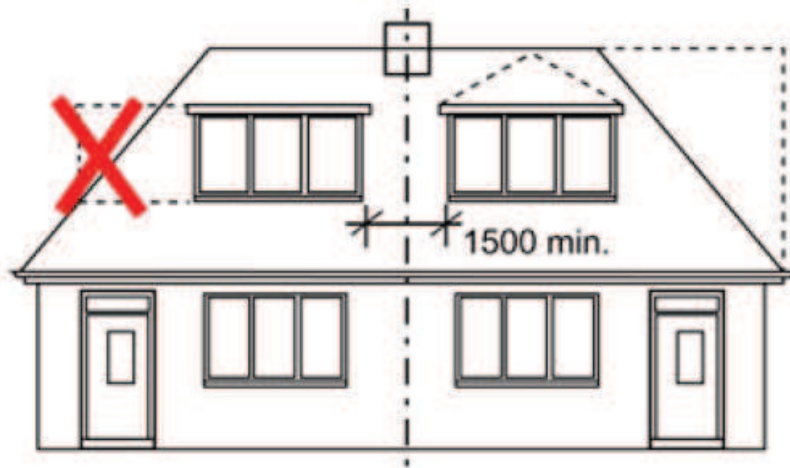
- d) The roof of the proposed extension should not extend to, or beyond the ridge of the existing roof, nor should it breach any hip. Dormer extensions cannot easily be formed in hipped roofs. Flat roofed extensions should generally be a minimum of 600mm below the existing ridge;
- e) The dormer extension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



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

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

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

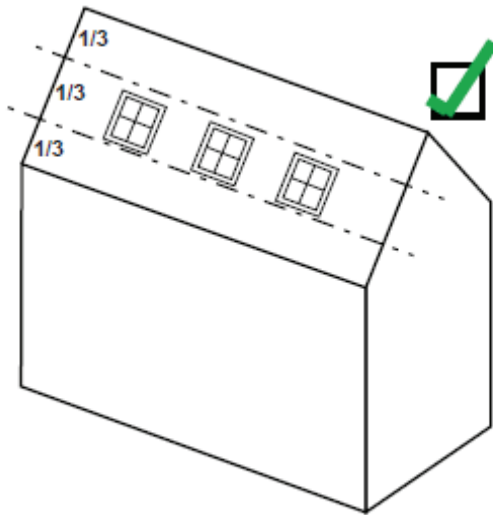


Flat roofed dormers on more traditional hipped roof house (Dormers should not breach hips. A pitched roof on this kind of dormer greatly increases its bulk). Extending roof to the gable on one side only is best avoided.

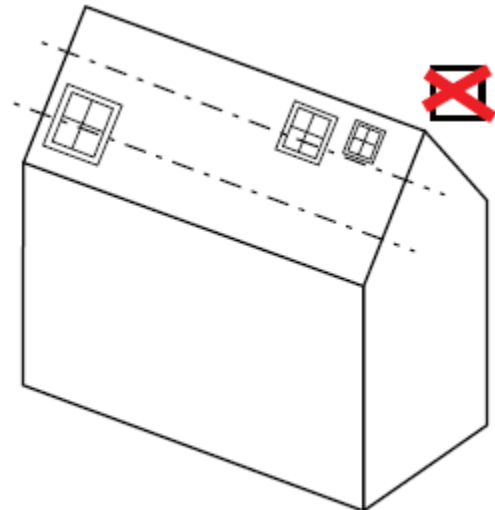
▪ ROOFLIGHTS

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

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



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

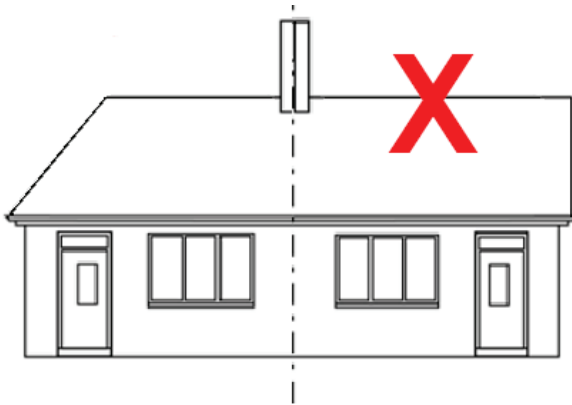


Rooflights too large and too close to eaves and verge. A variety of sizes, spacing and levels.

