

Public Document Pack



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

Town House,
ABERDEEN 14 June 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 5 - Town House on **TUESDAY, 21 JUNE 2016 at 9.00 am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

- 1 Procedure Notice (Pages 5 - 6)

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

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

ROBERT FORBES

- 2 27 Watson Street - Replacement Garage to Rear of Property - 151934

- 3 Delegated Report, Plans and Decision Notice (Pages 7 - 16)

Members, please note that the relevant plans can be viewed online:-

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151934>

- 4 Planning policies referred to in documents submitted

Members, the following planning policies are referred to:-

Aberdeen Local Development Plan (2012)

Policy H1 – Residential Areas:

Policy D1 – Architecture and Placemaking

Supplementary Guidance

Historic Scotland's Scottish Historic & Environment Policy (SHEP) -

Proposed Aberdeen Local Development Plan

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

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

The policies can be viewed at the following link:-

http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_local_development_plan.asp

5 Notice of Review with supporting information submitted by applicant / agent
(Pages 17 - 30)

6 Additional Planning Policy to be Referred to by Planning Adviser

Please follow this link:-

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=5843&SID=17164>

7 Determination - Reasons for decision

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

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

LUCY GREENE

9 182 North Deeside Road - straighten roof hip, side and rear extension and dormer extension - 160217

10 Delegate Report, Plans, Decision Notice and Letters of Representation (Pages 31 - 44)

Members, please access all relevant plans at the following link:-

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=160217>

11 Planning policies referred to in documents submitted - all policies available at the following link

Aberdeen Local Development Plan

- Policy D1 – Architecture and Placemaking
- Policy H1 – Residential Areas

Supplementary Guidance

- 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
- H1 – Residential Areas

The policies can be viewed at the following link:-

http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_local_development_plan.asp

12 Notice of Review with supporting information submitted by applicant/agent (Pages 45 - 64)

13 Determination - reasons for decision

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

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

LUCY GREENE

15 184 North Deeside Road - straighten roof hip, dormer extension and rear extension - 160220

16 Delegated Report, Plans, Decision Notice and Letters of Representation (Pages 65 - 78)

Members please follow the link here for the relevant plans:-

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=160220>

17 Planning policies referred to in documents submitted - all policies available at the following link

Aberdeen Local Development Plan

- Policy D1 – Architecture and Placemaking
- Policy H1 – Residential Areas

Supplementary Guidance

- 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
- H1 – Residential Areas

The policies can be viewed at the following link:-

http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_local_development_plan.asp

- 18 Notice of Review with supporting information submitted by applicant/agent (Pages 79 - 98)
- 19 Determination - Reasons for decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 20 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

Website Address: www.aberdeencity.gov.uk

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

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

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

DETERMINATION OF REVIEW

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

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

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

Agenda Item 3

Signed (authorised Officer(s)):

27 WATSON STREET, ROSEMOUNT

REPLACEMENT GARAGE TO REAR

For: Mr Geoff Gettka

Application Type : Detailed Planning
Permission

Application Ref. : P151934

Application Date : 07/01/2016

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

Advertised on : 20/01/2016

Officer : Jacqui Thain

Creation Date : 22 March 2016

Ward: Midstocket/Rosemount (B Cormie/J
Laing/A Nicoll)

Community Council: No response received

RECOMMENDATION: Refuse

Refuse

DESCRIPTION

The application dwelling is a traditional, mid-terraced property with long, narrow rear garden that backs onto Thomson Street Lane. At the far end of the rear garden, at the south-west corner of the plot, there is a single garage that measures approximately 16 square metres, constructed of brick with render to 2 sides, timber doors and slate roof that is in a state of disrepair. The garage is set forward of the neighbouring garages by approximately 850mm/1m. An access gate is set within the c.2m high rubble boundary wall that extends from the garage northwards for approximately 4.8m to the north-most boundary of the plot. The application property is situated within the Rosemount Conservation Area.

RELEVANT HISTORY

None.

PROPOSAL

The existing garage would be removed as would the adjacent rubble boundary wall on the lane. Planning permission is sought to create a replacement garage at the far end of the rear garden. The proposed garage would span the width of the plot approximately 7.35m and would measure 7.4m long x 6.65m high to the top of the pitched roof. At ground level there would be a pedestrian access door

to the front and rear, a window facing the garden and a vehicle access door onto the lane. At first floor level, there would be 1 window on each of the lane and garden elevations and 2 rooflights on the respective roof planes facing both north and south.

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.=151934>

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

CONSULTATIONS

Roads Development Management - No objection.

Environmental Health – No observations.

Community Council – No response.

REPRESENTATIONS

None.

PLANNING POLICY

Aberdeen Local Development Plan (2012)

Policy H1 – Residential Areas:

Policy D1 – Architecture and Placemaking

Supplementary Guidance

The Council's supplementary guidance "Householder Development Guide" is a relevant material consideration.

Historic Scotland's Scottish Historic & Environment Policy (SHEP) - seeks to retain the amenity and character of the Conservation Area.

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted Local Development Plan as summarised above:

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

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

EVALUATION

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

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

Aberdeen Local Development Plan (2012)

Policy H1 – Residential Areas:

The garage does not comply with Policy H1 of The Aberdeen Local Development Plan which states that within existing residential areas proposals for householder development must not have an unacceptable impact on the character and amenity of the surrounding area.

The garage is considered to be excessive in its height and massing in the context of this particular domestic situation. The proposed garage would be significantly higher than the existing garages on either side of the lane and of greater height than those in the immediate vicinity. Due to the wallhead height of the garage being approximately 3.5m, its overall height reaching 6.65m and its footprint occupying the full width of the plot, the building would be a substantial and incongruously prominent feature on Thomson Street Lane, which would have a detrimental impact on the character and amenity of the surrounding residential area.

Although it is acknowledged that there are buildings of significant height and scale towards the Rosemount Place end of Thomson Street Lane, it is noted that the relationship of these structures sit within the context of a gradual progression in scale towards the nearby tenements, and that large structures of this type are not representative of the established built form along the majority of Watson Street Lane. The current planning application requires to be assessed on its own merits, with due regard to its individual setting and surroundings, where smaller structures are the norm.

Policy D1 – Architecture and Placemaking

The garage is considered to be contrary to Policy D1 of The Aberdeen Local Development Plan in that it has not been designed with due consideration for its context and would have a detrimental impact on its setting. The proposal is of an inappropriate scale relative to its surroundings, and would detract from the character of Thomson Street Lane as a result.

Supplementary Guidance

The proposed garage conflicts with the Household Supplementary Guidance “Householder Development Guide” with regard to:

- the garage is incompatible, architecturally, in design and scale with the application property and within the surrounding area
- the alteration would, to an extent, dominate the application dwelling.
- the garage would be uncharacteristically large in the context of the rear lane and would not sit well within the context of the wider residential area.
- due to height, scale and overall massing, the proposal would have a significant adverse impact on residential character and amenity.

Historic Scotland’s Scottish Historic & Environment Policy SHEP

The proposed garage is contrary to the principles of Historic Scotland’s SHEP, which seeks to preserve and enhance the amenity and character of Conservation Areas. By virtue of its excessive height to the wallhead level, excessive overall height and significant overall bulk, the garage would be a dominant and incongruous feature, out of keeping with the neighbouring garages that would be detrimental to the character and appearance of the wider Rosemount and Westburn Conservation Area.

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 this instance, the applicable policies have not materially changed from those in the current LDP, and indicate that the Planning Authority cannot support the proposal, and therefore Planning Consent should be refused.

Conclusion

It is concluded that the Planning Authority can not support the planning application in this form, and that the planning application should therefore be refused. The proposal would introduce a very dominating structure to Thomson

Street Lane to the detriment of residential character and amenity. The garage would also have an adverse impact on the overall amenity and character of the wider Conservation Area.

The proposed garage is contrary to Aberdeen Local Development Policies H1 (Residential Areas) and D1 (Architecture and Placemaking) and does not comply with the Council's Householder Development Guide Supplementary Guidance. In addition, the garage does not uphold the principles of Historic Scotland's SHEP that seeks to retain the amenity and character of Conservation Areas. Approval of such a structure would also risk setting an undesirable precedent whereby similar proposals may cumulatively lead to the erosion of the character and appearance of the Rosemount and Westburn Conservation Area and a resultant impact on residential amenity.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The planning application is refused due to the proposed garage being detrimental to the character and amenity of the residential area and damaging to the amenity and character of the Rosemount Conservation Area as a result of its excessive scale and massing. The garage conflicts with Aberdeen Local Development Plan Policies H1 (*Residential Areas*) & D1 (*Architecture & Placemaking*) and is contrary to the related Householder Development Guide with regard to design and scale. The proposal does not comply with the principles of Historic Scotland's SHEP that seeks to retain the amenity and character of Conservation Areas.

This page is intentionally left blank

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Refusal of Planning Permission

Colin Thompson Chartered Architect
Old Chapel Road
Inverurie
Aberdeenshire
AB51 4QN

on behalf of **Mr Geoff Gettka**

With reference to your application validly received on 7 January 2016 for Planning Permission under the above mentioned Act for the following development, viz:-

REPLACEMENT GARAGE TO REAR at 27 Watson Street, Rosemount

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: 168478;

Detail: Site Plan, Proposed Layout , Elevations, Section; Drawing No:
0915/12-20;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151934&index=168478>

Document No: 169866;

Detail: Site Location Plan; Drawing No: 0915/12-slp Rev A;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151934&index=169866>

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

The planning application is refused due to the proposed garage being detrimental to the character and amenity of the residential area and damaging to the amenity and character of the Rosemount Conservation Area as a result of its excessive scale and massing. The garage conflicts with Aberdeen Local Development Plan Policies H1 (Residential Areas) & D1 (Architecture & Placemaking) and is contrary

PETE LEONARD
DIRECTOR

Continuation

to the related Householder Development Guide with regard to design and scale. The proposal does not comply with the principles of Historic Scotland's SHEP that seeks to retain the amenity and character of Conservation Areas.

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

Document No: 168478;

Detail: Site Plan, Proposed Layout , Elevations, Section; Drawing No:
0915/12-20;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151934&index=168478>

Document No: 169866;

Detail: Site Location Plan; Drawing No: 0915/12-slp Rev A;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151934&index=169866>

Date of Signing 29 March 2016



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



Marischal college Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100010715-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Colin Thompson Chartered Architect"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Colin"/>	Building Name:	<input type="text" value="Old Chapel Road"/>
Last Name: *	<input type="text" value="Thompson"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01467672451"/>	Address 1 (Street): *	<input type="text" value="Old Chapel Road"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Inverurie"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Aberdeenshire"/>
		Postcode: *	<input type="text" value="AB41 4QN"/>
Email Address: *	<input type="text" value="admin@ctarchitect.co.uk"/>		

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"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Geoff"/>	Building Number:	<input type="text" value="27"/>
Last Name: *	<input type="text" value="Gettka"/>	Address 1 (Street): *	<input type="text" value="Watson Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB25 2QB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

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="27 WATSON STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB25 2QB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806637"/>	Easting	<input type="text" value="392941"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Proposed Replacement Garage at 27 Watson Street, Aberdeen

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 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.

N/A

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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)

Notice of Review, Supporting Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

P151934

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

15/12/2015

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

29/03/2016

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: Mr Colin Thompson

Declaration Date: 06/05/2016

This page is intentionally left blank

Notice of Review Statement

Proposed Replacement Garage, 27 Watson Street, Aberdeen

Our Ref: SW.0915/12-005

Your Ref: P151934

29 April 2016

1. Background / Introduction

Colin Thompson Chartered Architect were originally instructed by Mr Gettka to prepare and submit a planning application for a replacement garage at the property of 27 Watson Street in Aberdeen.

That application (ref: P151934), valid on 15th December 2016, went through the planning process and was subsequently refused on 29th March 2016. Understandably disappointed, the applicant would like to appeal that decision.

2. Description of Site

Watson Street is located in a conservation area in the heart of Rosemount in Aberdeen. The streets have an existing grid settlement pattern, with the houses located on the main road to the East with long gardens and garages accessed from the small lane to the rear on the West. The existing garage to No. 27 is a small garage constructed in brick with render to 2 of the elevations. There is an asbestos roof and timber doors and window. The building is not used as it is in a state of disrepair and too small to accommodate modern cars. The proposal allows for a replacement garage that would provide much needed additional parking whilst also providing a more pleasing aesthetic than the current dilapidated building which, it is felt, degrades the area.



3. The Planning Process – Consultations & Public Comments

There were no objections made from any of the neighbours or consultees to this application.

4. Reasons for Refusal

The application was refused by the Planning Department as they felt that it was “detrimental to the character and amenity of the residential area and damaging to the amenity and character of the Rosemount Conservation Area as a result of its excessive scale and massing. The garage conflicts with Aberdeen Local Development Plan Policies HI (Residential Areas) & DI (Architecture & Placemaking) and is contrary to the related Householder Development Guide with regards to design and scale. The proposal does not comply with the principles of Historic Scotland’s SHEP that seeks to retain the amenity and character of Conservation Areas”.

We wish to respond to the reasons for refusal from the Planning Department of Aberdeen City Council as follows:

5. Arguments against Refusal

Essentially the reasons for refusal are basically on design grounds only and fairly subjective from the Planning Department. It was notable that there were no neighbour objections or any adverse comment from the statutory consultees. After studying the Policies and documents referenced to in the above, it is considered that instead of the proposal conflicting with them, the development would comply with policy.

With reference to HI in the Aberdeen Local Development Plan, it states that this type of development is acceptable, as long as it “does not constitute over development.” and “does not have an unacceptable impact on the character or amenity of the surrounding area”. (*Point 1 & 2, p193, Aberdeen Local Development Plan*) As noted in the supporting case studies, there has already been developments of its kind within the neighbouring properties. Therefore it cannot be deemed as overdevelopment and uses similar materials to that of the buildings referenced to so would not impact on the character of the area. Not only would the materials match that of existing buildings in the area, it would actually be more in keeping with the design and materials for Conservations areas with slate and dry dash instead of low quality materials such as the asbestos roof that the current roof has. Furthermore, there are a number of garages that have gained planning permission which we would not have considered appropriate for a Conservation area, see the photo opposite. Overall the development is enhancing the conservation area instead of damaging it which reflects the views of the Scottish Historic Environment Policy and Householder Guide as well as the Aberdeen Local Development Plan.



6. Supporting issues

Parking

Due to the small scale of the existing dilapidated garage, it is unable to be used for parking, which means the only parking currently available is on Watson Street. There are already parking issues on the street, as it struggles to accommodate the amount of vehicles used by residents. By allowing for this garage it will relieve the congestion to Watson Street and improve the situation by providing 2 off-street private parking spaces.

