

# Public Document Pack



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

Town House,  
ABERDEEN 03 June 2106

## **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in Committee Room 4 - Town House on **FRIDAY, 10 JUNE 2016 at 2.00 pm.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **BUSINESS**

- 1 Procedure Notice (Pages 5 - 6)

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

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

#### **PLANNING ADVISER - GAVIN EVANS**

- 2.1 Borrowstone Bothy, Borrowstone Farm - Conversion and Extension of Existing Bothy to Create One Dwelling - 160109
- 2.2 Delegated Report, Plans and Decision Notice (Pages 7 - 18)  
Members, please note that the relevant plans can be viewed online:-  
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=160109>
- 2.3 Planning policies referred to in documents submitted

Members, the following planning policies are referred to:-

**National Policy and Guidance**

Scottish Planning Policy  
Paragraph 52  
Paragraph 214

D1 – Architecture and Placemaking  
NE2 – Green Belt  
NE8 – Natural Heritage  
T2 – Managing the Transport Impact of Development

**Proposed Aberdeen Local Development Plan**

D1 – Quality Placemaking by Design  
NE2 – Green Belt  
NE8 – Natural Heritage  
T2 – Managing the Transport Impact of Development

**Supplementary Guidance**

The Conversion of Steadings and Other Non-Residential Vernacular Buildings in the Countryside Supplementary Guidance  
Bats and Development Supplementary Guidance

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

- 2.4 Notice of Review with supporting information submitted by applicant / agent (Pages 19 - 36)
- 2.5 Determination - Reasons for decision  
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

**PLANNING ADVISER - MATTHEW EASTON**

- 3.1 103B Rosemount Place - Replacement windows - 160141
- 3.2 Delegated Report, Plans and Decision Notice (Pages 37 - 46)  
Members, please note that the relevant plans can be viewed online:-  
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=160141>
- 3.3 Planning policies referred to in documents submitted

Members, the following planning policies are referred to:-

**National Policy and Guidance**

Scottish Planning Policy

**Aberdeen Local Development Plan 2012**

Policy D5 – Built Heritage

Policy H1 - Residential Areas

**Other Material Considerations**

Scottish Historic Environment Policy (SHEP)

TAN: The Repair and Replacement of Windows and Doors

'Windows' guidance note from Historic Scotland's 'Managing Change in the Historic Environment' series

Rosemount and Westburn Conservation Area Appraisal

Proposed Aberdeen Local Development Plan

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

3.4 Notice of Review with supporting information submitted by applicant / agent (Pages 47 - 52)

3.5 Determination - Reasons for decision

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

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

**PLANNING ADVISER - PAUL WILLIAMSON**

4.1 Kimberley, 97 North Deeside Road - Erection of 2 Storey Rear Extension; Replacement Garage; Raised Platform and Driveway to the Rear - 160097

4.2 Delegated Report, Plans and Decision Notice (Pages 53 - 62)

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?js=y&ref=160097>

4.3 Planning policies referred to in documents submitted

Members, the following planning policies are referred to:-

**Aberdeen Local Development Plan**

Policy D1 – Architecture and Placemaking

Policy H1 – Residential Areas

**Other Material Considerations**

Supplementary Guidance: Householder Development Guide

**Proposed Aberdeen Local Development Plan**

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

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

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

- 4.4 Notice of Review with supporting information submitted by applicant / agent (Pages 63 - 72)
- 4.5 Determination - Reasons for decision  
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 4.6 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

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

Should you require any further information about this agenda, please contact Mark Masson on [mmasson@aberdeencity.gov.uk](mailto:mmasson@aberdeencity.gov.uk) / tel 01224 522989 or

## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

### PROCEDURE NOTE

#### GENERAL

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

#### DETERMINATION OF REVIEW

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

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

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

# Agenda Item 2.2

Signed (authorised Officer(s)):

Borrowstone Bothy, Borrowstone Farm,  
Kingswells

Conversion and extension of existing bothy  
to create one dwelling

For: Miss Nicola Webster

Application Type : Detailed Planning  
Permission

Application Ref. : P160109

Application Date : 03/02/2016

Advert :

Advertised on :

Officer : Dineke Brasier

Creation Date : 1 March 2016

Ward:

Community Council: No response received

## **RECOMMENDATION:**

### **Refuse**

### **DESCRIPTION**

Comprising a small granite bothy, with two main rooms and a smaller third room to the west side. Attached to the east gable is a small lean-to extension, used by the neighbouring farm house. The bothy is part of an existing farm grouping, containing a farm house and agricultural buildings. Access is off a private road, which leads to a minor road which leads the A944 Westhill-Aberdeen road.

### **RELEVANT HISTORY**

150183 – Refurbishment and extension to existing bothy – Refused based on the scale, massing and design of the proposed extension and alterations to the bothy, and insufficient information as no bat survey was submitted.

### **PROPOSAL**

Planning permission is now sought for an alternative conversion and extension. External alterations to the existing Bothy would include: the creation of three small windows in the rear elevation and the replacement of an existing door with a window, whilst retaining the door frame. The existing side extension would form part of a low level link, leading to a large, if single storey extension with

additional accommodation in the roof space. The extension would have a modern design with white render, a zinc roof and a feature fully glazed rear gable elevation.

The site would contain two parking spaces to the side, a courtyard area to the rear of the original bothy and a large rear garden, which follows the existing line of the adjacent field boundaries.

## **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.=160109>

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

- Design and Access Statement
- Bat Survey by SAC Consulting dated August 2015.

## **CONSULTATIONS**

**Roads Development Management** - No comments.

**Environmental Health** – No observations.

**Communities, Housing and Infrastructure (Flooding)** – No comments received.

**Community Council** – No comments received

## **REPRESENTATIONS**

None.

## **PLANNING POLICY**

### **National Policy and Guidance**

Scottish Planning Policy:

Paragraph 52 sets out the types of development that might be appropriate in the Green Belt. These include development associated with agriculture, including the reuse of historic agricultural buildings.

Paragraph 214 sets out that the presence or potential presence of a legally protected species is an important consideration in decisions on planning applications.

### **Aberdeen Local Development Plan**

D1 - Architecture and Placemaking



NE2 – Green Belt

NE8 – Natural Heritage

T2 – Managing the Transport Impact of Development

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

D1 – Quality Placemaking by Design

NE2 – Green Belt

NE8 – Natural Heritage

T2 – Managing the Transport Impact of Development

### **Supplementary Guidance**

The Conversion of Steadings and Other Non-Residential Vernacular Buildings in the Countryside Supplementary Guidance

Bats and Development Supplementary Guidance

## **EVALUATION**

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

#### Principle of development:

Site is located within the Green Belt, and policy NE2 of the Aberdeen Local Development Plan applies. This sets out that buildings of a traditional agricultural character that contribute to the landscape setting of the city can be converted to a residential use provided that it can be demonstrated that the building is no longer suitable for the purpose for which it was originally designed. In this regard the bothy has been empty for a number of years, has no established residential use, and in its current state would not be fit for human occupation. The building appears structurally sound, and the principle of conversion back to a residential use would be acceptable.

