

Public Document Pack



To: Councillor Milne , Convener; and Councillors Nicoll and Stuart

Town House,
ABERDEEN 5 December 2016

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in Committee Room 5 - Town House on **MONDAY, 12 DECEMBER 2016 at 2.00 pm.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

- 1 Procedure Notice (Pages 5 - 6)

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

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

PLANNING ADVISER - GAVIN EVANS

- 2.1 Flat B, 12 Summerfield Terrace - Proposed Creation of 2 Bedroom Flat Within Roof Space, Including Formation of Dormer Windows to Front and Rear Elevations (Retrospective) - 161292
- 2.2 Delegated Report, Plans and Decision Notice and Letters of Representation (Pages 7 - 40)
Members, please note that the relevant plans can be viewed online:-
<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>
Please enter number 161292
- 2.3 Planning Policies Referred to in Documents Submitted

Members, the following planning policies are referred to:-

Aberdeen Local Development Plan

D1 – Architecture and Placemaking

D2 – Design and Amenity

H1 – Residential Area

Proposed Aberdeen Local Development Plan

D1 – Quality Placemaking by Design

H1 – Residential Areas

Supplementary Guidance

Supplementary Guidance: Householder Development Guide

Supplementary Guidance: Transport & Accessibility

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

- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 41 - 68)
- 2.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-turn the Decision of the Case Officer

PLANNING ADVISER - PAUL WILLIAMSON

- 3.1 1 Cairnview Crescent - Proposed Dormers to Front of the Ancillary Building (Retrospective) - 160640
- 3.2 Delegated Report, Plans and Decision Notice and Letters of Representation (Pages 69 - 88)
Members, please note that the relevant plans can be viewed online:-
<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>
Please enter number 160640
- 3.3 Planning Policies Referred to in Documents Submitted

Members, the following planning policies are referred to:-

Aberdeen Local Development Plan

Residential Areas (H1)

Architecture and Placemaking (D1)

Proposed Aberdeen Local Development Plan

D1- Quality Placemaking by Design (D1- Architecture and Placemaking)

H1- Residential Areas (H1- Residential Areas)

Supplementary Guidance

Supplementary Guidance: Householder Development Guide

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

- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 89 - 98)
- 3.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 3.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-turn the Decision of the Case Officer

PLANNING ADVISER - PAUL WILLIAMSON

- 4.1 25-29 Queen's Road - Proposed Dwelling House with Associated Parking - 160507
- 4.2 Delegated Report, Plans and Decision Notice and Letters of Representation (Pages 99 - 142)
Members, please note that the relevant plans can be viewed online:-
<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>
Please enter number 160507
- 4.3 Planning Policies Referred to in Documents Submitted

Members, the following planning policies are referred to:-

National Policy and Guidance

Scottish Planning Policy (SPP)

Historic Environment Scotland Policy Statement (HESPS)

Managing Change in the Historic Environment - Guidance notes on 'Setting' and 'Boundaries'

Aberdeen Local Development Plan

Policy D1 - Architecture and Placemaking

Policy D2 – Design & Amenity

Policy D4 - Aberdeen's Granite Heritage

Policy D5 - Built Heritage

Policy B13 - West End Office Area

Proposed Aberdeen Local Development Plan

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

D4 – Historic Environment (*Policy D5 – Built Heritage*)

D5 – Our Granite Heritage (*Policy D4 – Aberdeen's Granite Heritage*)

B3 – West End Office Area (*Policy B13 – West End Office Area*)

Supplementary Guidance

The sub-division and redevelopment of residential curtilages

Other Relevant Material Considerations

The Albyn Place/Rubislaw Conservation Area Appraisal

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

- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 143 - 164)
- 4.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 4.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-turn the Decision of the Case Officer

Website Address: www.aberdeencity.gov.uk

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

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. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.
Any representations:
 - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
 - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
5. 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.
6. 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.

7. 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.
8. 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

9. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
10. 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.”
11. 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.
12. 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.**
13. 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.

Report of Handling Detailed Planning Permission

161292/DPP: Proposed creation of 2 bedroom flat within roof space, including formation of dormer windows to front and rear elevations (retrospective) at Flat B, 12 Summerfield Terrace, Aberdeen, AB24 5JH

For: Mr Richard Frain

Application Date:	7 September 2016
Officer:	Ross McMahon
Ward:	George Street/Harbour
Community Council:	Castlehill And Pittodrie
Advertisement:	Vacant land/ can't notify neighbours
Advertised Date:	21.09.2016

RECOMMENDATION: Refuse

SITE DESCRIPTION

The application relates to the attic roof space of an end-terraced, upper floor flat of slate and granite construction located on the south side of Summerhill Terrace at its western end. The application site lies within a Residential Area as identified in the adopted Aberdeen Local Development Plan 2012.

DESCRIPTION OF PROPOSAL

Planning permission is sought retrospectively for the formation of a new attic floor flat, achieved through the provision of a box dormer at the front and rear elevation of the property.

Planning permission was previously granted for a proposal of the aforementioned description. The development has been completed on site however has not been constructed in accordance with the consented plans and elevations. A retrospective application has been submitted by the applicant to rectify the situation.

RELEVANT HISTORY

160189/DPP: Proposed creation of 2 bedroom flat within roof space, including formation of dormer windows to front and rear elevations – Approved Unconditionally 13/04/2016 (Delegated Powers).

P080922: Formation of new attic floor flat, including new rear dormer window – Approved Unconditionally 05/2008 (Delegated Powers).

P990987: Proposed conversion of attic to new flat – Approved Unconditionally 09/1999 (Delegated Powers).

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at www.publicaccess.aberdeencity.gov.uk.

CONSULTATIONS

Consultee	Date	Summary of Comments
Community Council	N/A	No response

REPRESENTATIONS

Four letters of representation have been received in support of the application, summarised as follows:

1. Development represents a welcomed addition to the streetscape;
2. Development represents and improvement to the property;
3. Development is in keeping with the local area and surrounding architecture.

PLANNING POLICY

Aberdeen Local Development Plan

- D1 – Architecture and Placemaking
- D2 – Design and Amenity
- H1 – Residential Area

Proposed Aberdeen Local Development Plan

- D1 – Quality Placemaking by Design
- H1 – Residential Areas

OTHER MATERIAL CONSIDERATIONS

Supplementary Guidance

- Supplementary Guidance: Householder Development Guide
- Supplementary Guidance: Transport & Accessibility

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 falls within a 'Residential Area' as identified in the adopted Aberdeen Local Development Plan 2012. The acceptability of the principle of the proposal in such areas is established through Policy H1 of the ALDP.

Within existing residential areas, proposal for new residential development will be approved in principle if it:

1. does not constitute overdevelopment;
2. does not have an unacceptable impact on the character or amenity of the surrounding area;
3. complies with Supplementary Guidance on House Extensions.

The general principle of creating an additional residential unit within a predominantly residential area is considered to be acceptable in that it would be of a use wholly compatible with that of the surrounding area. Furthermore, the formation of a new residential unit in the existing roofspace would not result in overdevelopment of the site, given that the building to plot ratio would be maintained. Matters pertaining to design, amenity and acceptability of the physical aspects of the proposal in relation to Policy D1, H1 and the SG on Householder Development are detailed in the remainder of the evaluation section of this report.

Formation of Front & Rear Dormers

The previous application report (ref. 160189/DPP) noted that, in relation to the consented proposal, given the overall height of surrounding properties (3 – 3½ storeys) and in addition to the relatively narrow width of the street, it is somewhat difficult to view the existing roofslope of the application property, and as such, it was not considered that the front dormer – as previously consented – would be overly prominent on approach from the east or west along Summerfield Terrace, due in part, to the shallow pitch of the existing roof and the proposed setback of both dormers from the inside of the wallhead. Accordingly, and recognising the general compliance with other aspects of the aforementioned guidance at that time, it was not considered that the size and scale of the proposed front and rear dormer would warrant refusal of the application. In this instance, the front and rear dormers, as constructed, sit some 500mm and 350mm forward of their consented positions respectively. This renders the above justification redundant in this instance, as the dormers sit in a far more pronounced position relative to the street.

With regard to the resultant impact on visual amenity, it is noted that Summerfield Terrace comprises a number of flatted properties with both traditional and modern 'box' style dormers to their roofspaces, particularly to the rear. King Street to the west, and Jasmine Terrace to the north are characterised by properties with modern 'box' style

dormers to their front and rear elevations, many of which are considered inappropriate under current policy and guidance.

Despite the presence of inappropriate dormers to the street facing elevations of surrounding properties, and noting the compliance with certain aspects of the SG, it is considered that the constructed dormers subject to this application significantly dominate the roofslope on which they sit and are positioned in a prominent and overbearing position so much so that they give the appearance of being a fourth storey when viewed from the street by virtue of their scale and massing. Furthermore, due to the additional projection, a substantial apron has been provided where this is not acceptable to front elevations as per the SG, adding to the overall 'bulk' and massing in appearance. The use of slate to the dormer extremities, including above window frames, in addition to dark grey window frames and rainwater goods results in a roof alteration that is considered to be bulky, obtrusive and of a scale and mass out of character with the existing property and within the wider street scene.

As constructed, the rear dormer displays a far greater solid to void ratio due to the installation of a smaller kitchen window relative to the previous consent. This, in combination with the dormers proximity to the wallhead, its apron and the use of slate at the extremities and above the windows results in what is considered to be a large, prominent and bulky box dormer. It is noted that the Council's SG allows for a degree of flexibility on rear elevations in terms of scale, solid to void ratio etc. this relaxation pertains to elevations that are 'non-public' or in areas where such dormers have already been constructed. With this in mind, and taking into account the surrounding context, it is not considered that the rear dormer significantly detracts from the visual amenity of the surrounding area pertaining to the rear of the property and as such is considered to be generally acceptable.

For the reasons outlined above, it is considered that the front dormer as constructed fails to fully comply with provisions of Policy H1 and SG Householder Development – Dormer Design Guide. It is considered that the development detracts from the character of the area and is of a poor quality and inappropriate design, to the detriment of visual amenity. The development does not contribute positively to its context and as such fails to comply with Policy D1 of the ALDP.

Residential Amenity & Amenity Afforded to the Dwelling Occupants

All habitable room windows to facing and surrounding properties would be located sufficiently distant (approx. 17.5m – 25m) from all windows proposed to the new residential unit, given that the surrounding context displays similar window to window distances throughout. In terms of daylight and privacy, an adequate level of amenity is afforded to the occupants of proposed new flat and that the amenity of surrounding residential properties is suitably protected, in accordance with Policy D2 of the ALDP.

Transport, Accessibility and Parking Arrangements

It is not considered that the formation of a two-bedroom property in this location would significantly exacerbate existing on-street parking issues, given its city centre location, access to local amenities and public transport links. Furthermore, it is noted that the surrounding flats benefit from an area of unallocated parking to the rear of the site in addition to the presence of a controlled parking zone to Summerfield Terrace itself. It is therefore considered that the formation of a residential unit in this location would not exacerbate issues related to on-street parking in accordance with the Council's SG Transport and Accessibility.

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 and the Reporter has now reported back. The proposed plan 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 comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The Reporter's response does not affect policies in a manner that is relevant to this application. In relation to this particular application proposal policies in the Proposed LDP are not materially different from those in the adopted LDP. Approval to adopt the LDP will be sought at Full Council meeting of 14th December. The actual adoption date is likely to be around the third week in January.