Roads

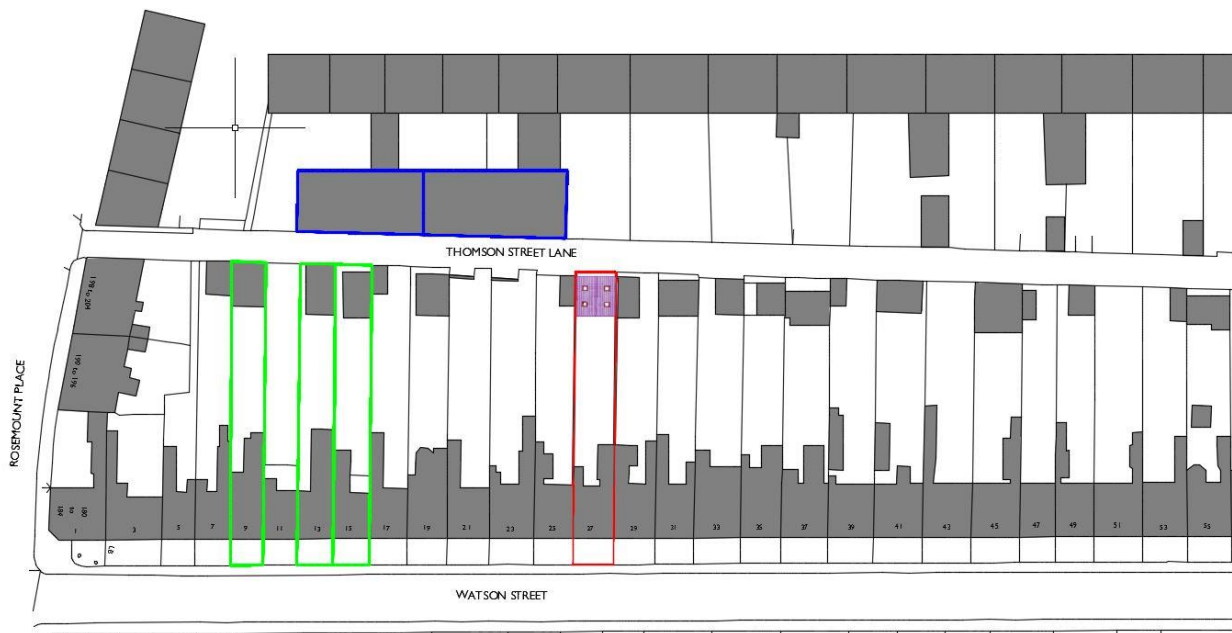
The existing garage follows the line of the edge of the lane. However, as the neighbouring garages have been replaced, they have moved further back into their sites to allow for better visibility and space to turn into their garage. The proposal allows for the garage to be moved back by approximately 1m to sit in line with the garages located either side. This move has been welcomed by the roads department who have said that “the position of the double garage and internal dimensions are improvements over the existing garage layout and position.”

Design

When undertaking the initial site visit, we, as Chartered Architects, assess the site constraints, setting and context of the project. The nearby precedents shown below played a large part in the design of this garage proposal as well as the criteria set out by Mr Gettka. During the years, there have been a number of garages either replaced fully or renovated and the style, design and materials used has been inconsistent and greatly differs.

The proposal closely mirrors the design of 3 other garages on the lane, each with a very similar look and size. All three are a storey and 3/4 design and had no issues gaining planning permission as detailed in the case studies located further in this report. The location of the garages are in close proximity of the site as shown outlined in green on the map on the next page. These garages fit in well within the conservation area in terms of scale and quality of materials employed.





Further to the above, it should be noted that there are substantial commercial units located diagonally opposite from the site as outlined in blue on the map above. In addition to the commercial buildings, there are garages of substantial scale located further down the lane and not just at the top of the lane as mentioned in the refusal report. One such example is the triple garage as shown in the picture opposite.



Picture taken from google maps, May 2016

The proposed design makes full use of the width of the site to accommodate 2 parking spaces. This will eliminate any narrow passageways to the side of the building that would be unusable and could eventually fill with leaves/rubbish. It also provides additional security to the rear of the house and garden from the lane as there is no gate or wall to facilitate easy access. With such long gardens, the impact/shadowing of garden spaces will be negligible. The roof finish in natural slate which would be the dominant material viewed from back gardens and fit in preferably with the finishes most appropriate with the conservation area.

7. Conclusion

Overall, there are similar garages already established on Thomson Street Lane on which our design was based. All 3 had gained planning permission have no adverse impact to the area, contrary to the reasoning for refusing this application. These existing garages had external stairs and dormers to the first floor which this application does not have. Furthermore, existing commercial premises are located opposite the site with examples of large garages located further down the lane and not just to the top.

During the consultation process, the roads department stated that it improved the current situation and held no objections to this. Further to this, the application would also alleviate parking issues on Watson Street by providing 2 additional private parking spaces.

The design was carefully considered so that there would be no overshadowing issues and its positioning would provide the best possible use of space.

There are substantial grounds for this appeal for the reasons given above and we would hope the Review Board can re-consider the decision to refuse what we consider is an appropriate and enhancing proposal.

Susan Watson
Architectural Technologist

COLIN THOMPSON CHARTERED ARCHITECT

Proposal – 27 Watson Street

The proposal is for a double garage to allow for additional parking to alleviate parking issues as previously discussed. The garage has a reduced roof pitch and wall head height the heights of the garages are almost the same. In addition to this, the proposal creates a garage that is shorter than the case studies so the overall mass is quite similar.



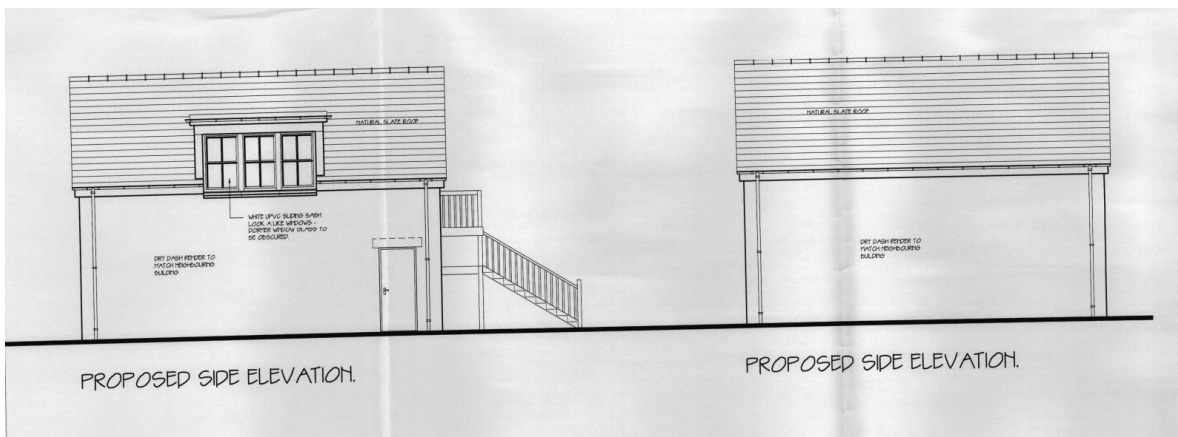
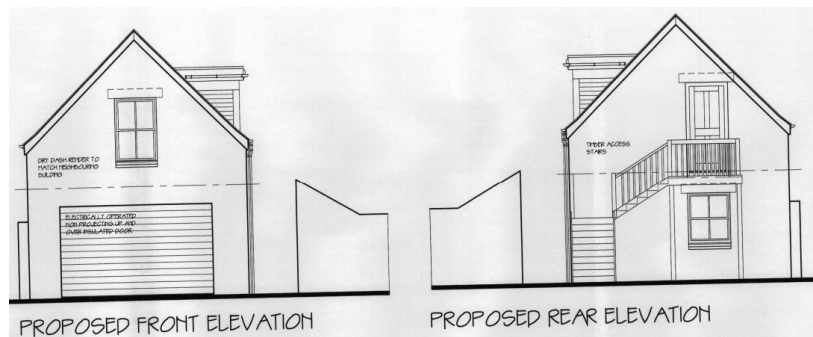
Proposed Elevations

Case Study I – 13 Watson Street

Approval Date: 30th July 2009

Delegated Approval

This allowed for a large garage with heated first floor gym/studio with toilet which is accessed by external stairs to the rear. A large three window dormer projects to the South side to allow for additional headroom and light to the first floor.



Elevations from approval drawings from council website

Case Study 2 – 15 Watson Street

Approval Date: 12th April 1995

Delegated Approval

Large garage with First Floor accommodation and dormer, almost identical to look and design as Case Study 1.



Case Study 3

Approval Date: a number of applications have been submitted between 1990 and 2012

Original approval was to allow an existing store to be used for business purposes. This was then allowed to be extended up to create a first floor space for an office with a further application to allow for a 3 window dormer. All applications to this stage have been successful with no issues.



This page is intentionally left blank

Agenda Item 10

Signed (authorised Officer(s)):

182 NORTH DEESIDE ROAD, MILLTIMBER

STRAIGHTEN ROOF HIP, SIDE AND REAR
EXTENSION AND DORMER EXTENSION

For: Dr Bassam Alkari

Application Type : Detailed Planning
Permission

Application Ref. : P160217

Application Date : 29/02/2016

Advert :

Advertised on :

Officer : Ross McMahon

Creation Date : 01/04/2016

Ward: Lower Deeside (M Boulton/A
Malone/M Malik)

Community Council: No comments

RECOMMENDATION:

Refuse

DESCRIPTION

The application site is located to the north-most side of North Deeside Road, comprising a traditional semi-detached property of slate and granite construction, set on the boundary of an established residential area forming part of Milltimber. The dwelling sits approx. 32m to the north of North Deeside Road in an elevated position and features a hipped roof, chimney stack, pink granite frontage and projecting front gable with a bay window beneath. The site lies within a Residential Area as identified in the adopted Aberdeen Local Development Plan 2012.

RELEVANT HISTORY

Planning permission (application ref. P151196 – Straighten roof hip, extension at side and rear of house and dormer extension) was withdrawn by the applicant in November 2015.

Planning permission (application ref. P160220 - Straighten roof hip, dormer extension, side and rear extension) in connection with the adjoining semi-detached property at 184 North Deeside Road is currently under consideration by the Planning Authority.

PROPOSAL

Planning permission is sought to extend an existing single-storey flat roofed extension to the rear (north) elevation of the property, to accommodate a new dining room.

Consent is also sought for the erection of a 1½ storey side extension and alterations to the existing hipped roof to form a full gable end to the east of the application site, which would accommodate an open car-port at ground floor level and additional bedroom accommodation at upper floor level.

It is also proposed to form a box style dormer to the rear (north) elevation, in addition to the extension of an existing box dormer to the front (south) elevation of the property to provide the necessary headroom required to facilitate additional bedroom accommodation at upper floor 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.=160217>

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

- Supporting Planning Statement

CONSULTATIONS

Roads Development Management – No response.

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

Environmental Health – No observations.

Community Council – No comments received.

REPRESENTATIONS

Two letters of support have been received in connection with the application. The matters raised relate to the following:

1. The proposal would be in keeping with adjacent residential properties;
2. The proposed development completely satisfies the criteria of the Council's relevant Supplementary Guidance: Householder Development Guide;
3. The proposal would enhance the streetscape and the overall balance of buildings along this section of North Deeside Road.

PLANNING POLICY

Aberdeen Local Development Plan

- Policy D1 – Architecture and Placemaking
- Policy H1 – Residential Areas

Supplementary Guidance

- 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
- H1 – Residential Areas

EVALUATION

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

Principle of Development

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

Proposed Rear Extension and Side Extension

The proposed rear extension is considered to be architecturally compatible with, and subservient to, the existing property in terms of design, scale, form, massing and use of materials, and would comply with the Council's Supplementary Guidance (SG): Householder Development Guide in respect of footprint and site coverage.

While resulting in the loss of a hipped-roof and chimney feature, the proposed side extension/hip-to-gable roof alteration is considered to be generally acceptable in terms of design, scale, form, massing and use of materials, projecting the existing roof profile to the south and terminating in a gable wall to the west along the common boundary shared with 180 North Deeside Road. As set out in the Council's SG, there is a general presumption against the formation of hip-to-gable extensions to semi-detached properties unless 1) the other half of the semi-detached property has been altered in this way; or 2) 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. At present, the adjoining semi-detached property has not been altered in this way, however, adjacent semi-detached properties (174/176 and 178/180) have been previously extended in a similar manner. Furthermore, this section of North Deeside Road is characterised by both detached and semi-detached properties with no established consistency or repetition with regard to

roof form. In light of the specific guidance on hipped roof extensions, it is not considered that the formation of a hip-to-gable extension in this location would adversely impact the on the character or visual amenity of the wider area, in accordance with SG.

Proposed Rear Dormer

The box dormer proposed to the rear of the property is not considered to be architecturally compatible with the existing dwelling as required by the Council's SG, nor does it comply with the majority of requirements set out in the 'Dormer Windows and Roof Extensions' section therein, in terms of the positioning of the dormer within the roof slope relative to existing dormers, and the positioning of windows and glazing coverage generally.

It is noted that the rear of the site is not readily viewable from any public roads or footpaths, is well screened to all boundaries and enclosed by the rear garden ground of surrounding residential properties. It is therefore not considered that this dormer would adversely affect the character of the wider area, nor would it be detrimental to the visual amenity of the immediate locale. Furthermore, it is noted that an existing box dormer has been constructed on this elevation, while inappropriate, the proposed dormer generally ties through and replicates the height and projection of this dormer. On balance, it is considered that, in this instance, aforementioned guidance can be set aside, given the limited impact posed by a dormer in this location and when taking into account existing alterations that exist currently.

Proposed Front Dormer Extension

The remaining element of the proposal seeks to extend an existing south facing box dormer, itself of a modest size and scale, to the east along the proposed extended roof slope, which would result in an overall width of approx. 10.5m. While it is noted that the dormer itself complies with the detailed requirements of the aforementioned SG in terms of position within the roof slope, distance from the ridge, eaves and gable/verge etc. it is considered that by extending the existing dormer to the degree proposed, in this location, would dominate the roof slope on which it would sit. Whilst it is recognised that this is not entirely evident from the submitted drawings, the nature and characteristics of the site are such that, when viewed from North Deeside Road – which sits at a far lower level than that of the dwelling – the proposed dormer would appear to dominate the roof slope due to sightlines from this location. This is evident at no. 174, 176 & 178 North Deeside Road, which have extended in a similar manner. The applicants supporting statement refers specifically to such properties, which have extended in an almost identical fashion as proposed. As highlighted in SG, any existing extensions, dormers or other alterations which were approved prior to the introduction of this SG 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. Such extensions were approved during the mid-to-late nineties. While the character of the surrounding area and the

buildings therein are a material consideration in the evaluation of this proposal, previously approved, poorly designed development does not provide justification for what the Planning Authority considers to be further poor development in light of current policy and guidance.

Furthermore, the dormer extension would extend over and 'straddle' the existing front gable/bay window roof, compromising this original feature of the dwelling, and would create an elongated and excessive dormer elevation which, in conjunction with the remainder of the proposal, would accentuate the increased width of the property. Accordingly, it is not considered that the extended dormer is architecturally compatible with the existing dwelling in terms of respecting its remaining architectural features, many of which will have been lost, nor would it make a positive contribution to its setting. Therefore, it is considered that the proposed front dormer extension is contrary to the Council's Supplementary Guidance: Householder Development Guide, Policy H1 (Residential Areas) and D1 (Architecture and Placemaking).

Amenity Impact

In terms of privacy, all habitable room windows proposed at first floor level are limited to the north and south elevation of the property. There are no properties to the south of the application site. Furthermore, the rear garden is approx. 28m in length. As such, there is no concern with regard to loss of privacy to surrounding properties resulting from the proposal at first floor level. It is proposed to form a habitable room window to the east facing elevation of the proposed single storey extension. Given that sufficient screening exists between the application property and 180 North Deeside Road, it is not considered that there would be any additional impact in terms of loss of privacy.

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 & 25 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 neighbouring properties to the east, west and north of the application site 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 proposal 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 or habitable room windows to surrounding residential properties.

Parking Provision

Comments from the Council's Roads Development Management (RDM) section have not been received in connection with this application. However, given that a

previous application for an identical proposal (withdrawn in November 2015) attracted 'no observations' from the RDM section, and that, in the interim there has been no shift in policy, it is considered that, in terms of off-street parking provision, the proposal is considered to be acceptable.

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, proposed policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) substantively reiterate policies, D1 (Architecture and Placemaking) and H1 (Residential Areas) of the adopted Aberdeen Local Development Plan and therefore raise no additional material considerations.