#### Scale, massing and design

Policy NE2(4) sets out that extensions to existing buildings as part of a conversion or rehabilitation scheme are acceptable as long as:

1. The original building remains visually dominant;
2. The design of the extension is sympathetic to the original building in terms of massing, detailing and materials; and
3. The siting of the extension relates well to the setting of the original building.

In addition, the Council's Supplementary Guidance on Conversion of Steadings

and Other Non-Residential Vernacular Buildings in the Countryside (SG) sets out that extensions should be subservient in scale and massing to the original building, and the following criteria apply:

1. The aggregate footprint area of extensions should be less than the footprint of the original building;
2. The width and length of any extension should be no greater than those of the original building;
3. The ridge of any extension should be lower, and certainly no higher, than the ridge of the original building, and the roof pitch should not be significantly shallower.

In this case, the extension is significantly longer and wider than the existing bothy. It is acknowledged that the floorspace of the original bothy is limited at just over 40m<sup>2</sup>. However, the proposed extension would see this floorspace increased by more than a further 90m<sup>2</sup> over two floors, to a total of approximately 134m<sup>2</sup>. This would result in a tripling of the floorspace of the original bothy, and would result in the transition of a small bothy into a large single dwelling.

To gain such an increase in floorspace, a large extension would be added to the original building. This extension, at approximately 10m by 7m, would be both longer and wider than the original Bothy – potentially to enable the construction of a usable first floor roofspace. Although the ridge of the extension would be at the same level as the existing bothy, this has been achieved largely artificially - through dropping the ground floor level of the extension by approximately 1m in comparison to the floor level of the bothy. In reality, the overall ridge height of the extension (at 6m from ground level) is higher than that of the existing bothy (5.2m). As a result, the scale and massing of the proposed extension is significantly larger and not subservient to the scale and massing of the bothy. The proposal therefore clearly fails to meet the criteria for extensions to enable the conversion of vernacular buildings in the countryside as set out in the SG and in policy NE2(4) and are considered to have a detrimental impact on the character and appearance of the Green Belt.

Policy D1 requires proposals to take due consideration of their setting and context. The context of this proposal is its setting within the Green Belt. As discussed above, the proposal, due to its design, scale and massing, is considered to have an adverse impact on the character and appearance of the green belt. As such, it would also be contrary to the requirements of policy D1.

Impact on residential amenity:

The only immediate neighbouring dwelling is the farmhouse, immediately to the east and within the same ownership. The proposal contains a side facing window in the east elevation, serving the dining room and a small bathroom window, both looking out towards the farmhouse. However, as this is a ground floor window, suitable boundary treatment(s) can ensure no unacceptable levels of

overlooking between the two properties. The first floor roofslope contains a roof light facing the farmhouse. Again, due to this type of window, it would be unlikely to result in unacceptable levels of overlooking.

The distance between the proposed extension and the farmhouse would be too great to result in a loss of light.

Impact on local highway conditions:

The site layout plan shows two dedicated parking spaces, which would be acceptable for a two bedroom property in this location. Served by the private road, which also provides access to the farm and two further dwellings – a total of four. This private road leads into the A944 further south. The potential increase in traffic resulting from the development of this single property would not result in adverse impacts on local highway conditions.

Impact on protected species:

Bats are European Protected Species. The Council has produced Supplementary Guidance in relation to Bats and Development, setting out the legal obligation the Council has in ensuring no bats, roosts or habitats are unduly harmed.

The application was accompanied by a bat survey, undertaken in August 2015. The survey included a visual inspection of the building and a dusk emergence survey undertaken over one night. The results showed that there was no bat roost in the building, and the proposal would not have an adverse impact on bats, their roosts or habitats.

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 case, policies NE2 (Green Belt), D1 (Quality Placemaking by Design), T2 (Managing the Transport Impact of Development) and NE8 (Natural Heritage) are relevant. Representations have been submitted for all of these policies and only carry limited weight. With regards to policy NE2 (Green Belt) the relevant parts of this policy have not been changed. Based on the evaluation set out above, the proposal would be contrary to this proposed policy.

## **RECOMMENDATION**

**Refuse**

## **REASONS FOR RECOMMENDATION**

Even though the principle of the conversion of the bothy to a residential dwelling would be considered acceptable, the proposed extension to enable this conversion, due to its scale, massing and design would be significantly larger and not subservient to the scale and massing of the original bothy. The proposal would therefore fail to comply with policies NE2 (Green Belt) and D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan, policies NE2 (Green Belt) and D1 (Quality Placemaking by Design) of the Proposed Local Development Plan and the Conversion of Steadings and Other Non-Residential Vernacular Buildings in the Countryside as it would not respect its setting and context and is considered to have an adverse impact on the character and appearance of the green belt in this location.



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

## The Town And Country Planning (Scotland) Act 1997

### Refusal of Planning Permission

Miss Nicola Webster  
Derbeth Bothy  
Kingswells  
Aberdeen  
AB15 8SD

on behalf of **Miss Nicola Webster**

With reference to your application validly received on 3 February 2016 for Planning Permission under the above mentioned Act for the following development, viz:-

**Conversion and extension of existing bothy to create one dwelling  
at Borrowstone Bothy, Borrowstone Farm, Kingswells**

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: 171697;  
Detail: Location; Drawing No: PL-01;  
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160109&index=171697>

Document No: 171701;  
Detail: Proposed Site Layout; Drawing No: PL-05;  
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160109&index=171701>

Document No: 171702;  
Detail: Proposed Layout; Drawing No: PL-06;  
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160109&index=171702>

Document No: 171703;

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DIRECTOR

Detail: Proposed Elevations; Drawing No: PL-07;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160109&index=171703>

Document No: 171704;

Detail: Proposed Section; Drawing No: PL-08;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160109&index=171704>

Document No: 171705;

Detail: Visual 1; Drawing No: PL-09;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160109&index=171705>

Document No: 171706;

Detail: Visual 2; Drawing No: PL-10;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160109&index=171706>

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

Even though the principle of the conversion of the bothy to a residential dwelling would be considered acceptable, the proposed extension to enable this conversion, due to its scale, massing and design would be significantly larger and not subservient to the scale and massing of the original bothy. The proposal would therefore fail to comply with policies NE2 (Green Belt) and D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan, policies NE2 (Green Belt) and D1 (Quality Placemaking by Design) of the Proposed Local Development Plan and the Conversion of Steadings and Other Non-Residential Vernacular Buildings in the Countryside as it would not respect its setting and context and is considered to have an adverse impact on the character and appearance of the green belt in this location.

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

Document No: 171697;

Detail: Location; Drawing No: PL-01;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160109&index=171697>

Document No: 171701;

Detail: Proposed Site Layout; Drawing No: PL-05;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160109&index=171701>

Document No: 171702;

Detail: Proposed Layout; Drawing No: PL-06;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160109&index=171702>

Document No: 171703;

Detail: Proposed Elevations; Drawing No: PL-07;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160109&index=171703>

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Document No: 171704;

Detail: Proposed Section; Drawing No: PL-08;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160109&index=171704>

Document No: 171705;

Detail: Visual 1; Drawing No: PL-09;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160109&index=171705>

Document No: 171706;

Detail: Visual 2; Drawing No: PL-10;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160109&index=171706>

**Date of Signing 3 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

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**Continuation**

of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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## NOTICE OF REVIEW

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

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

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

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

**Use BLOCK CAPITALS if completing in manuscript**

**Applicant(s)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

**Agent (if any)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

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

Yes  No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

Appeal statement sets out justification to the Local Review Body for the proposed development in response to comments by the Planning Officer (Report of Handling)

**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 type="checkbox"/>            | <input checked="" 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.

