

Public Document Pack



To: Councillor Milne , Convener; and Councillors Cameron, Crockett, J Morrison and Sandy Stuart

Town House,
ABERDEEN 13 July 2016

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in Committee Room 4 - Town House on **WEDNESDAY, 20 JULY 2016 at 10.00 am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

- 1 Procedure Notice (Pages 7 - 8)

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 CASE UNDER SECTION 43A(8)(C) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 ON THE BASIS THAT THE APPOINTED OFFICER FAILED TO GIVE THE APPLICANT NOTICE OF THEIR DECISION OR DETERMINATION WITHIN THE PERIOD ALLOWED FOR DETERMINATION OF THE APPLICATION

PLANNING OFFICER - GARETH ALLISON

- 2 5 Donmouth Road -demolishion of existing single storey conservatory to rear and replace with single storey extension, new dormer windows to front and back of elevation - 151967

Members, please note that this review has not yet been determined and this is an appeal on grounds of non-determination. A decision has to be made by members of the Local Review Body.

3 Planning Advice note and various plans (Pages 9 - 14)

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151967>

4 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:

Proposed Aberdeen Local Development Plan

Policy D1 – Quality Placemaking by Design:

Policy H1 – Residential Areas:

Aberdeen City Council Supplementary Guidance

Householder Development Guide – Pages 5 - 6: General Principles:

Householder Development Guide – Page 11: Dormer Windows: Older Properties of a Traditional Character:

Householder Development Guide – Page 12: Traditional Properties – Rear Elevations and Exceptions:

Householder Development Guide – Pages 13 - 15: Dormer Windows: Modern Properties:

The policies can be viewed at the following link:-

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

5 Notice of Review with supporting information submitted by applicant / agent
(Pages 15 - 50)

6 Determination - Reasons for decision

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

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

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

PLANNING OFFICER - LUCY GREENE

- 8 Seabreeze Cottage - proposed extension of garage to side of dwelling house - 160203

- 9 Delegate Report, plans and Decision Notice (Pages 51 - 60)

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=160203>

- 10 Planning policies referred to in documents submitted

Members, the following planning policies are referred to:-

National Planning Policy

- Scottish Planning Policy (SPP)
- Scottish Historic Environment Policy (SHEP)

Aberdeen Local Development Plan

- Policy D1 – Architecture and Placemaking
- Policy D5 – Built Heritage
- Policy NE2 – Green Belt

Other Material Considerations

- Historic Environment Scotland (HES) ‘Managing Change in the Historic Environment – Setting’

Proposed Aberdeen Local Development Plan

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

- Policy D1 – Quality Placemaking by Design
- Policy D4 – Historic Environment
- Policy NE2 – Green Belt

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

- 11 Notice of Review with supporting information submitted by applicant/agent (Pages 61 - 80)
- 12 Determination - reasons for decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 13 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

PLANNING OFFICER - NICHOLAS LAWRENCE

- 14 36 Auchmill Road - erection of dwellinghouse - 160044
- 15 Delegate report, plans, decision notice and letters of representation (Pages 81 - 104)
Members, please note that the relevant plans can be viewed online:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=160044>
- 16 Planning policies referred to in documents submitted

Members, the following planning policies are referred to:-

National Planning Policy

- Scottish Planning Policy (SPP)
- Aberdeen City and Shire Strategic Development Plan (SDP)

Aberdeen Local Development Plan

- Policy D1 – Architecture and Placemaking
- Policy D2 – Design & Amenity
- Policy H1 – Residential Areas
- Policy NE6 – Flooding & Drainage
- Policy R7 – Low & Zero Carbon Buildings
- Policy T2 – Managing the Transport Impact of Development

Supplementary Guidance

- Supplementary Guidance: The Subdivision & Redevelopment of Residential Curtilages
- Supplementary Guidance: Transport & Accessibility
- Supplementary Guidance: Low & Zero Carbon Buildings

Proposed Aberdeen Local Development Plan

- D1 – Quality Placemaking by Design
- H1 – Residential Areas
- NC6 – Town, District & Neighbourhood Centres
- NE6 – Flooding & Drainage
- R7 – Low & Zero Carbon Buildings, & Water Efficiency
- T2 – Managing Transport Impact of Development

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

17 Notice of Review with supporting information submitted by applicant/agent (Pages 105 - 114)

18 Determination - Reasons for decision

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

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

Website Address: www.aberdeencity.gov.uk

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

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.

Local Review Body – Planning Advisory Note

Address: 5 Donmouth Road, Bridge of Don
Application Ref: P151967
Scheduled LRB Date: 20/07/16

Review Process

The submitted Notice of review is found to be valid and submitted within the relevant timeframes.

The applicant asks that the review of the submitted information continues to a conclusion without the need for further procedures. However it is for members of the LRB to determine the requirement for further procedures, if they deem them necessary.

Any further procedures will require that the case is deferred to allow due process to take place, relative to such necessary procedures.

Grounds of Appeal

The application was validated by the Planning Authority on **12th January 2016**. The target date for determination was **11th March 2016**. Whilst a draft officer's report was prepared, a final decision was not reached within that timeframe.

The applicant has subsequently appealed on the grounds of non-determination. The purpose of this review is therefore to determine the application, having regard for Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended), which require that regard is to be had to the provisions of the Aberdeen Local 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.

Description of Application

The application property is a 1.5 storey, semi-detached granite dwelling with a fully hipped and slated roof. There is a single flat roofed dormer to the principle elevation. Planning permission is sought to replace the dormer window to the front (south) elevation with one of larger dimensions; and construct a new dormer to the rear (north) elevation. The proposed extension to the rear elevation is deemed to constitute 'permitted' development, due to its dimensions and does not need to be assessed as part of the application.

The proposals have been amended since original submission. The front dormer would reflect the height of the neighbouring dormer, with matching distances from existing ridge and wallheads. The majority of the dormer would be glazed, with minimal apron depth below the windows. The dormer would be built almost directly off the rear of the wallhead with an apron depth of 780mm. The rear elevation is readily visible from Donmouth Terrace.

Supporting Documents

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref.=151967>

Consultations

Roads Development Management

No observations

Environmental Health

No observations

Communities, Housing & Infrastructure (Flooding)

Comments received, which only relate to the proposed extension which does not form part of this application

Community Council

No comments received

Representations

None received

Appellants Case

The appellant's case is contained within the submitted within the Notice of Review Statement.

In summary, the planning application was not determined within a two month period, and the agent was informed that the application could not be supported due to potential issues with the design of the rear dormer. The appellant contends that the application can be approved on the basis that if considered as a traditional property, the rear dormer would meet all the requirements of the relevant supplementary guidance, and would reflect neighbouring dormers within the immediate and nearby area. Justification is provided to support the assessment of the rear dormer as a traditional property under the supplementary guidance.

Relevant Considerations

The following policies and guidance are relevant and applicable to this application:

Aberdeen Local Development Plan

Policy D1 – Architecture and Placemaking:

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

Policy H1 – Residential Areas:

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

- *does not have an unacceptable impact on the character or amenity of the surrounding area*
- *complies with Supplementary Guidance on Curtilage Splits*

Proposed Aberdeen Local Development Plan

Policy D1 – Quality Placemaking by Design:

Substantially reiterates the principles of Policy D1 of the adopted Local Development Plan

Policy H1 – Residential Areas:

Substantially reiterates the principles of Policy H1 of the adopted Local Development Plan

Aberdeen City Council Supplementary Guidance

Householder Development Guide – Pages 5 - 6: General Principles:

This guidance is intended to improve the quality of design and effectively raise the design standards and ground rules against which proposals will be measured.

- *Proposals for dormers should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling*
- *Any alteration should not result in a situation where amenity is ‘borrowed’ from an adjacent property. Significant adverse impact on privacy, daylight and general residential amenity will count against a development proposal*
- *Any existing dormers which were approved prior to the introduction of this supplementary guidance will not be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document*

Householder Development Guide – Page 11: Dormer Windows: Older Properties of a Traditional Character:

- *On the public elevations of older properties the Council will seek a traditional, historically accurate style of dormer window. In addition, all new dormers will have to be of an appropriate scale, i.e. a substantial area of the original roof must*

remain untouched and clearly visible around and between dormers. The main principles to be followed are:

- *Existing original dormers should be retained or replaced on a "like for like" basis. Box dormer extensions will not normally be acceptable on the front elevations;*
- *The aggregate area of all dormers and/or dormer extensions should not dominate the original roof slope. New dormers should align with existing dormers and lower windows and doors;*
- *The front face of dormers will normally be fully glazed and aprons below the window will not be permitted unless below a traditional three faceted piended dormer;*
- *Dormers should not normally rise directly off the wallhead. In the case of stone buildings, dormers which rise off the inner edge of the wallhead will generally be acceptable. The position of the dormer on the roof is very important. Dormers which are positioned too high on the roof give the roof an unbalanced appearance*
- *The outer cheek of an end dormer should be positioned at least 700mm in from the face of the gable wall or 1000mm from the verge. Where there is tabling on top of the gable, the cheek should be at least 400mm in from the inside face of the tabling. It is never acceptable for a dormer haffit to be built off the gable or party wall; and*
- *The ridge of any new dormer should be at least 300mm below the ridge of the roof of the original building. If it is considered acceptable for the dormer ridge to be higher than this, it should not nevertheless, breach the ridge or disturb the ridge tile or flashing.*

Householder Development Guide – Page 12: Traditional Properties – Rear Elevations and Exceptions:

Notwithstanding the design and finish of neighbouring development, the following minimum requirements will apply:

- *The aggregate area of all dormer and/or dormer extensions should not dominate the original roof slope;*
- *Dormer haffits should be a minimum of 400mm in from the inside face of the gable tabling;*
- *The front face of dormer extensions should be a minimum of 400mm back from the front edge of the roof, but not so far back that the dormer appears to be pushed unnaturally up the roof slope.*
- *Flat roofs on box dormers should be a reasonable distance below the ridge;*

- *Windows should be located at both ends of box dormers;*
- *A small apron may be permitted below a rear window; and*
- *Solid panels between windows in box dormers may be permitted but should not dominate the dormer elevation.*

Householder Development Guide – Pages 13 - 15: Dormer Windows: Modern Properties:

Dormers and box dormer extensions have become common features in many modern housing areas, and the wide variety of designs of modern dwellings necessitates a greater flexibility in terms of design guidance. The amenity of other properties and the residential neighbourhood must however, still be protected with the integrity of the building being retained after alteration. The following basic principles may be used to guide the design and scale of any new dormer extension:

- *The dormer extension should not appear to dominate the original roof space.*
- *The dormer extension should not be built directly off the front of the wallhead as the roof will then have the appearance of a full storey. On public elevations there should be no apron below the window, although a small apron may be acceptable on the rear or non-public elevations. Such an apron would be no more than three slates high or 300mm, whichever is the lesser;*
- *The roof of the proposed extension should not extend to, or beyond the ridge of the existing roof, nor should it breach any hip. Dormer extensions cannot easily be formed in hipped roofs. Flat roofed extensions should generally be a minimum of 600mm below the existing ridge;*
- *The dormer extension should be a minimum of 600mm in from the gable. The dormer haffit should never be built off the gable or party walls, except perhaps in the situation of a small semi-detached house where the dormer extension may sometimes be built off the common boundary. In terrace situations, or where a detached or semi-detached bungalow is very long, dormer extensions should be kept about 1500mm apart (i.e. dormer haffits should be 750mm back from the mutual boundary) so as not to make the dormer appear continuous or near continuous;*
- *The outermost windows in dormer extensions should be positioned at the extremities of the dormer. Slated or other forms of solid panel will not normally be acceptable in these locations. In the exception to this situation, a dormer on a semi-detached house may have a solid panel adjacent to the common boundary when there is the possibility that the other half of the house may eventually be similarly extended in the foreseeable future. In this case the first part of the extension should be so designed as to ensure that the completed extension will eventually read as a single entity;*
- *There should be more glazing than solid on the face of any dormer extension.*

- *Box dormer extensions should generally have a horizontal proportion. This need not apply however, to flat roofed individual dormer windows which are fully glazed on the front;*
- *Finishes should match those of the original building and wherever possible the window proportion and arrangement should echo those on the floor below:*
- *The design of any new dormer extension should take account of the design of any adjoining dormer extension.*



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 100014672-001

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:	Cooper & MacGregor LLP		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Angela	Building Name:	
Last Name: *	Cooper	Building Number:	86
Telephone Number: *	01224 323839	Address 1 (Street): *	Summerhill Crescent
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB15 6ED
Email Address: *	mail@cooperandmacgregor.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="Mike"/>	Building Number:	<input type="text" value="5"/>
Last Name: *	<input type="text" value="Gifford"/>	Address 1 (Street): *	<input type="text" value="Donmouth Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB23 8DT"/>
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="WEDDERLAIRS"/>
Address 2:	<input type="text" value="5 DONMOUTH ROAD"/>
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="AB23 8DT"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="809507"/>	Easting	<input type="text" value="394764"/>
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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)

Demolish existing single storey conservatory to rear and replace with single storey extension. New dormer windows to front and back of elevation.

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.

Please see attached documents.

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)

Document detailing application and A1 drawing showing proposals

Application Details

Please provide details of the application and decision.

What is the application reference number? *

151967

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

18/12/2015

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: Mrs Angela Cooper

Declaration Date: 23/06/2016

PLANNING APPLICATION 151967

No 5 DONMOUTH ROAD,

BRIDGE OF DON

ABERDEEN

AB23 8DT

Planning application 151967 has not been determined within a two month period and the agent has been informed by the planner that the application will not be approved unless the rear dormer is positioned 600 mm up from the eaves.

Planning have indicated that the front dormer and rear single storey replacement extension included in the application will be acceptable so the discussion will focus on the rear dormer.

It is hoped that the application be reviewed under the Local Review Body (LRB) in the hope that the application can be approved due to:

- Meeting all of the requirements of the Supplementary Guidance (SG) relating to traditional rear dormers,
- Proposals match the neighbouring property,
- Proposals reflect similar rear dormers in the street and surrounding streets,
- Proposals reflect similar applications in the AB23 8 area.

This application does not contain any unusual proposals and the proposed design matches the neighbouring dormers at No 4 Donmouth Road as this property is joined directly to No 5 Donmouth Road. The proposals are typical of a dormer extension in Donmouth Road and the surrounding streets.

PROPOSALS:

No 5 Donmouth Road, Bridge of Don, Aberdeen, AB23 8DT is a traditional granite property.

Traditional building:

- a building or part of a building of a type constructed before or around 1919,
- using construction techniques that were commonly in use before 1919 and
- with permeable components, in a way that promotes the dissipation of moisture from the building fabric.

No 5 Donmouth Road is classed as a traditional building as it is constructed using techniques commonly in use before 1919 and uses permeable components to promote dissipation of moisture from the building fabric.

Referenced from the Scottish Governments website



Extract of O.S. Map of Aberdeen dated 1924 showing Donmouth Road with surrounding streets; Donmouth Terrace and Donmouth Crescent.