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

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

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



Hipped roof extensions

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

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

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

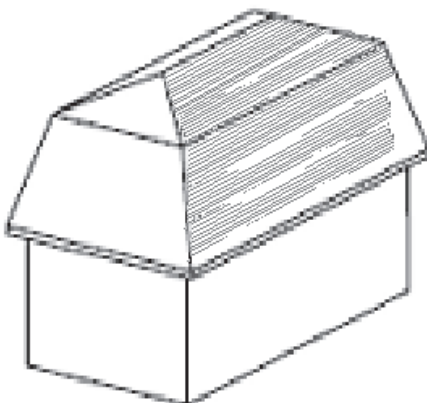
Half dormer windows

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



Wall-head gables

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



Mansard Roofs

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

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

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

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

▪ OTHER DOMESTIC ALTERATIONS

Replacement Windows and Doors

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

Satellite Dishes

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

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

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

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

Decking

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

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

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

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

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

Fences, Walls and Other Boundary Enclosures

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

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

Driveways

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

Planning permission will be required in the following circumstances;

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

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

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

Microrenewables

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

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

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

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

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

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

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

Asset Management
Enterprise, Planning and Infrastructure

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX A: GLOSSARY OF TERMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fenestration - The arrangement of the windows in a building.

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

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

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

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

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

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

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

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

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

Piended – scots term for hipped (pronounced peended)

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

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

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

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

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

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

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

Wallhead – The uppermost section of an external wall.