Please find Appeal Statement enclosed

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.

- Appeal Statement

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

**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 25/04/16

**Borrowstone Farm**  
**Appeal to Aberdeen City**  
**Council Local Review Body**

Conversion and extension of  
existing bothy to create one  
dwelling

April 2016





**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**

This Appeal has been made to Aberdeen City Council Local Review Body in relation to  
Application Reference P160109.

**CONTENTS:**

1. CONTEXT + PROPOSAL
2. PLANNING POLICY JUSTIFICATION
3. DESIGN JUSTIFICATION
4. DISCUSSION
5. CONCLUSION

## 1. CONTEXT + PROPOSAL

- 1.1 This Appeal has been made to Aberdeen City Council Local Review Body following the recent refusal of Application Ref: P160109. The application was submitted on the 3rd of February 2016 and determined three weeks later on the 26th February 2016.
- 1.2 This application proposes the redevelopment of an existing bothy building at Borrowstone Farm, Kingswells, Aberdeen (Fig 1) to form a single dwellinghouse. The appellant proposes to reside within the bothy once it has been redeveloped.
- 1.3 Borrowstone Farm is located to the west of Aberdeen City, between Kingswells and Westhill, within the Aberdeen City Green Belt.
- 1.4 The Farm, and application site, is accessed by private track to the east. This track is accessed by an unclassified road which runs north-south between Kingwells and Clinterty. To the west of the application site is open farmland. The nearest properties outwith the ownership of the appellant are located to the east of the farm cluster at the entrance of the private track; 'The Spinney' and 'The Beeches'. The owners do not object to this proposed development and have offered their letters of support. The next property in proximity of the site is approximately 150m west of the application site (Burnhead Farm) who would not be adversely affected by the development.
- 1.5 To the north of the application site (Fig 2) are agricultural sheds and a traditional farm steading. To the east is an existing dwellinghouse—traditional granite farmhouse— and further east are the two abovementioned detached dwellinghouses, of no particular traditional form. The site is moderately confined, and not visible from the public road.
- 1.6 The bothy is 100-150 years old. It has lain vacant at Borrowstone Farm for a number of years, and the appellant wishes to breathe life into it. This bothy is of traditional vernacular style and size. In order to retain and utilise the building's viability, it is proposed that the bothy is extended and refurbished.
- 1.7 The following sections of this statement will discuss planning and design contexts in order to justify a review of the Officer's refusal. We respectfully request that Members consider the reasons for support provided in this report to approve this proposal.



Fig 1: Aerial location of application site, courtesy of Bing Maps.



Fig 2: Detailed aerial, showing existing properties and farm buildings at Borrowstone Farm, access, and neighbouring Burnhead Farm (source: Bing Maps)



Fig 3: View of Borrowstone Farm from road looking north-west, application site highlighted, which is adequately sheltered from view (source: Google StreetView)

## 2. PLANNING POLICY JUSTIFICATION

2.1 As mentioned previously, the application site falls within the Aberdeen City Green Belt. Therefore, the application is assessed against relevant local policy. Although development within the Green Belt is somewhat restricted, a number of development types are deemed acceptable by Aberdeen City Council, and are listed in Policy NE2 of the Local Development Plan. The Case Officer reviews Policy NE2: 'Green Belt' in their Report of Handling, stating that the **principle of development is acceptable** in this instance.

2.2 The Officer then turns to review Part 4 of Policy NE2, which reads;

*4. Proposals for extensions of existing buildings as part of a conversion or rehabilitation scheme will be permitted in the green belt provided:*

*a) the original building **remains visually dominant**;*

*b) the design of the extension is **sympathetic to the original building** in terms of massing, detailing and materials; and*

*c) the **siting of the extension relates well** to the setting of the original building.*

2.3 The Case Officer deems the development to create **no adverse impact** on neighbouring properties or the existing transport network. It has also been demonstrated that there is **no risk** to natural heritage or Protected Species. However according to the Officer, the proposal does not satisfy certain criteria within the Supplementary Guidance: 'Other Non-Residential Vernacular Buildings in the Countryside'.

2.4 The Officer has therefore refused the application on this basis. We would contend the Officer's opinion outlined in the Report of Handling that the application should be refused simply on this basis, and we support that there is other sufficient policy and design justification to outweigh this view.

2.5 Notwithstanding these three points above, the Officer does not go on to acknowledge further advice within the same Supplementary Guidance which may negate this view, and lend support to the proposed development, for example;

*"Modest extensions will be permitted to allow small steadings to satisfy **present day expectations** of standards of accommodation" (page 8). This will be discussed further in para 3.4 of this report. The same Supplementary Guidance acknowledges that extensions may be required to substantiate smaller buildings.*

2.6 It is also states; *"Large extensions will not be permitted to enable a steading that could comfortably accommodate one or more dwellings, to accommodate a higher number of units" (SG, page 8). This application proposes the conversion of a single bothy building to*



Fig 4: Proposed site layout showing bothy (solid line) and extension (dashed line)



Fig 5: 3D visual of how the bothy could look, viewed from the north-west.

create a single habitable dwelling, therefore we do not believe to be unreasonable.

2.7 Furthermore, this Supplementary Guidance actually promotes architecturally interesting and contemporary styles to reinforce the vernacular structure as is proposed in this application;

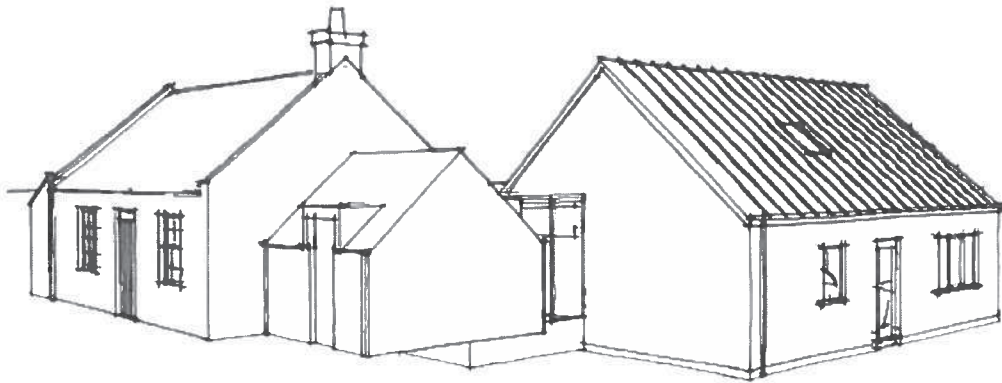
*"The best conversions **reinforce the original architectural qualities** of a building. Sometimes, innovative and **contemporary interventions can successfully contrast** with, yet highlight a building's traditional qualities... (page 8)*