DESIGN CONSIDERATIONS

Currently the first floor accommodation at 5 Donmouth Road is poorly designed; the box room (bedroom 3) and the store to the rear of the property due to the restricted head height are unusable. The applicants would like to alter the first floor accommodation with the addition of two boxed dormers, one to the front and one to the rear, to create two fully usable first floor rooms whilst creating a small shower room. The family require the space to accommodate their growing family. The planning application also contains a replacement single storey extension to the rear of the property.

Many properties in the surrounding area have been extended to the side and feature double height rear extensions. The applicants have selected simple box dormers to preserve the style of the property and prevent any overshadowing whilst preserving the privacy of their neighbours.

The simple box dormers will match the neighbouring property. Box dormers matching the neighbouring former can be seen all round Aberdeen including Donmouth Road and surrounding streets.



Front box dormers positioned on wall head, Donmouth Road

Donmouth Road and the surrounding streets contain many types of roof extensions and many properties have been extended at the first floor. No 10 Donmouth Road has been extensively extended under the current supplementary guidance.



Front box dormers positioned in line with neighbouring traditional properties, Donmouth Road



Front box dormers positioned in line with neighbouring modern styled properties, Donmouth Road



View of No 4 Donmouth Road from Donmouth Terrace, No 5 cannot be viewed directly from the west as it is blocked by No 4 Donmouth Road



View of the rear of properties at Donmouth Road from Donmouth Crescent showing all rear dormers line up.

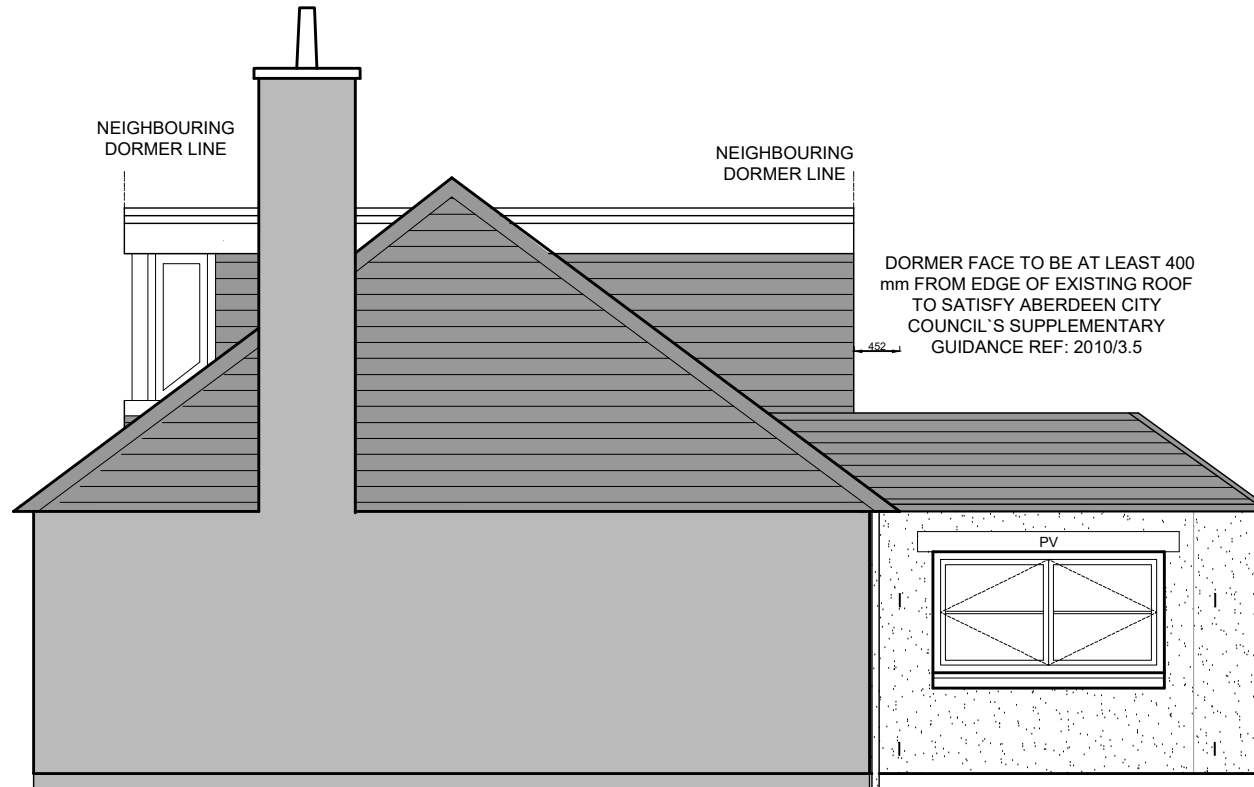
PHOTOGRAPHS OF EXISTING



Looking towards North elevation, rear side of No 5 Donmouth Road.
It is planned that the proposed rear dormer will line up with the existing neighbouring dormer



Looking towards rear side of No 5 Donmouth Road.
It is planned that the proposed rear dormer will line up with the existing neighbouring dormer

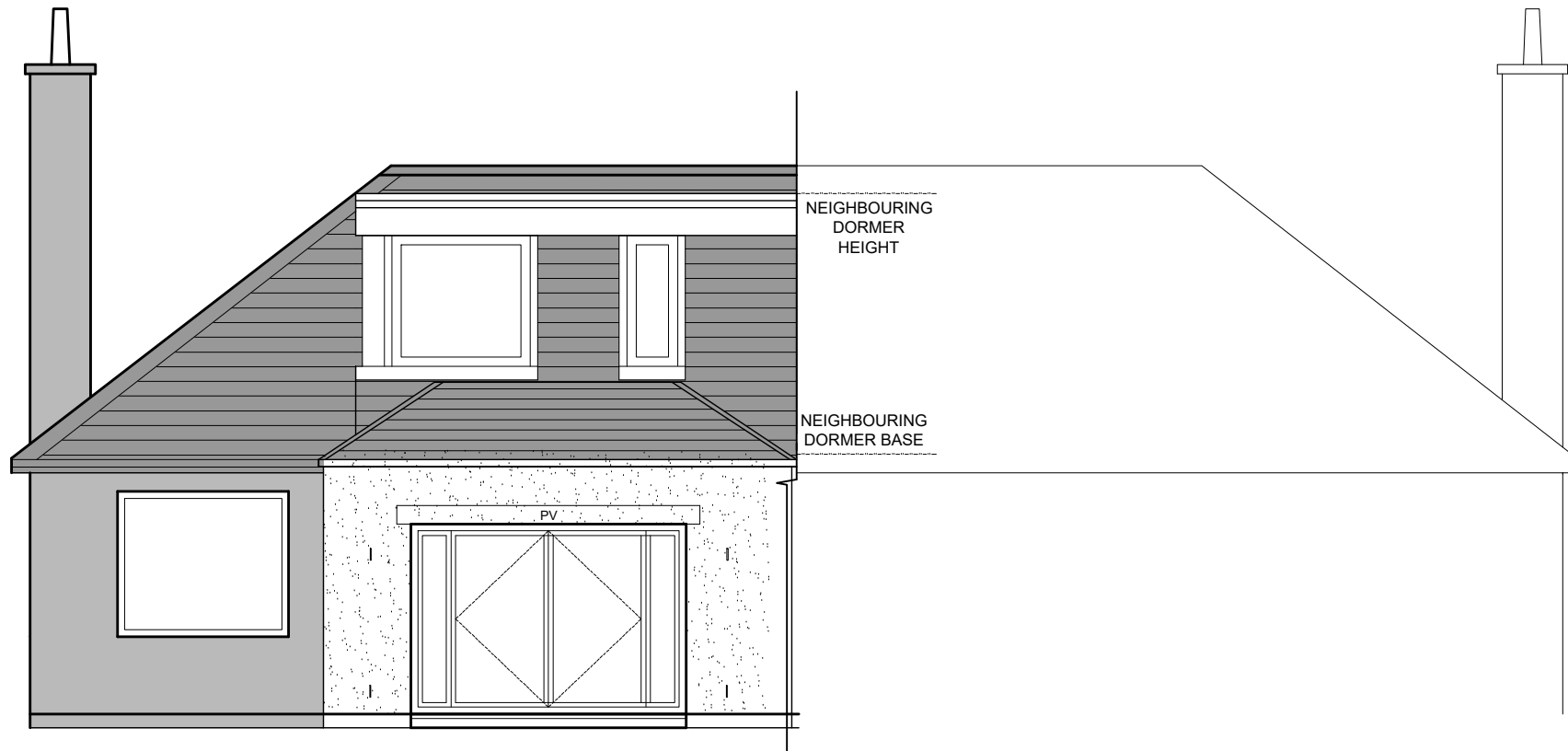


East Elevation.

Elevations clearly show that the dormer lines up with No 4 Donmouth Road

Note added to further show compliance with Supplementary Guidance.

This elevation cannot be viewed as per the drawing due to the distance of No 6 Donmouth Road



North Elevation
Elevation clearly show dormer lined up with dormer at No 4 Donmouth Road

PLANNING POLICIES:

The following guidance has been copied directly from page 7 of Aberdeen City Council`s SG relating to rear dormers to traditional properties:

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

The proposals contained within this application comply with all of the SG above.

The proposals also comply with the guidance relating to dormer extensions with regards to:

- matching materials
- would not extend beyond the roof ridge
- would not extend beyond the roof hip
- proportion of glazing
- depth of the apron
- will not dominate the roof
- takes into account adjoining dormer extension
- is a stone building, therefore a dormer rising off the inner edge of the wall head is acceptable
- is situated in a street where many such extensions have already been constructed/approved
- is situated on the non – public (rear) side of the property.

Similar applications to this have been approved where the proposals fail to meet all of the above but this application meets all of the above.

APPROVED AND EXISTING EXAMPLES:

The following Planning Approved Applications were referenced by the agent as the applications featuring rear dormers which did not meet all the SG requirements:

141617, 140872, 141874, 140087, 150040, 130242, 140866,

The following neighbouring properties were also referenced by the agent as they featured dormers built directly off the wall head:

1, 5, 9 and 11 Donmouth Terrace.

CDM 2015

Under the Construction (Design and Management) Regulations 2015 the term `designer` includes any person who specifies or alters a design. Local authority officers who request a particular feature when there is no planning law or policy to do so will become a designer by default under the CDM 2015.

Under CDM 2015, there is a requirement to appoint persons with sufficient knowledge and experience to fulfil the various roles. A lack of understanding or knowledge on current health and safety legislation will not remove any responsibilities under this law. Breaches in health and safety law can result in prosecution.

The current SG clearly states that rear dormers should be a minimum of 400 mm back from the edge of the roof, our proposals place the dormer 452 mm back from the edge of the roof but despite the written SG the planner for this application has requested that the rear dormer be 600 mm up from the eaves, this would place the rear dormer 1200 mm back from the edge of the eaves, three times the distance specified in the SG.

The agent has requested a copy of the particular guidance relating to this 600 mm measurement but to date this has not been received.

Placing the rear dormer 600 mm up from the eaves creates a difficult and potentially weak detail with the neighbouring dormer with regards to water ingress, furthermore it creates a potential maintenance hazard which could be easily be designed out if the application followed the SG relating to traditional rear dormer extensions.

The agent, as Principal Designer under CDM 2015 requested that Aberdeen City Council acknowledge and accept their role under CDM 2015 for this specified detail but received the following reply:

“Compliance with the CDM 2015 is a structural matter which is dealt with as part of the Building Warrant Assessment, it forms no part of the planning application so unfortunately I am unable to give you any such assurance”.

Email received by agent on 30th May 2016

For the avoidance of doubt, and thinking that the planning officer may have misinterpreted the agents request, the agent highlighted that CDM 2015 applies to all construction projects from concept to completion and is not part of the Building Regulations. Again the agent requested Aberdeen City Council to accept their role and responsibilities under CDM 2015 for this detail, but received the following reply:

“From discussions with my colleagues in Building Standards, I understand that the responsibility for compliance with HSE regs lies with the designing agent/contractor, it is not a role that the planning authority has any involvement”.

Email received by agent on 31st May 2016

THE ROLE OF A DESIGNER UNDER CDM 2015

The designer’s role when preparing or modifying designs is to eliminate, reduce or control foreseeable risks that may arise during construction or maintenance and use of a building after it has been built.

The designer also provides information to other members of the project team to help them fulfil their duties.

PLANNING APPLICATION DETAILS:

Planning Application lodged 18th December 2015

Planning Application validated 12th January 2016

No neighbour or consultation comments received.

Email correspondence between agent and planner attached to this appeal.

Between February – May 2016, the planner made several statements which do not relate to the Householder Guide (HG) or SG issued by Aberdeen City Council. The agent requested clarification of these statements on numerous occasions but the planner failed to forward the written guidance to which these statements related. These statements have been highlighted within the attached emails.

Between February – May 2016, the planner refused to consider examples of similar alterations in Donmouth Road and surrounding street carried out since 2009 under the current HG and SG and failed to accept examples of similar alterations in the AB23 8 postcode. The planner stated:

"I simply don't have the time to spend on research"

Email received by agent on 31st May 2016

Between February – May 2016 the agent struggled to correspond with the planner and almost 50% of emails were left unanswered.

Emails sent by the planner to the agent were full of inconsistencies and contained references relating to incorrect SG or referencing information that could not be found or supplied when requested.

On 16th June 2016 the agent received an email from the planner requesting a copy of our latest drawing. It should be noted that the proposals have not been amended since the 5th April 2016. The revision emailed to the planner on the 24th May 2016 contained an extra dimension showing the 452 mm distance to the rear dormer to further highlight this distance.

CONCLUSION

The applicant hopes that the proposals may be approved under LRB due to full compliance with all SG requirements, full compliance with the planning policies listed above, the proposals completely line up with the neighbouring property and the proposals are in keeping with the neighbouring properties.

The agent would like to be present during the LRB hearing to discuss this application with the panel and would be happy to answer any questions before or during the appeal.

Angela Cooper

From: Sheila Robertson <ShRobertson@aberdeencity.gov.uk>
Sent: 21 June 2016 11:00
To: 'Angela Cooper'
Subject: RE: 019 - 5 Donmouth Road

Angela

The pdf wouldn't open after I saved to desktop, and I was advised by technical support to delete and request a new copy.

Regards
Sheila

From: Angela Cooper [mailto:mail@cooperandmacgregor.co.uk]
Sent: 21 June 2016 10:15
To: Sheila Robertson
Subject: RE: 019 - 5 Donmouth Road

Hi Sheila,

Could you forward the pdf copy so we can see what the problem is?

Kind regards

Angela

From: Sheila Robertson [mailto:ShRobertson@aberdeencity.gov.uk]
Sent: 16 June 2016 09:14
To: 'Angela Cooper' <mail@cooperandmacgregor.co.uk>
Subject: RE: 019 - 5 Donmouth Road

Angela

I'm currently working on the written assessment of the above application, however for some reason I cant save the most recent amended plans to the public site. Could you resend a copy please?