APPENDIX B: APPLICATION CHECKLIST GUIDE

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

APPENDIX C: DAYLIGHT AND SUNLIGHT

Daylight

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

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

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

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

The 45° Method for daylight

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

DIAGRAM 1: 45° METHOD

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

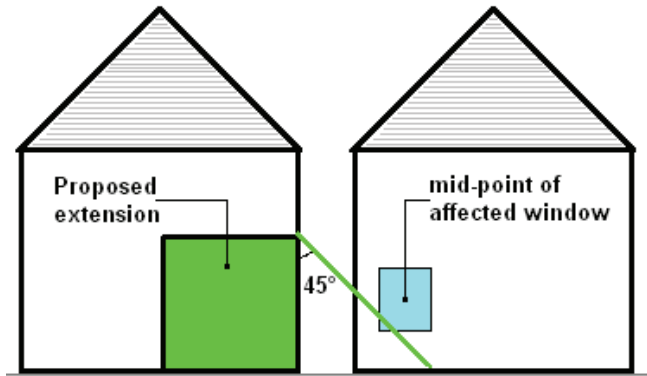


Fig A: Elevation view

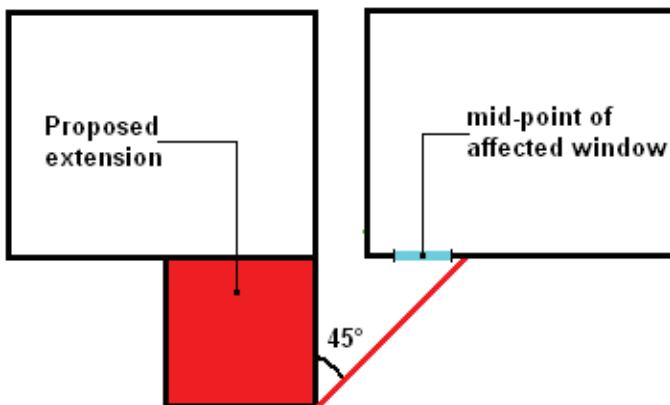


Fig B: Plan view

The 25° Method

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

DIAGRAM 2: 25° METHOD

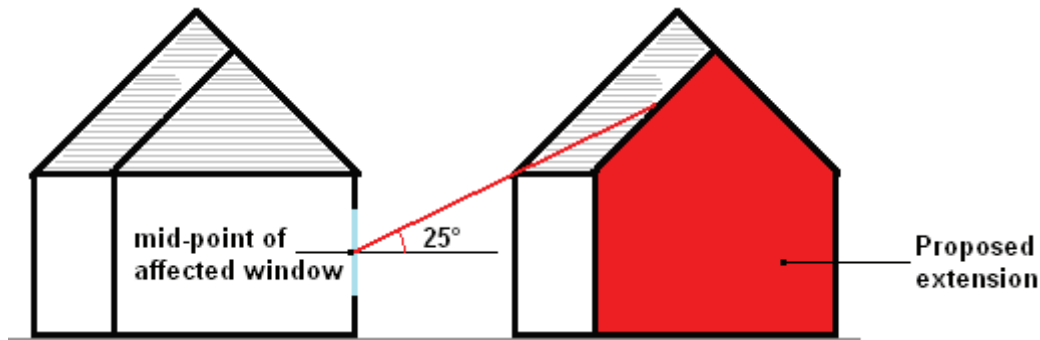


Fig A: Proposed extension may result in loss of daylight to adjacent window of a habitable room

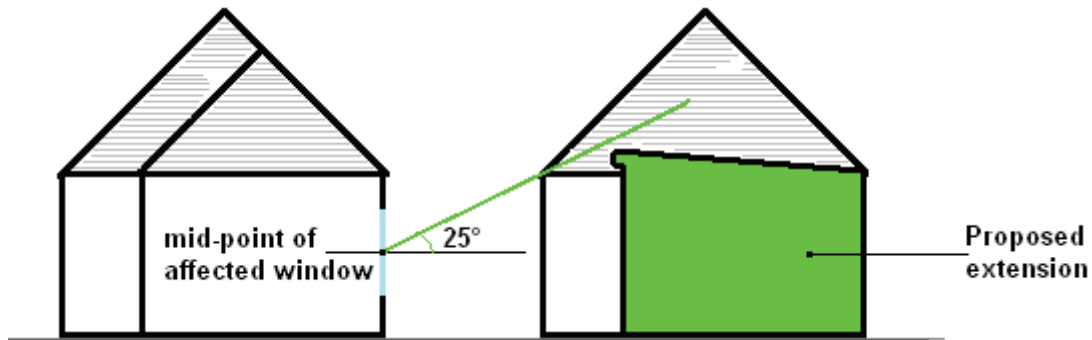


Fig B: Proposed extension would not result in loss of daylight to adjacent window of a habitable room

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

Sunlight

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

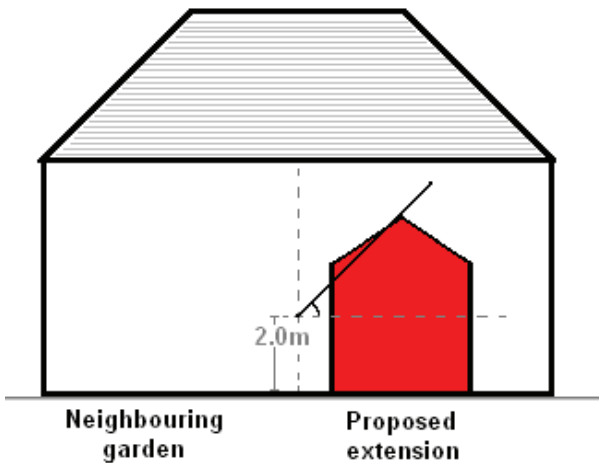
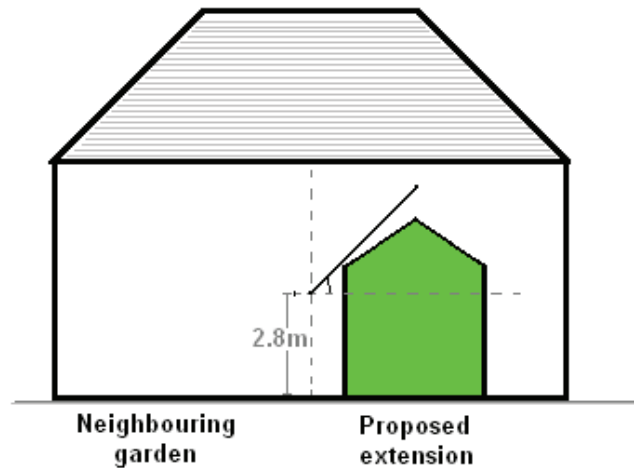
The method used involves drawing a line at 45 degrees to the horizontal. This line will begin at a point above ground level on the relevant boundary. The height above ground level will be determined by the orientation of the proposed building or structure relative to the affected space, as shown in the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