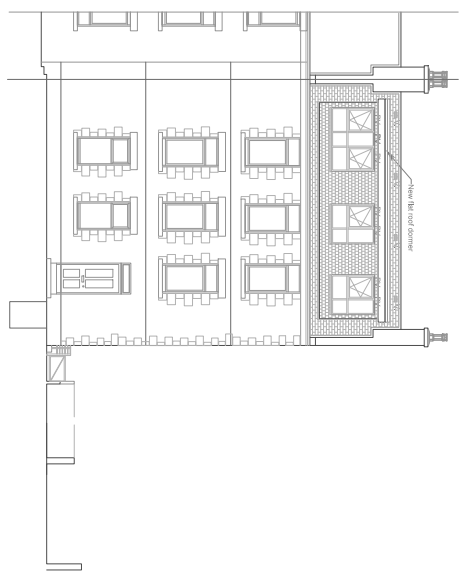
In relation to this particular application, policies of relevance to the proposal have not been subject to fundamental change. It is not considered that the Proposed Plan raises any material considerations warranting determination other than in accordance with the extant Aberdeen Local Development Plan.

RECOMMENDATION: Refuse

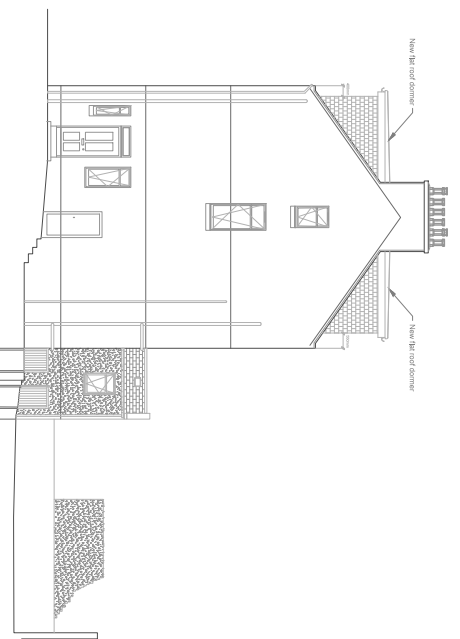
REASONS FOR RECOMMENDATION

The principle of creating an additional residential unit in this location is considered to be acceptable and compliant with the provisions of Policy D2 and aspects of H1 of the Aberdeen Local Development Plan. However, the front dormer as constructed, fails to comply with the relevant policies of the Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking) and aspects of H1 (Residential Areas), in addition to aspects of the dormer design guide contained within the Council's Supplementary Guidance: Householder Development Guide, in that the proposed front dormer has not been designed to respect the scale and form of the existing property and is of a size, scale and design that is considered to be inappropriate and

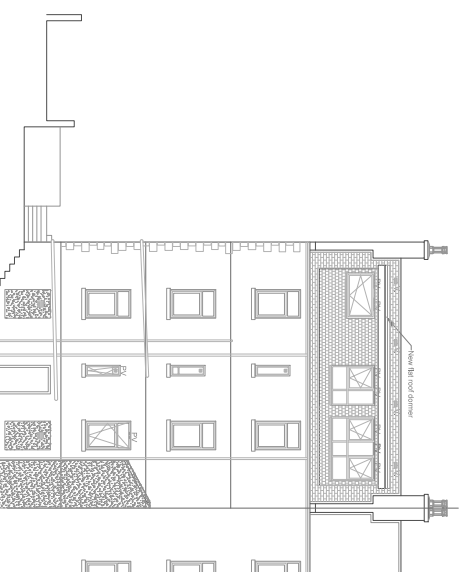
visually intrusive to the streetscape and wider area generally, to the detriment of visual amenity. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations – including the Proposed Aberdeen Local Development Plan – that would warrant approval of the application. 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.



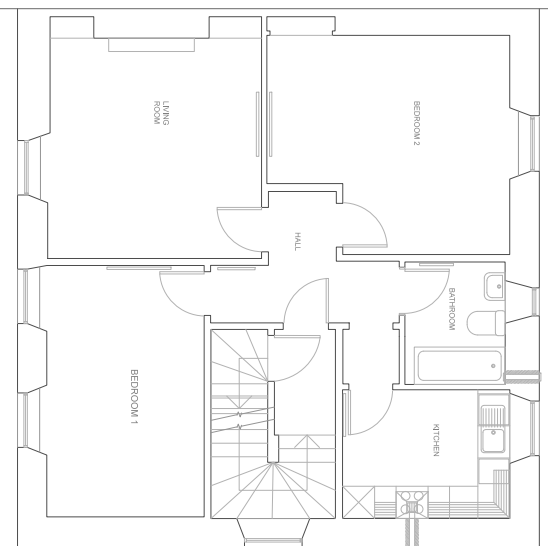
FRONT ELEVATION 1:100 @ A1



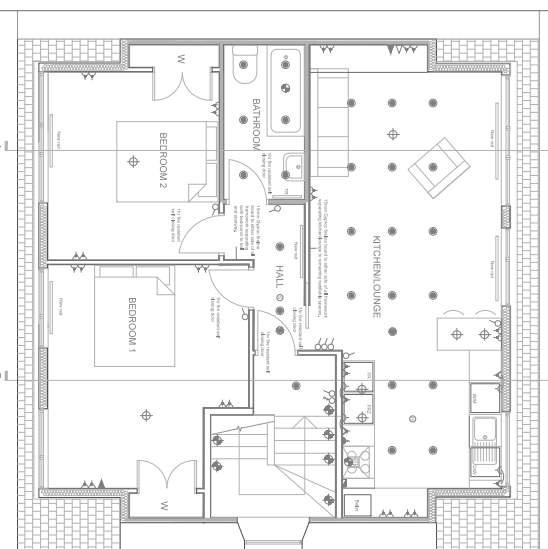
GABLE ELEVATION 1:100 @ A1



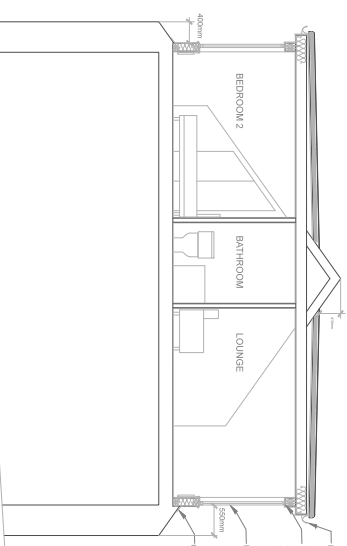
REAR ELEVATION 1:100 @ A1



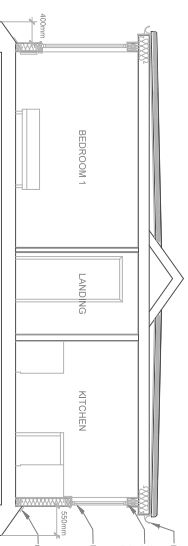
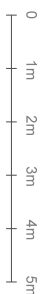
SECOND FLOOR LAYOUT 1:50 @ A1



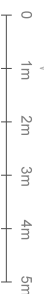
ATTIC FLOOR LAYOUT 1:50 @ A1



SECTION A-A 1:50 @ A1



SECTION B-B 1:50 @ A1



NOTES
 All building works to be in accordance with the Building Standard (Scottish) Regulations. Contractors to verify all dimensions before manufacture of components and communication of work to subcontractors or framing unless noted otherwise.

ELECTRICAL LEGEND

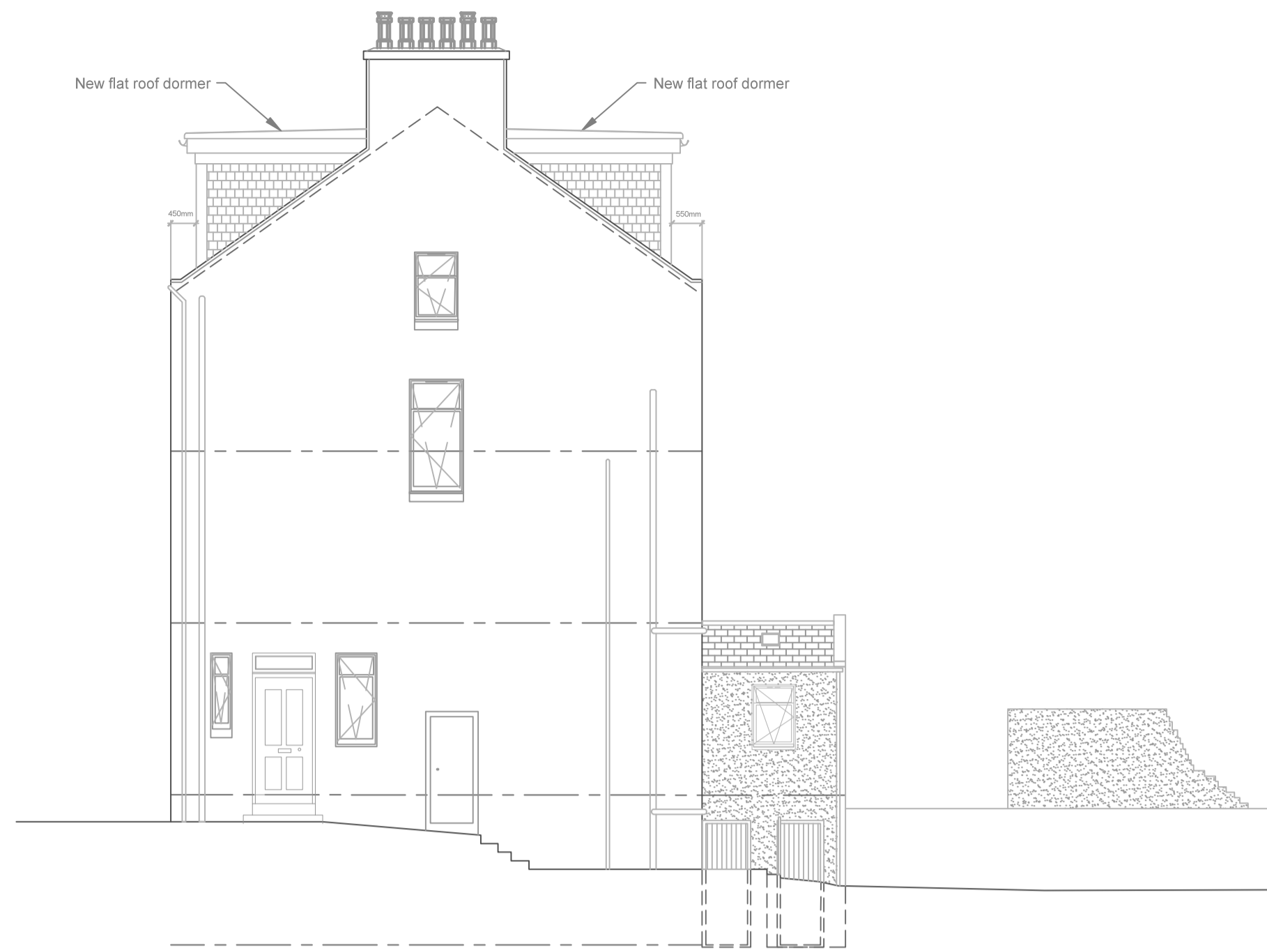
- ⚡ 1m, 1.5 amp switched socket outlet
- ⚡ Switch with pilot light
- ⚡ Unswitched socket
- ⚡ Fused spur outlet
- ⚡ Telephone point
- ⚡ TV aerial point
- ⚡ Fire alarm Smoke detector to BS 5846 Part 1980 interconnectors to be wired to mains.
- ⚡ Heat and CO2 detector
- ⚡ Pendant light
- ⚡ Light switch
- ⚡ 2-way light switch
- ⚡ Low voltage downlighter
- ⚡ Low transformers and lamps on floor light
- ⚡ Extractor fan
- ⚡ Cooker control unit
- ⚡ Fire suppressor system