Thanks
Sheila

From: Angela Cooper [mailto:mail@cooperandmacgregor.co.uk]
Sent: 08 June 2016 11:34
To: Sheila Robertson
Subject: RE: 019 - 5 Donmouth Road

Sheila,

Please progress with the amended plans.

Kind regards

Angela

From: Sheila Robertson [<mailto:ShRobertson@aberdeencity.gov.uk>]

Sent: 31 May 2016 10:19

To: 'Angela Cooper' <mail@cooperandmacgregor.co.uk>

Subject: RE: 019 - 5 Donmouth Road

Angela

From discussions with my colleagues in Building Standards, I understand that the responsibility for compliance with HSE regs lies with the designing agent/contractor, it is not a role that the planning authority has any involvement.

I note your comments regarding recent planning approvals, however not knowing the site conditions/history of each application, I am unable to comment on each application individually and how the decision was reached as each application is assessed on its own merits and I simply don't have the time to spend on research. Certainly if the application were to be refused then your clients could quote these examples in support of any appeal against the decision.

I am under instruction to refuse your clients application, even as amended, as in the opinion of the Planning Authority, the proposal fails to meet the guidance contained in the supplementary guidance and does not respect the scale of the existing dwelling and is visually imbalanced. I am unable to enter into any further discussions regarding the proposal, and I would like a decision from your clients as to how to progress the application, the options being either amended plans are submitted within 7 days from today showing a design that would comply with our current guidelines or I refuse the application on expiry of the time period. Your clients can then appeal against the Authorities decision, in which case I will need to know which plan they want to progress for the rear dormer, either the plan as originally submitted or as amended.

Regards

Sheila

From: Angela Cooper [<mailto:mail@cooperandmacgregor.co.uk>]

Sent: 30 May 2016 21:28

To: Sheila Robertson

Subject: RE: 019 - 5 Donmouth Road

Sheila,

The HSE is responsible for the regulation and enforcement of CDM 2015 which applies to all construction projects, from concept to completion.

CDM 2015 is not structural and is not part of the Building Regulations.

If our client decides to modify the design to your specification, we will require information for the Health and Safety File.

With regards to your email dated 26th May:

The following applications relate to rear dormers but unlike our application which complies fully with the supplementary guidance, these applications do not comply fully but have been approved.

Application P141874, Application P140087, Application P150040, Application P130242 and Application P140866.

P150040 is one of your planning approved applications and in your planning report you state that this design does not comply with supplementary guidance, it is accepted that visual balance with surrounding properties would be maintained by relaxing the requirement.

P140866 is a rear dormer built directly on the wall head. The property is in exactly the same style as Donmouth Road.

Our client would like clarification on why these rear dormers have been approved whilst a dormer which complies with all the guidance issued by ACC and matches the neighbour's dormer is about to be refused.

Our client would also like clarification on your statement;

"The guidance clearly states that it is never acceptable to build a dormer close or off the wallhead"

when the written guidance for front dormers clearly states;

"In the case of stone buildings, dormers which rise off the inner edge of the wallhead will generally be acceptable".

I look forward to your reply.

Kind regards

Angela

From: Sheila Robertson [<mailto:ShRobertson@aberdeencity.gov.uk>]

Sent: 30 May 2016 09:30

To: 'Angela Cooper' <mail@cooperandmacgregor.co.uk>

Subject: RE: 019 - 5 Donmouth Road

Angela

Compliance with the CDM 2015 is a structural matter which is dealt with as part of the Building Warrant Assessment, it forms no part of the planning application so unfortunately I am unable to give you any such assurance.

Regards

Sheila

From: Angela Cooper [<mailto:mail@cooperandmacgregor.co.uk>]

Sent: 27 May 2016 09:22

To: Sheila Robertson

Subject: RE: 019 - 5 Donmouth Road

Hi Sheila,

Before our client decides how he would like to move forward, can you confirm in writing that if the client alters the proposals to your exact specification below, Aberdeen City Council accept their responsibilities under CDM 2015 for this detail?

As Principal Designer for this project we will require sufficient information from Aberdeen City Council to satisfy the requirements of CDM 2015.

It would be appreciated if you could reply in writing by close of office today to ensure our client has sufficient time to make a decision.

Kind regards

Angela

From: Sheila Robertson [<mailto:ShRobertson@aberdeencity.gov.uk>]

Sent: 26 May 2016 17:31

To: 'Angela Cooper' <mail@cooperandmacgregor.co.uk>

Subject: RE: 019 - 5 Donmouth Road

Angela

The amended plans have been discussed internally and it is agreed that the rear dormer does not comply with the guidance in that it is built too close to the wall head. The guidance clearly states that it is never acceptable to build a dormer close or off the wallhead as it produces a dormer that is too bulky and dominates the roof, contrary to the guidance. The guidance is open to interpretation; the dimensions you have quoted as being acceptable in terms of distance back from the eaves generally relate to a traditional building with a different roof profile, the suitability of the scale of dormer has to be assessed in terms of the property as a whole, and how it relates to the roof. In your clients case, it has been decided that your clients dormer should be set minimum distance of 600mm up from the eaves to prevent the dormer dominating the roof.. Examples of dormers which have been built under previous(or no guidance) cannot be used as a reason to approve a dormer which fails to meet the current guidance. The dormer at the front was allowed to match the neighbours dormer as it was compliant with current guidance, and ideally the rear dormer should reflect the design of the front dormer.

I agree that this application has taken too long to determine, it would have been easier for me to reach a speedy determination by refusing the application as initially submitted and your client could have appealed against the decision. however I hoped to achieve an amended design that would comply with the guidance and would integrate well with the property, however I can understand that your clients will not achieve the additional accommodation they hope to achieve by adhering to the guidance.

In the absence of amended plans that adhere to the guidance given above, I will have to refuse the application based on the most recent submissions. If amended plans aren't submitted that set the dormer further up from the wall head within 14 days from the date of this email then I have no option other than to proceed with refusal. If your clients wish to proceed with the current plans, can you let me know as soon as possible.

Regards

Sheila

From: Angela Cooper [<mailto:mail@cooperandmacgregor.co.uk>]

Sent: 24 May 2016 19:56

To: Sheila Robertson

Cc: 'Mike Gifford'

Subject: 019 - 5 Donmouth Road

Hi Sheila,

I refer to the above application.

It would be appreciated if you can indicate how much longer the application for 5 Donmouth Road will take as its almost 6 months since the application was received and validated by Aberdeen City Council.

As per my last email the rear dormer complies with **all** the supplementary guidance regarding rear dormers. I have added additional notes and dimensions to the attached drawing to further highlight compliance with the guidance.

The guidance on rear dormers states that the face of the dormer should be a minimum of 400 mm back from the front edge of the roof. The proposed dormer is 452 mm back from the front edge of the roof and in line with the neighbouring dormer.

We do not recommend that the rear dormer is out of line with the neighbouring dormer. Positioning the dormer out of line from the neighbouring dormer creates a very poor detail, creates a potential maintenance issue and increases the risk of water ingress at this point.

Any potential water ingress is a hazard which poses a risk of damp and other water damage to the property and neighbouring property. This may also result in a health risk to the occupants.

I cannot find any dormers between neighbouring properties in the area that do not line up.

Due to compliance with all the guidance issued by Aberdeen City Council, we cannot see why the application has not been approved.

I look forward to your comments.

Kind regards

Angela

Angela Cooper

From: Angela Cooper <mail@cooperandmacgregor.co.uk>
Sent: 11 May 2016 17:06
To: 'Sheila Robertson'
Subject: RE: 047 - 180 Deeside Gardens, Planning Application 160330

Hi Sheila,

Thank you for the update regarding 180 Deeside Gardens, I will pass the information onto our client and look forward to the approval decision notice.

With regards to Donmouth Court we have followed all the guidance on page 7 of the current Supplementary Guidance.

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

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

It should be noted that the existing roof extends out 200 mm at the rear and the solid granite walls at the thinnest at the back are 405 mm thick. The outer face of the proposed dormer will be more than 400 mm from the edge of the roof.

The proposals comply with all the guidance regarding rear dormers and match the neighbouring property. If it is acceptable to match the neighbours dormer at the front, surely it is acceptable to match the neighbours dormer at the rear whilst complying with the guidance?

I look forward to your comments on Donmouth once you have had a chance to examine the drawings.

Kind regards

Angela

From: Sheila Robertson [mailto:ShRobertson@aberdeencity.gov.uk]
Sent: 11 May 2016 15:53
To: 'Angela Cooper' <mail@cooperandmacgregor.co.uk>
Subject: RE: 047 - 180 Deeside Gardens, Planning Application 160330

Angela [Relates to a different application approved due to the fact it was a rear dormer extension](#)

[I have been on leave so I am only now getting the opportunity to look at the amended plans for the dormer to the above property and I don't see any difference in the external appearance between this plan and that originally submitted. I would disagree with several statements you have made regarding compliance with the design guidance; the dormer does dominate the roof space in terms of width; and it doesn't comply with the requirement](#)

to have windows positioned at the extremities. The example you have chosen to quote represents a very poor dormer design , your clients should have aspired to bettering their design. Your clients dormer as designed is a border line refusal, however the only factor which has been taken into account as a reason for not refusing the application is that it is not on a public elevation. However following a recent decision following an upheld appeal against a refused application, where the Reporter ruled that the fact that a development cannot be seen is immaterial to the decision, may mean that a firmer line is taken, even if a development cannot be seen from a public place. The written assessment report is almost complete and the decision document despatched after my assessment has been signed off.

I will contact you separately once I have had an opportunity to examine the amended plans for Donmouth, however my initial thoughts are that the plans for the rear dormer aren't acceptable. **as it is still built off the wallhead, which is never acceptable.** The rear extension, while hiding the unacceptable depth of apron, cant conceal the disproportionate depth of the dormer. I will give a further opportunity to amend the plans to comply with the guidance failing which I will immediately proceed to refuse the application, as determination of the application is dragging on too long and I sense that your clients are unwilling to compromise on the level of accommodation they are hoping to achieve at upper level.

Regards
Sheila

The above statement is incorrect, the SG clearly states that "In the case of stone buildings, dormers which rise off the inner edge of the wall head will generally be acceptable"

From: Angela Cooper [<mailto:mail@cooperandmacgregor.co.uk>]
Sent: 09 May 2016 11:40
To: Sheila Robertson
Subject: FW: 047 - 180 Deeside Gardens, Planning Application 160330

Hi Sheila,

A number of weeks have passed since I last emailed.

Can you confirm when this application will be signed off?

Kind regards

Angela

Angela Cooper

From: Angela Cooper <mail@cooperandmacgregor.co.uk>
Sent: 25 April 2016 14:01
To: 'Sheila Robertson'
Subject: RE: 019 - 5 Donmouth Road, Bridge Of Don, Aberdeen

Sheila,

Our proposal complies with the Household Development Guide with regard to:

matching materials
would not extend beyond the roof ridge
would not extend beyond the roof hip
proportion of glazing
depth of the apron
will not dominate the roof
takes into account adjoining dormer extension
is a stone building, therefore a dormer rising off the inner edge of the wall head is acceptable
is situated in a street where many such extensions have already been constructed/approved
is situated on the non – public (rear) side of the property.

The lower section of the rear dormer will also be concealed by the ground floor extension roof.

I also refer to properties, 1, 5, 9 & 11 Donmouth Terrace. All these properties feature a dormer placed on the wall head. Properties 5 & 9 face exactly the same direction. Property 1 looks towards our proposals and features a straightened out gable whilst property 11, the closest property to our proposals features a dormer window built directly off the wall head.

I also refer to applications 141617 & 140872 which were approved due to other properties in the street and surrounding area having similar roof alterations.

With regards to your email earlier today,

we cannot see guidance which states that *'regardless of the dimensions of the dormer to the rear of the adjoining dwelling house, your clients rear dormer will have to comply with the current design guidance'*, the guidance clearly states that proposals should take adjoining dormer extensions into account.

nor can we see guidance that states that both dormers, front and back should match; the guidance clearly states that rear dormer guidance may also be relaxed on the non-public (rear) side of a property. In such cases, and notwithstanding the design and finish of neighbouring development

The proposed dormer window to the rear cannot be viewed from a true side elevation, this view from Donmouth Terrace is blocked by the dormer to No 4, the neighbouring property and the property is hidden from view at the other side from Donmouth Crescent. Again the guidance indicates that non – public sides, (rear) can be treated differently to public, (front) views and proposals should take into account adjoining dormer extension.

Based on the above compliance with the guidance we request that the application be forwarded for approval.

Kind regards

Angela

From: Sheila Robertson [mailto:ShRobertson@aberdeencity.gov.uk]

Sent: 25 April 2016 10:04

To: 'Angela Cooper' <mail@cooperandmacgregor.co.uk>

Subject: RE: 019 - 5 Donmouth Road, Bridge Of Don, Aberdeen

Angela

The plans for the rear dormer still aren't acceptable and it has been decided that regardless of the dimensions of the dormer to the rear of the adjoining dwelling house, your clients rear dormer will have to comply with the current design guidance. According to your submitted amended plans, the dormer to the front elevation is totally compliant with guidance however, to the rear, the proposed dormer is built almost directly off the wallhead, so that when seen from the side elevations the dormer is bulky and out of proportion with the dwelling house. In order to gain approval, it is expected that the rear dormer should mirror the dimensions and positioning of the front dormer.

Regards
Sheila

The dormer cannot be viewed from a side elevation unless you are standing in the garden of No 6 Donmouth Road. The side elevation from Donmouth Terrace is not visible as the dormer is hidden behind and lined up with No 4 Donmouth Road.
This statement is not contained within the HG or SG

Angela Cooper

From: Angela Cooper <mail@cooperandmacgregor.co.uk>
Sent: 25 April 2016 09:14
To: 'Sheila Robertson'
Subject: RE: 019 - 5 Donmouth Road, Bridge Of Don, Aberdeen

Hi Sheila,

Nearly 2 weeks have passed since your last reply.

Please can you indicate whether you are in a position to sign this one off so we can move forward with the project.

Kind regards

Angela

From: Angela Cooper [mailto:mail@cooperandmacgregor.co.uk]
Sent: 15 April 2016 17:05
To: 'Sheila Robertson' <ShRobertson@aberdeencity.gov.uk>
Subject: RE: 019 - 5 Donmouth Road, Bridge Of Don, Aberdeen

Hi Sheila,

Can you indicate whether Donmouth Road will be signed off soon?

Kind regards

Angela

From: Sheila Robertson [mailto:ShRobertson@aberdeencity.gov.uk]
Sent: 12 April 2016 09:07
To: 'Angela Cooper' <mail@cooperandmacgregor.co.uk>
Subject: RE: 019 - 5 Donmouth Road, Bridge Of Don, Aberdeen

Angela

I will have to discuss with my line manager before reaching a conclusion, Im not sure when I can see him to discuss but certainly within the next 2 days.