Conclusion

To summarise, while elements of the proposal are considered to be acceptable in their own right, the location and elevated nature of the site is such that the proposed front dormer extension would have both a detrimental impact on the character of the existing dwelling, compromising existing architectural features, and would have a negative impact on the streetscape. Accordingly, it is not considered that this element of the proposal demonstrates due regard for its context, nor would it make a positive contribution to its setting. The proposal thereby fails to comply with the relevant policies and associated SG contained within the adopted Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking) and H1 (Residential Areas). On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that the proposal would not accord with the relevant provisions of the development plan, and there are no material planning considerations of sufficient weight to warrant approval of the application.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The proposal does not fully comply with the relevant policies of the Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking) and H1 (Residential Areas) and the associated Supplementary Guidance: Householder Development Guide, in that the proposed front dormer extension would compromise existing architectural features of the dwelling and additionally would have a significant detrimental impact on the visual character and amenity of the surrounding area. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations – including the Proposed Aberdeen Local Development Plan – that are of sufficient weight to warrant approval of the application. Full regard has been given to all matters raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify approval of the application.

This page is intentionally left blank

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Refusal of Planning Permission

Mike Mair Architectural Services
2 Harvest Hill
Westhill
Aberdeen
AB32 6PU

on behalf of **Dr Bassam Alkari**

With reference to your application validly received on 29 February 2016 for Planning Permission under the above mentioned Act for the following development, viz:-

STRAIGHTEN ROOF HIP, SIDE AND REAR EXTENSION AND DORMER EXTENSION
at **182 North Deeside Road, Milltimber**

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: 174026;

Detail: Site-Location;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160217&index=174026>

Document No: 174678;

Detail: Floor Plans & Elevations; Drawing No: 15/727/02 B;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160217&index=174678>

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

The proposal does not fully comply with the relevant policies of the Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking), H1 (Residential Areas) and the associated Supplementary Guidance: Householder Development Guide, in that the proposed front dormer extension would compromise existing architectural features of the dwelling and additionally would have a

PETE LEONARD
DIRECTOR

Continuation

significant detrimental impact on the visual character and amenity of the surrounding area. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations - including the Proposed Aberdeen Local Development Plan - that are of sufficient weight to warrant approval of the application. Full regard has been given to all matters raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify approval of the application.

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

Document No: 174026;

Detail: Site-Location;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160217&index=174026>

Document No: 174678;

Detail: Floor Plans & Elevations; Drawing No: 15/727/02 B;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160217&index=174678>

Date of Signing 1 April 2016



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



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

PETE LEONARD
DIRECTOR

Two Letters of Representation for 106217

Comment for Planning Application 160217

Name : Gillian Needham and David Currie

Address : 180 North Deeside Rd

Milltimber

AB130HL

Telephone : 01224739400

Email : gillianxneedham@gmail.com

type :

Comment : I support this application which is in keeping with other extensions along this road.

With all the by-pass and Cala developments ongoing in the area, there is an extraordinary amount of dust and dirt in the vicinity, and so this would seem an ideal time to create some more, so that we can hopefully recover.

Comment for Planning Application 160217

Name : Neil Mair

Address : 29 Burnland View

Elrick

Westhill

AB32 6AG

Telephone :

Email : nimrodnm@yahoo.co.uk

type :

Comment : This application completely satisfies the relevant criteria of the City Council's Householder Design Guide (proposed dormer and rear/side extensions all comply); respects the character of the surrounding area; and most importantly matches in with the design of adjacent properties by replicating their extensions which have visually recessive box dormers on the front elevation that appear subservient to the existing fenestration and gable feature on each principal elevation. This proposal will enhance the streetscape and improve the overall balance of buildings from the passing thoroughfare through the good design and respect for the surrounding area.

This page is intentionally left blank

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: Dr & Mrs. B. ALKARI
Address: 182 NORTH DEESIDE ROAD, MILLTIMBER, ABERDEEN
Postcode: AB13 0HV
Contact Telephone 1: [Redacted]
Contact Telephone 2: [Redacted]
Fax No: [Redacted]
E-mail*: [Redacted]

Agent (if any)

Name: MIKE MAIR ARCHITECTURAL SERVICES
Address: 2 HARVEST HILL, WESTHILL
Postcode: AB32 6PU
Contact Telephone 1: 01224 741701
Contact Telephone 2: [Redacted]
Fax No: [Redacted]
E-mail*: mike.mair@btinternet.com

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 [checked] No []

Planning authority: ABERDEEN CITY COUNCIL

Planning authority's application reference number: P160217

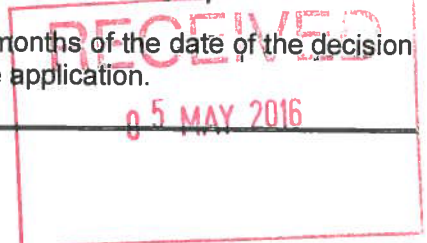
Site address: 182 NORTH DEESIDE ROAD, MILLTIMBER

Description of proposed development: STRAIGHTEN HIP ROOF AND FORM DORMER EXTENSION AND REAR EXTENSION

Date of application: 29/2/2016

Date of decision (if any): 1/4/2016

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:

To elaborate upon the design considerations and clarify the difference between the proposals and existing adjacent dwellings with similar dormers

Site inspection

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

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

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

Statement

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

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

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

see attached.

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

Yes No

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

List of documents and evidence

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

<p>1. Appeal Statement</p> <p>2. Existing Plans & Elevations drawings 15/727/01</p> <p>3. Proposed Plans & Elevations drawing 15/727/02B</p>
--

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.

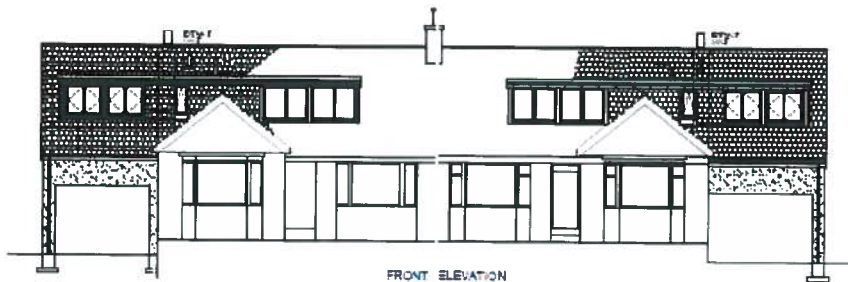
Signed

Date

29/4/2016

Appeal Statement for 182 North Deeside Road, Milltimber.

Planning Application Reference: 160217, and associated with the simultaneous appeal for 160220



MIKE MAIR MCIAT
ARCHITECTURAL SERVICES
2 HARVEST HILL, WESTHILL
tel : 01224 741701

Executive Summary

This statement focuses on the refusal of two applications for house extensions at 182 and 184 North Deeside Road (application reference numbers 160217 and 160220). The Planning Service accepts most elements of each application, but has concern relating to the proposed dormer which spans the front elevation of each dwelling.

The prescriptive criteria of the Council's "Householder Development Guide" has been adhered to – the dormer design abides by the dimensions from roof edge and ridge, the fenestration is of an appropriate ratio, and the materials are the same as what is currently in use on the host dwelling. This is acknowledged and accepted by the Planning Service in their report on each application.

The issue of the dormer appearing "dominant" from the street is a concern from the Planning Service, with them stating "*when viewed from North Deeside Road – which sits at a far lower level than that of the dwelling – the proposed dormer would appear to dominate the roof slope due to sightlines from this location.*" This is a subjective opinion and is based from onsite inspection of adjacent dwellings at 174, 176 and 178 North Deeside Road, as referenced in the Planning Service's report on each application. The design of this proposal differs to those dwellings, and it is disappointing the Planning Service have not fully appreciated this. The proposed front dormer in these applications will sit below the ridge when viewed from North Deeside Road; it is merely an extension along front elevation of the existing dormer – which currently sits well below the ridge when viewed from the public road. The existing properties have extended their dormer in terms of width, height and projection, which does create an issue in relation to massing and projection beyond the ridge of those dwellings. This proposal, whilst of very similar design, is different and rectifies the problem by keeping the vertical proportion and projection of the gable the same as currently exists, and simply extends the gable along the front elevation retaining the balance of the gable sitting well below the ridge. The basis of this as a reason for refusal is therefore unjustified and inaccurate.

Following on from the above, the Planning Service considers the dormer "*would compromise existing architectural features of the dwelling and additionally would have a significant detrimental impact on the visual character and amenity of the surrounding area.*" The existing house is very much of its time, with no significant architectural features, but it does contribute to the wider character of the area and streetscene. The Planning Service have placed great importance on the existing gable on the front elevation, which will be retained, and will continue to project out from the front elevation with the dormer sitting behind, being subservient to the existing gable feature. It is therefore hard to see how such a stance can be justified. The proposal is of small scale, it is a "local development" by definition. The house is set back over 30m from the road, with the only view in to the site from the vehicular access. To state a proposal of this scale will have a "*significant detrimental impact*" is unwarranted. Any impact, positive or negative, would be marginal. Furthermore, the design is similar to that of the extended adjacent dwellings, which will result in an enhancement of the street scene in terms of consistency of built form and respect for the character and setting of the wider area.

The Planning Service have stated what they would consider an acceptable design solution – break the dormer so there are two separate dormers on either side of the projecting gable. The difference between that "acceptable solution" and this proposal is marginal – half a meter of dormer on either side of the gable. This report contains images to fully demonstrate this. The "solution" suggested by the Planning Service is marginally different to what is proposed in these applications in terms of the external appearance and design of the dwelling; however the implications of the suggested solution would significantly reduce what can be achieved internally, and not meet the needs of the applicant.

The application is compliant with the prescriptive criteria contained within the "Householder Design Guide", the extensions are compatible with the surrounding area and existing dwelling, the dormer on the front elevation will appear subservient to the main features of the dwelling – retaining the projecting gable, well balanced fenestration, and sitting below the ridge height.

It is on this basis an appeal is made to the Local Review Body, and it is hoped that Councillors will visit the site to look for themselves at the adjacent dwellings, acknowledging the difference in dormer design in this proposal to what is evident there, and understand the minimal difference between what the Planning Service consider as a design solution to what is contained within these applications, resulting in the Local Review Body allowing the appeal and granting consent for the proposed extensions at 182 and 184 North Deeside Road.

1. Introduction

This appeal statement relates to the following two planning applications;

160217 – Seeking Full Planning Permission to “Straighten roof hip, side and rear extension and dormer extension” at 182 North Deeside Road, Milltimber, Aberdeen.

160220 – Seeking Full Planning Permission to “Straighten roof hip, side and rear extension and dormer extension” at 184 North Deeside Road, Milltimber, Aberdeen.

Both applications were refused by Aberdeen City Council’s Planning & Sustainable Development, Development Management team for the following reason;

The proposal does not fully comply with the relevant policies of the Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking), H1 (Residential Areas) and the associated Supplementary Guidance: Householder Development Guide, in that the proposed front dormer extension would compromise existing architectural features of the dwelling and additionally would have a significant detrimental impact on the visual character and amenity of the surrounding area. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations - including the Proposed Aberdeen Local Development Plan – that are of sufficient weight to warrant approval of the application. Full regard has been given to all matters raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify approval of the application.

The report prepared by the Planning Service on both applications are nearly identical, and for the purposes of the appeal this statement shall relate to both applications due to the similarities in both proposals, and indeed the similarities in appraisal and identical conclusion reached by the Planning Service.

Whilst the Local Review Body will have access to the Planning Service’s report, the plans, and the supporting statement, the following will provide a review of the decision made and question the conclusion reached by the Planning Service in hope of the Local Review Body reversing the decision and allowing the appeal, resulting in the grant of planning permission.

The conclusion reached by the Planning Service was as follows;

To summarise, while elements of the proposal are considered to be acceptable in their own right, the location and elevated nature of the site is such that the proposed front dormer extension would have both a detrimental impact on the character of the existing dwelling, compromising existing architectural features, and would have a negative impact on the streetscape. Accordingly, it is not considered that this element of the proposal demonstrates due regard for its context, nor would it make a positive contribution to its setting. The proposal thereby fails to comply with the relevant policies and associated SG contained within the adopted Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking) and H1 (Residential Areas). On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that the proposal would not accord with the relevant provisions of the development plan, and there are no material planning considerations of sufficient weight to warrant approval of the application.

The acceptance of nearly every aspect of the proposal is welcomed. The only element the Planning Service have concern over is the dormer on the front elevation, which is merely an extension of the existing dormer. It is this element that the appeal statement shall focus on. The wording of the refusal is considered to be quite excessive. The proposals are for small scale extensions to residential properties set back from the public thoroughfare in a residential area. The applications are “local development” by definition. The proposal replicates the design of adjacent properties. How this could ever be considered to have “a significant detrimental impact on the visual character and amenity of the surrounding area,” is questionable. The proposals will not impact on the amenity of any neighbouring property – the Planning Service accepts that in their reports on each application. The following shall go in to detail on the merits of the proposal.

2. Existing Site Context

Applicant Profile

The applicant, Dr Bassam Alkari and family, have lived in Milltimber since August 2011, initially renting a property but having settled and enjoyed the community, bought their property at 182 North Deeside Road in August 2014. They love the scenic views of the River Dee, with the house set back from the road to give them privacy and have easy access to work and schools. Their hope is to extend their house to allow them to continue to live in the area and have sufficient space for their three children to have their own space. The family are well integrated in to the local community, helping at Milltimber Playgroup at the Community Centre and at Cults Kirk Centre and the Aberdeen Mosque and Islamic Centre, and indeed Dr Alkari is a key members of the National Health Service as a consultant surgeon at Aberdeen Royal Infirmary. Dr Alkari is also a Senior Lecturer at the University of Aberdeen, and has set up his own private company to offer private medical care, running the admin side of the business from home.

The proposal is therefore submitted on the basis of gaining more space within the home of a family who are settled in the local community both in terms of their appreciation of their home and the local area, but also in their contribution to local community. This proposal will allow the family to maximise their enjoyment of their own home and continue to live in the area they love, with adequate space for their children to grow.