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

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

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

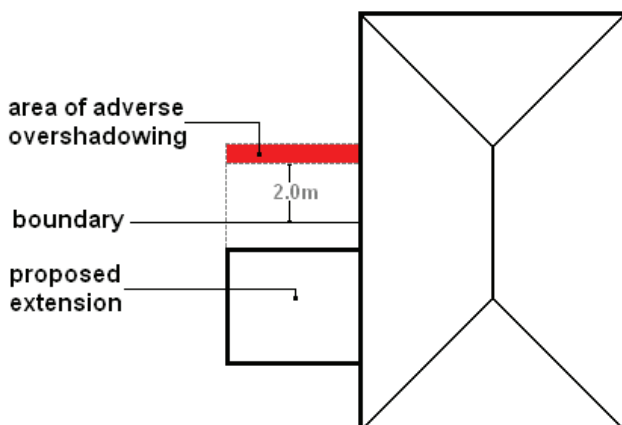
The diagram in Example 1 shows that the line drawn would not strike any part of the proposed extension, and therefore for the purposes of this test there would be no adverse affect on sunlight to the neighbouring garden.



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

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

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



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

Appendix D: Privacy

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

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

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

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

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

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

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

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

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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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

Applicants:

Name: Mr Alastair Hunter
Address: 10 King's Cross Road
Aberdeen
AB15 6BE

Agent (if any):

Name: Tinto Architecture Ltd
Address: Unit 3 - Millhouse
Grandholm Crescent
Bridge of Don, Aberdeen
AB22 8BB

Contact Tel:

Contact Tel: [REDACTED]

Email:

Email: [REDACTED]

Confirm that all contact should be through this representative: Yes

Do you agree to correspondence regarding your review being sent by email: Yes

Planning Authority:

Aberdeen City Council

Planning Authority Application number:

P151708

Site Address:

As per Applicant address

Description of proposed development:

Hip to gable conversion, extension of front facing dormer, formation of new 1.5m storey extension to rear, and internal alterations

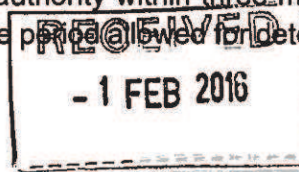
Date of Application:

29/10/2015

Date of decision:

21/01/2016

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



Nature of Application: *Application for Planning Permission (inc. householder development)*

Reasons for seeking review: *Refusal of Application 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 | Yes |
| 3. Site Inspection | |
| 4. Assessment of review documents only, with no further procedure | |

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

We believe that the Hip to Gable conversion and the Dormer to the rear extension should be subject of the above procedure.

Site Inspection:

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

- | | |
|--|-----|
| 1. Can the site be viewed entirely from public land? | No* |
| 2. Is it possible to access the site safely, without barriers to entry? | Yes |

**rear garden/patio area accessed via shared driveway. Applicant gives permission for this use.*

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. 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.

Introduction:

The Authority has stated that “The proposal does not comply with Policy D1 (Architecture and Placemaking) and H1 (Residential Areas) of Aberdeen Local Development Plan 2012 and the associated 'Householder Development Guide' Supplementary Guidance”, stating that “the proposal does not demonstrate due regard for the design and context of the streetscape, and as a result the proposed development would appear out of context and would impose a negative design on the surrounding area”.

The authority has stated to ourselves as the Agent that the ‘hip to gable conversion’ and the ‘dormer window’ to the rear extension were the elements of design which they felt did not comply. It is these factors therefore, that we will look to address specifically.

Hip to gable conversion:

Although we accept that the original design of the surrounding area generally comprises hipped roofs, it should also be noted that King’s Cross Road itself is made up of 1x detached dwelling (gabled), the 5x semi-detached buildings to which this application relates (hipped), 1x detached bungalow property (gabled) (plus another recently demolished), and there are also foundations laid for 2x new properties (which would be of a contemporary nature). There are also several varying property types on the adjacent roads of King’s Cross Avenue and King’s Cross Terrace and buildings of differing nature again on the connecting road (Ord Street).