Regards
Sheila

Angela Cooper

From: Angela Cooper <mail@cooperandmacgregor.co.uk>
Sent: 12 April 2016 09:48
To: 'Sheila Robertson'
Subject: RE: 019 - 5 Donmouth Road, Bridge Of Don, Aberdeen

Hi Sheila,

Just a quick email to see if you are in a position to sign off Donmouth Road yet?

Our client is very anxious to move forward this year with the works and had hoped that planning would be in place by now.

Kind regards

Angela

From: Angela Cooper [<mailto:mail@cooperandmacgregor.co.uk>]
Sent: 09 April 2016 10:33
To: 'Sheila Robertson' <ShRobertson@aberdeencity.gov.uk>
Subject: RE: 019 - 5 Donmouth Road, Bridge Of Don, Aberdeen

Sheila,

Our client was unsure if the recent building work was part of the planning approved work.

As per our email below, we've used the information supplied. The existing drawings for No 4 are not dimensioned and you will note that the rear existing elevation is incorrectly drawn.

The existing front elevation for No 4 also appears to be incorrect. The position of the front dormer on the existing drawing is different to that of the proposed even tho this dormer position is not altered!

The front and rear dormers positions at No 4 do not match.

The existing first floor plan and existing section at No 4 seem to be correctly shown.

We have taken our own measurements from the boundary of No. 5, altered the dormers to match the neighbours dormers and added a note on each dormer to state, in line with the neighbours.

Kind regards

Angela

From: Sheila Robertson [<mailto:ShRobertson@aberdeencity.gov.uk>]
Sent: 08 April 2016 13:36
To: 'Angela Cooper' <mail@cooperandmacgregor.co.uk>
Subject: RE: 019 - 5 Donmouth Road, Bridge Of Don, Aberdeen

Angela

No 4 Donmouth Road has never implemented their planning permission, and the permission has now lapsed. The existing elevations provided with their application provide X sections of their property, clearly showing the dimensions of their existing rear dormer, which matches that to the front elevation in terms of distance up from the eaves, so it should be possible for you to redesign your client's rear dormer to match that of the adjoining property using this information.

The above statement is incorrect

Regards
Sheila

From: Angela Cooper [<mailto:mail@cooperandmacgregor.co.uk>]
Sent: 05 April 2016 18:37
To: Sheila Robertson
Subject: RE: 019 - 5 Donmouth Road, Bridge Of Don, Aberdeen

Hi Sheila,

Please find attached our revised drawing.

We have adjusted the dormers based on a re measurement and the information regarding the existing neighbouring property found below.

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=101767&index=33372>

The neighbouring rear dormer is shown to sit upon the rear wall head on the existing drawings, approved under application 101767. This would also appear to be correct based on our recent measurements.

The neighbouring rear dormer seems to be unaltered and would appear to be exactly as per the existing drawings submitted, we are unsure if this approvals are still in place or if the recent work has validated the application.

I'm sure you will also appreciate that we cannot enter the neighbouring property to measure but have re measured within the boundary of No 5.

To ensure the proposals reflect the neighbouring property we have indicated the line of the neighbouring dormer on all elevations and floor plans and added a note to the drawing to say dormers to be in line with neighbouring.

We feel we cannot show any more detail than we have already shown without a measured survey on No 4 and any further details would be guess work. We do not have the authority to carry out any measured survey work on No 4 and our client is not in a position to make such a request to his neighbour.

I look forward to your reply.

Kind regards

Angela

From: Sheila Robertson [<mailto:ShRobertson@aberdeencity.gov.uk>]
Sent: 23 March 2016 16:48
To: 'Angela Cooper' <mail@cooperandmacgregor.co.uk>
Subject: RE: 019 - 5 Donmouth Road, Bridge Of Don, Aberdeen

Hi Angela

I discussed the amended plans with my lime manager yesterday. There are still several amendments that will require to be made in order for the application to be approved. Normally policy does not allow alterations which have been approved under previous guidance to be used as a precedent, however in the interest of uniformity

between this pair of semis, we can justify a design that is contrary to current policy. However having re visited the property, I am not convinced that the base line of the neighbours front and rear dormers is drawn correctly; they are actually positioned higher up the roof slope than shown. The amended plans show the rear dormer to be built off the wallhead, which certainly doesn't align with the neighbours dormer. Since we are likely to approve a dormer design contrary to policy, we have to be 100% certain that the drawings reflect the correct position of the neighbours dormer. Additionally, the eaves height of the rear extension will have to match the existing eaves height.

I would therefore request that the proposed elevations include the neighbours property with their dormers correctly positioned so that we can be reassured that a measure of uniformity will be achieved.

Regards
Sheila

Drawing supplied showing dormers lined up with neighbouring property. Notes added to drawing to clearly state this but 33 days later planner requested different amendments.

From: Angela Cooper [<mailto:mail@cooperandmacgregor.co.uk>]
Sent: 23 March 2016 15:27
To: Sheila Robertson
Subject: 019 - 5 Donmouth Road, Bridge Of Don, Aberdeen

Hi Sheila,

Just a quick email to see if you are in a position to sign off Donmouth Road yet?

Client hoping to move forward with structural analysis asap ahead of building warrant application.

Kind regards

Angela Cooper RIAS RIBA
Architect
BSc (Hons) MArch

Cooper & MacGregor LLP – Chartered Architect

86 Summerhill Crescent, Aberdeen, AB15 6ED

01224 323839

Visit our website to find out about our award winning Architectural Practice, the services we offer, view recent projects, catch up on our latest news or find a link to our Facebook page.

Angela Cooper

From: Angela Cooper <mail@cooperandmacgregor.co.uk>
Sent: 02 March 2016 19:54
To: 'Sheila Robertson'
Subject: FW: 5 Donmouth Road, Bridge Of Don, Aberdeen

Hi Sheila,

Just a quick email to see how the application was progressing?

Hear from you soon.

Kind regards

Angela

From: Angela Cooper [mailto:mail@cmdesignsolutions.co.uk]
Sent: 22 February 2016 15:24
To: 'Sheila Robertson' <ShRobertson@aberdeencity.gov.uk>
Subject: RE: 5 Donmouth Road, Bridge Of Don, Aberdeen

Hi Sheila,

Just a quick email to see how the revised drawing was progressing?

Hopefully hear from you soon.

Kind regards

Angela

From: Angela Cooper [<mailto:mail@cmdesignsolutions.co.uk>]
Sent: 11 February 2016 15:27
To: 'Sheila Robertson' <ShRobertson@aberdeencity.gov.uk>
Subject: FW: 5 Donmouth Road, Bridge Of Don, Aberdeen

Hi Sheila,

Please find attached our revised drawing.

We have

lined the dormers up with the neighbouring dormers and noted this on the drawings, increased the width of the front dormer window to be in line with the window below and slightly dropped the cill to line up with the neighbouring front dormer windows.

increased the width of the windows on the back dormer. (56% glazing)

lined the front window up with the neighbouring dormer and matched the fascia trims with the neighbouring property.

We have attached photographs of the neighbouring dormers for your reference.

Look forward to hearing from you. Our office will be closed next week if you need to get in touch but will be back on the 22nd February.

Kind regards

Angela

From: Angela Cooper [<mailto:mail@cmdesignsolutions.co.uk>]
Sent: 09 February 2016 12:51
To: 'Sheila Robertson' <ShRobertson@aberdeencity.gov.uk>
Subject: RE: 5 Donmouth Road, Bridge Of Don, Aberdeen

Hi Sheila,

Thank you very much for your email.

We can adjust the front dormer as suggested and increase the width of the glazing. We would prefer a 1000 mm distance from the boundary line till the glazing starts instead of a 500 mm wide infill. I will adjust and see how this looks and dimension our revised plan.



We are happy to tweak the dormer at the rear but the existing design is a copy of the neighbouring properties dormer. Looking from Donmouth Terrace the neighbouring dormer sits on the wall head, we propose to sit the back dormer on the inside face of the wall head for structural support, so it is set back from the external wall line and the single storey roof covers any apron. We are also happy to increase the glazing to the bedroom but would prefer a smaller window to the bathroom. I'll adjust and see how this looks. Can you advise if the rear dormer can be in line with the neighbouring dormer? We think it would look unbalanced if the rear dormer was different.

Hear from you soon.

Kind regards

Angela Cooper RIAS RIBA
Architect
BSc (Hons) MArch

Cooper & MacGregor  - Chartered Architect

 86 Summerhill Crescent, Aberdeen, AB15 6ED
 www.cooperandmacgregor.co.uk
 01224 323839

Visit our website to find out about our award winning Architectural Practice, the services we offer, view recent projects, catch up on our latest news or find a link to our Facebook page.

From: Sheila Robertson [<mailto:ShRobertson@aberdeencity.gov.uk>]
Sent: 02 February 2016 11:37
To: 'mail@cooperandmacgregor.co.uk' <mail@cooperandmacgregor.co.uk>
Subject: 5 Donmouth Road, Bridge Of Don, Aberdeen

Following a recent site visit, I have discussed the above application with my line manager as I have several concerns regarding the design of the proposed dormers. There are no concerns regarding the rear extension as its dimensions are such that it constitutes 'permitted' development and does not require to be included in the planning application.

The rear dormer fails to comply with the dormer design guidance contained in the Householder Development Guide for the following reasons: **The statements below cannot be found in the HDG or SG or relate to Modern Properties**

- **The dormer is set too close to the wallhead – in this situation it should be set up approximately 600mm up from eaves height and set a similar distance below the roof ridge.**
- **There is insufficient glazing - there should be more glazing than solid on the face of any dormer, and the windows should be set to the extremities. A small apron may be acceptable on the rear or non-public elevations. Such an apron would be no more than three slates high or 300mm, whichever is the lesser. There should be no solid infill above the windows.**

The front dormer also fails to comply with the supplementary guidance, and requires the following amendments in order to be acceptable:

- The principle of extending the dormer to abut that of the neighbour's is acceptable, however the upper and lower dimensions of the new dormer would have to line through with the neighbour's dormer. Generally no apron is permitted below the window but a small one may be permitted on this occasion to achieve balance with the neighbour's dormer.
- **The amount of glazing will have to be increased to leave only a 500mm wide infill panel towards the party wall.**

I am aware that these amendments will reduce the amount of space at upper level that your clients were hoping to achieve however in its present format I have no option other than to refuse the application. Your design statement draws attention to several dormers within the area which are of similar design to those proposed by the client however these dormers are long standing, erected well before the current design guidance was adopted, and cannot be cited as a precedent for approval of the dormers, contrary to policy

Any existing dormers or other alterations which were approved prior to the introduction of the supplementary guidance will not be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in the document. This guidance is intended to improve the quality of design and effectively raise the design standards and ground rules against which proposals will be measured. **Incorrect - P141874, P091168, P140872 are many of the similar alterations referred to in Donmouth, further examples in the AB21 8 postcode were provided at a later date.**

I would be grateful if you could advise me within 14 days from the date of this email whether your clients wish the application to be determined as submitted, in which case I will proceed to refuse the application (your clients would have the right to appeal against the decision) or whether amendments will be made to the proposals, in line with my suggestions above, which would permit approval of the application.

Regards

Sheila

Sheila Robertson | Planning Technician | Communities, Housing and Infrastructure | Aberdeen City Council | Bus. Hub
4 Ground Floor North Marischal College | Broad Street | Aberdeen | AB10 1AB
Tel. 01224 522224 |

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attachments create, form part of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing email is subject to regular monitoring.

Our Ref. SIR/P151967[ZAD]
Your Ref.
Contact Sheila Robertson
Email pi@aberdeencity.gov.uk
Direct Dial 01224 522224
Direct Fax 01224 523180



15/01/2016

Cooper & MacGregor LLP
86 Summerhill Crescent
Aberdeen
AB15 6ED

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

Tel 01224 523470
Fax 01224 523180
Minicom 01224 522381
DX 529452, Aberdeen 9
www.aberdeencity.gov.uk

mail@cooperandmacgregor.co.uk

Dear Sir/Madam

The Town and Country Planning (Scotland) Act 1997
Acknowledgement of application,
5 Donmouth Road, Bridge Of Don
Demolish existing single story conservatory to rear and replace with single
story extension. New Dormer windows to front and back of property
Application Ref: P151967 (to be quoted on all future correspondence)

Your application dated 18 December 2015 was registered as valid on 12 January 2016. The case officer is Sheila Robertson who can be contacted on 01224 522224. If this application required a fee and you have not already received a receipt for £202.00, being the fee paid to this authority for processing, this letter acts as such and should be retained for your records.

If you have any queries about any fee that may be due or the method of payment then you should contact the Application Support Team on 523470.

Any queries about the progress of the application and the likely recommendation or time periods should be directed to the case officer at the telephone number at the top of this letter.

Pete Leonard
DIRECTOR



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Yours faithfully

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

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Agenda Item 9

Signed (authorised Officer(s)):

SEA BREEZE COTTAGE, GIRDLENESS
LIGHTHOUSE, GREYHOPE ROAD

PROPOSED EXTENSION OF GARAGE TO
SIDE OF DWELLING HOUSE.

For: Mr Sandeep Sharma

Application Type : Detailed Planning
Permission

Application Ref. : P160203

Application Date : 29/02/2016

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

Advertised on : 09/03/2016

Officer : Ross McMahon

Creation Date : 12/04/2016

Ward: Torry/Ferryhill (Y Allan/A Donnelly/J
Kiddie/G Dickson)

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The application site is located to the south of the category A listed Girdle Ness Lighthouse and sits in an elevated position to the north-west of Greyhope Road, to the west of a sharp bend in the road. The site comprises a converted and extended store now in residential use, a detached single garage and associated garden ground and parking. All structures within the site are of a traditional design and construction, surrounded by ancillary buildings directly associated with Girdle Ness Lighthouse. The site lies within an area identified as Green Belt in the adopted Aberdeen Local Development Plan 2012.

RELEVANT HISTORY

Planning permission (application ref. P151476 – Conversion of existing garage to ancillary accommodation and erection of extension) was withdrawn by the applicant in January 2016.

Planning permission (application ref. P120222 – Convert existing garage into living accommodation, erect a new sunroom, extend existing garage to form a bedroom and glazed walkway and form additional window openings) was withdrawn by the applicant in June 2012.

PROPOSAL

Planning permission is sought to alter and extend the existing detached single garage to form a home office space, gym, bathroom and store. The proposed extension would be located to the west of the existing garage and would double its original footprint, seeking to replicate its general form, roof pitch, detailing and use of materials. The proposal would incorporate black framed uPVC windows of horizontal emphasis to the south and west elevation of the extended garage.

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.=160203>

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

CONSULTATIONS

Historic Environment Scotland (HES) – No objection/comments.

Roads Development Management – No observations.

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

Environmental Health – No observations.

Community Council – No comments received.

REPRESENTATIONS

None received.