*...designs which **attempt to replicate** the local vernacular, but employ modern building techniques and materials, **should be avoided**. Often, well executed crisply detailed **contemporary interventions** formed in good quality materials, which respect the character and scale of the original building, **complement the original building to a greater degree**" (page 9).*

2.8 Policy D1 advises that high quality design is achieved through a number of aspects, which include; "siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including ... open space, landscaping and boundary treatments". The proposed bothy extension is intended to enhance an existing vernacular feature of Borrowstone Farm, and bring it back into viable use. The list of considerations within D1 have been duly accounted for in the proposed design;

- Siting: the extension is positioned within the curtilage of the bothy. Access to the new dwelling is taken from the north, where the original bothy would act as the frontage, emphasising the traditional vernacular element of the building over the extension.
- Scale & Massing: the size of this extension enables the property to be used viably as an independent dwellinghouse within the farm holding. The original bothy remains visually dominant on the approach from the east.
- Materials: the retention of the granite bothy is the key feature of this proposal, and is promoted through Policy D4: 'Aberdeen Granite Heritage'. White render and metal standing seam roofing will provide a high quality contemporary look for the extension. The bothy and extension components will be harmonised through the proposed traditional and contemporary aesthetics.
- Orientation: the dwelling has been designed to take advantage of its orientation. South-facing windows within the Master Bedroom (located within the original bothy) will gain sunlight through eastern morning sunrise to midday. The Living Room is located at the southernmost point of the dwelling with a glazed southern elevation to gain maximum daylight (see para 2.6 above).

- Landscaping/ boundary treatments: mature planting on the southern boundary of the application site provides an adequate boundary treatment to shelter the dwelling. A courtyard on the east side of the garden space maintains privacy on the eastern boundary at the Dining and W/C rooms.



*Fig 6: Artist's sketch of proposed dwelling looking south-east*

### 3. DESIGN JUSTIFICATION

3.1 The bothy faces north onto the farm grouping, therefore any extension to the bothy would be sited to the west or south. In order to take advantage of views and daylight, the extension has been positioned to the south (Fig 4).

3.2 Further to the discussion outlined in the planning policy section, the application site area is 864 sqm, with the existing bothy holding an area of 45 sqm. This provides a current built-ratio of approximately **5%**.

3.3 The extension proposes a footprint of 90 sqm; thus giving a total built area of 135 sqm; a new built-ratio of approximately **15%**. Supplementary Guidance to the LDP 'Subdivision and Redevelopment of Residential Curtilages' states;

*"In terms of density, as a general guide, no more than a third (**33 percent**) of the total site area for each individual curtilage should be built upon."*

We therefore believe that the proposed dwellinghouse would be appropriate to the site.

3.4 Although the Officer deems the scale of the extension too great, several factors must be considered;

- Rural dwellings are typically larger than those within settlements/ the City;
- Dwellings constructed in the early 20th century are typically larger than contemporary/ volume-built housing;
- Dwellings 1– 1.5 storeys in height typically have a larger footprint than those of two storeys.

This is evidenced within the Scottish Government report, 'Scottish House Condition Survey,' (2013). We maintain that the proposed footprint of the building is sympathetic to the nature of rural residential properties.



**Table 3: Average Internal Floor Area (m<sup>2</sup>) by Urban/Rural Location, 2013**

| Dwelling Age         | Location  |            | All       | Rural %<br>larger |
|----------------------|-----------|------------|-----------|-------------------|
|                      | Urban     | Rural      |           |                   |
| Pre-1919             | 95        | 131        | 105       | 38%               |
| 1919-1982            | 84        | 98         | 86        | 16%               |
| Post-1982            | 95        | 135        | 103       | 42%               |
| <b>All Age Bands</b> | <b>89</b> | <b>118</b> | <b>94</b> | <b>32%</b>        |

Fig 7: Source; Scottish House Condition Survey, Scottish Government "Rural dwellings are 32% larger than urban dwellings on average based on internal floor area" (page 12)



Fig 8: Floorplan of the proposed dwelling (ground floor left, roof space right). This is a reasonable sized dwelling, with essential, modest sized rooms.

#### 4. DISCUSSION

4.1 This report has demonstrated reasons for Members of the Local Review Body to support the approval of P160109.

4.2 The Case Officer reviewed this planning application in relation to several policies, and concluded that, through Supplementary Guidance, the reason for refusal is;

*"[the extension's] scale, massing and design would be significantly larger and not subservient to the scale and massing of the original bothy"*

However, as explained previously, we contend this reasoning. The design of the extension is justified in order to create a reasonably sized, habitable rural dwellinghouse. This is confirmed by Scottish Government research (para 3.6 of this report).

4.3 The original bothy has a small footprint, which means that any proposed extension would be difficult (in design terms) to appear subservient. We have attempted to successfully mitigate this through siting and orientation to allow the bothy to remain as the key focal point.

4.4 Reviewing the Case Officer's Report of Handling, it is apparent that the proposed development does comply with a number of local planning policies. This includes the principle of the development within Green Belt, no adverse impact on neighbours, the natural environment or Protected Species, and no impact to the existing transport network. The Case Officer has essentially refused the application on the basis of one part of Supplementary Guidance despite numerous other policy support.

4.5 Nonetheless, aspects of the same Supplementary Guidance may have even been applied *in support of the application* (para 2.6).

4.5 Notwithstanding the policy and design justification, there have been no representations of objection to the Planning Service as the site is within a farm holding, owned and occupied by the appellant. The proposed dwelling is to remain occupied by a member of the appellant family. The appellant simply wishes to renovate and revitalise this currently redundant bothy.

## 5. CONCLUSION

- 5.1 We hope that the information in this report adequately communicates the support for this proposed development at Borrowstone Farm for Members of the Local Review Body. We welcome a visit to the application site to support the evidence presented within this report if Members are minded to do so.
- 5.2 There are a number of reasons for overturning the Officer's decision of refusal explained in previous sections. We believe that the Case Officer has refused the application on the basis of one small section of Supplementary Guidance, despite expressing adequate policy support for the development, and could have utilised their discretion and professional judgement.
- 5.3 We respectfully appeal to the Local Review Body to exercise their judgement and allow this bothy to be brought back into use, with no impact on people, roads, or the environment, minimal visual impact, and allow a new home to be created.

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# Agenda Item 3.2

Signed (authorised Officer(s)):

103B Rosemount Place, Aberdeen

Replacement windows

For: Mr R. Indus-Rathy

Application Type : Detailed Planning  
Permission

Application Ref. : P160141

Application Date : 23/02/2016

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

Advertised on : 02/03/2016

Officer : Linda Speers

Creation Date :

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

Community Council: No comments

## **RECOMMENDATION:**

### **Refuse**

### **DESCRIPTION**

The application site is located on the east-side of Rosemount Place and comprises of a 1<sup>st</sup> floor flatted development situated within the middle section of a terrace. The site lies within the Rosemount & Westburn Conservation Area and Rosemount Place is a busy mixed-used hub where the ground floor units are occupied by a variety of local shops. The upper levels form residential flats and this particular block is a 2.5-storey terrace development which spans an entire block between Short Loanings and Eden Place. The building is finished with ashlar coursed granite and consists of a uniformed and structured fenestration with symmetry in both the window arrangements and style. The windows are brown painted timber sash and case circa 30/70 spilt, with the upper sash spilt into 6 / 8 small panes with traditional astragal detailing. The windows have an alternative opening mechanism which allows them to open in a casement style but ultimately display the true features of a stepped sash and case window. The windows are the same throughout the building including the rear elevations which is clearly visible from Short Loanings. The immediate area is characterised by similar terrace mixed-use buildings and though some of the properties have replaced or altered windows inappropriately over time, many retain the character and essence of this Conservation Area.