Client	M R TROAN 18 SUMMERFIELD TERRACE
Job	REVISED PLANNING APPLICATION
Title	AS CONSTRUCTED PLANS AND ELEVATIONS

Drawing no. 0150_Revision D
 Scale 1:150 / 1:100 @ A1
 Date 1/09/2016



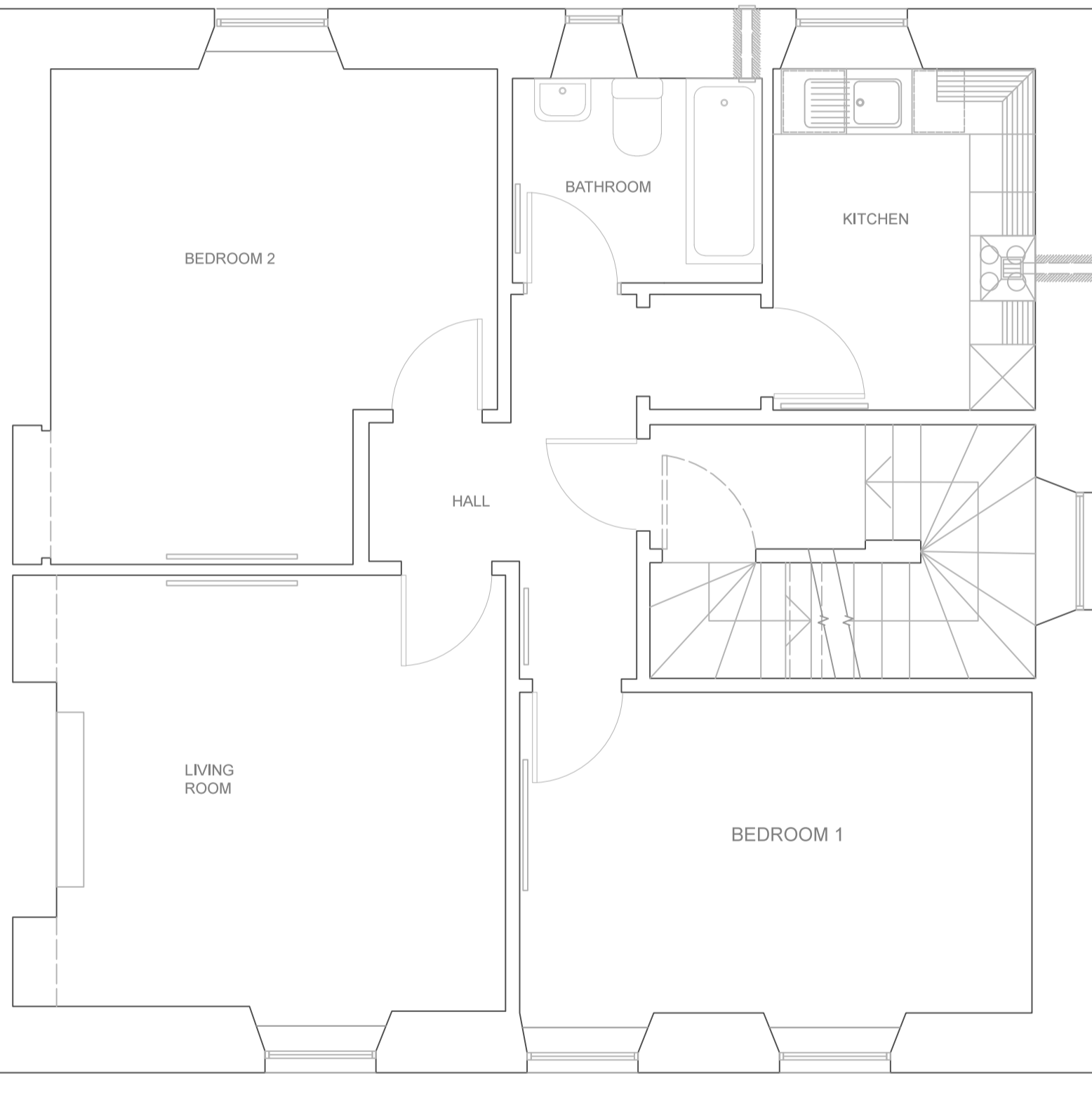
FRONT ELEVATION 1:100



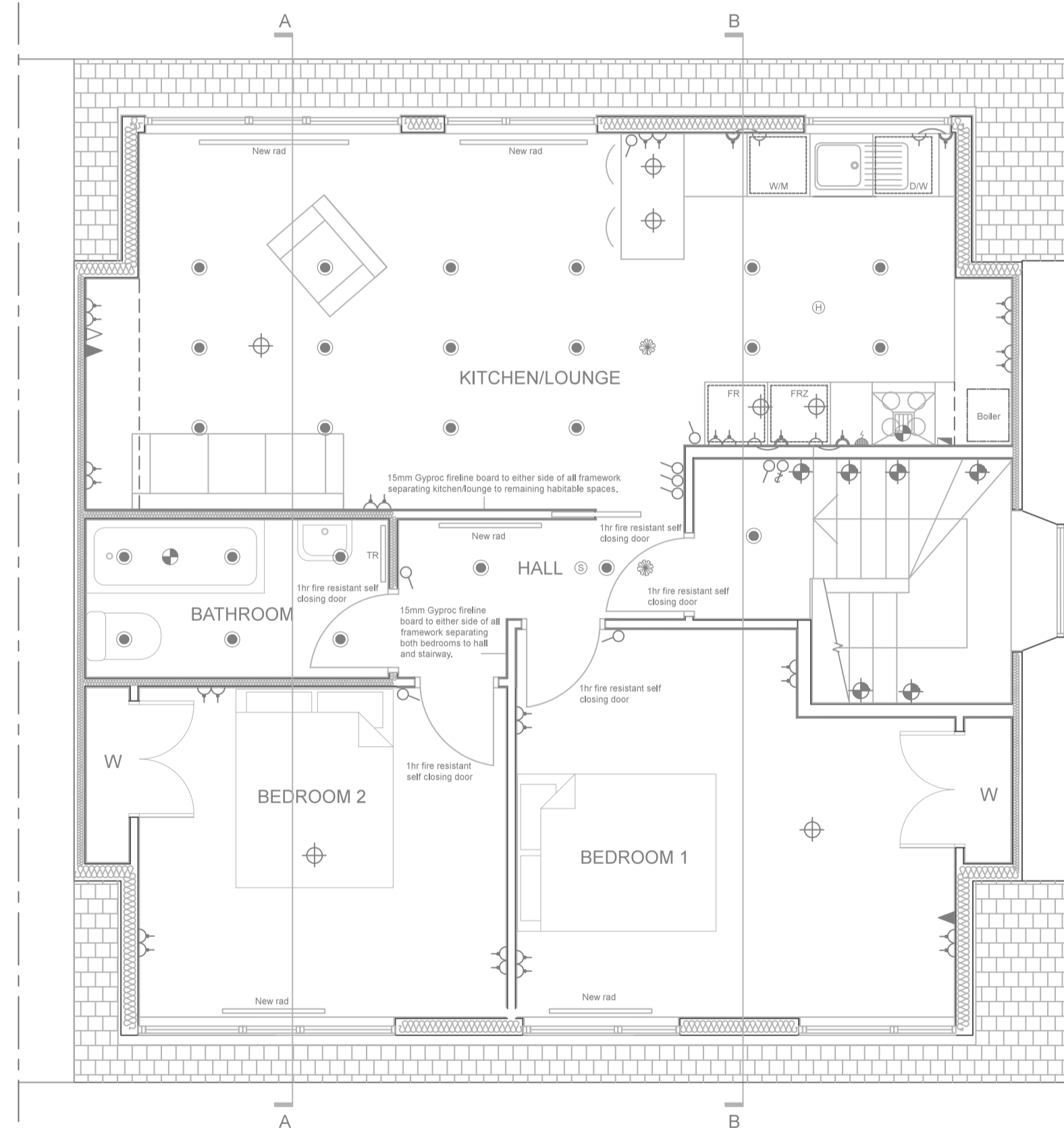
GABLE ELEVATION 1:100



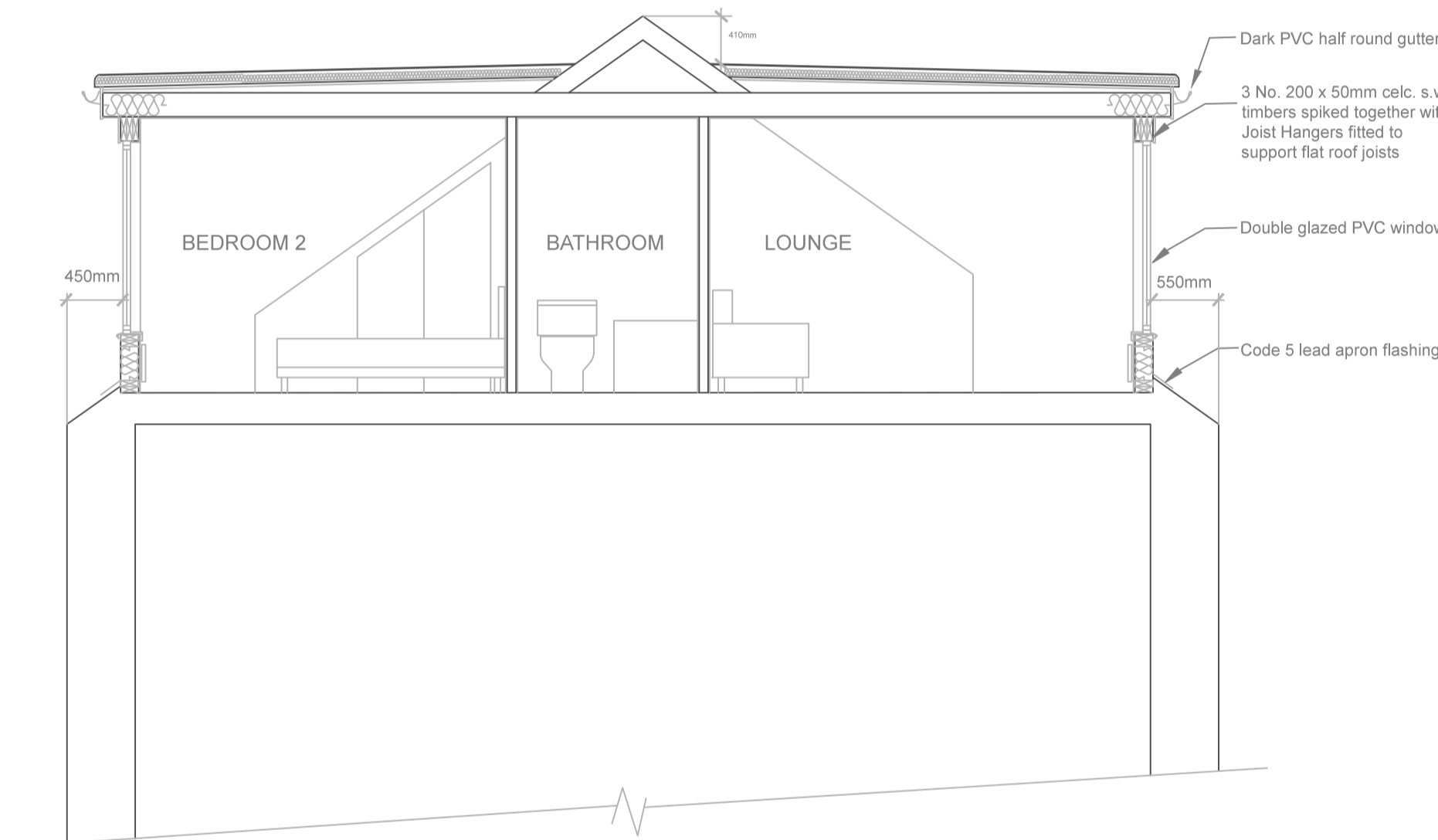
REAR ELEVATION 1:100



SECOND FLOOR LAYOUT 1:50



ATTIC FLOOR LAYOUT 1:50



SECTION A-A 1:50



SECTION B-B 1:50

NOTES
 All building works to be in accordance with the Building Standard (Scotland) Regulations. Do not scale from drawing. Contractors to verify all dimensions before manufacture of components and commencement of work. All dimensions are hard to blockwork or framing unless noted otherwise.