PLANNING POLICY

National Planning Policy

- Scottish Planning Policy (SPP)
- Scottish Historic Environment Policy (SHEP)

Aberdeen Local Development Plan

- Policy D1 – Architecture and Placemaking
- Policy D5 – Built Heritage
- Policy NE2 – Green Belt

Other Material Considerations

- Historic Environment Scotland (HES) 'Managing Change in the Historic Environment – Setting'

Proposed Aberdeen Local Development Plan

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

- Policy D1 – Quality Placemaking by Design
- Policy D4 – Historic Environment
- Policy NE2 – Green Belt

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

Policy NE2 (Green Belt) stipulates that no development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry etc. unless associated with existing activities. In such instances the following will apply:

1. the development is within the boundary of the existing activity;
2. the development is small scale;
3. the intensity of activity is not significantly increased;
4. any proposed built construction is ancillary to what exists.

The application site is currently in residential use and the proposal relates to an extension of a domestic garage within the existing site boundary. While the proposal would effectively double the footprint of the existing garage, it is considered that, in terms of green belt policy, the proposed development is small scale, would not significantly increase the intensity of the existing activity and by virtue of its proposed use would be ancillary to the existing dwelling.

It is therefore considered that the proposal complies with Policy NE2 (Green Belt).

Design, Scale & Massing

Whilst the extended garage would not constitute overdevelopment of the site in terms of the resultant building to plot ratio, it is not considered that the extended ancillary building would respect the scale of the existing dwelling in terms of footprint, scale and massing, issues which would be further exacerbated by the exposed and elevated nature of the site when viewed from the south. The footprint of the extended garage would equate to approx. 80% of the dwelling's current footprint and, given its exposed and elevated position, would produce an elongated elevation which would be particularly overbearing and out of scale with that of the original dwelling in this location. The existing garage structure is of a scale and design that is considered complementary, ancillary and proportionate with that of the original dwelling in that its south facing gable end presents itself visually as a secondary element to that of the dwelling, and within the site generally. The balance of this visual relationship would be significantly altered as a result of the proposed extension, to the detriment of the existing dwelling and the wider area.

It is proposed to install new black uPVC windows to the south and west elevations of the proposed extension to take advantage of direct sunlight and extensive views over the Bay of Nigg. The window proportions proposed to the extended garage are not considered complementary to that of the existing dwelling, and would create the appearance of a small scale building of a somewhat industrial vernacular, out of keeping with the original store, the residential character of the site and that of surrounding ancillary buildings associated with the lighthouse.

For the aforementioned reasons, it is considered the proposed extension would not comply with the requirements of Policy D1 (Architecture and Placemaking).

Setting of Girdle Ness Lighthouse

The proposal is located to the south of Girdle Ness Lighthouse – a category A Listed Building – and its associated ancillary accommodation. The potential impact on the setting of the lighthouse is a material consideration in the determination of a planning application.

Historic Environment Scotland's (HES) 'Managing Change Guidance – Setting' discusses the principles to be considered when assessing the potential impact of development on the setting of a historical asset. In this instance, the asset is identified as Girdle Ness Lighthouse and its associated ancillary buildings which form part of its category A listing, and includes a fog siren outwith the lighthouse's defined curtilage. The very function of the lighthouse, situated within a typically remote location in a predominantly undeveloped coastal and landscape context, is to remain prominent and present itself as the principal feature within the landscape in this location. As such, the lighthouse presents itself as a dominant landmark within the immediate and wider landscape setting, visible from numerous vantage points and particularly from the south surrounding the Bay of Nigg. Historically, the lighthouse and its immediate setting have been subject to little change, retaining the general arrangement of modest buildings and surrounding structures which define its immediate setting and which contribute to its visual character within a wider landscape setting.

While the proposed garage extension is considered to be small scale relative to the lighthouse itself, and would not result in the obscuration or loss of important views, the proposed extension would disrupt the intricate relationship between surrounding buildings in terms of footprint, scale and massing. The original store, while not historically associated with the lighthouse, has been altered and extended as a residential property, with the existing single garage added at a later date. Accordingly, the application site has been subject to a degree of development pressure, and while prior development on this site has been acceptable in the past, it is considered that further development of significant footprint on the exposed site would fail to respect the setting of the lighthouse. Consequently, it is considered that the resultant size and scale of the extended garage would have a detrimental impact on the setting of the category A Listed

Building by virtue of its position within the site, its massing and physical relationship to surrounding building and structures which forming part of its immediate context and wider setting generally.

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), D4 (Historic Environment) and NE2 (Green Belt) substantively reiterate policies, D1 (Architecture and Placemaking), D5 (Built Heritage) and NE2 (Green Belt) of the adopted Aberdeen Local Development Plan and therefore raise no additional material considerations.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

Whilst the proposal garage extension complies with Policy NE2 (Green Belt) of the Aberdeen Local Development Plan 2012, it fails to comply with the remaining relevant policies of said plan, namely Policies D1 (Architecture and Placemaking) and D5 (Built Heritage), in that the proposed garage extension would constitute visual overdevelopment of the site, would have a detrimental impact on the visual character and amenity of the surrounding area and would have a detrimental impact on the setting of an adjacent category A Listed Building. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations – including the Proposed Aberdeen Local Development Plan – that are of sufficient weight to warrant approval of the application. Full regard has been given to all matters raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify approval of the application.

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

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Refusal of Planning Permission

Bon Accord Glass Limited
Bon Accord House
Riverside Drive
Aberdeen
Aberdeen City
AB11 7SL

on behalf of **Mr Sandeep Sharma**

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

PROPOSED EXTENSION OF GARAGE TO SIDE OF DWELLING HOUSE.
at **Sea Breeze Cottage, Girdleness Lighthouse, Greyhope Road**

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: 173554;
Detail: Location and Site Plan;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160203&index=173554>

Document No: 173557;
Detail: Existing Elevations, Layout, Site, Location; Drawing No: M05X013149 - Pg 01 Rev A;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160203&index=173557>

Document No: 173560;
Detail: Proposed Layout and Section; Drawing No: M05X013149 - Pg 02 Rev A;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160203&index=173560>

Document No: 174592;
Detail: Proposed Elevations; Drawing No: M05X013149-Pg 03 Rev A;

PETE LEONARD
DIRECTOR

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160203&index=174592>

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

Whilst the proposal garage extension complies with Policy NE2 (Green Belt) of the Aberdeen Local Development Plan 2012, it fails to comply with the remaining relevant policies of said plan, namely Policies D1 (Architecture and Placemaking) and D5 (Built Heritage), in that the proposed garage extension would constitute visual overdevelopment of the site, would have a detrimental impact on the visual character and amenity of the surrounding area and would have a detrimental impact on the setting of an adjacent category A Listed Building. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations - including the Proposed Aberdeen Local Development Plan - that are of sufficient weight to warrant approval of the application. Full regard has been given to all matters raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify approval of the application.

The plans, drawings and documents that are the subject of this decision notice are numbered as follows:- Document No: 173554;

Detail: Location and Site Plan;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160203&index=173554>

Document No: 173557;

Detail: Existing Elevations, Layout, Site, Location; Drawing No: M05X013149 - Pg 01 Rev A;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160203&index=173557>

Document No: 173560;

Detail: Proposed Layout and Section; Drawing No: M05X013149 - Pg 02 Rev A;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160203&index=173560>

Document No: 174592;

Detail: Proposed Elevations; Drawing No: M05X013149-Pg 03 Rev A;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160203&index=174592>

Date of Signing 13 April 2016



Daniel Lewis

Development Management Manager

Enc.

PETE LEONARD
DIRECTOR

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

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

Regulation 28(4)(a)

Form 1

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

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

Notices of review submitted by post should be sent to –

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

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

PETE LEONARD
 DIRECTOR

PETE LEONARD
DIRECTOR

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Agent (if any)

Name SANDEEP SHARMA

Address SEABREEZE COTTAGE
GREYHOPE ROAD
ABERDEEN

Postcode AB11 8QJ

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Name BON ACCORD GLASS c/o NEIL WILSON

Address BON ACCORD HOUSE
RIVERSIDE DRIVE
ABERDEEN

Postcode AB11 7SL

Contact Telephone 1 0124 565111

Contact Telephone 2 0788 750 6244

Fax No

E-mail* neilwilson@bonaccordglass.co.uk

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

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

Yes No

Planning authority ABERDEEN CITY COUNCIL

Planning authority's application reference number 160 203

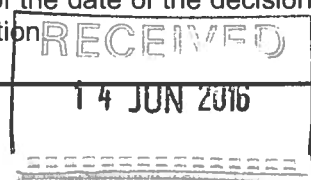
Site address SEABREEZE COTTAGE, GREYHOPE ROAD, ABERDEEN

Description of proposed development PROPOSED EXTENSION & CONVERSION OF GARAGE TO
SIDE OF DWELLING HOUSE.

Date of application 29/2/16

Date of decision (if any) 13/4/16.

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:

WE HAVE SUBMITTED PHOTOGRAPHIC EVIDENCE OF HISTORICAL STRUCTURED ON THE SITE SIMILAR IN NATURE TO THE PROPOSAL AND 3-D IMAGES OF THE PROPOSAL TO SHOW RELATIONSHIP TO LIGHTHOUSE.

Site inspection

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

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

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

Statement

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

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

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

AS STATED IN THE DESIGN, SCALE & MASSING SECTION OF THE DECISION NOTICE THE PROPOSAL IN ITS CURRENT FORM WILL NOT SEE THE PLOT OVERDEVELOPED. CARE HAS BEEN TAKEN TO REPLICATE THE EXISTING GARAGE IN TERMS OF MATERIAL. THE PROPOSAL AS IT STANDS WAS ROTATED THROUGH 90° TO LIMIT THE ELEVATION FACING GREYHOPE ROAD AND TO LESSEN ITS IMPACT.

BLACK PVC WINDOWS HAVE BEEN SELECTED TO MATCH THE EXISTING PROPERTY. THE SUGGESTION THAT THE GARAGE MAY LOOK LIKE A SMALL SCALE INDUSTRIAL STYLE BUILDING IS INTENTIONAL. WE HAVE ENCLOSED PHOTOGRAPHIC EVIDENCE OF PRE EXISTING STORES FROM THE PAST WHICH WE HAVE ATTEMPTED TO REFLECT IN OUR DESIGN.

FROM GREYHOPE ROAD APPROACHING THE SITE FROM THE SOUTH THE PROPOSAL WILL HAVE A NEGLIGIBLE IMPACT ON THE MUCH LARGER LIGHTHOUSE. FROM THE NORTH IT WILL NOT BE VISIBLE AT ALL.

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.

THE PHOTOGRAPHIC EVIDENCE & O/S MAP WERE SUBMITTED FORMALLY IN OUR WITHDRAWN APPLICATION. (P151476) ALL PARTIES ARE AWARE OF THIS, BUT WE WOULD LIKE IT FORMALLY RECORDED IN THIS APPLICATION WE WILL ALSO SUBMIT 3-D DRAWINGS/IMAGES AS A GUIDE TO ILLUSTRATE OUR VIEW.

List of documents and evidence

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

1. HISTORIC SITE PLAN FROM CLIENTS TITLE DEEDS SHOWING FURTHER BUILDINGS ON SITE.
2. AERIAL PHOTOGRAPH SHOWING BUILDINGS ON SITE.
3. 3-D IMAGES SHOWING EXTENDED GARAGE IN RELATION TO LIGHTHOUSE.

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

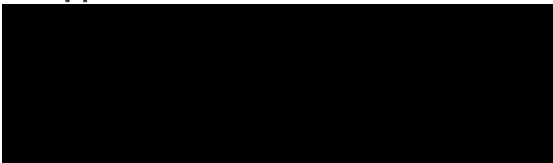
Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- 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 [1 / 6 / 16]

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.

AS STATED IN THE DESIGN, SCALE & MASSING SECTION OF THE DECISION NOTICE THE PROPOSAL IN ITS CURRENT FORM WILL NOT SEE THE PLOT OVERDEVELOPED. CARE HAS BEEN TAKEN TO REPLICATE THE EXISTING GARAGE IN TERMS OF MATERIAL. THE PROPOSAL AS IT STANDS WAS ROTATED THROUGH 90° TO LIMIT THE ELEVATION FACING GREYHOPE ROAD AND TO LESSEN ITS IMPACT.

BLACK PVC WINDOWS HAVE BEEN SELECTED TO MATCH THE EXISTING PROPERTY. THE SUGGESTION THAT THE GARAGE MAY LOOK LIKE A SMALL SCALE INDUSTRIAL STYLE BUILDING IS INTENTIONAL. WE HAVE ENCLOSED PHOTOGRAPHIC EVIDENCE OF PRE EXISTING STORES FROM THE PAST WHICH WE HAVE ATTEMPTED TO REFLECT IN OUR DESIGN. FROM GREYHOPE ROAD APPROACHING THE SITE FROM THE SOUTH THE PROPOSAL WILL HAVE A NEGLIGIBLE IMPACT ON THE MUCH LARGER LIGHTHOUSE. FROM THE NORTH IT WILL NOT BE VISIBLE AT ALL.

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.

THE PHOTOGRAPHIC EVIDENCE & O/S MAP WERE SUBMITTED FORMALLY IN OUR WITHDRAWN APPLICATION. (P151476) ALL PARTIES ARE AWARE OF THIS, BUT WE WOULD LIKE IT FORMALLY RECORDED IN THIS APPLICATION WE WILL ALSO SUBMIT 3-D DRAWINGS/IMAGES AS A GUIDE TO ILLUSTRATE OUR VIEW.

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Copyright--Unknown

10th. September 1973

Reported to Girdle Ness Lighthouse, a shore station so I was back to catering for myself.

A paraffin light but with parabolic reflectors (mirrors) instead of a lens, still clockwork drive to turn it. It would run for two hours thirty minutes between winds but was usually wound every hour, the wire cable was double wound on the drum and if run for more than one hour would not always wind back onto the drum evenly, so you would have to wait for some of the cable to run off, before rewinding, and again Kelvin twin cylinder diesel engines powering the fog horn, a Racon and a Radio Beacon with the morse code for GD.

Racon---RADar beaCON

A Radar transponder triggered by the ships radar shows as a point on the radar screen giving distance and bearing followed by dots and dashes depicting the morse code for that particular racon's position. It is a small self-contained piece of equipment that periodically does a self-test and goes beep-beeep if satisfactory.

Radio Beacon

Every six minutes would transmit the morse code for GD several times followed by a continuous tone, allowing the radio operator aboard ship to rotate his aerial and obtain a bearing from the lighthouse.

If you go to St. Abbs and see the height of the tower, I never did go on the dome, I thought that's high?

Since then I've been on the dome and spun the windvane at every other lighthouse that I've been to and at Girdle Ness I was painting the dome and waving at people taking an open top bus tour of Aberdeen which included a drive past the lighthouse.

How things change in a short period?

8th October back on my travels.