Site Location

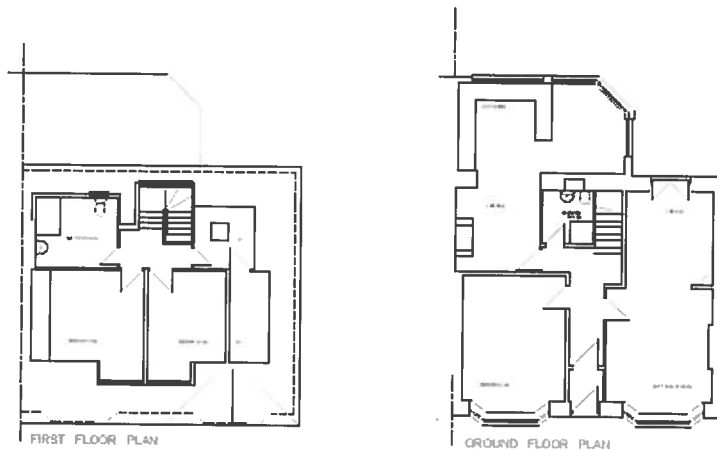
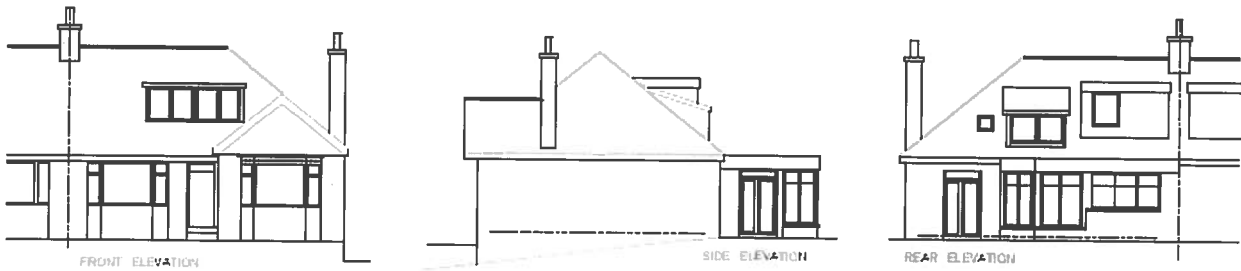
The modern semi-detached properties sit on North Deeside Road (A93), set back from the roadside with well-maintained front gardens and long driveways leading up each dwelling. **What is worth noting is how low the existing dormers sit from the passing public road – they do not protrude beyond the ridge line of the dwelling.**



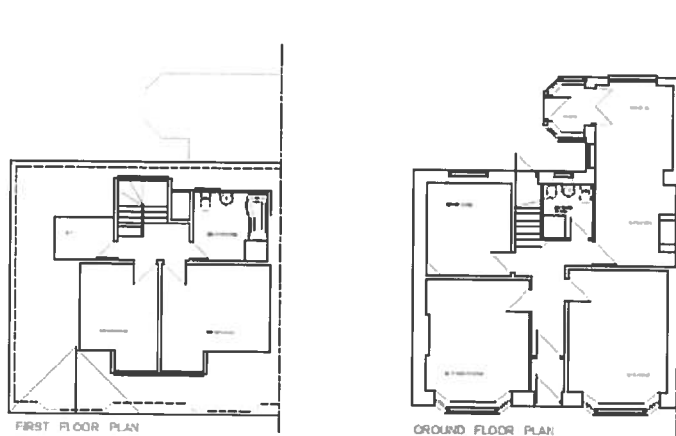
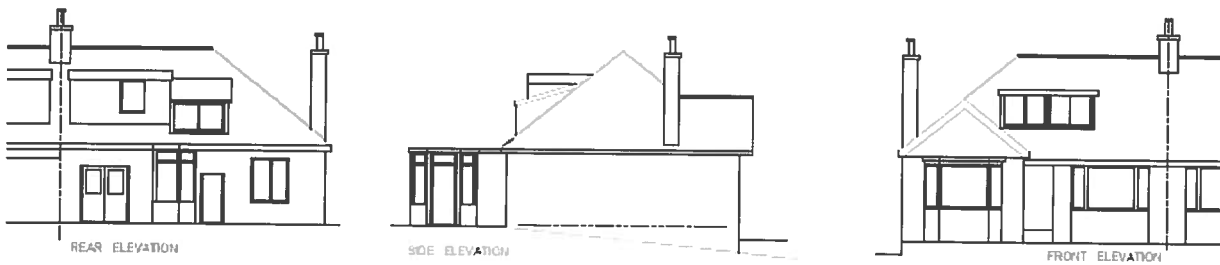
Both properties are modest three bedroom homes, mirroring each other and replicating the scale and original design of the properties adjacent to the east.

Existing Properties

182 North Desside Road comprises a sitting/dining room, bedroom and kitchen/dining room all on the ground floor. On the upper floor, within the roofspace, are two bedrooms, a bathroom and a storage cupboard. The principal elevation contained a bay window feature with gable above, and a hipped roof with prominent chimney extending from the wallhead. A box dormer sits adjacent to the gable above the bay window.



184 North Deeside Road contains a lounge, sitting room, bedroom and kitchen/dining room on the ground floor, with the same layout on the upper floor of two bedrooms, bathroom and a storage cupboard. The principal elevation mirrors that of the above.



Surrounding Area and its Influence on the Proposed Design

The proposed extensions reflect what has been done on adjacent properties, which were originally of the same design as these dwellings but have already been extended (circa 1990) to meet the modern living requirements of their occupants. Whilst alterations to the original buildings, **the built form of these adjacent dwellings has been in place for over 20 years – resulting in them very much being part of the built form and well established character of the area. This is material to the consideration of this application. Whilst there may be “poor design” elements to those extensions – in terms of the dormer appearing dominant from the street due to projecting up to/beyond the ridge height, the general established pattern of development, street scene, and built form of the area cannot be ignored.**

The properties adjacent to the site(s) are a detached dwelling with hipped roof and box dormer on the front elevation to the west, and a pair of semi-detached dwellings which have been altered to straighten the hipped gable on either side to form a garage at ground floor level with accommodation above served by a box dormer window on the front elevation.



186 North Deeside Road

184 & 182 North Deeside Road

182 North Deeside Road

The adjacent (east) two sets of semi-detached dwellings form the basis of the design proposed for these two dwellings. All of the adjacent semi-detached dwellings have had the original hipped gables straightened out, box dormer windows formed along the length of the front elevation (with the exception of 180 North Deeside Road), and each has retained the feature gable over the bay window. **It is worth noting in the image below that 180 North Deeside Road retained its original dormer (to the right of the gable when viewed in the below image), whilst the other properties have all formed new gables that span the width of the dwelling (as proposed in the applications subject of this appeal).** However, numbers 174, 176 and 178 also increased the massing of the gable so that they do sit “higher” when viewed from the street below. In terms of “dominance”, the better comparison is the height of the dormers on 180 North Deeside Road, and indeed the height of the existing dormers on 182 and 184 North Deeside Road, which is to be retained and carried across the length of the proposed dormer in each application.



180 & 178 North Deeside Road



176 & 174 North Deeside Road

Whilst the alterations to these adjacent dwellings were approved in a previous plan period, their presence and influence on the current streetscape cannot be ignored, and the design precedent set must form part of the consideration of these current proposals. An alternative design solution on the principal elevation of 182 and 184 North Deeside Road would be out of character with the above properties, and would be to the detriment of the street scene along the A93.

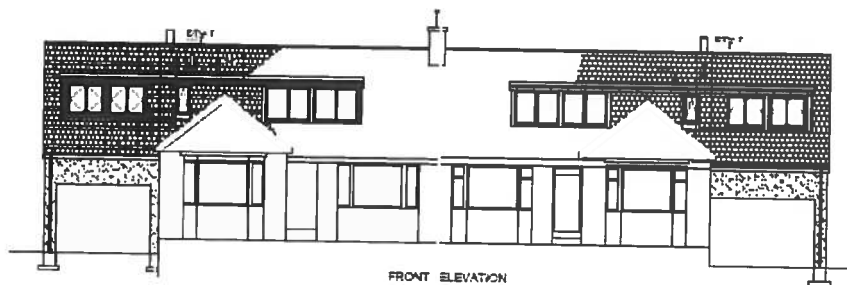
3 Proposed Development

The proposals seek a house extension to expand the existing family homes at 182 and 184 North Deeside Road through the replacement and enlargement of an existing ground floor rear extension, the addition of a new box dormer to the rear elevation, and the extension of the existing box dormer on the front elevation to replicate the frontage and design of the adjacent semi-detached properties at 174 – 180 North Deeside Road.

Initial applications (151196 and 151197) were withdrawn following concerns expressed by Aberdeen City Council planners, with specific reference to the dormer extension on the front elevation. Attempts were made to meet with the Planning Service to discuss a solution to the application, but sadly they did not accept our request to meet. It was understood that the concern of the Planning Service related to the impact the proposed dormer on the front elevation would have on the existing bay window gable, and on the general form and character of the elevation as a whole.

To address those concerns and give comfort to the Planning Service, a Design Statement was submitted to support the application. The statement sought to address their concerns, and highlight how the proposal met the requirements of the Planning Service's "Householder Design Guide". The content of the supporting statement shall be reiterated and expanded upon below.

Front Elevation



The front elevation shall be extended out from both sides, straightening the existing hipped roof. **The Planning Service has accepted the principle of this element of the proposal.** The applications also propose to extend the existing box dormer along the frontage, whilst retaining the existing gable above the bay window which will tie into the new dormer but continue to appear prominent and project out from the roofline. **As outlined above, it should be noted this is an extension of the existing gable along the front elevation; the vertical massing of the dormer will not be altered, therefore the perception from North Deeside Road of the dormer height and ridge height will be no different to what is seen at present (images above).** This will ensure the frontage of the house retains its current balance and character, replicating and improving upon the extensions on the adjacent properties and maintaining the existing built form and street scene, **ensuring the dormer does not project beyond the ridge of the dwelling when viewed from the street to the south of the site.** Both properties will feature a "pend" style car port on the outer edge. **As can be seen in the above plan, the fenestration is not overly dominant on the dormer face, and the use of slate on either side of the gable feature (which the Planning Service seem to be placing great importance on) results in the dormer blending in to the existing roof plane allowing it to remain subservient to the main features of the front elevation – namely the bay window, gable, front door and ground floor window.**

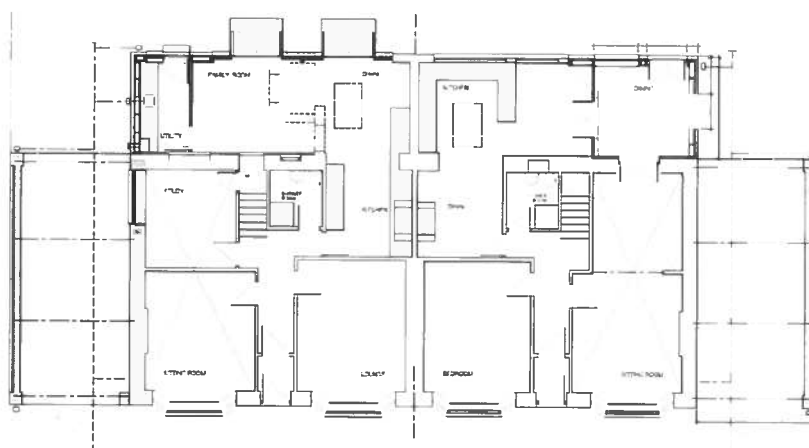
Rear Elevation



REAR ELEVATION

The ground floor rear extensions run along the length of the existing house, maintaining the flat roof finish to the existing small rear extensions whilst utilising a roof lantern to let light in to the kitchen/family rooms below. A new box dormer, to replicate the scale and proportions of the one that already exists on this elevation, will be formed at the outer edge of the overall elevation. This will provide invaluable internal space whilst having minimal impact on the aesthetic of the elevation, whilst retaining the balance of the overall elevation. **The Planning Service accepts this element of the proposal, which is welcomed.**

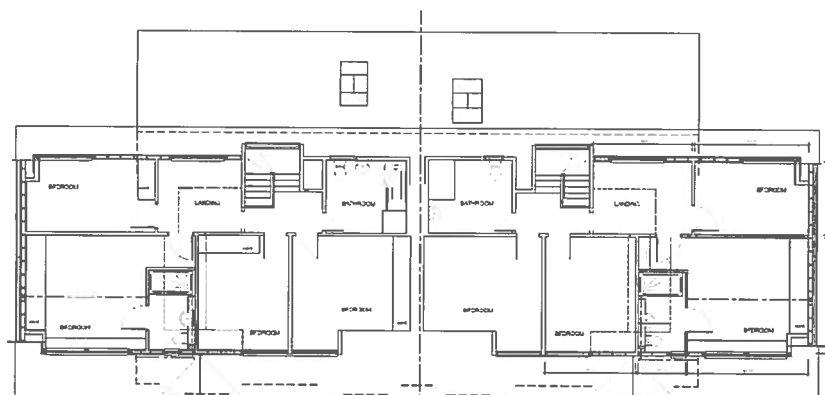
Ground Floor Plan



GROUND FLOOR PLAN

Internally, 184 North Deeside Road shall benefit from the downstairs bedroom becoming a study, with the kitchen/dining room being expanded to provide a family room and utility room. 182 North Deeside Road shall retain the downstairs bedroom, with the rear extension creating a separate dining room.

First Floor Plan



FIRST FLOOR PLAN

Within the upper floor of 184 North Deeside Road two additional bedrooms (1 replacing the downstairs bedroom and 1 additional) and an en-suite bathroom shall be provided. 182 North Deeside Road proposes the same upper floor arrangement. **The en-suite and two bedrooms to the front of the upper floor are only achievable due to the box dormer running along the front of the dwelling.**

4 Policy Consideration

The Planning Service highlight two key policies relevant to the determination of this application. Firstly;

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.

Only the first paragraph of the above is really applicable to this application, and even that is a stretch of the policy as it relates more to mass housing development rather than small scale house extensions. However, as identified in the section above the proposal has full consideration for its context by replicating the long established design of the adjacent dwellings. Whilst they have been altered from their original form, they have been done so in a way which is now part of the existing streetscene and fabric of the built form of the area. To offer a different design solution would be out of context with the surrounding and have a negative impact on the wider setting. The proposal is therefore considered to comply with the principles of the above policy.

In terms of consideration of issues such as massing and proportions, the City Council's "Householder Development Guide" is very prescriptive. The Design Guide itself shall be discussed more in detail later, however for the purposes of the above policy the scale and massing of the proposed front dormer follows the parameters set out in the Design Guide, and has been acknowledged as meeting design parameters by the Planning Service in their report on each application, therefore it is hard to accept the subjective opinion of the Planning Service that the proposal is not appropriate.

Policy H1 - Residential Areas

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

1. does not constitute over development;
2. does not have an unacceptable impact on the character or amenity of the surrounding area;
3. 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; or
2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

The above policy is more appropriate to the proposed extensions. However, the only applicable criteria are points 2 and 5. By virtue of the design replicating the long established design of the adjacent houses on the principle elevation, it is a simple fact that the proposal cannot have a detrimental impact on the character or amenity of the surrounding area as it fully embodies what is now the established design and character of the street scene and local area, thus meeting point 2. If a radical alternative design solution was proposed then these dwellings would be out of character, and could then impact on the amenity of the surrounding area; but the proposal is very similar but an improvement upon what has been done on the adjacent dwellings.

In terms of this proposal being an improvement to the design evident on adjacent dwellings, is in relation to the extension of the dormer on the horizontal axis only, there is no increase in height proposed in either of these applications. The dormer extensions to 174, 176 and 178 North Deeside Road have altered the vertical massing of the dormer, which when viewed from the pavement could be said to appear dominant on the principal elevation in terms of projecting up to the ridge line of those dwellings. **However, the comparison of the retained dormer on 180 North Deeside Road, and indeed the existing dormers on the dwellings subject of these appeals, it is clear the existing dormer sits well below the ridge line, therefore the extension along the frontage will not alter this in any way.** The below image highlight the existing dormer height (red line) and the ridge height (pink line). This relationship will not be altered by this proposal, the gable height will be along the red line below. This is a significant improvement on the scale and proportions of the extension to the adjacent dwellings.



It is perhaps looking at those adjacent dwellings that has blighted the Planning Service's consideration of these applications, they refer to the adjacent extensions as being of poor design. We agree with this to an extent, and that is why these proposals merely extend the gable along the frontage and the vertical height has been retained. This is an improvement on what has been done adjacent, and is a lesson learned from the past.



The above image gives the direct comparison between the difference of the existing gable of 180 North Deeside Road (left hand dwelling) and it sitting well below the ridge height of the dwellinghouse when viewed from the pavement/road to the south as depicted by the red line; whilst 178 North Deeside Road (the right hand dwelling) has extended the existing dormer upwards and outwards, resulting in it visibly projecting up to the ridge – blue line depicts the top of the dormer, green line depicts the ridge height – both lines nearly overlap. **This design flaw is acknowledged as being something which can be improved upon, and has been captured within the design of these applications subject to the appeal. The Planning Service appear to have based their assessment of this application largely on the appearance of the extensions on 174, 176 and 178 North Deeside Road – all of which are not directly comparable to this proposal due to the applications subject of this appeal retaining the height of the existing dormer. To re-emphasise the point, the dormer proposed in this application will sit below the existing ridge line when viewed from the A93 North Deeside Road.**

In relation to point 5 of the Policy H1, the Householder Design Guide shall be discussed at length. However, the proposal is considered compliant with the criteria, and has been acknowledged as meeting the prescriptive requirements in relation to *“position within the roof slope, distance from the ridge, eaves and gable/verge etc,”* as acknowledged within the Planning Service’s report on each application.