## RELEVANT HISTORY

None

## PROPOSAL

Planning permission is sought to replace all 5no. original windows to the 1<sup>st</sup> floor property which affects the front and rear elevations. The proposed replacements would fit the existing openings with a different arrangement and design. The proposed replacement windows are casement double glazed in PVC rosewood with a tilt and turn operation and planted-on astragals.

## 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=160141>

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

## CONSULTATIONS

**Roads Development Management** – No observations

**Environmental Health** – No observations

**Flooding** – No observations

**Community Council** – No comments received

## REPRESENTATIONS

No letters of objection have been received.

## PLANNING POLICY

- **National Policy and Guidance**  
Scottish Planning Policy
- **Aberdeen Local Development Plan 2012**  
Policy D5 – Built Heritage  
Policy H1 - Residential Areas
- **Other Material Considerations**  
Scottish Historic Environment Policy (SHEP)  
TAN: The Repair and Replacement of Windows and Doors  
'Windows' guidance note from Historic Scotland's 'Managing Change in the Historic Environment' series  
Rosemount and Westburn Conservation Area Appraisal  
Proposed Aberdeen Local Development Plan

## **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

Both the Council's Technical Advice Note and Historic Scotland's 'Windows' guidance note state that, where there is no alternative to replacement; new windows should be sensitively replaced in an environmentally sensitive way which is in keeping with the character of the original building and the quality of its design. The current sash and case windows are unique to this particular block of flats, designed in timber with multi-pane upper sash and traditional astragal detailing. Consultation with colleagues in Masterplanning and Conservation established agreement that in this situation the only acceptable replacement would be based on a replication. This was relayed to the applicant's agent and subsequently dismissed.

The Council's Appraisal of this particular Conservation Area states that, it is acknowledged that one of the major contributing factors to the character of any area is the uniform treatment of fenestration. Many of Rosemount's tenements have already lost this uniformity as a result of inappropriate window replacements. The building within which the application site is located is a very good example of the uniform treatment of fenestration having been preserved, which contributes positively to the character of the building and furthermore the character of the wider Conservation Area. Any replacement windows should therefore respect this uniformity and endeavour to carefully match new windows to the most prevalent and appropriate existing appearance, this will assist in creating a degree of uniformity in terraces, thereby preserving and enhancing the character of the area. In this situation the proposed replacements, which are of a PVC tilt and turn window design with planted-on astragals, would appear incongruous and compromise the architectural integrity of the building.

The approval of this application would create an undesirable precedent for similar proposals which, if replicated, would cumulatively result in further erosion of the traditional character of both individual buildings and the wider conservation area. The proposal does not accord the supplementary guidance: TAN – The Repair and Replacement of Windows and Doors, nor with Policy D5 and H1 of the Aberdeen Local Development Plan 2012.

The property lies within the Rosemount & Westburn Conservation Area and Historic Scotland 'Scottish Historic Environment Policy' (SHEP) must be referred to in determination of the application. SHEP states that the planning authority must pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area when determining applications. It is considered that the work would have an adverse effect on the character of the Conservation area and ultimately the loss of special architectural interest. Approval of this application would create an undesirable precedent for similar proposals resulting in further erosion of the character, therefore the application is recommended for refusal as it does not comply with this policy and policy D5 and with Historic Scotland's guidance - Managing Change in the Historic Environment.

### 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, however in this instance it is not considered that the applicable policies would introduce material change to the manner in which this application would be determined.

## **RECOMMENDATION**

### **Refuse**

## **REASONS FOR RECOMMENDATION**

1. The proposal is contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policy D5 of the Aberdeen Local Development Plan 2012 as the replacement windows do not enhance the character of



the Rosemount & Westburn Conservation Area. The proposed window design and detail impacts significantly on the current uniform fenestration and contrary to the guidance contained in Technical Advice Note – The Repair and Replacement of Windows and Doors and Historic Scotland’s guidance - Managing Change in the Historic Environment.

2. The proposal is contrary to Policy H1 of the Aberdeen Local Development Plan 2012 as the proposal would have an adverse impact on the character of the area.
3. Approval of this application would create an undesirable precedent for similar proposals resulting in further erosion of the character of the conservation area.

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## The Town And Country Planning (Scotland) Act 1997

### Refusal of Planning Permission

Cr Smith  
CR Smith  
Gardeners Street  
Dunfermline  
KY12 0RN

on behalf of **Mr R. Indus-Rathy**

With reference to your application validly received on 23 February 2016 for Planning Permission under the above mentioned Act for the following development, viz:-

**Replacement windows  
at 103B Rosemount Place, Aberdeen**

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

Document No: 172257; Detail: Location Plan; Drawing No: not provided;  
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160141&index=172257>

Document No: 172260; Detail: Proposed Window Details; Drawing No: not provided;  
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160141&index=172260>

Document No: 172912; Detail: Existing & Proposed Windows; Drawing No: 001A;  
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160141&index=172912>

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

1. The proposal is contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policy D5 of the Aberdeen Local Development Plan 2012 as

PETE LEONARD  
DIRECTOR

**Continuation**

the replacement windows do not enhance the character of the Rosemount & Westburn Conservation Area. The proposed window design and detail impacts significantly on the current uniform fenestration and contrary to the guidance contained in Technical

Advice Note - The Repair and Replacement of Windows and Doors and Historic Scotland's guidance - Managing Change in the Historic Environment.

2. The proposal is contrary to Policy H1 of the Aberdeen Local Development Plan 2012 as the proposal would have an adverse impact on the character of the area.

3. Approval of this application would create an undesirable precedent for similar proposals resulting in further erosion of the character of the conservation area.

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

Document No: 172257; Detail: Location Plan; Drawing No: not provided;  
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160141&index=172257>

Document No: 172260; Detail: Proposed Window Details; Drawing No: not provided;  
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160141&index=172260>

Document No: 172912; Detail: Existing & Proposed Windows; Drawing No: 001A;  
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160141&index=172912>

**Date of Signing**



**Daniel Lewis**  
Development Management Manager

Enc.

PETE LEONARD  
DIRECTOR

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

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

Regulation 28(4)(a)

Form 1

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

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

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

Notices of review submitted by post should be sent to –

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

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its 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

PETE LEONARD  
DIRECTOR

Country Planning (Scotland) Act 1997.