ELECTRICAL LEGEND

- Twin 13 amp switched socket outlet
- Switch with pilot light
- Unswitched socket
- Fused spur outlet
- Telephone point
- TV aerial point
- Fire alarm Smoke detector to BS 5446, Part 1990 interconnected & hardwired to mains.
- Heat and CO2 detector
- Pendant light
- Light switch
- 2-way light switch
- Low voltage downlighter c/w transformers and lamps on dimmer switches
- Floor uplight
- Extractor fan
- Cooker control unit
- Fire suppression system

Client	Mr R. FRAIN 12 SUMMERFIELD TERRACE
Job	REVISED PLANNING APPLICATION
Title	AS CONSTRUCTED PLANS AND ELEVATIONS

Partitions:
 Partitions generally formed with 75 x 50mm celcurised s.w. framing at 600mm centres with 12.5mm taper edged plasterboard finish to each side. Allow for fitting 12.5mm TE moisture resistant plasterboard to bathroom partitions with 75mm thick sound deafening quilt.

Finish:
 Supply and fix 12.5mm taper edged plasterboard to underside of all ceiling ties.
 All plasterboard joints to be taped, filled and sanded ready for decoration.

Dormer flat roof:
 Allow for forming dormer flat roof using structural timbers to structural engineer specifications, with 50mm wide x 100 to 25mm tapered pieces over flat roof joists with 22mm t&g moisture resistant chipboard decking, 1 layer BS. 747 type 5U fully bonded vapour barrier with 85mm thick Kingspan TR20 Insulation Roofboard (Thermal Conductivity 0.025W/m.K) and 3 layers felt.

First layer to be Type 3G glass fibre based perforated felt partially bonded. Second layer to be Ruberoid Superbase FireBLOC glass fibre based felt fully bonded in bitumen. Top layer of Ruberoid Superflex FireBLOC 350 slate surfaced finish, high performance polyester based felt (350g/m²) to achieve AA Fire Rating. Felt to be finished with upstand kerbs at dormer haft and welled drip to eaves gutter.

Dormer hafts:
 Blue/grey second hand slates to match existing on reinforced underslating felt on 22mm thick celcurised s.w. sarking nailed to 150 x 150 celc. s.w. framework at 600mm centres.

Allow for fitting 150mm thick glass fibre insulation quilt between framing, with 12.5mm TE Duplex plasterboard finish internally. Joints taped and filled ready for decoration.

Insulation and finish at Hanging Posts:
 Hanging posts to have 160mm thick Rockwool Timber Roll/Batts (1 layer 100mm thick & 1 layer 60mm thick insulation fitted between posts and held in place with Nelton. Hanging Posts to be finished internally with 12.5mm TE Duplex plasterboard, joints taped and filled ready for decoration

Insulation and finish at Lie-ins:
 Insulation to Lie-ins to be 125mm thick Kingspan TP10 phenolic foam rigid insulation. Include for fitting 38 x 50mm celc. s.w. battens to each rafter along length of Lie-in.

Insulation to be fitted to achieve 50mm vent gap between insulation membrane and underside of sarking. Lie-ins to be finished internally using 12.5mm TE Duplex plasterboard nail fixed to battened out rafter.

Windows:
 Allow for fitting 2 No. new 1600 x 1500mm wide and 1 No. new 1600 x 2400mm dark grey slim line PVC tilt & turn double glazed windows to front dormer projection. Opening sashes and fixed panes as indicated on drawings.

Allow for fitting 1 No. new 1000 x 2600mm, 1 No. new 1600 x 1500mm wide and 1 No. new 1600 x 2400mm dark grey slim line PVC tilt & turn double glazed windows to rear dormer projection. Opening sashes and fixed panes as indicated on drawings.

Opening sashes to provide min. 450mm wide and 0.33m² clear opening.

All windows to have perma-vent fitted to top rail to give min. 4000mm² vent space.

New windows to achieve U-value 2.0W/m²K

Ventilation of roof voids:
 To all roof pitches, allow for the supply and fitting of slate ventilators, (see elevation drawing for details).

Internal doors:
 Supply and fit 1 hr. self closing fire resistant doors to attic floor bedrooms, lounge/kitchen and door to external corridor with intumescent strips and smoke seals to all door edges.

Electrical works:
 Allow for the supply and wiring up of new electrical fittings all as indicated on plans and Electrical Legend. All electrical works to comply with current Building Regulations and to be to the complete satisfaction of the Local Authority's Electrical Inspector.

Fire suppression system to be fitted as indicated on drawing. Extractor fan in bathroom to have H/Stat to allow for clothes drying.

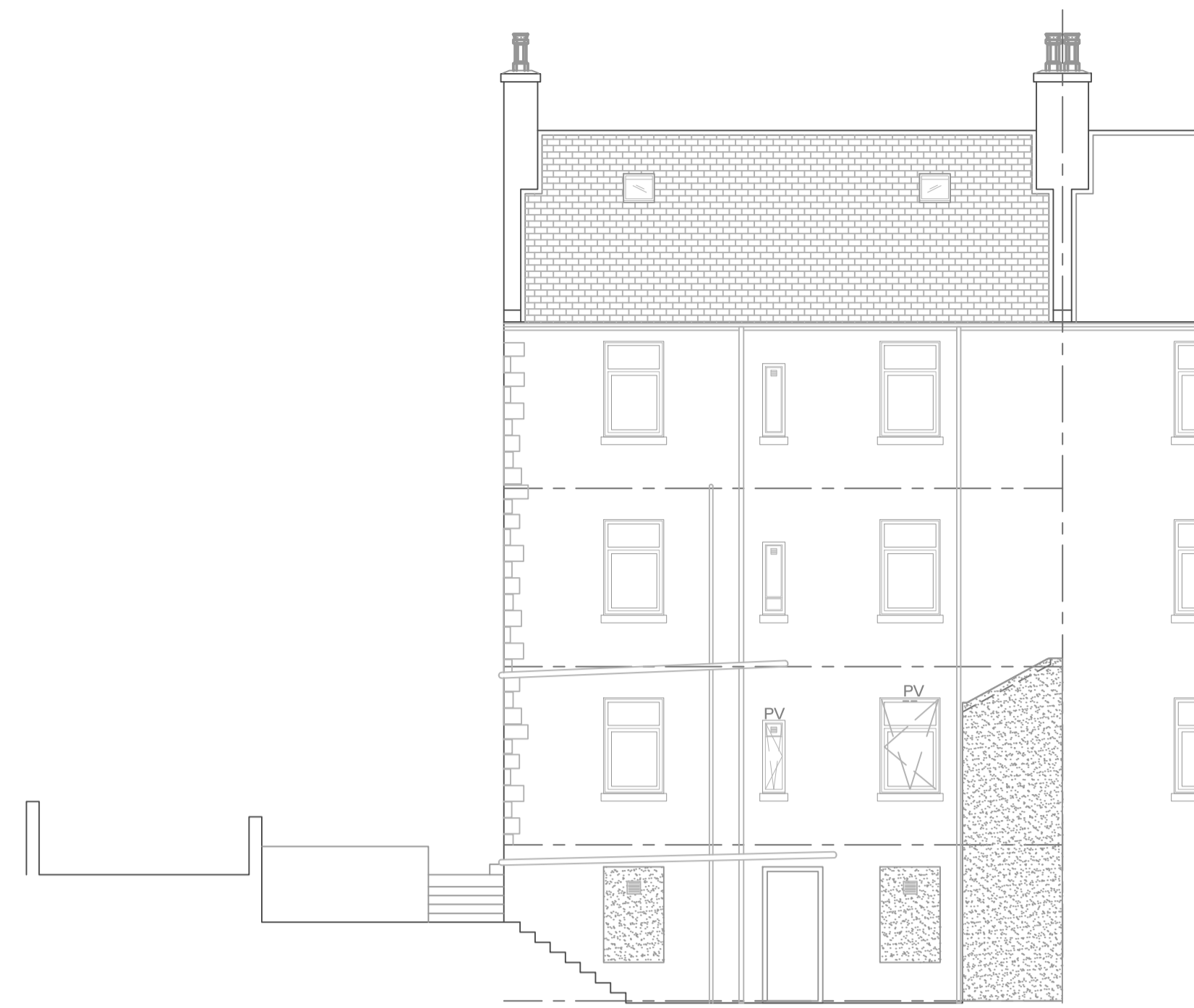
Central heating system:
 Supply and plumb in new suitably sized Stralrad K2 radiators, complete with Danfoss thermostatic control and lockshield valves etc. all as indicated on plans. All pipework to be in copper/pushfit, fully lagged and concealed. Include for all necessary electrical works required in upgrading above system. System at hand over to contain suitable corrosion inhibitor and to be fully commissioned and operational.