We would also note that the property forming the other half of the semi-detached building has already added a dormer to their side of the hip: a process which has been undertaken by several neighbouring properties, and clearly changes the look of the hipped rooflines in the area. As noted by the authority, there are also already two existing examples of hip to gable conversions at neighbouring properties on adjacent roads. Although we are aware that these works were undertaken under previous guidance/policy we find it ridiculous that the actual, physical and existing built environment is ‘ignored’ as precedent despite only being completed relatively recently and in full view of the applicant’s property simply because of a change in written guidance. We feel that this cannot be considered a sensible approach to making an informed decision. Given the variety of alterations evident on the neighbouring properties, especially on the hip roofs themselves (in terms of gable conversions and additional dormers), we find it hard to understand how the new guidance can rule that such changes are now wholly unacceptable.

The authority describe that the proposal would result in an “unbalanced appearance” and that this is the major factor for making the decision. As noted above, the other-half of the building has already added a dormer to their roof, in addition to this, the garage of said property also sits level with the front of the building (rather than behind like the rest), meaning that the property as a whole already has a somewhat ‘unbalanced’ look when viewed in its entirety.

Given the fact that the property in question is semi-detached, the idea of the proposal resulting in an “unbalanced appearance” means that neither property is ever able to make this small

but invaluable change to their home as, due to split ownership, there is no 'guarantee' the other half would follow suit. This argument also therefore means that the two properties whose neighbours have already changed their hip to a gable could also make the hip to gable change under the current guidance without issue, despite the applicant's property not being able to. This again, we find to be an approach which is seriously flawed.

As a result of the above, we feel that the typology of streetscape is much more varied than suggested by the Authority, and that the 'original' look has somewhat dissipated as all the houses have been adjusted individually over the years. We believe that the physical precedent has been set (we are not looking to do anything that hasn't already been done) and that this is being ignored. The proposed design is a considered response to the already altered and changing context of its surroundings. The idea that this small conversion to the roof would "would impose a negative design on the surrounding area", we feel to be completely unfounded.

We firmly believe that although the 'hip to gable' precedents mentioned previously occurred prior to the implementation of the new guidance that the Authority have based their decision on, that it is both unfair and unreasonable for this type of conversion to go from being something which is considered "unconditionally acceptable" (quoted from relevant previous applications), to something which is completely unacceptable. The proposal clearly heeds Planning Policy generally in that it does not compromise "scale, massing, colour, materials, orientation" etc. and we feel it does not have an "unacceptable impact on the character or amenity of the surrounding area" as stated by the authority. After discussion with the Authority, we feel the additional 'Supplementary Guidance' cited forms the basis of the decision rather than the main 'Planning Policy'. We believe that this does not form a 'common sense' approach in this instance.

From a functional point of view, the inclusion of the hip to gable conversion subsequently allows for the extension of the front dormer to be undertaken to the degree noted on the drawings forming the Application. Without the extension of the roof, the dormer itself cannot be extended in the same way. This leaves the internal space much as existing, in that the amount of usable space is greatly diminished by the ceiling sloping away in two directions. With the primary reason for this application being to help accommodate a growing family, this is easily the most functional way of achieving this goal. As a result, we feel that the approach of not allowing such a conversion promotes a culture of moving rather than improving which we feel is neither prudent nor sustainable in the current economic climate (which was perhaps less applicable when the authority's cited guidance first came into force).

Dormer to rear extension:

The authority has stated to ourselves that the dormer to the rear extension would be considered unacceptable as it "would have a detrimental impact on privacy of No. 8 Kings Cross Road".

We would initially note that the neighbouring property is in fact, No. 9 King's Cross Road.

The dormer proposed to the rear extension has been designed to be used primarily for the functional purpose of providing an area of flat ceiling allowing for ease of occupant movement. This space, as would be the case in the aforementioned gable/extended dormer, would be invaluable in helping to facilitate comfortable accommodation.

At the time of application, it was mentioned by the Authority that adding a dormer to the existing hip would likely be considered acceptable, indeed the neighbouring property at Number 9 has permission for exactly this (although this may now have expired (1st Feb 2016) by time of appeal), and, as mentioned, the other half of the semi (No. 11) to which the proposal relates already features this, as do several other neighbouring properties.

This situation would result in dormers either side of the shared access driveway (No's. 9 and 10 (applicant)), looking directly from one bedroom into another, and this at the point where the neighbouring properties are at their closest. The dormer which we have proposed would actually overlook the rear of the driveway and patio areas and is located as far away from the neighbouring property as possible. We therefore feel that this is not only a functional location for a side facing dormer, but also the most sensible from the point of view of the neighbouring property. Additionally, it is worth pointing out that no neighbours made any representations to this, or indeed to any aspect of the design; reaffirming our thoughts that this application is completely uncontentious.