5 Householder Development Guide

Aberdeen City Council’s Supplementary Guidance “Householder Development Guide” sets out prescriptive requirements for dormer design, and house extensions in general. As outlined above, Aberdeen City Council’s Planning Service has been reasonably content with the proposed alterations on the rear elevation, and the general principle of “squaring” the hipped gable. However the focus of the refusal has been in relation to the existing gable above the bay window and how this could be affected by the proposed box dormer along the front elevation, and the impact this could have on the visual character and amenity of the surrounding area.

As per the terms of the Supplementary Guidance, the properties would be considered modern. **The guidance accepts that *“dormers and box dormers 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”***. In this instance the proposal does not involve a radical design; it simply replicates what exists on 3 adjacent properties, and reflects what is on another, taking account of lessons learned from minor design flaws in those examples to propose something which delivers additional living accommodation for the occupants of each dwelling whilst respecting the established character and built form of the area. The role of the planning system is to determine planning application in accordance with the development plan, unless material considerations indicate otherwise. The following outlines why the proposal complies with the development plan, and furthermore there is added support on the basis of the materiality of matching in, and improving upon, the design of existing adjacent houses.

In reference to the criteria within the Supplementary Guidance;

General Principles

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. – **The proposal mimics that of adjacent properties and respects the scale, character and proportions of the existing and adjacent dwellings. It does not overwhelm or dominate the original form or appearance of the dwelling through the retention of key features of the principal elevation, namely the bay window with gable above.**

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. – **Ample amenity space remains within each plot, and there will no impact on privacy, overshadowing/daylight or amenity of neighbouring dwellings.**

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. – **as outlined above this statement is questionable, and seeks to redefine the role of the planning system. In any case, the proposal does comply with the specified criteria contained later in the "development guide". The proposal will enhance and improve the street scene through improved continuity in design, creating a better sense of place and consistent street scene.**

4 The built footprint of a dwelling house as extended should not exceed twice that of the original dwelling. – **The integrity of the original dwelling is retained, and the extensions fall well below the prescribed limit.**

5 No more than 50% of the front or rear curtilage shall be covered by development. – **This too is preserved through the proposals.**

Dormer Windows: General Principles

There is a limitation in applicable criteria, although the intentions of **criteria c** are of interest. This seeks to retain the built form on the front elevation on *blocks of properties of uniform design*. This proposal seeks to encourage this through replication of the front elevations on adjacent identical properties. Similarly **criteria d** identifies support for dormers that match the existing dormers, albeit the original dormers on this dwelling are perhaps not "well-designed".

The more relevant considerations lie within the specific section relative to dormer extensions to modern properties.

Dormer Windows: Modern Properties

Criteria a – the dormers do not pose any significant impact on the amenity of neighbouring properties, and through the extensions replicating one another the overall balance and aesthetic appearance of the frontage shall be retained, maintaining the integrity of both properties from the public vista.

Criteria b – by virtue of the extension to straighten out the hipped gable, the overall design of the extension does not dominate the original roofspace. The design and gradient of the box dormer will blend into the backdrop of the existing roof plane through facing them in slate to match the roof.

Criteria c – the dormer design adheres to the prescribed relationship with wallhead/eaves.

Criteria d – similarly the dormer does not interfere with the ridgeline, and through the overall design of the extension the hipped element is being removed which removes any issue in this regard.

Criteria e – the dormer is 600mm from the proposed new gable.

Criteria f – the windows at the outermost extreme of the dormers are at the outer edge.

Criteria g – there is more glazing than solid material on the principal dormer elevation.

Criteria h – by virtue of spanning the frontage of the dwelling the dormer has a horizontal emphasis.

Criteria i – the dormer will be faced in blue/grey slate to match the existing roof, ensuring it blends in and respects the existing elevation.

Criteria j – there is no “adjoining” dormer extension; both properties are proposing mirrored extension which is in-keeping with the spirit of this criteria. This will ensure the frontage of both dwellings remains in balance, which is a key design feature of all properties, detached or semi-detached, in the vicinity.

The proposal is therefore compliant with all criteria contained within the policies and guidance referenced by the Planning Service in their report on each application, and there remains the materiality of the established built form of adjacent houses which already incorporate design features similar to what is proposed in these applications.

The proposal is a local development, proposing extensions to existing dwellings which are set back from the public thoroughfare and sited within a well-established residential area. The extensions follow the design of adjacent dwellings, and have no impact on the residential amenity of any adjacent property. Due to being set back from the public thoroughfare (A93 North Deeside Road), and with the only vista in to the site being a fleeting view from the vehicular access to serve each dwelling, any positive or negative impact from this proposal would be marginal.

6 Advice from the Planning Service

Following withdrawal of the original submissions, the Planning Service stated “*we are seeking to have two separate dormer windows of more complementary proportions positioned to either side of that gable feature.*” The Planning Service’s advice to resolve their concerns was to “break” the dormer so that it did not straddle the gable feature on the front elevation, resulting in two separate dormer’s on either side of the projecting gable – which is not significantly different to what this application proposes, rather than split the dormer these proposals offer a continuous dormer across the front elevation, spanning the gable which will continue to project out from the roof. **The only difference in this proposal to what the Planning Service suggested as an acceptable solution is half a meter of dormer window on either side of the gable.**

The design of the gable along the front elevation in each proposal uses fenestration to break up the length. The window design meets the required ratio of the Council’s “Householder Development Guide”, and the use of slate ensures the dormer will appear subservient to existing features on this elevation, blending in to the back drop of the roof.

Whilst there are only subtleties in the design solution suggested by the Planning Service in comparison to what has been proposed, the implications of the suggested design change are quite significant on what can be achieved internally. The dormer running along the frontage allows for ample living accommodation within the upper floor of the dwelling, allowing two families to expand their family home to provide additional bedrooms, 1 with an en-suite, and continue living in the area they love. Adhering to the Planning Service’s suggested design solution would result in the en-suite being lost, and two bedrooms being drastically reduced in floor area due to the required head height being lost, which in turn would result in either 2 very small bedrooms with no functional space due to the internal “lie-in”, or more likely the loss of 1 bedroom, neither scenario would meet the needs of either applicant, and the result would leave them unable to extend their home to meet their needs.

The comparison of what would be accepted by the Planning Service to what they have refused is marginal. We are talking about half a meter of dormer on either side of the projecting gable. Whether the dormer extends along the front elevation of the dwelling, straddling the gable over the bay window; or whether it is split and two separate dormers sit on either side of the gable over the bay window will have minimal impact on the surrounding area, the character of the area, and would not detract from the architectural merit of the existing dwellinghouse in any way.

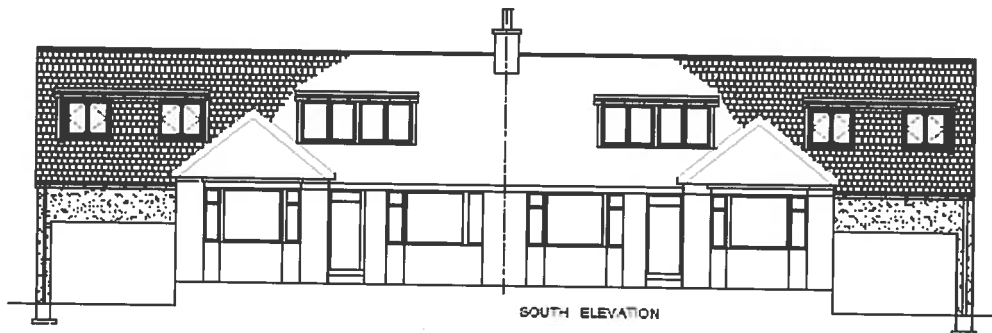
The additional section of dormer in the proposed design compared to the suggested solution by the Planning Service would be faced in slate, blending in with the roof behind. Whether or not the space between two separate dormers and the gable feature was “filled-in” or not would be barely noticeable from the passing street.

The emphasis on the proposed dormer appearing dominant from North Deeside Road was a point of concern from the Planning Service. As outlined above, that is on the basis of the inaccurate comparison of the larger dormer windows of 174, 176 and 178 North Deeside Road to the retention and extension of the existing smaller dormer on these dwellings. The suggested design solution by the Planning Service would leave a small gap between dormer windows and the pitch of the projecting gable, which would barely be visible from the passing pavement of North Deeside Road due to the gradient and viewing angle.

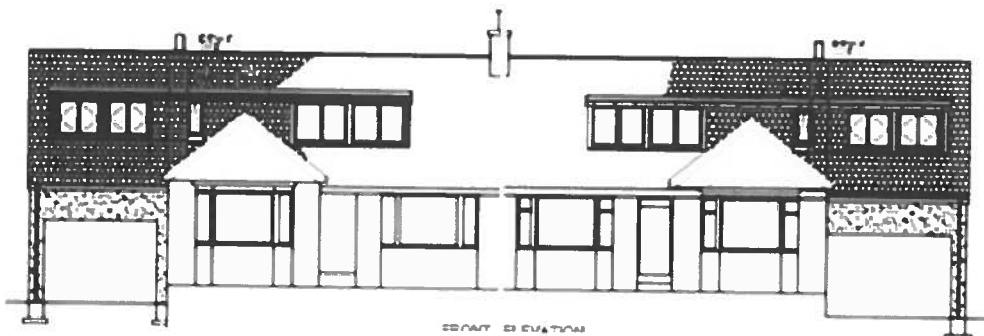
This therefore begs the question of why refuse the submitted design when the difference in what is proposed is so marginal in comparison to what the Planning Service stated they would accept.

The below/overpage images show a direct comparison between the submitted applications and the Planning Services suggested design solution.

Suggested design solution by the Planning Service



Proposed design as submitted.



The above images show what the Planning Service would accept in the top image, with what has been proposed and refused in the bottom image. It is clear there is barely any difference in terms of design, and on the basis of the reason for refusal provided by the Planning Service if they are to accept their suggested solution then the proposed design surely must also be acceptable, as the additional of half a metre of dormer window on either side of the projecting gable does not in itself have any impact on the design, character or amenity of the surrounding area.

Further to the above suggested design solution, questions were asked of the Planning Service on the importance they are placing on the gable on the front elevation of each dwelling. They consider it to contribute significantly to the architectural merit of each dwelling. As outlined above we consider this feature to be fully retained and respected in the proposed design, as demonstrated in the bottom of the above images. The prominence and character of the gable and bay window feature is no different in either of the above designs, which again asks the question of why the proposed design was rejected.

It was put to the Planning Service that one possible solution to their refusal would be to remove this gable feature, which could be done without the need for any planning permission. With the gable feature gone an application could then be submitted for the design largely as above, with the dormer running along the front elevation as shown, all that would be missing would be the gable feature on the front elevation. The Planning Service conceded that they could do little to prevent the gable being removed, and that so long as the proportion of glazing to solid within the dormer and its proportions relevant to the roofspace were acceptable (which they are at present, as accepted in the Planning Service's report on each application), then they "*would be unable to resist*" such a proposal.

The applicants do not want to go to these measures to resolve this matter, they want to retain the gable as an attractive feature of their homes, but they want to extend their house to meet their needs. The differences in the above plans are marginal, and we sincerely hope the Local Review Body can review the submission, taking in to account the content of this supporting statement, and resolve to allow our appeal and grant consent for the proposed extension at 182 and 184 North Deeside Road.

7 **Conclusion**

As per the above, each application is considered to fully meet the terms of the Council's Supplementary Guidance in relation to dormer window extensions on modern properties. Not only do the proposals comply with current Supplementary Guidance, they replicate the existing extensions on adjacent properties which will result in consistency along the passing A93 and ensure the proposals integrate easily into the now established built form of the area. The proposed developments are fully compliant with the Council's Supplementary Guidance, and the material consideration of the existing identical alterations on adjacent properties cannot be ignored – the role of the planning system is to take account of "other material considerations".

The engagement with the Planning Service to explore possible design solutions has only strengthened the case to approve the submitted design. The suggested acceptable solution to the Planning Service is marginally different to what is proposed in terms of design and visual appeal, however the internal implications of what can be achieved through the suggested design solution would not deliver adequate internal space to meet the needs of either applicant.

We therefore hope the Local Review Body can have full consideration of the merits of this application and visit the site themselves to see first-hand how appropriate the proposed extension is to the setting and character of the area, and how little impact these small extensions will actually have on the local area.

This page is intentionally left blank

Agenda Item 16

Signed (authorised Officer(s)):

184 NORTH DEESIDE ROAD, MILLTIMBER

STRAIGHTEN ROOF HIP, DORMER
EXTENSION, SIDE AND REAR EXTENSION

For: Mr & Mrs Richard Craig

Application Type : Detailed Planning
Permission

Application Ref. : P160220

Application Date : 29/02/2016

Advert :

Advertised on :

Officer : Ross McMahon

Creation Date : 01/04/2016

Ward: Lower Deeside (M Boulton/A
Malone/M Malik)

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The application site is located to the northern side of North Deeside Road, comprising a traditional semi-detached property of slate and granite construction, set on the boundary of an established residential area forming part of Milltimber. The dwelling sits approx. 32m to the north of North Deeside Road in an elevated position and features a hipped roof, chimney stack, pink granite frontage and projecting front gable with a bay window beneath. The site lies within a Residential Area as identified in the adopted Aberdeen Local Development Plan 2012.

RELEVANT HISTORY

Planning permission (application ref. P151197 – "Straighten roof hip" Extension at side and rear of house and dormer extension) was withdrawn by the applicant in October 2015.

Planning permission (application ref. P160217 - Straighten roof hip, dormer extension, side and rear extension) in connection with the adjoining semi-detached property at 182 North Deeside Road is currently under consideration by the Planning Authority.

PROPOSAL

Planning permission is sought for the erection of a single-storey flat roofed extension to the rear (north) elevation of the property, which would accommodate a new utility room and open plan family/dining room, encompassing a substantial area of full height glazing to its north elevation.

Consent is also sought for the erection of a 1½ storey side extension and alterations to the existing hipped roof to form a full gable end to the east of the application site, which would accommodate an open car-port at ground floor level and additional bedroom accommodation at upper floor level.

It is also proposed to form a box style dormer to the rear (north) elevation, in addition to the extension of the existing box dormer to the front (south) elevation of the property to provide the necessary headroom required to facilitate additional bedroom accommodation at upper floor 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.=160220>

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

- Supporting Planning Statement

CONSULTATIONS

Roads Development Management – No response.

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

Environmental Health – No observations.

Community Council – No comments received.

REPRESENTATIONS

One letter of support has been received in connection with the application. The matters raised relate to the following:

1. The proposal would be in keeping with adjacent residential properties;
2. The proposed development completely satisfies the criteria of the Council's relevant Supplementary Guidance;
3. The proposal would enhance the streetscape and the overall balance of buildings along this section of North Deeside Road.

PLANNING POLICY

Aberdeen Local Development Plan

- Policy D1 – Architecture and Placemaking
- Policy H1 – Residential Areas

Supplementary Guidance

- 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
- H1 – Residential Areas

EVALUATION

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

Principle of Development

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

Proposed Rear Extension and Side Extension

The proposed rear extension is considered to be architecturally compatible with, and subservient to, the existing property in terms of design, scale, form, massing and use of materials, and would comply with the requirements set out in the Council's Supplementary Guidance (SG): Householder Development Guide in respect of footprint, projection and site coverage.