FRONT ELEVATION 1:100



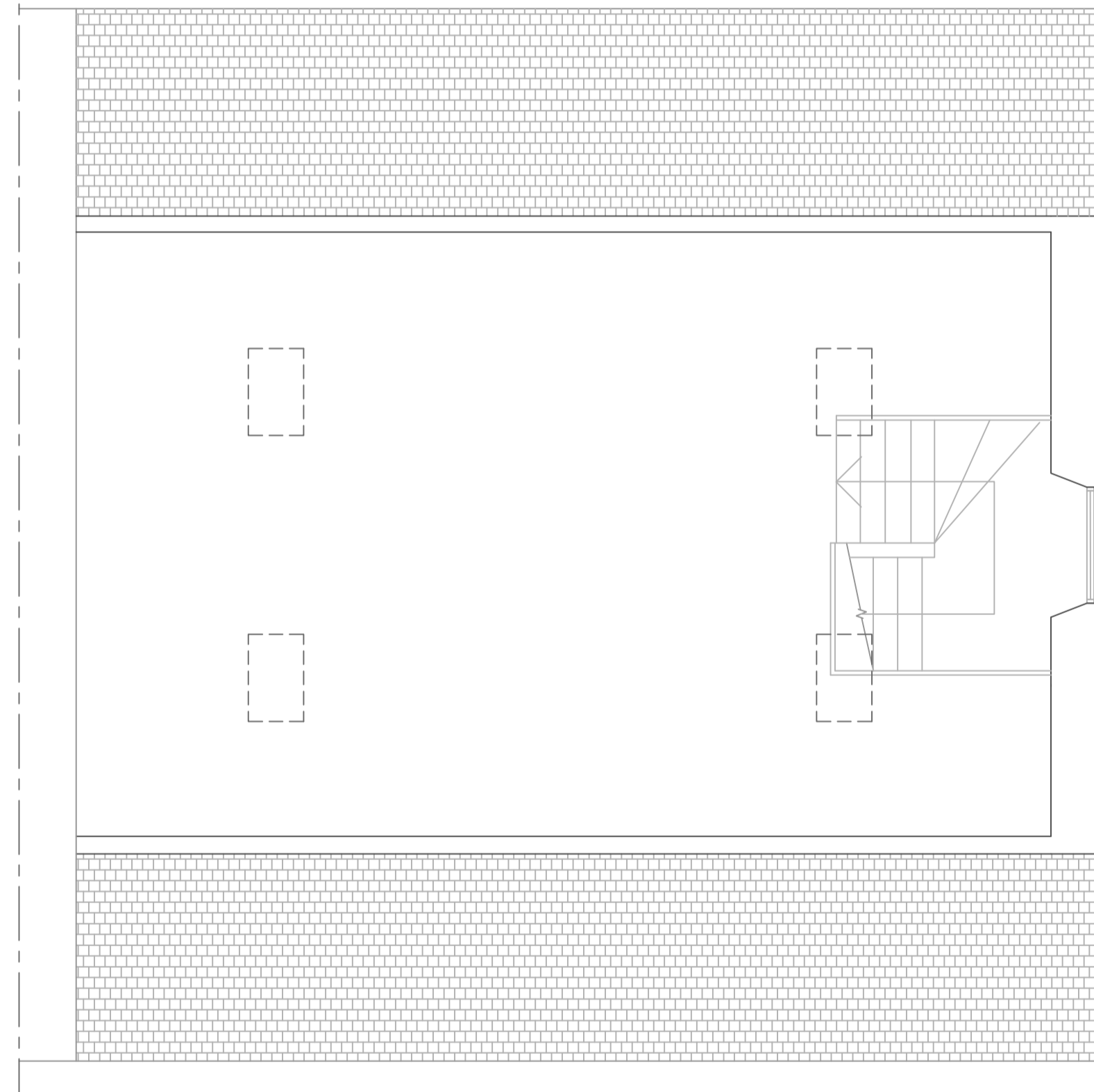
GABLE ELEVATION 1:100



REAR ELEVATION 1:100



SECOND FLOOR LAYOUT 1:50



















ATTIC FLOOR LAYOUT 1:50

NOTES

All building works to be in accordance with the Building Standard (Scotland) Regulations. Do not scale from drawing. Contractors to verify all dimensions before manufacture of components and commencement of work. All dimensions are hard to blockwork or framing unless noted otherwise.

ELECTRICAL LEGEND

-  Twin 13 amp switched socket outlet
-  Switch with pilot light
-  Unswitched socket
-  Fused spur outlet
-  Telephone point
-  TV aerial point
-  Fire alarm Smoke detector c/w transformers and lamps on interconnected & hardwired to mains.
-  Heat and CO2 detector
-  Pendant light
-  Light switch
-  2-way light switch
-  Low voltage downlighter c/w transformers and lamps on dimmer switches
-  Floor uplight
-  Extractor fan
-  Cooker control unit
-  Fire suppression system

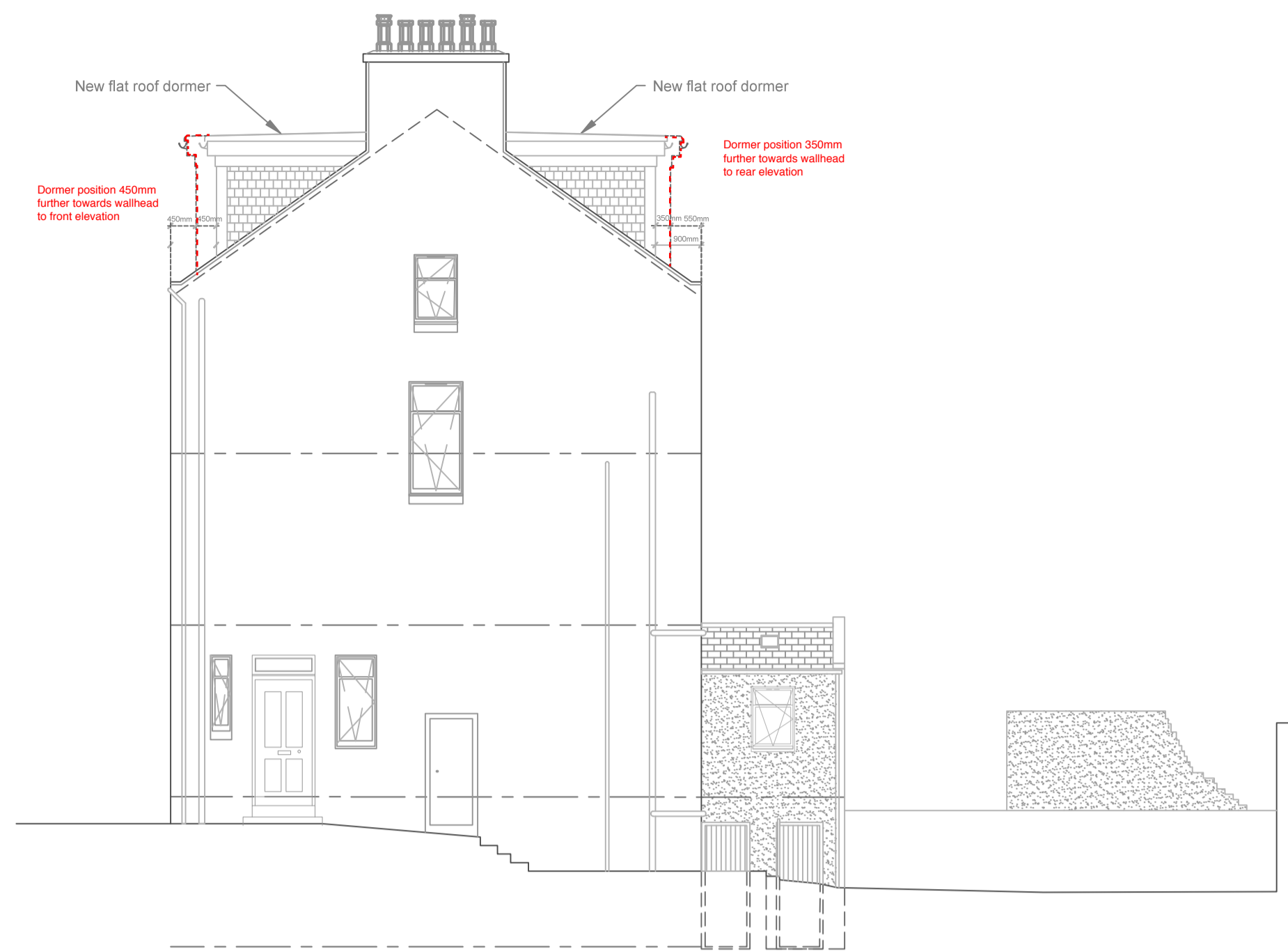
Client
Mr R. FRAIN
12 SUMMERFIELD TERRACE