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Copyright--Evan Michael

[To Main Page](#)

[Or the next stage in a lightkeepers journey](#)

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Proposed View 01



Location Plan (1:1250)



Proposed View 02

Revision	Description	Date
A	Planning Revision	20.02.16


Bon Accord Glass
 Riverside Drive
 Aberdeen
 AB11 7SL
 Tel: 01224 588944
 Fax: 01224 582731
 drawing@bonaccordglass.co.uk
 http://www.bonaccordglass.co.uk

Dobbies Garden World
 Lang Stracht
 Aberdeen
 AB15 6XH

Project: Proposed Garage Conversion
Address: Seebreeze Cottage
 Greyhope Road
 Aberdeen
 AB11 8QX
Client: Sandeep Sharma
Signature & Date

Job No: M05X013149 - Pg 04
Scale: As Shown @ A3
Date: 19-04-16

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Proposed View 01




Proposed View 02



Location Plan (1:1250)

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A	Planning Revision	20.02.16
Revision	Description	Date
	 Bon Accord Glass Riverside Drive Aberdeen AB11 7SL Tel: 01224 588944 Fax: 01224 582731 drawing@bonaccordglass.co.uk http://www.bonaccordglass.co.uk	Dobbies Garden World Lang Stracht, Aberdeen, AB15 6XH

Project: Proposed Garage Conversion
Address: Seebreeze Cottage
 Greyhope Road
 Aberdeen
 AB11 8QX
Client: Sandeep Sharma
Signature & Date

Job No: M05X013149 - Pg 04
Scale: As Shown @ A3
Date: 19-04-16

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dl



We, THE COMMISSIONERS OF NORTHERN LIGHTHOUSES formerly incorporated under the Merchant Shipping Act 1854 and now incorporated under the Merchant Shipping Act 1894, heritable proprietors of the subjects hereinafter disposed IN CONSIDERATION of the sum of ONE HUNDRED AND FIVE THOUSAND POUNDS (£105,000) Sterling paid to us by MICHAEL KING residing at Seventeen Rubislaw Den North, Aberdeen of which sum we hereby acknowledge receipt, HAVE SOLD and DO HEREBY DISPOSE to and in favour of the said Michael King and to his executors and assignees whomsoever heritably and irredeemably ALL and WHOLE that plot of ground at Girdleness in the County of Kincardine shown delineated in red on the plan annexed and executed as relative hereto being part of the subjects more particularly described in and disposed by Instrument of Sasine in our favour dated Twenty-sixth February and recorded in the Particular Register of Sasines, Reversions et cetera kept for the Counties of Aberdeen and Kincardine on Eighth March, both months in the year Eighteen Hundred and Thirty-one; BUT EXCEPTING THEREFROM ALL and WHOLE the four areas of ground delineated and coloured blue on the said plan, together with the buildings or other erections thereon (the said subjects excepted from the subjects hereby disposed being hereinafter referred to as "the excepted subjects"): TOGETHER WITH (by way of conveyance and not exception) (ONE) the whole buildings and erections on the said subjects hereby disposed; (TWO) the parts, privileges and pertinents effering thereto; (THREE) the fittings and fixtures; and (FOUR) our whole right, title and interest present and future in and to the said subjects and others; BUT ALWAYS WITH AND UNDER in so far as still valid, subsisting and applicable the burdens, conditions and others specified and contained in the said Instrument of Sasine, dated and recorded as aforesaid: But the subjects hereby disposed/

~~MC 81 391~~

MC 91 391

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REGISTERS OF SCOTLAND
GENERAL REGISTER OF SASINES
COUNTY OF KINCARDINE
Fiche 391 Frame 9
Presented and Recorded on 25 OCT 1991

SECOND PAGE

disposed are disposed ALWAYS WITH AND UNDER the following additional, burdens, conditions and others:- (First) there is reserved in favour of us and our successors as proprietors of the excepted subjects; (a) a servitude right of vehicular and pedestrian access to and egress from the excepted subjects across the subjects hereby disposed by way of existing and future roads and paths for all necessary purposes and on all necessary occasions; (b) servitude rights as may be necessary for the inspection, maintenance and renewal of all cables, supply pipes and drains serving the excepted subjects, including the radio earth mats below the surface of the ground shown coloured pink on the said plan; (c) a servitude right to land by helicopter in the vicinity of the adjoining Lighthouse; and (d) a servitude right to obtain water from the supply of water to the subjects hereby disposed; (Second) our said disponee and his successors as proprietors of the subjects hereby disposed shall be bound at all times to maintain the whole buildings, walls and other erections on or forming part of the said subjects and any additional buildings to be erected by him or them thereon in good condition and repair to the satisfaction of us and our statutory successors and in particular but without prejudice to the foregoing generality to maintain the exterior of the said buildings and erections and walls in the same condition and to the same standard as the exterior of the adjoining Lighthouse and to that end but without prejudice to the foregoing generality if and in so far as may be required by us or our statutory successors to paint or lime wash the exterior of the said buildings and erections and the seaward side/

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MC91 397

THIRD PAGE

side of all boundary walls as often and with the same materials and in the same manner as we or our statutory successors shall reasonably require; (Third) our said disponee and his foresaids shall not be permitted to make any alterations or additions to the said buildings on the subjects hereby disponed except with the previous consent in writing of us or our statutory successors and no additional buildings et cetera shall be erected without such consent, and in particular but without prejudice to that generality the ground shown coloured pink on the said plan shall not be disturbed in any way but shall be kept as areas of grass only, and if the said radio earth mats below the surface thereof are disturbed or damaged in any way they shall be replaced or repaired to the satisfaction of us or our statutory successors; and (Fourth) our said disponee and his foresaids shall be responsible for the maintenance of the open ground purchased by him in a neat and tidy condition in all time coming; Which burdens, conditions and reservations are hereby declared to be real burdens upon and affecting the subjects hereby disponed and as such are appointed to be repeated or validly referred to in all future deeds of transmission on pain of nullity subject always to the terms of Section 9 of the Conveyancing (Scotland) Act 1924 WITH ENTRY and vacant possession as at the Fifteenth day of July, Nineteen Hundred and Ninety-one notwithstanding the date hereof: And we grant warrantice: And we certify that the missives of sale which we have concluded with the said Michael King and which are constituted by formal letters dated Thirtieth May, Twenty-fourth June and Fifteenth and Sixteenth both/

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FOURTH PAGE

both days of July, all months in the year Nineteen Hundred and Ninety-one shall remain in full force and effect notwithstanding the delivery of these presents but that for a period of two years only following the date of entry herein except in so far as they are founded upon in court proceedings which are commenced within the said period of two years: IN WITNESS WHEREOF these presents consisting of this and the three preceding pages together with the plan annexed are sealed with our common seal and subscribed for us and on our behalf at Edinburgh on the Twenty Sixth day of September Nineteen Hundred and Ninety One by John Macdonald Mackay, General Manager, before these witnesses Alan Perkins, Civil Servant, residing at Twenty Three Saughtonhall Drive, Edinburgh and Susan Gordon, Civil Servant, residing at One Hundred and Sixty Three Edinburgh Road, Glasgow.

[REDACTED]

WITNESS

[REDACTED]

WITNESS

[REDACTED]

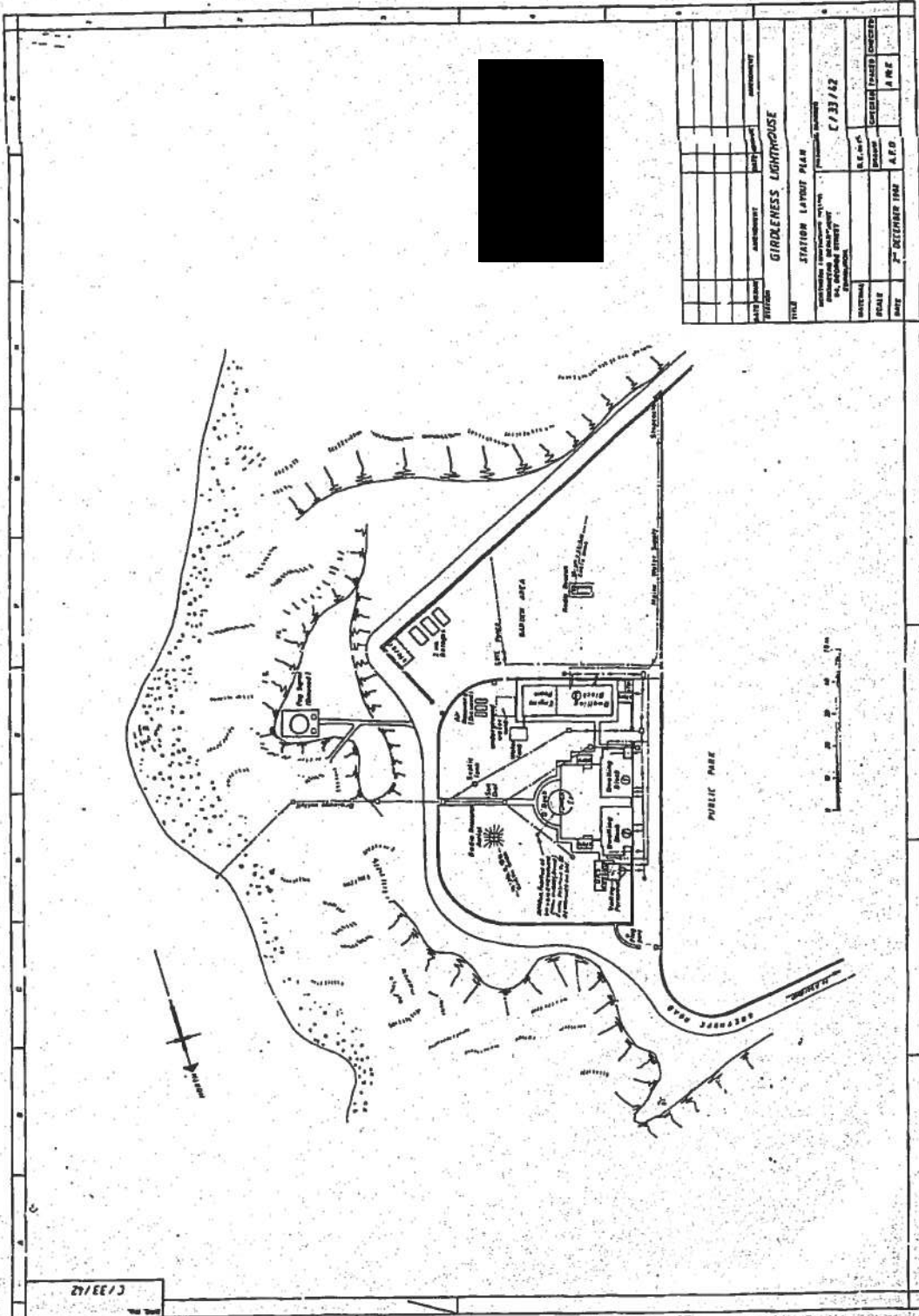
REGISTER on behalf of the within named MICHAEL KING in the Register of the County of KINCARDINE.

[REDACTED]

Advocates in Aberdeen,
Agents.

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1291 391



STATION LAYOUT PLAN		C/33/42	
GIRDELESH LIGHTHOUSE		DATE 2 ND DECEMBER 1942	
DRAWN BY		CHECKED BY	
DATE		DATE	
SCALE		SCALE	
PROJECT		PROJECT	
SHEET		SHEET	
NO.		NO.	
TOTAL		TOTAL	

1591 391

C/33/42

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Agenda Item 15

Signed (authorised Officer(s)):

36 AUCHMILL ROAD, BUCKSBURN

ERECTION OF DWELLINGHOUSE

For: Mr Ewan Miller

Application Type : Detailed Planning
Permission

Application Ref. : P160044

Application Date : 18/01/2016

Advert : Can't notify

neighbour(s)

Advertised on : 03/02/2016

Officer : Ross McMahon

Creation Date : 28/03/2016

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

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The application site relates to an area of brownfield land located to the (south) of Auchmill Road (A96 – trunk road), behind a line of buildings comprising commercial units at ground floor with flats above. The site is accessed from Auchmill Road via a shared pend between the gables of two properties, shared by a garage and leading to a raised area of ground comprising the remaining rubble and low walls of a building. A number of sheds and outbuildings define the original rear feu boundaries to these properties, beyond which, to the south, there are open playing fields.

The application site is situated within a Residential Area, as identified in the adopted Aberdeen Local Development Plan 2012.

RELEVANT HISTORY

Planning permission (application ref. P100357) for the erection of 2no. dwellings was refused under delegated powers in March 2010 for the following reasons:

- Proposed dwellings would be out of character with the surrounding established pattern of development and would constitute overdevelopment of the site;
- Contrary to the Council's Supplementary Guidance: The subdivision and redevelopment of residential curtilages;
- Insufficient parking provision relative to the scale of development proposed;
- The setting of an undesirable precedent.

PROPOSAL

Planning permission is sought for the erection of a one-and-a-half-storey, three bedroom dwellinghouse on the footprint of what is claimed by the applicant to be the remains of a former dwelling. The site slopes up considerably to the south where there is a retaining wall defining the southern boundary of the site. The ground floor of the property would tie thorough generally with the ground level of the playing fields to the south beyond the retaining wall, resulting in what is considered to be a full two-storey north elevation, and single-storey when viewed from the south.

The proposal would provide a raised area of amenity space to the immediate north of the proposed dwelling, accessed via a set of steps beneath which two off-street parking spaces would be provided.

The dwelling would be finished in wet dash render, Siberian larch, black uPVC rainwater goods, and slate grey aluminium lad windows and doors.

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.=160044>

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

CONSULTATIONS

Roads Development Management – Notes the acceptability of the size and number of off-street parking spaces provided. Notes that vehicles accessing the property may be able to turn within the pend allowing entry and exist in forward gear. Notes that the pend does not allow two vehicles to pass, potentially causing delays on the A90 and additionally, potentially resulting in a safety issue for pedestrians. Accordingly, recommends that the application is refused.

Communities, Housing and Infrastructure (Flooding) – Requests that full surface water drainage proposals are submitted for the development and any proposed SuDS facilities.

Environmental Health – Notes that the occupants of the proposed development will potentially be exposed to noise from a number of likely sources, however,

notes that the provision of suitable mitigation measures can address these concerns. Requests the addition of a condition requiring the submission of a suitable Noise Assessment.

Transport Scotland – Advises that planning permission should be refused for the following reasons: existing pend/access is too narrow to permit a vehicle to enter while another is leaving thus potentially causing a vehicle to stop on the trunk road; lack of visibility for exiting drivers to see pedestrians on the trunk road footway; site is too small to adequately cater for the turning manoeuvres within the site to ensure that all vehicles entering and leaving the site can undertake movements in forward gear.

Community Council – No comments received.

REPRESENTATIONS

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

1. Concerns relating to site access throughout the construction phase via Newton Terrace;
2. Loss of amenity to adjacent properties;
3. Risk to vehicles on the A96 and to pedestrians;
4. One letter of support from the Directors of Chalmers Bakery Ltd.