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 100002641-002

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="CR Smith"/>                     |  |  |
| Ref. Number:          | <input type="text"/>                                      | You must enter a Building Name or Number, or both: * |  |
| First Name: *         | <input type="text" value="Sean"/>                         | Building Name:                                       | <input type="text" value="CR Smith Glaziers"/> |
| Last Name: *          | <input type="text" value="Borthwick"/>                    | Building Number:                                     | <input type="text"/>                           |
| Telephone Number: *   | <input type="text" value="01383 732181"/>                 | Address 1 (Street): *                                | <input type="text" value="Gardeners Street"/>  |
| Extension Number:     | <input type="text"/>                                      | Address 2:   | <input type="text"/>                           |
| Mobile Number:        | <input type="text"/>                                      | Town/City: *   | <input type="text" value="Dunfermline"/>       |
| Fax Number:           | <input type="text"/>                                      | Country: *   | <input type="text" value="UK"/>                |
|                       |   | Postcode: *  | <input type="text" value="KY12 0RN"/>          |
| Email Address: *      | <input type="text" value="sean.borthwick@crsmith.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="R"/>             | Building Number:                                     | <input type="text" value="103B"/>            |
| Last Name: *         | <input type="text" value="Indus - Rathy"/> | Address 1 (Street): *                                | <input type="text" value="Rosemount Place"/> |
| Company/Organisation | <input type="text"/>                       | Address 2:   | <input type="text"/>                         |
| Telephone Number: *  | <input type="text" value="██████████"/>    | Town/City: *   | <input type="text" value="Aberdeen"/>        |
| Extension Number:    | <input type="text"/>                       | Country: *   | <input type="text" value="UK"/>              |
| Mobile Number:       | <input type="text"/>                       | Postcode: *  | <input type="text" value="AB25 2YG"/>        |
| 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="103B ROSEMOUNT PLACE"/>  |
| 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 2YG"/>              |

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="806552"/> | Easting | <input type="text" value="393116"/> |
|----------|-------------------------------------|---------|-------------------------------------|



## 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 of existing timber windows with new PVCu rosewood windows

## 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.

The Planning Department has refused our application on the basis that accepting it would be deemed detrimental to the conservation area. Our proposals differ very slightly to what is already in place. We feel that our proposal is not unsympathetic, does not threaten the visual character of the conservation area and matches the neighbouring properties, the majority of which do not have traditional sash and case windows installed.

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)

Drawings Photo's of Existing

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

P160141

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

09/02/2016

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

01/04/2016

## 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 Sean Borthwick

Declaration Date: 25/04/2016

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# Agenda Item 4.2

Signed (authorised Officer(s)):

Kimberley, 97 North Deeside Road,  
Bieldside

Erection of 2 storey rear extension;  
replacement garage; Raised Platform and  
Driveway to the rear.

For: Ms Lydia Gordon

Application Type : Detailed Planning  
Permission

Application Ref. : P160097

Application Date : 04/02/2016

Advert :

Advertised on :

Officer : Tom Walsh

Creation Date : 31 March 2016

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

Community Council: No response received

## **RECOMMENDATION:**

**Refuse**

## **DESCRIPTION**

The subject site is developed with a detached, double-storey granite house. The principal elevation fronts onto North Deeside Road which facilitates pedestrian access. On both sides are detached, double-storey dwelling houses with north/south orientations. The site is located on a slope which falls north to the south and as such vehicular access is facilitated from Marchbank Road. Marchbank Road is located at a lower level than North Deeside Road and the existing dwellings have a prominent aspect when viewed from this level. The site is bounded to the east and south by granite walls and to the west with a low hedge. It has an area of approximately 610 sq. m.

## **RELEVANT HISTORY**

None

## **PROPOSAL**

Detailed Planning Permission is sought for a double-storey extension to the rear of the existing dwelling house and a double garage with footway crossing to the rear of the site. The proposed extension would have a pitched roof form, sitting perpendicular to that of the existing roof form, and would be sited on a raised

platform in order to maintain a consistent floor level throughout the living area. The roof form would incorporate projecting eaves, south facing at first floor. An area of raised decking, maintaining the internal floor level, would abut the ground floor living area.

The proposed garage would be located in the south eastern corner of the site and adjacent to it would be a double parking bay and bin storage area. This would result in the removal and relocation of a currently unbroken stretch of granite wall.

The proposed materials are a zinc external cladding for side elevations and the roof. The link section would incorporate timber. The southern elevation is to be primarily glass at both ground and first floor levels. The decking area would be formed using timber and granite. The proposed garage materials would be a slate roof, timber cladding to the sides and a granite façade.

The extension would have a ridge height of 9.1m where it meets the decking area, 8.1m at link section and 8.6m when a new section of roof is proposed to meet the existing roof structure. The proposal would have a rear projection of 8.7m and a width of 8.3m. The floor area of the proposal would be approximately 72 sq. m.

### **Supporting Documents**

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at -

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151708>

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

### **CONSULTATIONS**

**Roads Development Management** – No objection

**Environmental Health** - No observations

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

**Community Council** – No comments received

### **REPRESENTATIONS**

None received

### **PLANNING POLICY**

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

---

- Policy D1 – Architecture and Placemaking

- Policy H1 – Residential Areas
- Other Material Considerations**
- 

- Supplementary Guidance: Householder Development Guide

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

---

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

- D1 – Quality Placemaking by Design (*D1 – Architecture and Placemaking in adopted LDP*);
- H1 – Residential Areas (*H1 – Residential Areas in adopted LDP*).

### **EVALUATION**

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

#### Principle of Development

The subject site is located within an area zoned for residential use in the Adopted Aberdeen Local Development Plan (2012) and the Proposed Aberdeen LDP (2015), and relates to an existing dwelling. The development of a rear extension is open to consideration subject to an acceptable form, scale and appearance. In determining what constitutes an acceptable form of extension, the aforementioned local planning policies and associated supplementary guidance will be material to the planning authority's determination.

#### D1 – Architecture and Placemaking

The proposal is not considered to be compatible with the goals of Policy D1 in terms of its siting, topography, scale, massing and proportions.

#### Siting and topography

The site is elevated above the street level from which it is visible. As such the proposal is located in a prominent position and sited on top of a raised platform with an exposed slope running to the southern boundary. In such an exposed position and at the scale proposed the extension would be detrimental to the visual amenity of the adjoining properties, intrusive of their private amenity space and unduly prominent in the street scene on Marchbank Road.

#### Scale

The scale of the development is incongruous with that of the existing dwelling and existing development on adjoining sites. It would serve to dominate the rear elevation of the existing dwelling, the subject site and the immediate surrounding area.

### *Massing*

The visual mass of the proposal is considerable due to the choice of materials and the fact that on all elevations there is a continuous use of only one material; either zinc or glass. This means that there is no transition from one material to another to break up the visual mass, thus exacerbating the already prominent position and scale.

### *Proportions*

The proposal in its current form would run the width of the rear elevation thus blocking from view almost all of the original dwelling. In addition a ridge height of over 9.0m is not considered to be deferential to the existing dwelling.