Job
ALTERATIONS

Title
EXISTING PLANS AND ELEVATIONS



FRONT ELEVATION 1:100



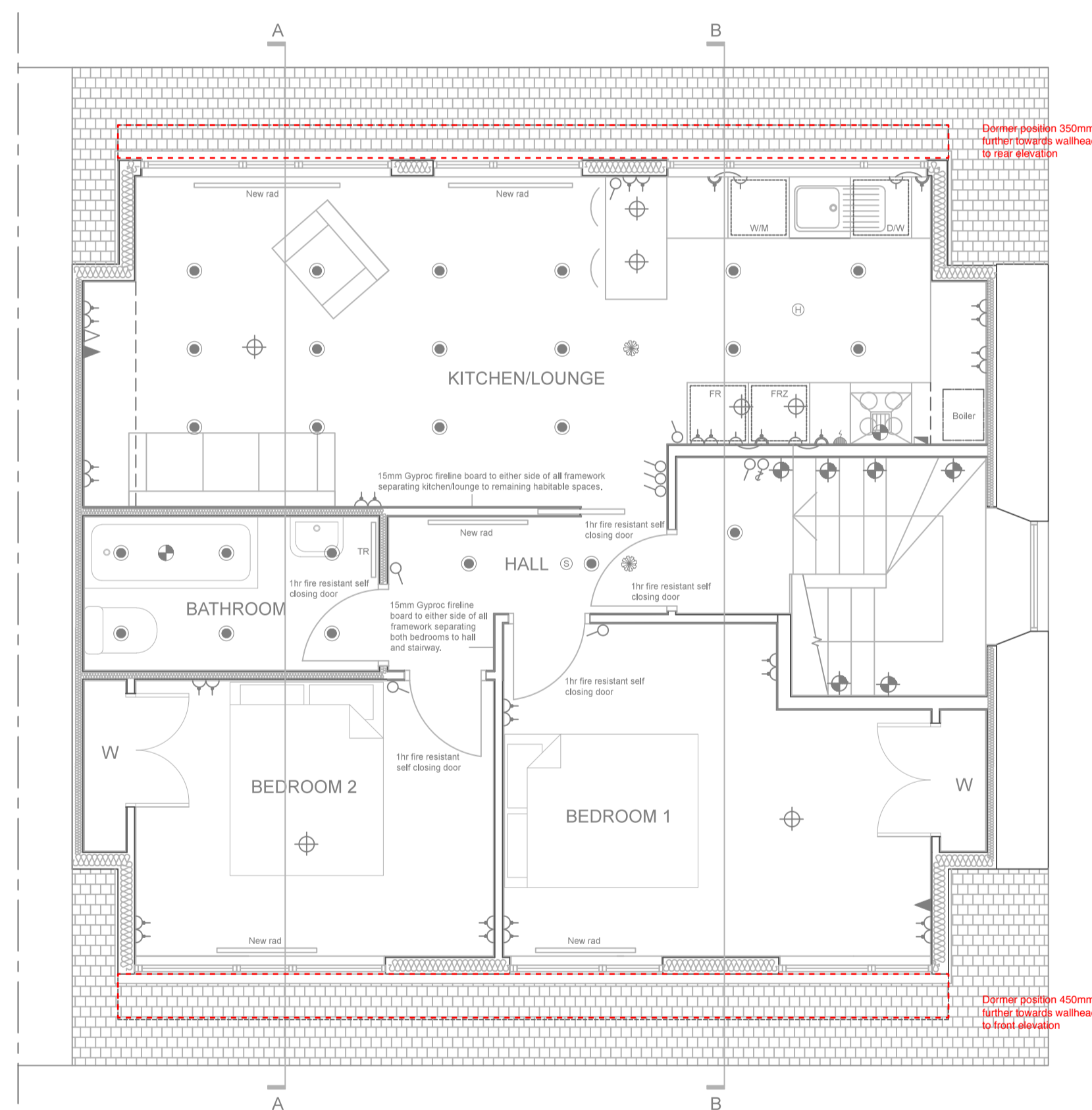
GABLE ELEVATION 1:100



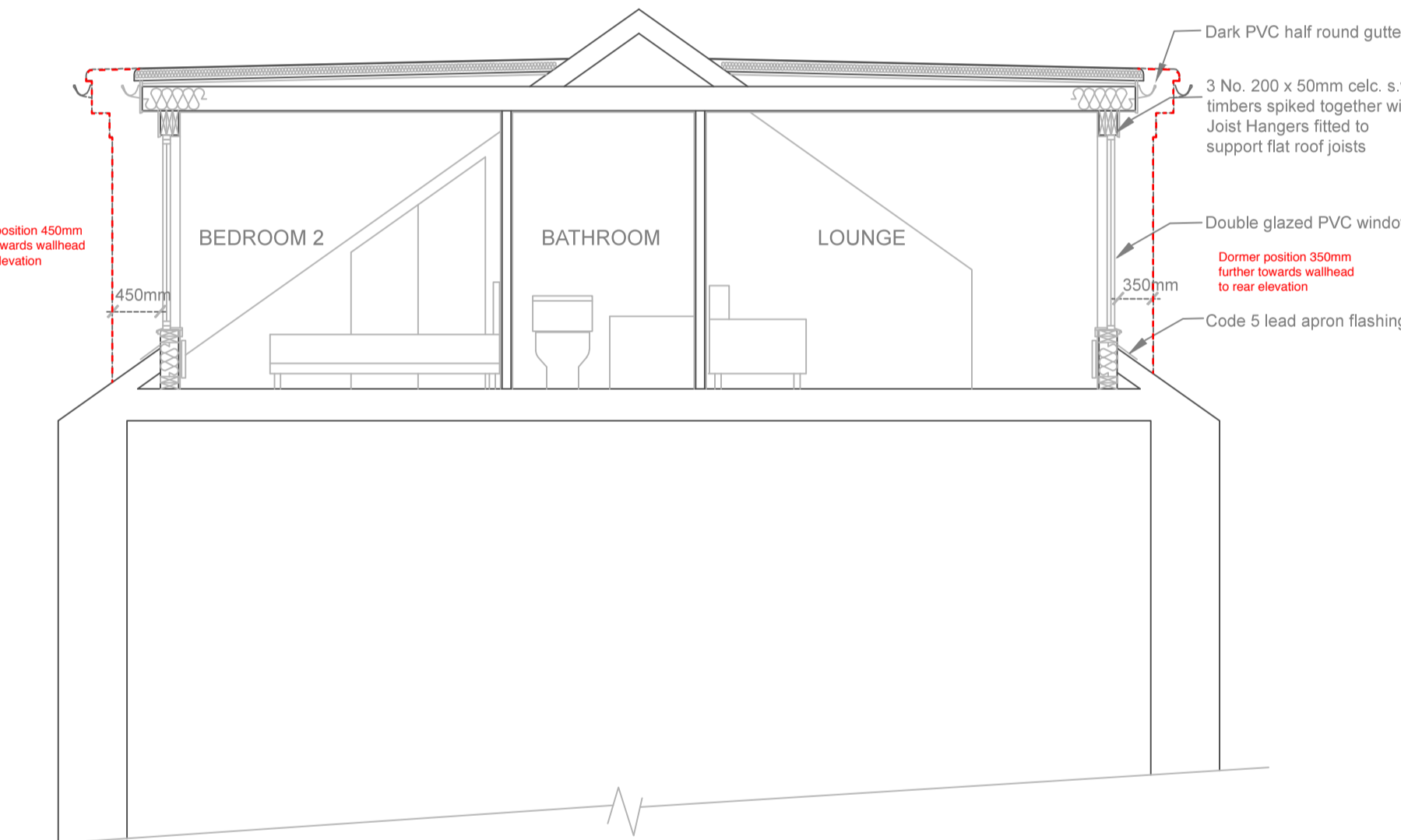
REAR ELEVATION 1:100



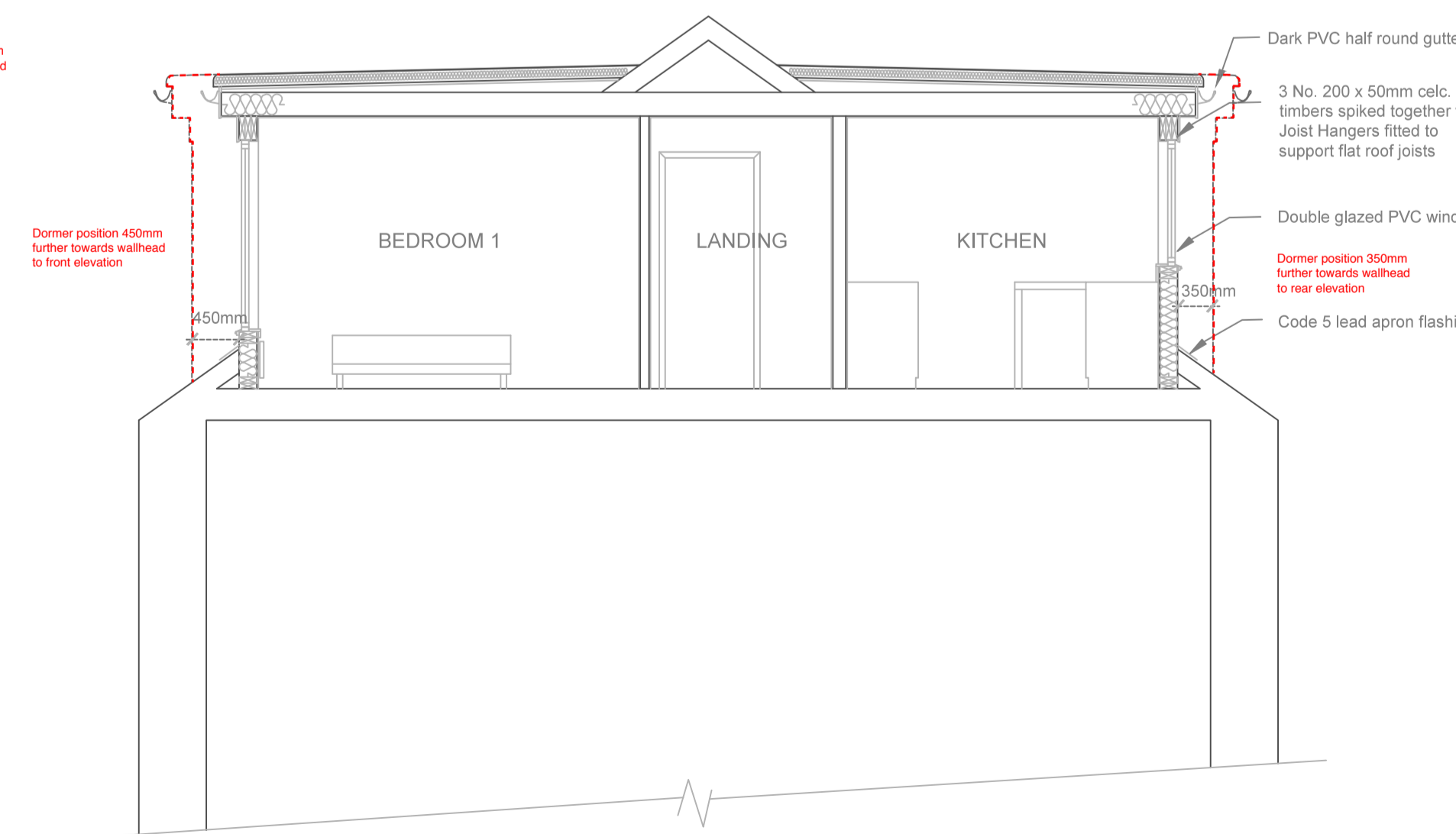
SECOND FLOOR LAYOUT 1:50



ATTIC FLOOR LAYOUT 1:50



SECTION A-A 1:50



SECTION B-B 1:50

NOTES

All building works to be in accordance with the Building Standard (Scotland) Regulations. Do not scale from drawing. Contractors to verify all dimensions before manufacture of components and commencement of work. All dimensions are hard to blockwork or framing unless noted otherwise.

ELECTRICAL LEGEND

- Twin 13 amp switched socket outlet
- Switch with pilot light
- Unswitched socket
- Fused spur outlet
- Telephone point
- TV aerial point
- Fire alarm Smoke detector to BS 5446, Part 1990 interconnected & hardwired to mains.
- Heat and CO2 detector
- Pendant light
- Light switch
- 2-way light switch
- Low voltage downlighter c/w transformers and lamps on dimmer switches
- Floor uplight
- Extractor fan
- Cooker control unit
- Fire suppression system

Client
Mr R. FRAIN
12 SUMMERFIELD TERRACE

Job
REVISED PLANNING APPLICATION

Title
VARIATIONS TO APPROVED DESIGN
P160189

scale | 1:50 1:100
date | 05/09/2016

Partitions:
Partitions generally formed with 75 x 50mm celcurised s.w. framing at 600mm centres with 12.5mm taper edged plasterboard finish to each side. Allow for fitting 12.5mm TE moisture resistant plasterboard to bathroom partitions with 75mm thick sound deadening quilt.

Finish:
Supply and fix 12.5mm taper edged plasterboard to underside of all ceiling ties.
All plasterboard joints to be taped, filled and sanded ready for decoration.

Dormer flat roof:
Allow for forming dormer flat roof using structural timbers to structural engineer specifications, with 50mm wide x 100 to 25mm tapered pieces over flat roof joists with 22mm t&g moisture resistant chipboard decking, 1 layer BS. 747 type 5U fully bonded vapour barrier with 85mm thick Kingspan TR20 Insulation Roofboard (Thermal Conductivity 0.025W/m.K) and 3 layers felt.

First layer to be Type 3G glass fibre based perforated felt partially bonded. Second layer to be Ruberoid Superbase FireBLOC glass fibre based felt fully bonded in bitumen. Top layer of Ruberoid Superflex FireBLOC 350 slate surfaced finish, high performance polyester based felt (350g/m²) to achieve AA Fire Rating. Felt to be finished with upstand kerbs at dormer haft and welled drip to eaves gutter.

Dormer hafts:
Blue/grey second hand slates to match existing on reinforced underslating felt on 22mm thick celcurised s.w. sarking nailed to 150 x 150 celc. s.w. framework at 600mm centres.
Allow for fitting 150mm thick glass fibre insulation quilt between framing, with 12.5mm TE Duplex plasterboard finish internally. Joints taped and filled ready for decoration.

Insulation and finish at Hanging Posts:
Hanging posts to have 160mm thick Rockwool Timber Roll/Batts (1 layer 100mm thick & 1 layer 60mm thick insulation fitted between posts and held in place with Nelton. Hanging Posts to be finished internally with 12.5mm TE Duplex plasterboard, joints taped and filled ready for decoration

Insulation and finish at Lie-ins:
Insulation to Lie-ins to be 125mm thick Kingspan TP10 phenolic foam rigid insulation. Include for fitting 38 x 50mm celc. s.w. battens to each rafter along length of Lie-in.
Insulation to be fitted to achieve 50mm vent gap between insulation membrane and underside of sarking. Lie-ins to be finished internally using 12.5mm TE Duplex plasterboard nail fixed to battened out rafter.

Windows:
Allow for fitting 2 No. new 1600 x 1500mm wide and 1 No. new 1600 x 2400mm dark grey slim line PVC tilt & turn double glazed windows to front dormer projection. Opening sashes and fixed panes as indicated on drawings.
Allow for fitting 1 No. new 1000 x 2600mm, 1 No. new 1600 x 1500mm wide and 1 No. new 1600 x 2400mm dark grey slim line PVC tilt & turn double glazed windows to rear dormer projection. Opening sashes and fixed panes as indicated on drawings.
Opening sashes to provide min. 450mm wide and 0.33m² clear opening.
All windows to have perma-vent fitted to top rail to give min. 4000mm² vent space.
New windows to achieve U-value 2.0W/m²K

Ventilation of roof voids:
To all roof pitches, allow for the supply and fitting of slate ventilators, (see elevation drawing for details).

Internal doors:
Supply and fit 1 hr. self closing fire resistant doors to attic floor bedrooms, lounge/kitchen and door to external corridor with intumescent strips and smoke seals to all door edges.

Electrical works:
Allow for the supply and wiring up of new electrical fittings all as indicated on plans and Electrical Legend. All electrical works to comply with current Building Regulations and to be to the complete satisfaction of the Local Authority's Electrical Inspector.
Fire suppression system to be fitted as indicated on drawing.
Extractor fan in bathroom to have H/Stat to allow for clothes drying.