We would also note that, with the hip to gable design, we have been very careful not to include any windows on the gable end so as to negate any impression of 'overlooking' at this point (where the neighbouring properties are at their closest). The Authority also mentioned to us that having both a dormer at the hip and at the rear could create 'visual clutter' something we feel is avoided in the proposal as a whole.

Conclusion:

In addition to the above, it has been intimated that although formerly the Authority would look to negotiate with Applicants/Agents to come to a sensible compromise that is acceptable to all parties that there are not currently the staffing resources to facilitate this within the Authority and this has been a factor making the decision and subsequently in arriving at this point (having to appeal the decision), which we feel to be wholly unacceptable.

Given all the points mentioned above, we feel that both the hip to gable conversion, and the dormer on the rear extension should both be considered acceptable; we do not feel that either element is contentious or is in breach of Policy

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

No

List of documents and evidence:

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

1. Tinto Architecture Drawings: EX(00)001, EX(90)001, T(00)001, T(04)001, & T(90)001
2. Photographs documenting various local house types and changes to 'original' typology

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	Yes
Statement of your reasons for requiring a review	Yes
All documents, materials and evidence you intend to rely on	Yes

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 agent hereby serve notice on the Planning Authority to review the application as set out on this form and supporting documents.

Signed:



MARK HADFIELD

Date: 28/01/16

ON BEHALF OF TINTO ARCHITECTURE LTD

Our Ref: 1864/PL APP
Your Ref: P151708

27th January 2016

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

- Architecture
- Interior Design
- Space Planning
- 3D Visualisation
- Brand Integration

Dear Sirs,

PROPOSED EXTENSION OF EXISTING DWELLING, 10 KING'S CROSS ROAD, ABERDEEN, AB15 6BE

We write with reference to the above regarding Planning Application Ref No: P151708. This application was recently rejected and we hereby wish to appeal this decision. Please find attached:

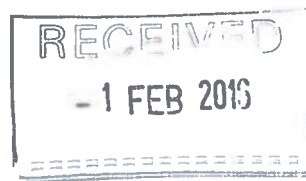
- Notice of Review Form
- Photographs of surrounding properties showing variances in streetscape/treatment
- Tinto Architecture Drawings: EX(00)001, EX(90)001, T(00)001, T(04)001, T(90)001

Trusting the enclosed to be sufficient we look forward to receiving written feedback in the near future.

Yours Sincerely



Mark Hadfield
Architect: ARB



For Tinto Architecture Ltd

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Mill House
Grandholm Crescent
Bridge of Don
Aberdeen AB22 8BB

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THE ROYAL INCORPORATION OF ARCHITECTS IN SCOTLAND
CHARTERED PRACTICE

Reg in Scotland No. 263 811
Reg Office 7-9 Bon Accord Crescent Aberdeen AB11 6DN

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1. GABLE CONVERSION - SIDE



2. GABLE CONVERSION - FRONT



3. GABLE CONVERSION - EXTENDED DORMER



4. GABLE CONVERSION 2 - SIDE



5. GABCE CONVERSION 2 - REAR EXTENSION



6. GABCE CONVERSION 2 - FRONT



7. GABLE CONVERSION 2 - EXTENDED DORMER



8. DETACHED DWELLING - GABLED - KING'S CROSS ROAD



9. 2x NEO FOUNDATIONS - KING'S CROSS ROAD



10. DETACHED BUNGALOW - KING'S CROSS ROAD



11. DETACHED DWELLINGS - DORMER ON HIP/FRONT



12. DETACHED DWELLINGS - DORMER VARIATION



13. DETACHED DWELLING - DORMER ON HIP



14. DETACHED DWELLINGS 2 - DORMER ON HIP



15. DETACHED DWELLINGS 2 - DORMER VARIANCE



16. SEMI DETACHED DWELLINGS - DORMER ON HIP



17. SEMI DETACHED DWELLING - DORMER ON HIP



18. NEIGHBOURING PROPERTY - GARAGE TO FRONT + DORMER ON HIP