### H1 – Residential Areas

The proposal is not considered to adhere to Policy H1 (Residential Areas) and the Council's supplementary guidance on householder development for the following reasons:

1. As discussed under Policy D1 (Architecture and Placemaking), elements of the proposal are not considered to be architecturally compatible in design and scale with the original property and surrounding adjoining development. The proposed extension would not be secondary and subservient to the original dwelling and as such, would not only compete with its established form but dominate it. Additionally, while the Council has no issue with the use of contemporary materials, those proposed are considered to increase the issues of massing and visual amenity due to the homogenous use of zinc on both side elevations and throughout the roof structure.
2. It is not possible to calculate the impact of the proposal on adjoining properties in terms of overshadowing and impact of access to daylight as the plans submitted did not give sufficient contextual information. Plans and elevations were requested by Council from the agent to demonstrate the proposed development in the context of surrounding adjoining properties. These plans have not been provided by the agent.

In terms of overlooking, while the proposal is entirely glass on the southern elevation there are no windows proposed on side elevations at first floor level. The proposed projection would mean that there would be no overlooking of habitable windows of adjoining properties.



3. The original dwelling house has previously been added to with a lean to and conservatory. When taking this into consideration the built footprint of the existing dwelling house, as extended, would not double its original footprint.
4. Total development footprint including existing and proposed is 181 sq. m. Site area is 620 sqm, therefore proposed site coverage is 29%. This conforms to guidance, in that the resultant site coverage would not exceed 50%.
5. The proposed side extension would not adhere to the 'Rear & Side Extensions' section, in relation to detached properties in terms of height, scale and width. This has been explained above.

#### *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. In addition to the components of D1 (Architecture and Placemaking) the element of topography as considered under D1 (Quality Placemaking and Design) is pertinent to this application and has been discussed earlier in the report. In summary, it is considered that the proposal raises the same areas of conflict with the policies of the Proposed Plan, and therefore the provisions of the Proposed Plan would not support this proposal.

#### **RECOMMENDATION**

## **Refuse**

### **REASONS FOR RECOMMENDATION**

The proposal does not comply with the relevant policies of the Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking) and H1 (Residential Areas) in addition to the Council's Supplementary Guidance: Householder Development Guide in that elements of the proposal relating to its scale, massing and prominence have not been designed to respect the scale and form of the existing dwelling and impact on adjoining properties. In addition there would be significant detrimental impact on the existing visual and residential amenity of the area. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that the application warrants refusal.



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

## The Town And Country Planning (Scotland) Act 1997

### Refusal of Planning Permission

Taylor Architecture & Building Consultancy Ltd  
22 Bacchante Way  
Kingseat  
Newmachar  
AB21 0AX

on behalf of **Ms Lydia Gordon**

With reference to your application validly received on 4 February 2016 for Planning Permission under the above mentioned Act for the following development, viz:-

**Erection of 2 storey rear extension; replacement garage; Raised Platform and Driveway to the rear.**  
**at Kimberley, 97 North Deeside Road, Bieldside**

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:-

N/A

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

The proposal does not comply with the relevant policies of the Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking) and H1 (Residential Areas) in addition to the Council's Supplementary Guidance: Householder Development Guide in that elements of the proposal relating to its scale, massing and prominence have not been designed to respect the scale and form of the existing dwelling and impact on adjoining properties. In addition there would be significant detrimental impact on the existing visual and residential amenity of the area. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that the application warrants refusal.

PETE LEONARD  
DIRECTOR

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

**Date of Signing 1 April 2016**

A handwritten signature in black ink that reads "Daniel Lewis". The signature is written in a cursive, slightly slanted style.

**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 its 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

PETE LEONARD  
DIRECTOR

Country Planning (Scotland) Act 1997.

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 100010687-001

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: Taylor Architecture and Building Consultants Ltd

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

First Name: \* Steven Building Name:

Last Name: \* Taylor Building Number: 22

Telephone Number: \* 07500026150 Address 1 (Street): \* Bacchante Way

Extension Number:  Address 2: Kingseat

Mobile Number:  Town/City: \* Newmachar

Fax Number:  Country: \* Aberdeenshire

Postcode: \* AB21 0AX

Email Address: \* Steven@taylorarchitecture.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="Ms"/>     | You must enter a Building Name or Number, or both: * |   |
| Other Title:         | <input type="text"/>                | Building Name:                                       | <input type="text" value="Kimberley"/>          |
| First Name: *        | <input type="text" value="Lydia"/>  | Building Number:                                     | <input type="text" value="97"/>                 |
| Last Name: *         | <input type="text" value="Gordon"/> | Address 1 (Street): *                                | <input type="text" value="North Deeside Road"/> |
| Company/Organisation | <input type="text"/>                | Address 2:   | <input type="text" value="Bielside"/>           |
| 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="AB15 9DS"/>           |
| 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="KIMBERLEY"/>             |
| Address 2:  | <input type="text" value="97 NORTH DEESIDE ROAD"/> |
| Address 3:  | <input type="text" value="BIELDSIDE"/>             |
| Address 4:  | <input type="text"/>                               |
| Address 5:  | <input type="text"/>                               |
| Town/City/Settlement:   | <input type="text" value="ABERDEEN"/>              |
| Post Code:  | <input type="text" value="AB15 9DS"/>              |

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="802327"/> | Easting | <input type="text" value="387938"/> |
|----------|-------------------------------------|---------|-------------------------------------|



## 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)

To appeal against the refusal of Planning Application P160097 signed 1st April 2016. Erection of 2 Storey Rear Extension; replacement of garage; Raised Platform and Driveway to the Rear at Kimberley, 97 North Deeside Road, Bieldside.

## 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.

See "Supporting Documents" for reason to appeal.

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)

Drawings TABC 064 EX 101 Location Plan, PP000 EX GF FF, PP001 Existing Elevations, PP002 Rev Ex.Prop Block Plans , PP004 Proposed Elevations. Various Rendered Images and Justification letter.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

P160097

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

01/02/2016

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

01/04/2016

## 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 Steven Taylor

Declaration Date: 26/04/2016

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Our Ref: TABC 064/LRB/letter01

Date: 22-04-16

Councillors of Planning Committee - Local Review Board  
Aberdeen City Council

Dear Sirs / Madam

**Planning Reference P160097**  
**Proposed Extension to the Rear of Kimberley**  
**97 North Deeside Road, Bieldside, Aberdeen AB15 9DS**  
**Appeal to Against Refusal Dated 1<sup>st</sup> April 2016**

With regards to the above appeal we wish to provide background information to the members, to justify our position in allowing the appeal and granting planning permission.

**Background**

The applicant approached Taylor Architecture Ltd to provide Architectural Design services, in order to improve the functionality of the existing dwelling At Kimberley, 97 North Deeside Road, Aberdeen.