Central heating system:
Supply and plumb in new suitably sized Stralrad K2 radiators, complete with Danfoss thermostatic control and lockshield valves etc. all as indicated on plans.
All pipework to be in copper/pushfit, fully lagged and concealed.
Include for all necessary electrical works required in upgrading above system.
System at hand over to contain suitable corrosion inhibitor and to be fully commissioned and operational.

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Mr Richard Frain
232
Manley Rd
Chorlton
England
M21 0GZ

With reference to your application validly received on 7 September 2016 for the following development:-

Proposed creation of 2 bedroom flat within roof space, including formation of dormer windows to front and rear elevations (retrospective) at Flat B, 12 Summerfield Terrace

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

Drawing Number	Drawing Type
001	Location Plan
120 REV. D	Elevations and Floor Plans

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

The principle of creating an additional residential unit in this location is considered to be acceptable and compliant with the provisions of Policy D2 and aspects of H1 of the Aberdeen Local Development Plan. However, the front dormer as constructed, fails to comply with the relevant policies of Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking) and aspects of H1 (Residential Areas), in addition to aspects of the dormer design guide contained within the

PETE LEONARD
DIRECTOR

Council's Supplementary Guidance: Householder Development Guide, in that the proposed front dormer has not been designed to respect the scale and form of the existing property and is of a size, scale and design that is considered to be inappropriate and visually intrusive to the streetscape and wider area generally, to the detriment of visual amenity. 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. 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.

Date of Signing 12 October 2016



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)

None.

RIGHT OF APPEAL THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any 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 www.eplanning.scot.

Notices of review submitted by post should be sent to Planning and Sustainable Development (address at the top of this decision notice).

SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that 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.

Comments for Planning Application 161292/DPP

Application Summary

Application Number: 161292/DPP

Address: Flat B 12 Summerfield Terrace Aberdeen AB24 5JH

Proposal: Proposed creation of 2 bedroom flat within roof space, including formation of dormer windows to front and rear elevations (retrospective)

Case Officer: Ross McMahon

Customer Details

Name: Mr Craig Petrie

Address: 14 Summerfield Terrace Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:really nice new addition to our building - looks very smart from outside and in keeping with the local area/architecture. Have had a wee nosy around inside and its very impressive!

Craig A Petrie

14 Summerfield Terrace

Aberdeen

AB24 5JH

21/11/2016

Dear Mr Masson

Please could you pass on to the planning department that I am surprised that they have denied Case 161292 – 12B Summerfield Terrace. To my knowledge, there are no neighbours who have objected to the size of any of the windows and I do not feel that making the owner tear down what has already been built (and built well!) to rebuild it, is of benefit to anyone. It will mean Scaffolding going back up and disruption once more re our Parking Space at the side of the house. We have just got our garden back and we will soon be expecting a new Grandson who will be living with us.

Please reconsider your original decision in respect of the impact this will have on the immediate community.

Craig Petrie

Comments for Planning Application 161292/DPP

Application Summary

Application Number: 161292/DPP

Address: Flat B 12 Summerfield Terrace Aberdeen AB24 5JH

Proposal: Proposed creation of 2 bedroom flat within roof space, including formation of dormer windows to front and rear elevations (retrospective)

Case Officer: Ross McMahon

Customer Details

Name: Mr Henry Mortley

Address: 40 Summerfield terrace Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: A good addition to the street, nice to see someone spending some money in the area.

21/11/16

161292: SUPPORTING STATEMENT FOR RICHARD FRAIN SUMMEFIELD TERRACE LRB APPEAL

Dear Sir/Madam,

I write with respect to the above reference regarding an appeal to an loft conversion on Summerfield Terrace.

I own a property on the street and have known Rich Frain as a neighbour for a few years. He has carried out a significant amount on work on the street over this time, which has all been beneficial to the street.

The finished works fit well with the overall aesthetic of the street very well, and do not appear to have any negative impact due to the small increase in size compared to the original design. It has been positive to see some investment in improving Summerfield Terrace

I have viewed the property and have been impressed with the overall quality of finish, especially in regard to the quality of insulation throughout.

I also feel it would cause further disruption and noise to the street in order to conduct any further works.

I hope these points can be fully taken into consideration when considering the appeal.

Please feel free to contact me should you require and clarification.

Best regards,

Henry Mortley

Comments for Planning Application 161292/DPP

Application Summary

Application Number: 161292/DPP

Address: Flat B 12 Summerfield Terrace Aberdeen AB24 5JH

Proposal: Proposed creation of 2 bedroom flat within roof space, including formation of dormer windows to front and rear elevations (retrospective)

Case Officer: Ross McMahon

Customer Details

Name: Mr Robert Smith

Address: 42 Summerfield terrace Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: A great addition to an already well kept tenement block it is clear extra money has been spent to achieve such a good finish. Surrounding blocks are generally in a poor state of repair and need money spending on them to get them back up to standard.

SUBJECT: SUPPORTING STATEMENT FOR RICHARD FRAIN SUMMEFIELD
TERRACE LRB APPEAL.

Dear Sir/Madam,

I have known Richard for a number of years; since he was a neighbour to me on Summerfield terrace and offered to help clear our gutters of moss and debris.

I find Richard to be an up-front, honest and hardworking individual and I was glad to of had him as a neighbour.

With respect to the building work in question I have been impressed with the standard and specification of the completed flat. It is an exemplary conversion and will make a lovely home for somebody. It definitely improves the standard and aesthetics of the street.

I was unaware of the fact that the dormers extend beyond what they should, as it is not apparent to me, viewing as a laymen. Nor am I aware of anybody on the street who has taken issue with the dormers as they are. Whilst the original work was completed with limited impact to residents, i feel it would be an unnecessary nuisance, in terms of disturbance, noise and mess to restart work on a flat that, in my view, has been completed to a good specification an acts to improve the general look and feel of the street.

Richard has invested and lot of time and money into improvement works on Summerfield terrace and it would be shame to see him penalised, when the impact is so minimal and his endeavours are honest.

I hope this helps with the case in hand.

Kind Regards
Robert P Smith

Comments for Planning Application 161292/DPP

Application Summary

Application Number: 161292/DPP

Address: Flat B 12 Summerfield Terrace Aberdeen AB24 5JH

Proposal: Proposed creation of 2 bedroom flat within roof space, including formation of dormer windows to front and rear elevations (retrospective)

Case Officer: Ross McMahon

Customer Details

Name: Mrs Maz Thorburn

Address: 14 Summerfield Terrace Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Just a quick comment to say how pleased I am with the work that has been done to the Attic Area of our Building - which now comprises a 2 bedroom-flat. Minimal disruption to us during the works and now, on almost completion, I have to say just how much better the building and street look for it. It can only serve to enhance the local area. Job well done!

Maz Thorburn

14 Summerfield Terrace

Aberdeen

AB24 5JH

Dear Mr Masson

I am writing regarding case 161292 to ask that the decision be reviewed. The reasons for my request are as follows:

- As already stated in previous correspondence, I am pleased with the new flat which has been built at 12B Summerfield Terrace and I feel that it has raised the profile/look of the area.
- In addition I would ask that you consider the added disruption that will ensue should changes have to be made – i.e scaffolding will need to go back up and there will be significant upheaval and to me and my family. My Daughter is having a baby in Jan/Feb and the scaffolding (because of the layout of my flat (Ground Floor)) will mean that she is unable to enter/exit the building with the baby's buggy.
- Please also take into consideration that all I have heard from neighbours and friends re the new build has been complimentary.

Many Thanks

Maz Thorburn



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 100030152-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ryden"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Ian"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Livingstone"/>	Building Number:	<input type="text" value="25"/>
Telephone Number: *	<input type="text" value="+441224588866"/>	Address 1 (Street): *	<input type="text" value="Albyn Place"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="AB10 1YL"/>
Email Address: *	<input type="text" value="ian.livingstone@ryden.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" value="c/o Ryden"/>
First Name: *	<input type="text" value="Richard"/>	Building Number:	<input type="text" value="25"/>
Last Name: *	<input type="text" value="Frain"/>	Address 1 (Street): *	<input type="text" value="Albyn Place"/>
Company/Organisation	<input type="text" value="Ryden"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="+441224588866"/>	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="AB10 1YL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="ian.livingstone@ryden.co.uk"/>		

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="FLAT B"/>
Address 2:	<input type="text" value="12 SUMMERFIELD TERRACE"/>
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="AB24 5JH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806747"/>	Easting	<input type="text" value="394447"/>
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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)

Proposed creation of 2 bedroom flat within roof space, including formation of dormer windows to front and rear elevations (retrospective).

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 attached Grounds of Appeal Statement.

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

Yes No

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

Use of photographs to provide a greater level of local context.

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)

Please see list of Supporting Information on final page of Grounds of Appeal Statement.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

161292

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

06/09/2016

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

12/10/2016

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 Ian Livingstone

Declaration Date: 04/11/2016

NOTICE OF REVIEW

Request for Review of Retrospective Planning Application Reference P161292/DPP - Proposing the creation of a 2 bedroom flat within roofspace, including formation of dormer windows to front and rear elevations at Flat B, 12 Summerfield Terrace, Aberdeen

GROUNDINGS OF APPEAL STATEMENT

Mr R Frain

November 2016

Ryden LLP
25 Albyn Place
Aberdeen
AB10 1YL
Tel: 01224 588866

Contents

- 1.0 Introduction**
- 2.0 Site Description & Proposals**
- 3.0 Planning History**
- 4.0 Reasons for Refusal**
- 5.0 Development Plan Context**
- 6.0 Material Considerations**
- 7.0 Grounds of Appeal**
- 8.0 Conclusions**

1.0 INTRODUCTION

1.1 This Notice of Review has been prepared by Ryden LLP on behalf of Mr Richard Frain under the terms of section 43A(8) of the Town and Country Planning (Scotland) Act 1997 and Regulation 9 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, against the refusal by Aberdeen City Council to grant retrospective planning permission for the creation of a 2 bedroom flat within roofspace, including formation of dormer windows to front and rear elevations at Flat B, 12 Summerfield Terrace, Aberdeen .

1.2 The application (Appendix 1: Application Form) falls under the class of 'local development' and was submitted by Mr Richard Frain on 6 August 2016 and subsequently registered as valid on 7 August 2016 under reference P161292. The retrospective application was refused under delegated powers by the appointed officer on 12 October 2016 (Appendix 2: Report of Handling and Appendix 3: Decision Notice). The reasons provided for refusal are detailed at Section 4 below.

2.0 SITE DESCRIPTION AND PROPOSALS

2.1 The site is located on Summerfield Terrace, a residential street running perpendicular to King Street in the east end of Aberdeen (Appendix 4: Location Plan). The street is dominated by flatted residential properties which are predominately 3 or 3.5 storeys in height, of traditional granite construction and vernacular with communal garden space to the rear. The street terminates to the west, with only pedestrian access available to King Street, contributing to a relatively quiet environment. Summerfield Terrace provides on street parking and allows access to the rear of buildings fronting on to King Street. The Scotia Bar is located between the northern terrace of properties and King Street, with rear gardens, access and unkempt open space occupying the land between the gable of 12 Summerfield Terrace and King Street. An area of surface car parking is also located to the rear of the appeal site.