While resulting in the loss of a hipped-roof and chimney feature, the proposed side extension/hip-to-gable roof alteration is considered to be generally acceptable in terms of design, scale, form, massing and use of materials, projecting the existing roof profile to the south and terminating in a gable wall to the west along the common boundary shared with 186 North Deeside Road. As set out in the Council's SG, there is a general presumption against the formation of hip-to-gable extensions to semi-detached properties unless 1) the other half of the semi-detached property has been altered in this way; or 2) 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. At present, the adjoining semi-detached property has not been altered in this way, however, adjacent semi-detached properties (174/176 and 178/180) have been previously extended in a similar manner. Furthermore, this section of North Deeside Road is characterised by both detached and semi-detached properties with no established consistency or repetition with regard to

roof form. In light of the specific guidance on hipped roof extensions, it is not considered that the formation of a hip-to-gable extension in this location would adversely impact the on the character or visual amenity of the wider area, in accordance with SG.

Proposed Rear Dormer

The box dormer proposed to the rear of the property is not considered to be architecturally compatible with the existing dwelling as required by the Council's SG, nor does it comply with the majority of requirements set out in the 'Dormer Windows and Roof Extensions' section therein, in terms of the positioning of the dormer within the roof slope relative to existing dormers, and the positioning of windows and glazing coverage generally.

It is noted that the rear of the site is not readily viewable from any public roads or footpaths, is well screened to all boundaries and enclosed by the rear garden ground of surrounding residential properties. It is therefore not considered that this dormer would adversely affect the character of the wider area, nor would it be detrimental to visual amenity in the immediate locale. Furthermore, it is noted that an existing box dormer has been constructed on this elevation, while inappropriate, the proposed dormer generally ties through and replicates the height and projection of this dormer. On balance, it is considered that, in this instance, aforementioned guidance can be set aside, given the limited impact posed by a dormer in this location and when taking into account existing alterations that exist currently.

Proposed Front Dormer Extension

The remaining element of the proposal seeks to extend an existing south facing box dormer, itself of a modest size and scale, to the east along the proposed extended roof slope, which would result in an overall width of approx. 10.5m. While it is noted that the dormer itself complies with the detailed requirements of the aforementioned SG in terms of position within the roof slope, distance from the ridge, eaves and gable/verge etc. it is considered that by extending the existing dormer to the degree proposed, in this location, would dominate the roof slope on which it would sit. Whilst it is recognised that this is not entirely evident from the submitted drawings, the nature and characteristics of the site are such that, when viewed from North Deeside Road – which sits at a far lower level than that of the dwelling – the proposed dormer would appear to dominate the roof slope due to sightlines from this location. This is evident at no. 174, 176 & 178 North Deeside Road, which have extended in a similar manner. The applicants supporting statement refers specifically to such properties, which have extended in an almost identical fashion as proposed. As highlighted in SG, any existing extensions, dormers or other alterations which were approved prior to the introduction of this SG 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. Such extensions were approved during the mid-to-late nineties. While the character of the surrounding area and the

buildings therein are a material consideration in the evaluation of this proposal, previously approved, poorly designed development does not provide justification for what the Planning Authority considers to be further poor development in light of current policy and guidance.

Furthermore, the dormer extension would extend over and 'straddle' the existing front gable/bay window roof, compromising this original feature of the dwelling, and would create an elongated and excessive dormer elevation which, in conjunction with the remainder of the proposal, would accentuate the increased width of the property. Accordingly, it is not considered that the extended dormer is architecturally compatible with the existing dwelling in terms of respecting its remaining architectural features, many of which will have been lost, nor would it make a positive contribution to its setting. Therefore, it is considered that the proposed front dormer extension is contrary to the Council's Supplementary Guidance: Householder Development Guide, Policy H1 (Residential Areas) and D1 (Architecture and Placemaking).

Amenity Impact

In terms of privacy, all habitable room windows proposed at ground and first floor level are limited to the north and south elevation of the property. There are no properties to the south of the application site. Furthermore, the rear garden is approx. 28m in length. As such, there is no concern with regard to loss of privacy to surrounding properties resulting from the proposal at ground or first floor level.

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 & 25 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 neighbouring properties to the east and north of the application site are located sufficiently distant from the proposed extension to ensure no significant detrimental impact in terms of loss of daylight to habitable windows.

It is noted that a habitable room window to the east elevation of no. 186 North Deeside Road would be adversely affected by the proposed gable extension, failing the aforementioned "25 degree rule", however, this habitable room is served by two further windows which face north and south. As such, it is not considered that this habitable room would suffer a significant loss of daylight due to the proposed side extension.

Turning to the impact to adjacent properties in terms of overshadowing, the orientation of the proposal and its distance are important factors. Calculations indicate that the side (east) curtilage of no. 186 North Deeside Road would suffer a degree of adverse overshadowing from late morning to early afternoon. As the area affected does not constitute 'useable' rear garden ground, in that it is

primarily used for vehicular access/parking to the side/rear of the site, a degree of overshadowing in this location is considered acceptable in this instance.

Parking Provision

Comments from the Council's Roads Development Management (RDM) section have not been received in connection with this application. However, given that a previous application for an identical proposal (withdrawn in November 2015) attracted 'no observations' from the RDM section, and that, in the interim there has been no shift in policy, it is considered that, in terms of off-street parking provision, the proposal is considered to be acceptable.

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, proposed policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) substantively reiterate policies, D1 (Architecture and Placemaking) and H1 (Residential Areas) of the adopted Aberdeen Local Development Plan and therefore raise no additional material considerations.

Conclusion

To summarise, while elements of the proposal are considered to be acceptable in their own right, the location and elevated nature of the site is such that the proposed front dormer extension would have both a detrimental impact on the character of the existing dwelling, compromising existing architectural features, and would have a negative impact on the streetscape. Accordingly, it is not considered that this element of the proposal demonstrates due regard for its context, nor would it make a positive contribution to its setting. The proposal thereby fails to comply with the relevant policies and associated SG contained within the adopted Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking) and H1 (Residential Areas). On the basis of the above, and following on from the evaluation under policy and guidance, it is

considered that the proposal would not accord with the relevant provisions of the development plan, and there are no material planning considerations of sufficient weight to warrant approval of the application.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The proposal does not fully comply with the relevant policies of the Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking), H1 (Residential Areas) and the associated Supplementary Guidance: Householder Development Guide, in that the proposed front dormer extension would compromise existing architectural features of the dwelling and additionally would have a significant detrimental impact on the visual character and amenity of the surrounding area. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations – including the Proposed Aberdeen Local Development Plan – that are of sufficient weight to warrant approval of the application. Full regard has been given to all matters raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify approval of the application.

This page is intentionally left blank

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Refusal of Planning Permission

Mike Mair Architectural Services
2 Harvest Hill
Westhill
Aberdeen
AB32 6PU

on behalf of **Mr & Mrs Richard Craig**

With reference to your application validly received on 29 February 2016 for Planning Permission under the above mentioned Act for the following development, viz:-

STRAIGHTEN ROOF HIP, DORMER EXTENSION, SIDE AND REAR EXTENSION at 184 North Deeside Road, Milltimber

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: 174041;

Detail: Site-Location;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160220&index=174041>

Document No: 174680;

Detail: Floor Plans & Elevations; Drawing No: 15/726/03 B;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160220&index=174680>

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

The proposal does not fully comply with the relevant policies of the Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking), H1 (Residential Areas) and the associated Supplementary Guidance: Householder Development Guide, in that the proposed front dormer extension would compromise existing architectural features of the dwelling and additionally would have a significant detrimental impact on the visual character and amenity of the surrounding

PETE LEONARD
DIRECTOR

Continuation

area. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations - including the Proposed Aberdeen Local Development Plan - that are of sufficient weight to warrant approval of the application. Full regard has been given to all matters raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify approval of the application.

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

Document No: 174041;

Detail: Site-Location;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160220&index=174041>

Document No: 174680;

Detail: Floor Plans & Elevations; Drawing No: 15/726/03 B;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160220&index=174680>

Date of Signing 1 April 2016



Daniel Lewis

Development Management Manager

Enc.

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

Comment for Planning Application 160220

Name : Neil Mair

Address : 29 Burnland View

Elrick

Westhill

AB32 6AG

Telephone :

Email : nimrodm@yahoo.co.uk

type :

Comment : This application completely satisfies the relevant criteria of the City Council's Householder Design Guide (proposed dormer and rear/side extensions all comply); respects the character of the surrounding area; and most importantly matches in with the design of adjacent properties by replicating their extensions which have visually recessive box dormers on the front elevation that appear subservient to the existing fenestration and gable feature on each principal elevation. This proposal will enhance the streetscape and improve the overall balance of buildings from the passing thoroughfare through the good design and respect for the surrounding area.

This page is intentionally left blank

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 Mr & Mrs R. CRAIG

Address 184 NORTH DEESIDE ROAD
MILTIMBER
ABERDEEN

Postcode AB13 0HL

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* [REDACTED]

Agent (if any)

MIKE MAIR ARCHITECTURAL SERVICES
Name [REDACTED]

Address 2 HARVEST HILL
WESTHILL

Postcode AB32 6PU

Contact Telephone 1 01224 741701

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* mike.mair@btinternet.com

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

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

Planning authority ABERDEEN CITY COUNCIL

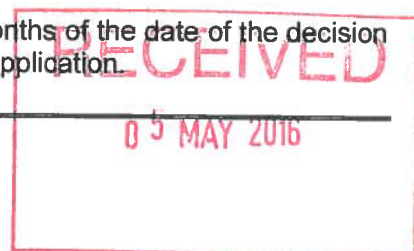
Planning authority's application reference number P16 0220

Site address 184 NORTH DEESIDE ROAD MILTIMBER

Description of proposed development STRAIGHTEN HIP ROOF AND FORM
DORMER EXTENSION AND
REAR EXTENSION

Date of application 29/2/2016 Date of decision (if any) 1/4/2016

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:

to elaborate upon the design considerations and clarify the difference between the proposals and existing adjacent properties with similar dormers

Site inspection

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

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

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

Statement

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

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

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

see attached

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

Yes No

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

List of documents and evidence

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

1. Appeal Statement
 2. Existing Plans / Elevations drawings 15/726/01
 3. Proposed Plans / Elevations drawing 15/726/03B

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.

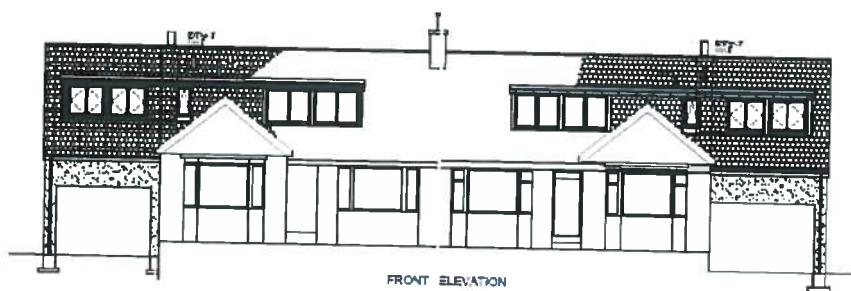
Signed

Date

29/4/2016

Appeal Statement for 184 North Deeside Road, Milltimber.

Planning Application Reference: 160220, and associated with the simultaneous appeal for 160217



MIKE MAIR MCIAT
ARCHITECTURAL SERVICES
2 HARVEST HILL, WESTHILL
tel : 01224 741701

Executive Summary

This appeal focuses on the refusal of two applications for house extensions at 182 and 184 North Deeside Road (application reference numbers 160217 and 160220). The Planning Service accepts most elements of each application, but has concern relating to the proposed dormer which spans the front elevation of each dwelling.

The prescriptive criteria of the Council's "Householder Development Guide" has been adhered to – the dormer design abides by the dimensions from roof edge and ridge, the fenestration is of an appropriate ratio, and the materials are the same as what is currently in use on the host dwelling. This is acknowledged and accepted by the Planning Service in their report on each application.

The issue of the dormer appearing "dominant" from the street is a concern from the Planning Service, with them stating "*when viewed from North Deeside Road – which sits at a far lower level than that of the dwelling – the proposed dormer would appear to dominate the roof slope due to sightlines from this location.*" This is a subjective opinion and is based from onsite inspection of adjacent dwellings at 174, 176 and 178 North Deeside Road, as referenced in the Planning Service's report on each application. The design of this proposal differs to those dwellings, and it is disappointing the Planning Service have not fully appreciated this. The proposed front dormer in these applications will sit below the ridge when viewed from North Deeside Road; it is merely an extension along front elevation of the existing dormer – which currently sits well below the ridge when viewed from the public road. The existing properties have extended their dormer in terms of width, height and projection, which does create an issue in relation to massing and projection beyond the ridge of those dwellings. This proposal, whilst of very similar design, is different and rectifies the problem by keeping the vertical proportion and projection of the gable the same as currently exists, and simply extends the gable along the front elevation retaining the balance of the gable sitting well below the ridge. The basis of this as a reason for refusal is therefore unjustified and inaccurate.

Following on from the above, the Planning Service considers the dormer "*would compromise existing architectural features of the dwelling and additionally would have a significant detrimental impact on the visual character and amenity of the surrounding area.*" The existing house is very much of its time, with no significant architectural features, but it does contribute to the wider character of the area and streetscene. The Planning Service have placed great importance on the existing gable on the front elevation, which will be retained, and will continue to project out from the front elevation with the dormer sitting behind, being subservient to the existing gable feature. It is therefore hard to see how such a stance can be justified. The proposal is of small scale, it is a "local development" by definition. The house is set back over 30m from the road, with the only view in to the site from the vehicular access. To state a proposal of this scale will have a "*significant detrimental impact*" is unwarranted. Any impact, positive or negative, would be marginal. Furthermore, the design is similar to that of the extended adjacent dwellings, which will result in an enhancement of the street scene in terms of consistency of built form and respect for the character and setting of the wider area.

The Planning Service have stated what they would consider an acceptable design solution – break the dormer so there are two separate dormers on either side of the projecting gable. The difference between that "acceptable solution" and this proposal is marginal – half a meter of dormer on either side of the gable. This report contains images to fully demonstrate this. The "solution" suggested by the Planning Service is marginally different to what is proposed in these applications in terms of the external appearance and design of the dwelling; however the implications of the suggested solution would significantly reduce what can be achieved internally, and not meet the needs of the applicant.

The application is compliant with the prescriptive criteria contained within the "Householder Design Guide", the extensions are compatible with the surrounding area and existing dwelling, the dormer on the front elevation will appear subservient to the main features of the dwelling – retaining the projecting gable, well balanced fenestration, and sitting below the ridge height.

It is on this basis an appeal is made to the Local Review Body, and it is hoped that Councillors will visit the site to look for themselves at the adjacent dwellings, acknowledging the difference in dormer design in this proposal to what is evident there, and understand the minimal difference between what the Planning Service consider as a design solution to what is contained within these applications, resulting in the Local Review Body allowing the appeal and granting consent for the proposed extensions at 182 and 184 North Deeside Road.

1. Introduction

This appeal statement relates to the following two planning applications;

160217 – Seeking Full Planning Permission to “Straighten roof hip, side and rear extension and dormer extension” at 182 North Deeside Road, Milltimber, Aberdeen.

160220 – Seeking Full Planning Permission to “Straighten roof hip, side and rear extension and dormer extension” at 184 North Deeside Road, Milltimber, Aberdeen.