PLANNING POLICY

National Planning Policy

- Scottish Planning Policy (SPP)
- Aberdeen City and Shire Strategic Development Plan (SDP)

Aberdeen Local Development Plan

- Policy D1 – Architecture and Placemaking
- Policy D2 – Design & Amenity
- Policy H1 – Residential Areas
- Policy NE6 – Flooding & Drainage
- Policy R7 – Low & Zero Carbon Buildings
- Policy T2 – Managing the Transport Impact of Development

Supplementary Guidance

- Supplementary Guidance: The Subdivision & Redevelopment of Residential Curtilages
- Supplementary Guidance: Transport & Accessibility
- Supplementary Guidance: Low & Zero Carbon Buildings

Proposed Aberdeen Local Development Plan

- D1 – Quality Placemaking by Design
- H1 – Residential Areas
- NC6 – Town, District & Neighbourhood Centres
- NE6 – Flooding & Drainage

- R7 – Low & Zero Carbon Buildings, & Water Efficiency
- T2 – Managing Transport Impact of Development

EVALUATION

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

Principle of Development

The application site lies within a predominantly residential area which is reflected in its residential zoning identified in the Aberdeen Local Development Plan (ALDP) 2012, although it is noted that a number of commercial and retail units are located within the vicinity. Within residential areas, the principle of further residential development will be accepted, providing those criteria set out in policy H1 can be satisfied.

The question of whether the proposal represents 'overdevelopment' for the purposes of assessment against policy H1 will be addressed in the 'density' section of this report, below. Policy H1 also requires that new development does not result in an unacceptable impact on the character or amenity of the surrounding area. This requirement of policy H1 is addressed in the remainder of the evaluation section, below. Furthermore, it is also a requirement of Policy H1 that relevant proposals comply with the Supplementary Guidance on curtilage splits. Whilst it is recognised that this proposal is not a straightforward example of plot-subdivision, it is nevertheless considered that the considerations that form part of the Council's supplementary guidance on the subdivision and redevelopment of residential curtilages are relevant in general terms for this proposal. Furthermore, this supplementary guidance clearly states that the considerations within can be applied to other types of development, where such considerations are considered pertinent.

Impact on Amenity

The area surrounding the application site reveals a degree of uniformity in the built form, particularly to the south of Auchmill Road, which is characterised by 1½ - 2½ semi-detached and terraced properties of a commercial/retail use at ground floor with flats above, forming an established building line facing north onto the A96. Rear garden ground/amenity space of approx. 23m in depth is found to the rear (south) of these properties. It is noted that a number of ancillary structures, some of which are of a considerable size and scale, are found within the rear curtilages of these properties.

The proposed dwelling would be built upon the footprint of a demolished structure located to the rear of no. 28-34 Auchmill Road formally attached to a neighbouring ancillary building. While the applicant states that this is a site of a

former dwelling, the remains would indicate that it has been some considerable time since any use was made of the site and any precedent for former use is not considered valid in this instance.

Given the location of the proposal within the site and relative to existing properties, the new house would lack a 'public face' to the street, and additionally, would not provide any rear garden ground, depending solely on the outlook over playing fields to the south, notwithstanding a small elevated amenity space (doubling as pedestrian access) to the north. In terms of privacy, the elevated nature of the property is such that its front (north) elevation would overlook the habitable room windows of residential properties to the north. While it is noted that the distances between habitable room windows would generally comply with the distances required by policy (an 18m separation distance is typically required in new residential developments) the elevated nature of the dwelling to surrounding properties is such that greater distances are required in this instance, so as to protect and maintain the privacy enjoyed by such properties. Furthermore, the amenity space proposed to the north of the new dwelling would further reduce the distances to facing habitable room windows, further exacerbating issues relating to loss of privacy to surrounding properties.

Daylight and sunlight calculations show that the separation distances between the proposed dwelling and existing properties to the north of the site is considered sufficient to ensure that existing dwellings would be afforded adequate levels of daylight and sunlight, with no undue obstruction.

Amenity Afforded to Occupants of Proposed Development

It is a requirement that all proposed residential development should have a private face to an enclosed garden or court, with access to sitting out areas. Rear gardens of dwellings of up to two storeys should have an average length of at least 9 metres and should have an acceptable level of privacy and amenity. The amenity space proposed would be located at the front of the property, and would measure approx. 3m in length, would be overlooked by existing residential properties and additionally would be subject to a significant degree of overshadowing throughout the day, due to its orientation relative to the proposed dwelling. Furthermore, the proposed amenity space would look onto to the rear of a Chinese restaurant and take away, in addition to the rear stairs of flats over this business. Accordingly, it is considered that the proposed dwelling would not be afforded garden ground of sufficient size, nor would it be afforded an adequate level of amenity, contrary to policy D2 (Design & Amenity) of the ALDP.

Density

As noted in the 'principle' section of this report, the local area is characterised by established residential built forms. The construction of a new dwelling within an established area will affect the overall density and pattern of development of the surrounding area, the acceptability of which will be dependant of the general form of development in the locality. In terms of density, as a general guide no more

than a third (33%) of the total site area for each individual curtilage is advised. Whilst the existence of a building in this location is noted, in this case, there would be no garden/landscaping, and outwith the building footprint, the remaining 'curtilage' would be given over to parking and amenity space. Accordingly, the proposed density/plot ratio is considered to be incongruous with that of properties in the immediate vicinity, and fails to meet the minimum requirements expected for a single dwelling, contrary to the Council's Supplementary Guidance: The Subdivision and Redevelopment of Residential Curtilages and policy H1 (Residential Areas).

Design & Context

The design of the proposed dwelling is clearly influenced by that of the demolished structure and, in terms of form, scale and massing, takes cue from the adjacent ancillary structure to which it would be attached, proposing a pitched roof forming gable ends in this location. It is proposed to utilise a neutral palette of materials, which are considered to be acceptable in relation to surrounding properties. When considering the use of material, design, scale and form, notwithstanding the above relating to density and amenity etc. the proposal is considered to be partially comply with policy D1 (Architecture & Placemaking).

Noise

The Council's Environmental Health Team (EHT) has identified a number of likely sources of noise to which the proposed dwelling would be exposed, and has recommended that a Noise Assessment be submitted by way of condition. Given the number of noise sources identified by the EHT, it is considered necessary to request this information from the applicant up front, so that it can be demonstrated that the proposed dwelling could be afforded a reasonable level of amenity and would not be unduly affected by existing noise sources. No information pertinent to a suitable noise assessment has been submitted by the applicant.

Flooding & Draining

Insufficient information has been submitted in respect of the proposed surface water drainage proposal which lack a drainage assessment. Accordingly, compliance with Policy (Policy NE6 – Flooding & Drainage) has not been demonstrated.

Traffic Impacts, Arrangement and Car Parking

The proposal demonstrates that two off-street parking spaces, of adequate size, can be accommodated within the site to the satisfaction of the Council's Roads Development Management Team. As such, it is considered that the parking standards, as set out in the Council's Supplementary Guidance: Transport and Accessibility have been met.

The provision of both pedestrian and vehicular access to the dwelling is an important consideration. The proposed new house would utilise an existing

access 'pend' – approx. 3.5m wide – from Auchmill Road, for the purposes of both vehicular and pedestrian access to the site. Whilst the proposed parking provision is considered to be sufficient in relation to the development, utilisation of the existing access is considered to be unacceptable to the Council's Roads Development Management Team and Transport Scotland. The existing pend is considered unsuitable for the material increase in traffic that would result from the proposed development, in that it is unable to permit a vehicle to enter while another vehicle is attempting to exit by virtue of its overall width, potentially causing vehicles to stop on the trunk road.

Additionally, it is considered that the existing pend poses a risk to pedestrian safety, in that there would be a lack of visibility for existing drivers to see pedestrians while exiting from the site. While it is noted that this pend is utilised by other uses of surrounding properties, the material increase in use of this pend resulting from the development is a concern.

Furthermore, there should be a safe and convenient pedestrian access to the property. It is not normally acceptable for pedestrian access to be shared with vehicles. Accordingly, the proposal is considered to be contrary to policy T2 (Managing the Transport Impact of Development), the Council's Supplementary Guidance: The Subdivision and Redevelopment of Residential Curtilages and therefore H1 (Residential Areas) of the ALDP.

'Low and Zero Carbon Buildings' Supplementary Guidance

The Council's supplementary planning guidance 'Low and Zero Carbon Buildings' is a relevant material consideration. No details of the incorporation of Low and Zero Carbon generating technologies have been provided in support of the application. It has not been found necessary to request this information up front given the recommendation of the application.

Matters raised through representations

Matters relating to loss of amenity and vehicular access have been addressed in the evaluation section of this report. Concerns with regard to the proposed access arrangements throughout the construction phase of development is not a material planning consideration, and as such, cannot form part of the evaluation.

Full regard has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application

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 relation to this particular application, policies relating to design, residential areas and others of relevance to the proposal have not been subject to fundamental change; however there remain unresolved issues which may lead to further change in applicable policies, with the weight that those policies can be afforded diminished as a result, therefore, it is considered that the Proposed Plan does not raise any material considerations warranting determination other than in accordance with the extant Aberdeen Local Development Plan.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The proposal fails to fully comply with Policy D1 (Architecture and Placemaking), Policy D2 (Design & Amenity), Policy H1 (Residential Areas) and Policy T2 (Managing the Transport Impact of Development) in addition to the Council's Supplementary Guidance: The Subdivision and Redevelopment of Residential Curtilages of the Aberdeen Local Development Plan, in that the proposed dwelling would be incongruous with the established built form of the surrounding area, would have an unacceptable impact on the amenity of surrounding residential properties, would not be afforded a reasonable level of amenity and would pose a safety hazard to pedestrians, and to vehicles using the adjacent trunk road. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations – including the Proposed Aberdeen Local Development Plan – that would warrant approval of the application.



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

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Refusal of Planning Permission

Taylor Architecture
22 Bacchante Way
Kingseat
Newmachar
AB21 0AX

on behalf of **Mr Ewan Miller**

With reference to your application validly received on 18 January 2016 for Planning Permission under the above mentioned Act for the following development, viz:-

ERECTION OF DWELLINGHOUSE at 36 Auchmill Road, Bucksburn

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: 170399;

Detail: Site Layout;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160044&index=170399>

Document No: 170405;

Detail: Proposed Layouts and Site;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160044&index=170405>

Document No: 170406;

Detail: Proposed Elevations and Sections;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160044&index=170406>

Document No: 170476;

Detail: Location Plan; Drawing No: E(90)001 Rev A;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160044&index=170476>

PETE LEONARD
DIRECTOR

Continuation

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

The proposal fails to fully comply with Policy D1 (Architecture and Placemaking), Policy D2 (Design & Amenity), Policy H1 (Residential Areas) and Policy T2 (Managing the Transport Impact of Development) in addition to the Council's Supplementary Guidance: The Subdivision and Redevelopment of Residential Curtilages of the Aberdeen Local Development Plan, in that the proposed dwelling would be incongruous with the established built form of the surrounding area, would have an unacceptable impact on the amenity of surrounding residential properties, would not be afforded a reasonable level of amenity and would pose a safety hazard to pedestrians, and to vehicles using the adjacent trunk road. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations - including the Proposed Aberdeen Local Development Plan - that would warrant approval of the application.

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

Document No: 170399;

Detail: Site Layout;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160044&index=170399>

Document No: 170405;

Detail: Proposed Layouts and Site;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160044&index=170405>

Document No: 170406;

Detail: Proposed Elevations and Sections;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160044&index=170406>

Document No: 170476;

Detail: Location Plan; Drawing No: E(90)001 Rev A;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160044&index=170476>

Date of Signing 31 March 2016



Daniel Lewis

Development Management Manager

Enc.

PETE LEONARD
DIRECTOR

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

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

Regulation 28(4)(a)

Form 1

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

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

Notices of review submitted by post should be sent to –

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

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

PETE LEONARD
 DIRECTOR

PETE LEONARD
DIRECTOR

Comment for Planning Application 160044

Name : Fiona Shedden

Address : 12 Newton Terrace

Bucksburn

Aberdeen

AB21 9LP

Telephone :

Email : Fi.shedden@gmail.com

type :

Comment : Whilst I have no objection to the proposed building and note access to the property will be via existing shared access from Auchmill Road, I have concerns over how the build will be undertaken.

The site is compact with limited access and I would wish reassurance that building contractors will access the site from Auchmill Terrace and not, as the applicant has been doing whilst clearing the site, via Newton Terrace.

Newton Terrace is a private road and we have previously had difficulties over a development at 38-40 Auchmill Road and the impact during building works on residents of Newton Terrace whose properties were adjacent to the site.

Fiona Shedden

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Comment for Planning Application 160044

Name : Bill Harrison

Address : 16 Summer Place

Dyce

Aberdeen AB21 7EJ

Telephone :

Email : w.harrison@abdn.ac.uk

type :

Comment : I object to this application. Reason(s): (1) loss of amenity for neighbouring properties: this proposed house will tower over its neighbours. (2) road safety. Access to a cramped parking area via a pend from the A96 presents risks to pedestrians and vehicles on the A96.

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MEMO

Environmental Health and Trading Standards
Communities, Housing and Infrastructure
3rd Floor South, Marischal College



To	Ross McMahon Planning & Sustainable Development		
From	Mark Nicholl, Environmental Protection	Date	21/01/2016
Email	mnicholl@aberdeencity.gov.uk	Our Ref.	MEN /PLNS
Tel.	01224 522596	Your Ref.	P160044
Fax.	01224 523887		

Planning Reference: P160044
Address: 36 Auchmill Road, Bucksburn
Description: Erection of dwellinghouse
Applicant: Mr Ewan Miller

In regard to the above application the following has been evaluated:

Noise

The occupants of the proposed development will potentially be exposed to noise from a number of likely sources including:

- 1) Aircraft noise, as the site is located in close proximity to the 2011 55 Lden Noise Contour, as per the Aberdeen International Airport Noise Action Plan (2013 to 2018).
- 2) Road traffic noise from Auchmill Road (A96)
- 3) Rail traffic noise from the Aberdeen to Inverness railway line,
- 4) Fixed plant noise from nearby commercial units,
- 5) Process/activity noise from nearby commercial units.

However, I am of the opinion that provision of suitable mitigation measures can address this. I recommend that, as a condition of planning permission, a noise assessment by a suitably qualified noise consultant is carried out in order to predict the impact from these existing sources and necessary control measures. This assessment must:

- a) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- b) Identify all the likely sources of noise;
- c) Indicate the measures to reasonably protect the amenity of the occupants of the development from all such sources of noise that have been identified;

- d) Have the noise assessment methodology should be submitted and agreed in writing with this Service prior to the survey being undertaken

Mark Nicholl
Environmental Health Officer

MEMO



ABERDEEN
CITY COUNCIL

To	Ross McMahon Planning & Infrastructure	Date	03/03/2016
		Your Ref.	P160044 (ZLF)
		Our Ref.	TR/GW/1/51/2
From	Roads Projects		
Email	grwhyte@aberdeencity.gov.uk		
Dial	01224 522284		
Fax			

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

Planning application no. P160044
36 Auchmill Road, Bucksburn
Erection of dwellinghouse

I have considered the above planning application and have the following observations:

I note the three-bedroomed dwelling is within an existing pend off of the A90 Trunk Road. Transport Scotland should be notified of the planning application due to the property being situated within 67 metres of the Trunk Road.