The Brief was to;

- Provide a family orientated "Heart" of the dwelling that is Light, Bright and Welcoming
- Use a simple Geometric Form that is Vernacular in Shape, but arranged in a modern form.
- Use a Palette of Materials that compliments Granite, and can be 100% Re-usable / Re-cycleable.
- Consolidate numerous elements of extensions "As Existing" into a singular and functional space
- To address Vertical Circulation issues, and make more user and child friendly
- Remove Congestion on March bank road by Providing 3no. off street parking Bays
- To provide an Additional Bedroom and Sanitary Facilities to allow Family Growth

**Planning Permission Process**

- Planning permission was lodged on 01-02-2016 and Validated thereafter 04-02-2016. The application was assigned to Tom Walsh – Planning Technician
- 08-03-2016 Taylor Arch – Technician discuss application, some concerns about size raised. Technician hadn't visited site at this point.
- 18-03-2016 The Officer responds with concerns Noted below.
- 20-03-2016 Taylor Arch Issues response to each point to discuss design Development and Precedence.
- 21-03-2016 Taylor Arch Issues Images showing Precedence on Marchbank Road
- 24-03-2016 Taylor Arch Issues 3d drawings showing the immediate neighbours to show Relative Size, Shadow and Mass
- 29-03-2016 Technician advises that despite 3d views and justifications report recommending refusal to be prepared
- 29 -03-2016 Taylor Architecture advise that 3d Views were to demonstrate how proposals stood as lodged, Taylor Arch request information about Aberdeen City Council Design Consultant whom was included within the review process.
- 30-03-2016 Taylor Architecture advise that the ridge height of the Main Body of extension can be reduced to that of the Link section and a high level window can be incorporated into the Dining Area
- 31-04-2016 Taylor Architecture advise that after discussions with the client the application should be determined with a Reduced Ridge Height, drawings can be Re- issued by 04-04-2016
- 01-04-2016 Technician Issues Refusal not permitting any further change to the scheme

No objection was made during the notification process, and immediate neighbours have been notified and supportive during the pre-application process.

## **Officers Concerns**

The Main areas of concern raised by the planning officer surrounded the following;

### **Materials**

1. Zinc Cladding deemed to be not appropriate given the surrounding context.
2. Councils Policy to retain Granite and Re-use where possible
3. Mix of Materials

### **Scale**

1. The extension was viewed as too large in Scale and Mass and dominates the existing site and adjoining properties.
2. The Extension is viewed Not subservient enough
3. The Visual Impact could be detrimental to the amenity of the surrounding area
4. Visual Bulk and Overshadowing could have impact on the adjoining properties.

## **Response to Concerns**

### **Materials**

We disagree with the Technicians comment. The proposals offer a mixed palette of High Quality materials, accumulating re-used Granite from the down takings and locally sourced, Vertical Timber cladding boards at (link section and garage), traditional roof slates partially re-used, curtain walling Aluminium profiles, glass panels and balustrade.

The zinc panels are a high-end specification material, which, in terms of colour and texture is far more in harmony and natural looking when combined with Granite and slates. It is 100% re-cyclable and does not degrade or "weather down" like other solutions. See enclosed Design Statement.

We considered and design tested the following alternatives and mix of materials;

1. Timber cladding (on elevational scale), whilst giving a natural finish, will lead to an elevation that discolors under UV degradation and does not provide a stable finish.
2. Granite (on elevational scale) will never blend into match the existing, other than picking out basecourses or boundary features we felt Granite on a larger scale would be unbalanced on the rear streetscape.
3. Dry dash/ Wet Dash Harling. Whilst the use of renders are appropriate in some contexts and favoured by Home developers, it doesn't meet the brief in terms of Clean Lines and quality of finish sought to ensure successful execution of the proposed works.

Our conclusion during the design development stage was that a sheet metal product best conveys the style and shape, delivering the visual impact sought by the applicant. By re-using all of the existing granite on site and sourcing home grown Scot larch boards the Zinc could be complimented with using locally sourced (low embodied energy) materials.

### **Scale**

Whilst we view the proposals as a large dwelling extension, we cannot agree with the Technicians view that it is too big or dominant within its surroundings.

Our proposed extension does not;

1. Breach the projection line to the rear Line of Dwellings to the West / East of it situation. On Plan, the existing extension to the neighbouring 95 North Deeside Road projects further.
2. Impact the principal street elevation of the property, and due to the existing dwellings depth and proximity remain unaltered by the proposals.
3. Overlook or over shadow any principal elevation of the neighbouring properties. The face of the proposed extension measures 41m to the line of the rear extensions on properties to the Southside of Marchbank road.
4. Exceed the typical Plot ratio to be found on this section of North Deeside road. The proposed Footprint of the created dwelling would give a relatively low ratio of 22.5% of the site.
5. Cause local roads and parking issues, relieving congestion with the additional off street parking. This is a safer and more secure solution for the applicant.

The preparation and inclusion of 3d Visual drawings provides confirmation that property is not over bearing or obtrusive to either the immediate neighbours or property's to the South, re-inforced by no Material objection being made via the notification process.

The Technicians interpretation of Mass and Scale is inconsistent with the other applications in close proximity. Application P121792 was approved unconditionally by another city officer.  
<http://planning.aberdeencity.gov.uk/docs/planningdocuments.asp?appnumber=121792>

This application contains a dwelling extension that carries more visual dominance on the street and more obtrusive as a result of being built on the boundary.

The owners of The Paarl 95 North Deeside Road, have engaged the services of Taylor Architecture Ltd to prepare and lodge a planning application to extend the height of the existing extension shown on the rendered streetscapes. Lodgement of this application is imminent and of consideration when reviewing impact of the proposals at Kimberley No.97.

### **Determination**

As shown on the above Planning Permission Timeline, we further reviewed the Technicians concerns and sought to revise the scheme drawings by reducing the Ridge height of the main extension by approximately 600mm to match that of the Link Section. The planning department did not allow the revised drawings to be submitted before expiry of statutory 2 month period.

We understand that the determination time period of Planning Applications is a performance indicator for the department, however it was particularly severe, not to allow these changes to be made over an additional 24-48 Hours period.

This would have provided members with the most recent design drawings for consideration.

We would welcome the Members to view the property in order to engage with the site context, and review the minimal impact on surroundings.

### **Conclusion**

- The proposed extension has been designed to ensure the best possible appearance for the development in relation to the surrounding area, taking into account its current built form and maintaining a quality streetscape viewed by users on Marchbank Road
- The scale, massing and height are appropriate and requisite to delivering modern quality of living.
- The proposals display a high standard of design using appropriate materials, textures and colours which are sensitive to the surrounding area. An adequate amount of private garden space and parking has been provided to serve the dwellinghouse.
- The proposed dwellinghouse will respect the natural and built features on the site which are worth of retention, namely stone boundary walls and planting.
- The proposals have incorporated best practice measures in terms of energy efficiency and maximising the potential for solar gain through the use of glazed curtain walling on the rear elevation and limited sideways aperatures for privacy.
- The extended dwellinghouse will not adversely impact on any important public viewpoints or panoramas and the proposals will not adversely impact on the character of the area.

In conclusion, it is considered that the proposals for extending 97 North Deeside Road comply with the relevant policies in the Aberdeen Local Plan.

We therefore respectfully request that the members consider allowing the appeal. Should the members consider that a reduction in ridge height of approximately 600mm be beneficial and acceptable to the scheme, we would ask that such a condition could be included in allowing the appeal.

Yours Faithfully

Fig 01 Use of Zinc Cladding to extend the Former Pittfodels Station. It forms a substantial proportion of the building envelope and enhances the historical building. ,



Fig 02 Unconditionally Approved Extension at Junction between Marchbank Road and Golf Road. The extension is built onto the rear and adjoining neighbours boundary. The extension forms a non-traditional courtyard and has an eaves height, in part, that is higher than the original house . P121792