Both applications were refused by Aberdeen City Council’s Planning & Sustainable Development, Development Management team for the following reason;

The proposal does not fully comply with the relevant policies of the Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking), H1 (Residential Areas) and the associated Supplementary Guidance: Householder Development Guide, in that the proposed front dormer extension would compromise existing architectural features of the dwelling and additionally would have a significant detrimental impact on the visual character and amenity of the surrounding area. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations - including the Proposed Aberdeen Local Development Plan – that are of sufficient weight to warrant approval of the application. Full regard has been given to all matters raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify approval of the application.

The report prepared by the Planning Service on both applications are nearly identical, and for the purposes of the appeal this statement shall relate to both applications due to the similarities in both proposals, and indeed the similarities in appraisal and identical conclusion reached by the Planning Service.

Whilst the Local Review Body will have access to the Planning Service’s report, the plans, and the supporting statement, the following will provide a review of the decision made and question the conclusion reached by the Planning Service in hope of the Local Review Body reversing the decision and allowing the appeal, resulting in the grant of planning permission.

The conclusion reached by the Planning Service was as follows;

To summarise, while elements of the proposal are considered to be acceptable in their own right, the location and elevated nature of the site is such that the proposed front dormer extension would have both a detrimental impact on the character of the existing dwelling, compromising existing architectural features, and would have a negative impact on the streetscape. Accordingly, it is not considered that this element of the proposal demonstrates due regard for its context, nor would it make a positive contribution to its setting. The proposal thereby fails to comply with the relevant policies and associated SG contained within the adopted Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking) and H1 (Residential Areas). On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that the proposal would not accord with the relevant provisions of the development plan, and there are no material planning considerations of sufficient weight to warrant approval of the application.

The acceptance of nearly every aspect of the proposal is welcomed. The only element the Planning Service have concern over is the dormer on the front elevation, which is merely an extension of the existing dormer. It is this element that the appeal statement shall focus on. The wording of the refusal is considered to be quite excessive. The proposals are for small scale extensions to residential properties set back from the public thoroughfare in a residential area. The applications are “local development” by definition. The proposal replicates the design of adjacent properties. How this could ever be considered to have “a significant detrimental impact on the visual character and amenity of the surrounding area,” is questionable. The proposals will not impact on the amenity of any neighbouring property – the Planning Service accepts that in their reports on each application. The following shall go in to detail on the merits of the proposal.

2. Existing Site Context and Applicant Details

Applicant Profile

The applicant, Mr Richard Craig and family, have lived in Milltimber since October 2011. They intend to live in Milltimber for the foreseeable future. The area and the location of their property on North Deeside road affords spectacular views of Deeside. Their aspiration is to expand their property to allow room for their family to live and grow up. The two young boys, aged 6 and 4, require their own bedrooms and space to play and grow, and the current house limits the families enjoyment of their home. The applicant also requires space within their home to support their business (IT Consultancy Service), as they work from my home location a large proportion of the time. The relocation of a bedroom to the upstairs, and the formation of the downstairs study/office is a crucial part of this application. The applicant's company serves global clients aswell as local people, and they are heavily involved in the local Community;

- Milltimber Community centre , helping them with events and a recent IT project to upgrade and deploy equipment.
- Milltimber Primary school – active participate in the Parent Teacher Association.
- Supporting Milltimber Nursery though dedicating time to help during sessions.

The proposal is therefore submitted on the basis of gaining more space within the home of a young family who are settled in the local community both in terms of their appreciation of their home and the local area, but also in their contribution to local business and the community. This proposal will allow the family to maximise their enjoyment of their own home and continue to live in the area they love.

Site Location

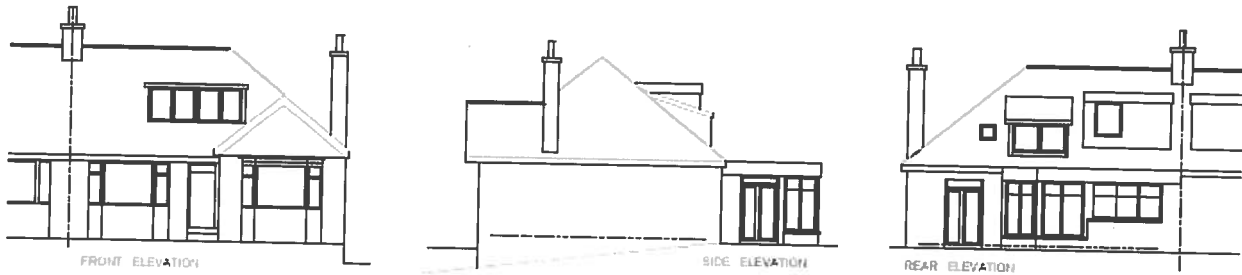
The modern semi-detached properties sit on North Deeside Road (A93), set back from the roadside with well-maintained front gardens and long driveways leading up each dwelling. **It is worth noting how low the existing dormers sit from the passing public road – they do not protrude beyond the ridge line of the dwelling.**



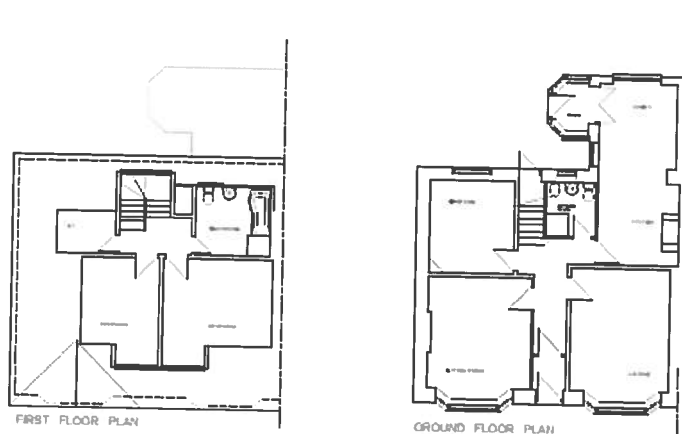
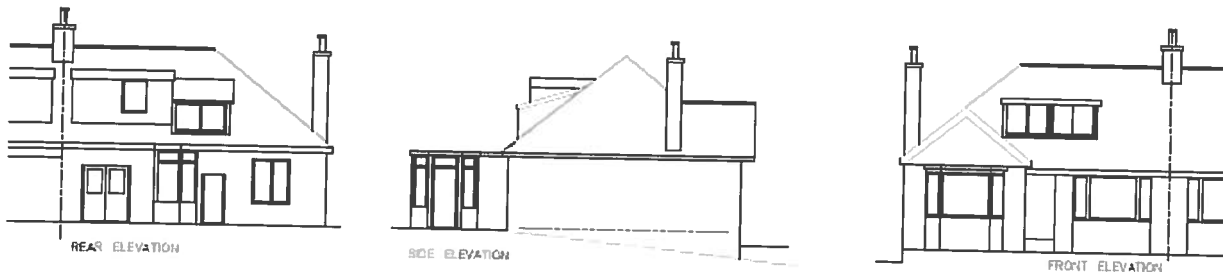
Both properties are modest three bedroom homes, mirroring each other and replicating the scale and original design of the properties adjacent to the east.

Existing Properties

182 North Desside Road comprises a sitting/dining room, bedroom and kitchen/dining room all on the ground floor. On the upper floor, within the roofspace, are two bedrooms, a bathroom and a storage cupboard. The principal elevation contained a bay window feature with gable above, and a hipped roof with prominent chimney extending from the wallhead. A box dormer sits adjacent to the gable above the bay window.



184 North Deeside Road contains a lounge, sitting room, bedroom and kitchen/dining room on the ground floor, with the same layout on the upper floor of two bedrooms, bathroom and a storage cupboard. The principal elevation mirrors that of the above.



Surrounding Area and its Influence on the Proposed Design

The proposed extensions reflect what has been done on adjacent properties, which were originally of the same design as these dwellings but have already been extended (circa 1990) to meet the modern living requirements of their occupants. Whilst alterations to the original buildings, **the built form of these adjacent dwellings has been in place for over 20 years – resulting in them very much being part of the built form and well established character of the area. This is material to the consideration of this application. Whilst there may be “poor design” elements to those extensions – in terms of the dormer appearing dominant from the street due to projecting up to/beyond the ridge height, the general established pattern of development, street scene, and built form of the area cannot be ignored.**

The properties adjacent to the site(s) are a detached dwelling with hipped roof and box dormer on the front elevation to the west, and a pair of semi-detached dwellings which have been altered to straighten the hipped gable on either side to form a garage at ground floor level with accommodation above served by a box dormer window on the front elevation.



186 North Deeside Road

184 & 182 North Deeside Road

182 North Deeside Road

The adjacent (east) two sets of semi-detached dwellings form the basis of the design proposed for these two dwellings. All of the adjacent semi-detached dwellings have had the original hipped gables straightened out, box dormer windows formed along the length of the front elevation (with the exception of 180 North Deeside Road), and each has retained the feature gable over the bay window. **It is worth noting in the image below that 180 North Deeside Road retained its original dormer (to the right of the gable when viewed in the below image), whilst the other properties have all formed new gables that span the width of the dwelling (as proposed in the applications subject of this appeal).** However, numbers 174, 176 and 178 also increased the massing of the gable so that they do sit “higher” when viewed from the street below. In terms of “dominance”, the better comparison is the height of the dormers on 180 North Deeside Road, and indeed the height of the existing dormers on 182 and 184 North Deeside Road, which is to be retained and carried across the length of the proposed dormer in each application.



180 & 178 North Deeside Road



176 & 174 North Deeside Road

Whilst the alterations to these adjacent dwellings were approved in a previous plan period, their presence and influence on the current streetscape cannot be ignored, and the design precedent set must form part of the consideration of these current proposals. An alternative design solution on the principal elevation of 182 and 184 North Deeside Road would be out of character with the above properties, and would be to the detriment of the street scene along the A93.

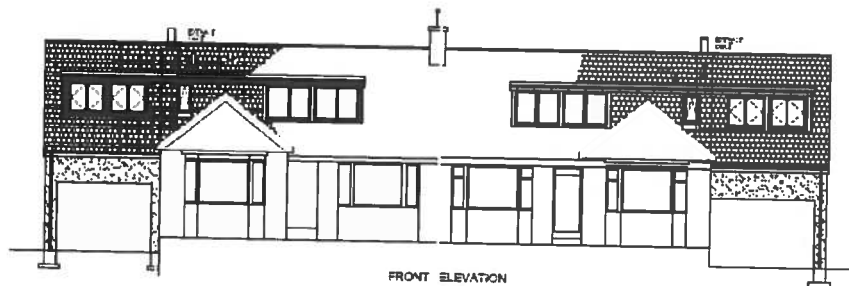
3 Proposed Development

The proposals seek a house extension to expand the existing family homes at 182 and 184 North Deeside Road through the replacement and enlargement of an existing ground floor rear extension, the addition of a new box dormer to the rear elevation, and the extension of the existing box dormer on the front elevation to replicate the frontage and design of the adjacent semi-detached properties at 174 – 180 North Deeside Road.

Initial applications (151196 and 151197) were withdrawn following concerns expressed by Aberdeen City Council planners, with specific reference to the dormer extension on the front elevation. Attempts were made to meet with the Planning Service to discuss a solution to the application, but sadly they did not accept our request to meet. It was understood that the concern of the Planning Service related to the impact the proposed dormer on the front elevation would have on the existing bay window gable, and on the general form and character of the elevation as a whole.

To address those concerns and give comfort to the Planning Service, a Design Statement was submitted to support the application. The statement sought to address their concerns, and highlight how the proposal met the requirements of the Planning Service's "Householder Design Guide". The content of the supporting statement shall be reiterated and expanded upon below.

Front Elevation



The front elevation shall be extended out from both sides, straightening the existing hipped roof. **The Planning Service has accepted the principle of this element of the proposal.** The applications also propose to extend the existing box dormer along the frontage, whilst retaining the existing gable above the bay window which will tie into the new dormer but continue to appear prominent and project out from the roofline. **As outlined above, it should be noted this is an extension of the existing gable along the front elevation; the vertical massing of the dormer will not be altered, therefore the perception from North Deeside Road of the dormer height and ridge height will be no different to what is seen at present (images above).** This will ensure the frontage of the house retains its current balance and character, replicating and improving upon the extensions on the adjacent properties and maintaining the existing built form and street scene, **ensuring the dormer does not project beyond the ridge of the dwelling when viewed from the street to the south of the site.** Both properties will feature a "pend" style car port on the outer edge. **As can be seen in the above plan, the fenestration is not overly dominant on the dormer face, and the use of slate on either side of the gable feature (which the Planning Service seem to be placing great importance on) results in the dormer blending in to the existing roof plane allowing it to remain subservient to the main features of the front elevation – namely the bay window, gable, front door and ground floor window.**

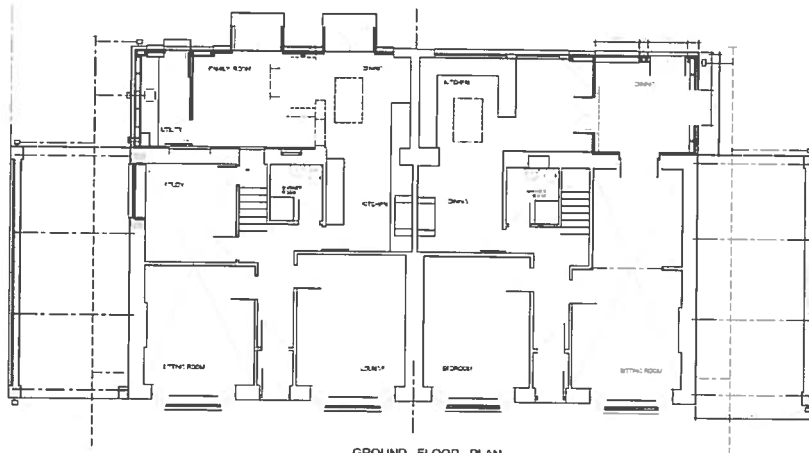
Rear Elevation



REAR ELEVATION

The ground floor rear extensions run along the length of the existing house, maintaining the flat roof finish to the existing small rear extensions whilst utilising a roof lantern to let light in to the kitchen/family rooms below. A new box dormer, to replicate the scale and proportions of the one that already exists on this elevation, will be formed at the outer edge of the overall elevation. This will provide invaluable internal space whilst having minimal impact on the aesthetic of the elevation, whilst retaining the balance of the overall elevation. **The Planning Service accepts this element of the proposal, which is welcomed.**

Ground Floor Plan



GROUND FLOOR PLAN

Internally, 184 North Deeside Road shall benefit from the downstairs bedroom becoming a study/home office, with the kitchen/dining room being expanded to provide a family room and utility room. 182 North Deeside Road shall retain the downstairs bedroom, with the rear extension creating a separate dining room.

First Floor Plan



FIRST FLOOR PLAN

Within the upper floor of 184 North Deeside Road two additional bedrooms (1 replacing the downstairs bedroom and 1 additional) and an en-suite bathroom shall be provided. 182 North Deeside Road proposes the same upper floor arrangement. **The en-suite and two bedrooms to the front of the upper floor are only achievable due to the box dormer running along the front of the dwelling.**

The Planning Service highlight two key policies relevant to the determination of this application. Firstly;

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.

Only the first paragraph of the above is really applicable to this application, and even that is a stretch of the policy as it relates more to mass housing development rather than small scale house extensions. However, as identified in the section above the proposal has full consideration for its context by replicating the long established design of the adjacent dwellings. Whilst they have been altered from their original form, they have been done so in a way which is now part of the existing streetscene and fabric of the built form of the area. To offer a different design solution would be out of context with the surrounding and have a negative impact on the wider setting. The proposal is therefore considered to comply with the principles of the above policy.