The property provides two parking spaces of sufficient size (5metres x 5 metres) and is considered acceptable under Aberdeen City Council (ACC) guidelines.

Vehicles accessing the property may be able to turn within the pend allowing entry and exit in a forward gear.

The pend width does not allow two vehicles to pass. Delays on the A90 may result were a vehicle to wait on the carriageway for a vehicle to leave the access. Additional traffic from the pend may cause problems for pedestrians on the footway.

For the above reasons I would recommend the application be refused.

Gregor Whyte
Engineering Officer

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MEMO



ABERDEEN
CITY COUNCIL

To	Ross McMahon Planning & Infrastructure	Date	25/01/2016
		Your Ref.	P160044 (ZLJ)
		Our Ref.	
From	Flooding		
Email	MVinyals@aberdeencity.gov.uk		
Dial	01224 52 2386		
Fax			

Flooding
**Communities, Housing and
Infrastructure**
Aberdeen City Council
Ground Floor
74 - 76 Spring Garden
Aberdeen AB25 1GN

**Planning application no. P160044
36 Auchmill Road, Bucksburn
Erection of dwellinghouse**

I have considered the above planning application and have the following observations:

Surface Water Drainage Proposals

Please provide full surface water drainage proposals for the development, outlining in full detail the proposed method of discharge of surface water. Any proposed SuDS facilities to include design calculations and drawings to be submitted for approval.

When this information has been provided, we will offer further comment on the application.

Regards,

Miquel Vinyals
Engineer

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Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

**The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Aberdeen City Council Planning & Sustainable Development Communities, Housing and Infrastructure Aberdeen City Council Business Hub 4 Ground Floor North Marischal College Broad Street Aberdeen AB10 1AB	Council Reference:-	P160044
	TS TRBO Reference:-	NE/50/2016

Application made by Mr Ewan Miller per Taylor Architecture, 22 Bacchante Way Kingseat Newmachar AB21 0AX and received by Transport Scotland on 03 March 2016 for planning permission for erection of dwellinghouse located at 36 Auchmill Road, Bucksburn affecting the A96 Trunk Road.

Director, Trunk Roads Network Management Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Route Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-	Route Manager (A96) 0141 272 7100 Network South, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Operating Company:-	NORTH EAST
Address:-	Bear House, Inveralmond Road, Inveralmond Industrial Estate, PERTH, PH1 3TW
Telephone Number:-	01738 448600
e-mail address:-	NEplanningapplications@bearsotland.co.uk

REASON(S) for Refusal

1	The existing access is too narrow to permit a vehicle to enter while another one is leaving thus potentially causing a vehicle to stop on the trunk road.
2	There is a lack of visibility for exiting drivers to see pedestrians on the trunk road footway.
3	The site is too small to adequately cater for the turning manoeuvres within the site to ensure that all vehicles entering and leaving the site can undertake the movements in a forward gear.

Transport Scotland Response Date:- 11-Mar-2016

Transport Scotland Contact:- Fred Abercrombie

Transport Scotland Contact Details:-

Trunk Road and Bus Operations, Network Operations - Development Management

Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Telephone Number: 0141 272 7382

e-mail: development_management@transportscotland.gsi.gov.uk

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Trunk Road and Bus Operations, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.



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 100014843-001

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="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="Ewan"/>	Building Number:	<input type="text" value="15"/>
Last Name: *	<input type="text" value="Miller"/>	Address 1 (Street): *	<input type="text" value="Edmund Gardens"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Kingswells"/>
Telephone Number: *	<input type="text" value="██████████"/>	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 8PL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

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"/>
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"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="809572"/>	Easting	<input type="text" value="389910"/>
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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 the decision by Planning Officers for P160044 of 31 March 2016

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 separate document

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

Yes No

If yes, you should explain in the box below, why you are raising 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)

TABC 070 Statement Letter TABC 070 Existing Location Plan TABC 070 PL001 Existing Block plan TABC 070 PL002 Proposed Block Plan and Floor Plans TABC 070 PL003 Ex and Prop Elevations TABC 070 Topographical Survey TABC 070 Design Statement 36 Auchmill Road

Application Details

Please provide details of the application and decision.

What is the application reference number? *

P160044

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

14/01/2016

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

31/03/2016

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Steven Taylor

Declaration Date: 02/06/2016

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Our Ref: TABC 070/LRB/letter01

Date: 01-06-16

Councillors of Planning Committee - Local Review Board
Aberdeen City Council

Dear Sirs / Madam

Planning Reference P160044
Proposed New Build Dwelling on Brownfield Site
36 Auchmill Road, Bucksburn, Aberdeen
Appeal to Against Refusal Dated 31-03-16

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, to prepare feasibility and full planning permission drawings to re-develop a former cottage at 36 Auchmill Road, Bucksburn.

The Brief was to;

- Deliver a 3 bed dwelling house on the footprint of the historic cottage / brown field site
- Use a palette of materials sympathetic to the surroundings
- Utilise existing Infrastructure and services with minimal disruption to the Neighbouring properties.

Planning Permission Process

- Planning Permission was lodged electronically using ePlanning.scot on the 14th January 2016
- Decision notice was issued 31-04-2016

Officers Concerns and Reasons for Refusal

1. Roads Development Management/Transport Scotland Comments
2. Supplementary Guidance: The Subdivision of Residential Curtilages
3. Environmental Health Comments

Application Ref: P160044 - 36 Auchmill Road, Bucksburn

The proposal is considered to be contrary to policies **D2 (Design & Amenity)**, **H1 (Residential Areas)** and the associated **Supplementary Guidance: The Subdivision of Residential Curtilages** for the following reasons:

- There is a presumption against backland development where a new dwelling is proposed and there would be no public face to a street or private rear garden;
- Overdevelopment of the site (no more than a third of the development site should be built upon – in this case the coverage would be close to 66%);
- Overlooking of, and loss of privacy to existing residential properties to the north and north-west of the site, resulting from distances of less than 18m between habitable room windows, exacerbated by the elevated nature of the dwelling in relation to these properties;
- Insufficient and inadequate 'sitting out areas'/private amenity ground in terms of area provided (<2 storey properties require approx. 9m garden length – approx. 3m proposed in this instance). The proposed amenity space would suffer from lack of privacy being located only 13m away from the habitable room windows of neighbouring residential properties, and also would suffer from a lack of sunlight given its position relative to the proposed dwelling, cast in shadow for the majority of the day – as such the level of amenity available to the dwelling is considered to be insufficient and unsatisfactory for a residential property.

Roads Development Management/Transport Scotland Comments

Our Roads Team do not object to the proposal in respect of parking provision/ access, however, we are awaiting a response from Transport Scotland following a statutory consultation request in connection with the existing trunk road.

Environmental Heath Comments

Again, and with regard to the EHO's comments, in most circumstances the requirement for a Noise Assessment can be conditioned, however in this instance, the nature of the outstanding concerns raised in are such that we will require a noise assessment up front which should follow the below, as set out in the EHO's memo:

- a) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- b) Identify all the likely sources of noise;
- c) Indicate the measures to reasonably protect the amenity of the occupants of the development from all such sources of noise that have been identified;
- d) Have the noise assessment methodology should be submitted and agreed in writing with this Service prior to the survey being undertaken.

Given that the principle of the development is not considered to be acceptable in this instance, it has not been found necessary to request this information up front. However, the concerns raised by the EHO and the lack of information provided would reinforce our position, forming part of the subsequent report and reasons for refusal, should your client wish to progress the application.

Flooding Comments

Similarly, our Flooding Team are not satisfied with the information provided in connection with the proposed Surface Water Drainage proposals which should also include a drainage assessment. I would recommend contacting the Flooding Engineer directly to discuss the requirements as set out in their memo. Again, should you wish to progress the application without this information being provided up front, this would also form part of the reason for refusal.

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

The proposal fails to fully comply with Policy D1 (Architecture and Placemaking), Policy D2 (Design & Amenity), Policy H1 (Residential Areas) and Policy T2 (Managing the Transport Impact of Development) in addition to the Council's Supplementary Guidance: The Subdivision and Redevelopment of Residential Curtilages of the Aberdeen Local Development Plan, in that the proposed dwelling would be incongruous with the established built form of the surrounding area, would have an unacceptable impact on the amenity of surrounding residential properties, would not be afforded a reasonable level of amenity and would pose a safety hazard to pedestrians, and to vehicles using the adjacent trunk road. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations - including the Proposed Aberdeen Local Development Plan - that would warrant approval of the application.

Response to Concerns

1. Roads Development Management/Transport Scotland Comments

The roads comments are strange since the previous application on the site made no such comments and only stated that they were satisfied that vehicles could turn on site to enter and exit in forward gear.

The comment from the roads and which transport Scotland have copied nearly word for word states that "The existing access is too narrow to permit a vehicle to enter while another one is leaving thus potentially causing a vehicle stop on the trunk road" We consider that this lane allows sufficient visibility to prevent such an incident while this principle applies to several other roads in the proximity, namely Newton Terrace directly to the West of the site and shown in the 1st photo. This access serves numerous properties in the area and has been the subject of several approved planning applications in the past few years.

Other examples of such access is evidenced at the flats just West of Newton Terrace (pic 2) and at the unnamed road leading to Bucksburn Primary School (pic3)

Of relevance to our application site and shown clearly in picture numbers 4 and 5 is the bus stop prior to the access lane and the parked cars to the West of the lane, this means that vehicles exiting the site to the one way system on Auchmill Road do not enter directly into one of the two lanes of traffic, rather they enter into an area after a bus stop (effectively a third lane) before entering the flow of traffic as is safe to do so.

Also noted by transport Scotland is an apparent lack of visibility of exiting drivers to see pedestrians, as you can clearly see from picture 4, the wide pavements with dropped kerbs allow good visibility for exiting vehicles. The suggestion that drivers would suffer from a lack of visibility to see pedestrians would call into question the viability of thousands of roads in built up areas. Again this objection has not been previously mentioned in relation to other applications in the area.

The third objection claiming that the site is too small to allow manoeuvres to allow vehicles to enter and leave the site in a forward gear

is in contradiction to the delegated report regarding the previous application for the same site in 2010, this application allowed for 2 spaces at the same location, this report stated that "the local roads engineer has of course already assessed that no more than 2 spaces can be comfortably provided on site so as to permit turning within the site and not lead to any risk of vehicles having to reverse out on to Auchmill Road" "The parking arrangement was amended to show 2 spaces capable of independent access and with the ability to turn within the site"

The local roads department also states that vehicles may be able to turn within the site to allow entry and exit in forward gear and I have personally done so in my family car on several occasions.

We are somewhat surprised by these objections to a location which at present provides vehicular access to the existing properties at numbers 28 and 30 as well as to the garage immediately in front of the lane and historically to the previous dwelling at number 36.

The lane has double yellow lines at its entrance and has wide pavements with dropped kerbs at either side.

We are also questioning the dates that these objections were submitted, roads on 03.03.16 and transport Scotland on 11.03.16 whilst the date of expiry of period allowed for representations was 17.02.16.

2. Supplementary Guidance: The Subdivision of Residential Curtilages

Backland development

Whilst we understand the concerns here there are examples of where mews or garden homes can deliver modest family homes on brownfield sites, greatly benefitting the Aberdeen Housing Market .

See attached Title Plan showing that the property has had its own unique address since 1850, we are not applying to sub-divide an existing curtilage, merely re-build a dwelling on 36 Auchmill Road.

Overdevelopment - Total Site Area red line is 178sqm with a gross dwelling footprint of 73sqm. This would give a 41% dwelling footprint

Overlooking - I measure the closest window at 17.8m. There is only 2 windows that are apartment space on the first floor level of the neighbouring properties. All neighbours have been approached and support the application as it deals with an eyesore and "hang out for kids"

Any privacy issues could be overcome with screening or obscure glazing. The neighbours at 32-34 are burdened by title to not object to any reasonable proposals for a dwelling on the title ! We view this as a reasonable dwelling built on exactly the same footprint of the former dwelling.

Sitting out areas - This should be dealt with as re-generation of a Mews house. its not going to be reasonably practical to deliver a notional 9m garden when it comes to a unique scenario on a brown field site. Our proposals show more than enough sitting out / clothes drying space for occupants. the line of sight from the neighbouring properties can be dealt with 1.8m screening this would close line of site in both directions

3. Environmental Health Comments

On the 3rd Feb you agreed that Noise concerns could be mitigated, we wish for the application to be determined and Noise assessment to be conditioned. Residents of the proposed development will have a significantly improved noise reduction than any other development on the street . Furthermore application 131191 was approved with an assessment conditioned. This property is far closer to the main source of noise which is Auchmill road. The EHO was quoted as stating "a level of amenity can be achieved in this location as evident by the number of flats within the vicinity" The variables of our site and that of 131191 are no different.

Precedence

As this footprint is exactly built on to the site of a former dwelling, we see no reason why it would create any unsafe precedence from which other similar applications would be difficult to resist

Flooding

We will get a solution to work on this site, it is obvious that attenuation can be achieved via storm cells or even rainwater harvesting, an outfall rate to be determined and a re-connect from this former dwelling to the sewer. The point here is that before spending money on an expensive survey and statement, the applicant wants to know that the development can be approved from an aesthetic building superstructure. I think its reasonable to request this statement can be conditioned.

Applicants Statement

"We are extremely disappointed and somewhat surprised by the level of objection that the planning department has demonstrated to this application. The plot in its current state is an overgrown eyesore whose main use appears to be to

provide an area for the consumption of cider and drugs as witnessed by the level of detritus removed. The plot is in a predominately residential area in a brownfield site, where development is in it's own words "strongly encouraged" by the local development plan.

The proposal is to construct a three bedroomed dwelling on the exact footprint of the previous building which is clearly visible today, the building work would mostly be carried out by the applicant who is a joiner as well as subcontractors. We aim to significantly improve the appearance and security of the locality by constructing a spacious family home, in keeping with the scale and mass of existing properties whilst providing 2 parking spaces and a level of amenity with sitting out areas not found in many nearby.

The development of this plot would provide employment and investment whilst also creating a much in demand modern and affordable family home."

Conclusion

- The proposed dwelling has been designed to ensure the best possible appearance for the development in relation to the surrounding area, taking into account its current footprint and maintaining a quality streetscape viewed by users of Bucksburn Park
- 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 amenity 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.
- 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 the dwelling at 36 Auchmill Road, are appropriate for the redevelopment of the site.

We therefore respectfully request that the members consider allowing the appeal.

Yours Faithfully



Taylor Architecture and Building Consultants Ltd

For and on Behalf of Applicant Ewan Miller,
Edmund Gardens, Kingswells