In terms of consideration of issues such as massing and proportions, the City Council's "Householder Development Guide" is very prescriptive. The Design Guide itself shall be discussed more in detail later, however for the purposes of the above policy the scale and massing of the proposed front dormer follows the parameters set out in the Design Guide, and has been acknowledged as meeting design parameters by the Planning Service in their report on each application, therefore it is hard to accept the subjective opinion of the Planning Service that the proposal is not appropriate.

Policy H1 - Residential Areas

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

1. does not constitute over development;
2. does not have an unacceptable impact on the character or amenity of the surrounding area;
3. 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; or
2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

The above policy is more appropriate to the proposed extensions. However, the only applicable criteria are points 2 and 5. By virtue of the design replicating the long established design of the adjacent houses on the principle elevation, it is a simple fact that the proposal cannot have a detrimental impact on the character of amenity of the surrounding area as it fully embodies what is now the established design and character of the street scene and local area, thus meeting point 2. If a radical alternative design solution was proposed then these dwellings would be out of character, and could then impact on the amenity of the surrounding area; but the proposal is very similar but an improvement upon what has been done on the adjacent dwellings.

In terms of this proposal being an improvement to the design evident on adjacent dwellings, is in relation to the extension of the dormer on the horizontal axis only, there is no increase in height proposed in either of these applications. The dormer extensions to 174, 176 and 178 North Deeside Road have altered the vertical massing of the dormer, which when viewed from the pavement could be said to appear dominant on the principal elevation in terms of projecting up to the ridge line of those dwellings. **However, the comparison of the retained dormer on 180 North Deeside Road, and indeed the existing dormers on the dwellings subject of these appeals, it is clear the existing dormer sits well below the ridge line, therefore the extension along the frontage will not alter this in any way.** The below image highlight the existing dormer height (red line) and the ridge height (pink line). This relationship will not be altered by this proposal, the gable height will be along the red line below. This is a significant improvement on the scale and proportions of the extension to the adjacent dwellings.



It is perhaps looking at the adjacent dwellings that have blighted the Planning Service's consideration of these applications; they refer to the adjacent extensions as being of poor design – primarily due to the relationship of the dormer window with the ridgeline of the house. We agree with this to an extent, and that is why these proposals merely extend the gable along the frontage and the vertical height has been retained. This is an improvement on what has been done adjacent, and is a lesson learned from the past.



The above image gives the direct comparison between the difference of the existing gable of 180 North Deeside Road (left hand dwelling) and it sitting well below the ridge height of the dwellinghouse when viewed from the pavement/road to the south as depicted by the red line; whilst 178 North Deeside Road (the right hand dwelling) has extended the existing dormer upwards and outwards, resulting in it visibly projecting up to the ridge – blue line depicts the top of the dormer, green line depicts the ridge height – both lines nearly overlap. **This design flaw is acknowledged as being something which can be improved upon, and has been captured within the design of these applications subject to the appeal. The Planning Service appear to have based their assessment of this application largely on the appearance of the extensions on 174, 176 and 178 North Deeside Road – all of which are not directly comparable to this proposal due to the applications subject of this appeal retaining the height of the existing dormer. To re-emphasise the point, the dormer proposed in this application will sit below the existing ridge line when viewed from the A93 North Deeside Road.**

In relation to point 5 of the Policy H1, the Householder Design Guide shall be discussed at length. However, the proposal is considered compliant with the criteria, and has been acknowledged as meeting the prescriptive requirements in relation to *“position within the roof slope, distance from the ridge, eaves and gable/verge etc,”* as acknowledged within the Planning Service’s report on each application.

5 Householder Development Guide

Aberdeen City Council’s Supplementary Guidance “Householder Development Guide” sets out prescriptive requirements for dormer design, and house extensions in general. As outlined above, Aberdeen City Council’s Planning Service has been reasonably content with the proposed alterations on the rear elevation, and the general principle of “squaring” the hipped gable. However the focus of the refusal has been in relation to the existing gable above the bay window and how this could be affected by the proposed box dormer along the front elevation, and the impact this could have on the visual character and amenity of the surrounding area.

As per the terms of the Supplementary Guidance, the properties would be considered modern. **The guidance accepts that “dormers and box dormers 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”.** In this instance the proposal does not involve a radical design; it simply replicates what exists on 3 adjacent properties, and reflects what is on another, taking account of lessons learned from minor design flaws in those examples to propose something which delivers additional living accommodation for the occupants of each dwelling whilst respecting the established character and built form of the area. The role of the planning system is to determine planning application in accordance with the development plan, unless material considerations indicate otherwise. The following outlines why the proposal complies with the development plan, and furthermore there is added support on the basis of the materiality of matching in, and improving upon, the design of existing adjacent houses.

In reference to the criteria within the Supplementary Guidance;

General Principles

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. – **The proposal mimics that of adjacent properties and respects the scale, character and proportions of the existing and adjacent dwellings. It does not overwhelm or dominate the original form or appearance of the dwelling through the retention of key features of the principal elevation, namely the bay window with gable above.**

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. – **Ample amenity space remains within each plot, and there will no impact on privacy, overshadowing/daylight or amenity of neighbouring dwellings.**

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. – **as outlined above this statement is questionable, and seeks to redefine the role of the planning system. In any case, the proposal does comply with the specified criteria contained later in the “development guide”. The proposal will enhance and improve the street scene through improved continuity in design, creating a better sense of place and consistent street scene.**

4 The built footprint of a dwelling house as extended should not exceed twice that of the original dwelling. – **The integrity of the original dwelling is retained, and the extensions fall well below the prescribed limit.**

5 No more than 50% of the front or rear curtilage shall be covered by development. – **This too is preserved through the proposals.**

Dormer Windows: General Principles

There is a limitation in applicable criteria, although the intentions of **criteria c** are of interest. This seeks to retain the built form on the front elevation on *blocks of properties of uniform design*. This proposal seeks to encourage this through replication of the front elevations on adjacent identical properties. Similarly **criteria d** identifies support for dormers that match the existing dormers, albeit the original dormers on this dwelling are perhaps not “well-designed”.

The more relevant considerations lie within the specific section relative to dormer extensions to modern properties.

Dormer Windows: Modern Properties

Criteria a – the dormers do not pose any significant impact on the amenity of neighbouring properties, and through the extensions replicating one another the overall balance and aesthetic appearance of the frontage shall be retained, maintaining the integrity of both properties from the public vista.

Criteria b – by virtue of the extension to straighten out the hipped gable, the overall design of the extension does not dominate the original roofspace. The design and gradient of the box dormer will blend into the backdrop of the existing roof plane through facing them in slate to match the roof.

Criteria c – the dormer design adheres to the prescribed relationship with wallhead/eaves.

Criteria d – similarly the dormer does not interfere with the ridgeline, and through the overall design of the extension the hipped element is being removed which removes any issue in this regard.

Criteria e – the dormer is 600mm from the proposed new gable.

Criteria f – the windows at the outermost extreme of the dormers are at the outer edge.

Criteria g – there is more glazing than solid material on the principal dormer elevation.

Criteria h – by virtue of spanning the frontage of the dwelling the dormer has a horizontal emphasis.

Criteria i – the dormer will be faced in blue/grey slate to match the existing roof, ensuring it blends in and respects the existing elevation.

Criteria j – there is no “adjoining” dormer extension; both properties are proposing mirrored extension which is in-keeping with the spirit of this criteria. This will ensure the frontage of both dwellings remains in balance, which is a key design feature of all properties, detached or semi-detached, in the vicinity.

The proposal is therefore compliant with all criteria contained within the policies and guidance referenced by the Planning Service in their report on each application, and there remains the materiality of the established built form of adjacent houses which already incorporate design features similar to what is proposed in these applications.

The proposal is a local development, proposing extensions to existing dwellings which are set back from the public thoroughfare and sited within a well-established residential area. The extensions follow the design of adjacent dwellings, and have no impact on the residential amenity of any adjacent property. Due to being set back from the public thoroughfare (A93 North Deeside Road), and with the only vista in to the site being a fleeting view from the vehicular access to serve each dwelling, any positive or negative impact from this proposal would be marginal.

6 Advice from the Planning Service

Following withdrawal of the original submissions, the Planning Service stated “*we are seeking to have two separate dormer windows of more complementary proportions positioned to either side of that gable feature.*” The Planning Service’s advice to resolve their concerns was to “break” the dormer so that it did not straddle the gable feature on the front elevation, resulting in two separate dormer’s on either side of the projecting gable – which is not significantly different to what this application proposes, rather than split the dormer these proposals offer a continuous dormer across the front elevation, spanning the gable which will continue to project out from the roof. **The only difference in this proposal to what the Planning Service suggested as an acceptable solution is half a meter of dormer window on either side of the gable.**

The design of the gable along the front elevation in each proposal uses fenestration to break up the length. The window design meets the required ratio of the Council’s “Householder Development Guide”, and the use of slate ensures the dormer will appear subservient to existing features on this elevation, blending in to the back drop of the roof.

Whilst there are only subtleties in the design solution suggested by the Planning Service in comparison to what has been proposed, the implications of the suggested design change are quite significant on what can be achieved internally. The dormer running along the frontage allows for ample living accommodation within the upper floor of the dwelling, allowing two families to expand their family home to provide additional bedrooms, 1 with an en-suite, and continue living in the area they love. Adhering to the Planning Service’s suggested design solution would result in the en-suite being lost, and two bedrooms being drastically reduced in floor area due to the required head height being lost, which in turn would result in either 2 very small bedrooms with no functional space due to the internal “lie-in”, or more likely the loss of 1 bedroom, neither scenario would meet the needs of either applicant, and the result would leave them unable to extend their home to meet their needs.

The comparison of what would be accepted by the Planning Service to what they have refused is marginal. We are talking about half a meter of dormer on either side of the projecting gable. Whether the dormer extends along the front elevation of the dwelling, straddling the gable over the bay window; or whether it is split and two separate dormers sit on either side of the gable over the bay window will have minimal impact on the surrounding area, the character of the area, and would not detract from the architectural merit of the existing dwellinghouse in any way.

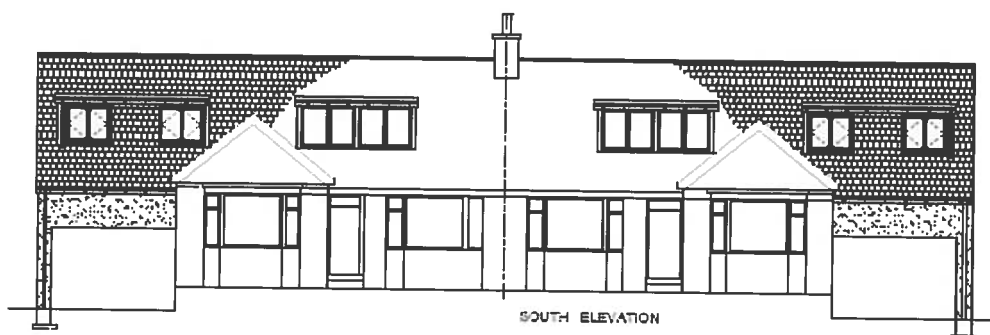
The additional section of dormer in the proposed design compared to the suggested solution by the Planning Service would be faced in slate, blending in with the roof behind. Whether or not the space between two separate dormers and the gable feature was “filled-in” or not would be barely noticeable from the passing street.

The emphasis on the proposed dormer appearing dominant from North Deeside Road was a point of concern from the Planning Service. As outlined above, that is on the basis of the inaccurate comparison of the larger dormer windows of 174, 176 and 178 North Deeside Road to the retention and extension of the existing smaller dormer on these dwellings. The suggested design solution by the Planning Service would leave a small gap between dormer windows and the pitch of the projecting gable, which would barely be visible from the passing pavement of North Deeside Road due to the gradient and viewing angle.

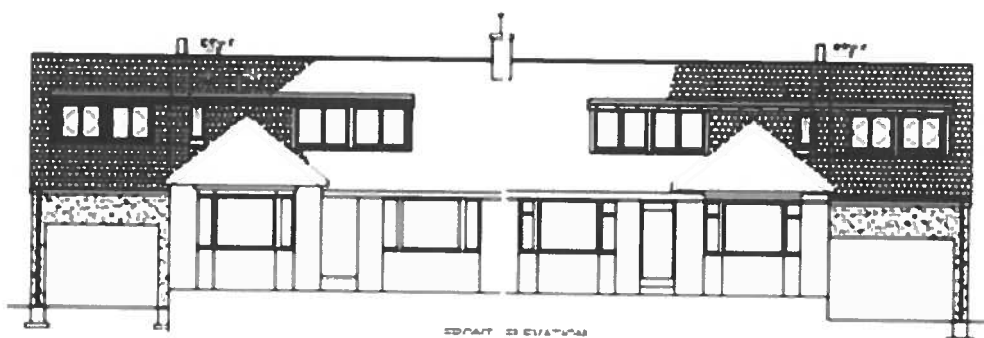
This therefore begs the question of why refuse the submitted design when the difference in what is proposed is so marginal in comparison to what the Planning Service stated they would accept.

The below/overpage images show a direct comparison between the submitted applications and the Planning Services suggested design solution.

Suggested design solution by the Planning Service



Proposed design as submitted.



The above images show what the Planning Service would accept in the top image, with what has been proposed and refused in the bottom image. It is clear there is barely any difference in terms of design, and on the basis of the reason for refusal provided by the Planning Service if they are to accept their suggested solution then the proposed design surely must also be acceptable, as the additional of half a metre of dormer window on either side of the projecting gable does not in itself have any impact on the design, character or amenity of the surrounding area.

Further to the above suggested design solution, questions were asked of the Planning Service on the importance they are placing on the gable on the front elevation of each dwelling. They consider it to contribute significantly to the architectural merit of each dwelling. As outlined above we consider this feature to be fully retained and respected in the proposed design, as demonstrated in the bottom of the above images. The prominence and character of the gable and bay window feature is no different in either of the above designs, which again asks the question of why the proposed design was rejected.

It was put to the Planning Service that one possible solution to their refusal would be to remove this gable feature, which could be done without the need for any planning permission. With the gable feature gone an application could then be submitted for the design largely as above, with the dormer running along the front elevation as shown, all that would be missing would be the gable feature on the front elevation. The Planning Service conceded that they could do little to prevent the gable being removed, and that so long as the proportion of glazing to solid within the dormer and its proportions relevant to the roofspace were acceptable (which they are at present, as accepted in the Planning Service's report on each application), then they "*would be unable to resist*" such a proposal.

The applicants do not want to go to these measures to resolve this matter, they want to retain the gable as an attractive feature of their homes, but they want to extend their house to meet their needs. The differences in the above plans are marginal, and we sincerely hope the Local Review Body can review the submission, taking in to account the content of this supporting statement, and resolve to allow our appeal and grant consent for the proposed extension at 182 and 184 North Deeside Road.

7 Conclusion

As per the above, each application is considered to fully meet the terms of the Council's Supplementary Guidance in relation to dormer window extensions on modern properties. Not only do the proposals comply with current Supplementary Guidance, they replicate the existing extensions on adjacent properties which will result in consistency along the passing A93 and ensure the proposals integrate easily into the now established built form of the area. The proposed developments are fully compliant with the Council's Supplementary Guidance, and the material consideration of the existing identical alterations on adjacent properties cannot be ignored – the role of the planning system is to take account of "other material considerations".

The engagement with the Planning Service to explore possible design solutions has only strengthened the case to approve the submitted design. The suggested acceptable solution to the Planning Service is marginally different to what is proposed in terms of design and visual appeal, however the internal implications of what can be achieved through the suggested design solution would not deliver adequate internal space to meet the needs of either applicant.

We therefore hope the Local Review Body can have full consideration of the merits of this application and visit the site themselves to see first-hand how appropriate the proposed extension is to the setting and character of the area, and how little impact these small extensions will actually have on the local area.

This page is intentionally left blank