- 2.2 Residential land use in the area to the east of King Street is firmly established and streets running parallel to the north of Summerfield Terrace at Jasmine Terrace and Urquhart Street are of similar scale and character. Buildings located on King Street are also akin to the scale and architectural style of Summerfield Terrace, while a mix of lower density single and two storey dwellings are found to the south.
- 2.3 The application proposes the creation of a 2 bedroom flat on the top floor of 12 Summerfield Terrace, enabled by the implementation of dormer windows to the front and rear of the pitched roof. The proposed box dormers are of high quality material, finished in traditional grey slate with dark, timber effect clad window frames, fascias, soffits and gutters, ensuring these are aesthetically absorbed by the surrounding slated roof. The box dormers are positioned off the wall head of the building and fall comfortably beneath its ridge height.
- 2.4 Several similar attic/roofspace extensions have been installed on Summerfield Terrace through the implementation of box dormers and the proposals are designed sympathetically to fit with and enhance the design and character of the area. The proposed design is illustrated by drawing no. 0120_Revision D (Appendix 5: Proposed Plan).

3.0 PLANNING HISTORY

- 3.1 As stated above, the refused application was submitted for retrospective planning permission, with consent for a development of identical description secured on 15 April 2016 under reference P160189. The Report of Handling and Decision Notice relative to this application are found at Appendix 6: P160189 Report of Handling and Appendix 7: P160189 Decision Notice. The extension works have now been carried out and the flat is fully habitable. An error in construction of the dormer windows has resulted in a slight variation to that of the plans approved under reference P160189 (Appendix 8: P160189 Proposed Plan). Upon completion of the works, my client was made aware of the issue and hence a retrospective application was submitted in an attempt to secure permission for the completed works.

- 3.2 A Supporting Document (Appendix 9: Supporting Document) was submitted alongside the revised retrospective application (P161292). This contains several photographs and architectural drawings along with text explaining the slight departure from the plans approved under application P160189. The contracting error is observed as being of a minor nature, with the rear dormer protruding 350mm further forward than approved, and the front dormer forward by 500mm. As shown by Appendix 5: Proposed Plan, the front elevation dormer as constructed is located 400mm back from the wall head. The width of the dormers remain unchanged.

4.0 REASONS FOR REFUSAL

- 4.1 The reasons provided by Aberdeen City Council on which they have based their decision, detailed within the Decision Notice (Appendix 3: Decision Notice) are as follows:

The principle of creating an additional residential unit in this location is considered to be acceptable and compliant with the provisions of Policy D2 and aspects of H1 of the Aberdeen Local Development Plan.

However, the front dormer as constructed, fails to comply with the relevant policies of Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking) and aspects of H1 (Residential Area), in addition to aspects of the dormer design guide contained within the Council's Supplementary Guidance: Householder Development Guide, in that the proposed front dormer has not been designed to respect the scale and form of the existing property and is of a size, scale and design that is considered to be inappropriate and visually intrusive to the streetscape and wide area generally, to the detriment of visual amenity.

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. 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.'

5.0 DEVELOPMENT PLAN CONTEXT

5.1 The development plan for the area comprises the Aberdeen City and Shire Strategic Development Plan (SDP) 2014 and the Aberdeen Local Development Plan (LDP) 2012.

Aberdeen City and Shire Strategic Development Plan (2014)

5.2 The vision of the Strategic Development Plan (SDP) is to make Aberdeen City and Shire *'an even more attractive, prosperous and sustainable European city region and an excellent place to live, visit and do business'*. In order to help realise this vision, the SDP sets out a number of aims. These aims plan to:

- *Provide a strong framework for investment decisions which help grow and diversify the regional economy, supported by promoting the need to use resources more efficiently and effectively; and*
- *Take on urgent challenges of sustainable development and climate change, by:*
 - *Making sure the area has enough people, homes and jobs to support the level of services and facilities needed to maintain and improve the quality of life;*
 - *Protecting and improve our valued assets and resources, including the built and natural environment and our cultural heritage;*
 - *Helping create sustainable mixed communities, and the associated infrastructure, which meet the highest standards of urban and rural design and cater for the needs of the whole population; and*
 - *Making the most efficient use of the transport network, reducing the need for people to travel and making sure that walking, cycling and public*

transport are attractive choices.

- 5.3 In addition to this, the Spatial Strategy recognises the *'need to maintain the quality of life in the area'* and *'improve the area's communities and the services they depend on'*. House building should be focused on Aberdeen, with 50% of all new dwellings to be built in the city up to 2035. The SDP states that Strategic Growth Areas, such as Aberdeen City, *'make housing, employment and services highly accessible by public transport'* (page 10). New development should *'meet the needs of the whole community, both now and in the future, and makes the area a more attractive place for residents and businesses to move to'* (Sustainable Mixed Communities, page 36); and that all developments contribute *'towards reducing the need to travel and encourage people to walk, cycle or use public transport by making these attractive choices'* (Accessibility, page 38).

Aberdeen Local Development Plan (2012)

- 5.4 The Local Development Plan (LDP), adopted by Aberdeen City Council in February 2012 in conformity with the previous Aberdeen City and Shire Structure Plan 2009. The LDP identifies the site as falling within a zoned residential area under Policy H1 – Residential Area, just outwith the eastern boundary of the City Centre. It does not lie within a Conservation Area. The proposals are therefore assessed against the following policy:

Policy H1 – Residential Areas

Proposals for new residential development within these areas will be approved in principle if it:

1. *Does not constitute over development;*
2. *Does not have an unacceptable impact on the character and amenity of the surrounding area;*
3. *Does not result in the loss of valuable and valued areas of open space;*
4. *Complies with Supplementary Guidance on Curtilage Splits; and*

5. *Complies with Supplementary Guidance on House Extensions.*

Policy D1 – Architectural & Placemaking

‘To ensure high standards of design, new development must be designed with due consideration to 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...

The level of detail required will be appropriate to the scale and sensitivity of the site. The full scope will be agreed with us prior to commencement.

Landmark or high buildings should respect the height and scale of their surroundings, the urban geography, the City’s skyline and aim to preserve or enhance important views.’

Policy D2 – Design & Amenity

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

1. *Privacy shall be designed into higher density housing;*
2. *Residential development shall have a public face to a street and a private face to private face to an enclosed garden or court;*
3. *All residents shall have access to sitting out areas;*
4. *When it is necessary to accommodate car parking within a private court, the parking must not dominate the space;*
5. *Individual flats or houses within a development shall be designed to make the most of opportunities offered by the site for views and sunlight. Repeated standard units laid out with no regard for location or orientation are not acceptable;*
6. *Development proposals shall include measures to design out crime and design in safety;*

7. *External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky...'*

Supplementary Guidance (SG)

5.5 The proposals are also subject to assessment against the criteria of the following SG:

- Householder Development Guide
Provides general principles and detail on dormer windows in order to guide appropriate design
- Transport & Accessibility
Provides guidance on the accessibility of new development and promotes sustainable transport

6.0 MATERIAL CONSIDERATIONS

Scottish Planning Policy

6.1 Scottish Planning Policy (SPP) is a statement of Scottish Government Policy on how nationally important land use planning matters should be addressed across the country.

6.2 The central purpose of SPP is to help create a more successful country through increasing sustainable growth. In that regard it introduces the policy principle of '*a presumption in favour of development that contributes to sustainable development*', stating the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the long term costs and benefits of a proposal, aiming to achieve '*the right development in the right place*'.

Sustainability

6.3 Sustainability is recognised as a principle policy of SPP. Relative to this, paragraph 29 states that decision making should be based around '*good design*', make '*efficient use of existing capacities of land, buildings and infrastructure*' and support the '*delivery of*

accessible housing' by 'avoiding over-development, protecting the amenity of new and existing development'.

- 6.4 Paragraph 40 goes on to state that decisions should guide development to the right place by *'optimising the use of existing resource capacities... support the creation of more compact, higher density, accessible and more vibrant cores... locating development where investment in growth or improvement would have most benefit for the amenity of local people.'*

Placemaking

- 6.5 The second key policy principle of SPP is placemaking. Which encourages planning to *'take every opportunity to create high quality places by taking a design-led approach'*. This can be done by supporting development which demonstrates the six qualities of successful place: distinctive, safe and pleasant; welcoming; adaptable; resource efficient; easy to move around and beyond.

Enabling Delivery of New Homes

- 6.6 SPP highlights the need for responsive house building and the delivery of homes *'particularly in areas within our cities where there is a continuing pressure for growth'*. A range of *'attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable place'*.

Creating Places

- 6.7 The Scottish Government published this policy guidance document in 2013 to sit alongside and complement the principles of SPP. It defines 'good design' as that which enhances the quality of our lives through:
- *Physical value – enhances a setting;*
 - *Functional value – meets and adapts to the long-term needs of all users;*
 - *Viability – provides value for money;*
 - *Social value – develops a positive sense of identity and community; and*

- *Environmental value – efficient and responsible use of our resources.*

Proposed Local Development Plan Policy

- 6.8 The Report of Examination into the Proposed Aberdeen Local Development Plan 2016 was received by Aberdeen City Council on 23 September and will be presented to a meeting of full Council on 14 December 2016 for approval. The Reporter's response does not impact upon the policies against which the proposed development is assessed, however, the design-based section of the Proposed Plan has been configured to reflect the influence of Creating Places. The following policies are relevant:

Policy D1 – Quality Placemaking by Design

'All development must ensure high standards of design and have strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.'

'Places that are distinctive and designed with a real understanding of context will sustain and enhance the social, economic, environmental and cultural attractiveness of the city...'

The policy continues to state that proposals require to demonstrate the six essential qualities of placemaking noted above at paragraph 6.5.

Policy H1 – Residential Areas

The word and content of this policy has been retained to ensure development of an appropriate scale and density is brought forward within Aberdeen and respects the character and amenity of the area.

Previously Consented Application

- 6.9 As mentioned above, a proposal of identical description to that now subject of this appeal was granted unconditional planning permission on 14 April 2016. The Case Officer's Report of Handling relating to application P160189 (Appendix 6) concluded that the proposals were in compliance with Policy H1 - Residential Areas; Policy D1 - Architecture and Placemaking; and Policy D2 Design and Amenity and would *'generally conform with the Council's Supplementary Guidance: Householder Development Guide in that the proposed front and rear dormer has been designed to respect the scale and form of the existing property, and in addition there would be no significant detrimental impact on the existing visual or residential amenities of the area'*.
- 6.10 The nature of the dormers are considered to be acceptable when taken in the context of the narrow nature of Summerfield Terrace and the height of the building to be extended. It is reasonable to assume that such considerations remain pertinent in the assessment of the application now subject to appeal. A document illustrating example of materials to be used in the construction and finish of the dormers (Appendix 10: P160189 Material Examples) was submitted alongside application P160189 and subsequently accepted by the Council. There were no representations made relative to the application which was approved under delegated powers.

Completion of Works

- 6.11 Following receipt of consent, the works were undertaken by a building contractor. These have now been completed and the flat is fully habitable. In a commitment to best practice and quality of build, the works are covered by the Professional Consultant's Certificate (PCC). This confirms a professional approach has been undertaken in the construction and monitoring of the procedures undertaken and ensures that if the property is sold on, the observing architect remains liable for a period of 6 years. This is testament to the build quality of the dormers and the professional manner in which construction has been carried out.

Representation

- 6.12 Four letters of support were received by Aberdeen City Council relative to P161292. These stated that the development:
- *Represents a welcome addition to the streetscape;*
 - *Represents an improvement to the property;*
 - *Is in keeping with the local area and surrounding architecture.*
- 6.13 Testament to the small scale nature and design of the proposal, no letters of objection were received with Castlehill and Pittodrie Community Council making no comment on the application. This is particularly significant as the works are now complete, with the retrospective application receiving only letters of support from members of the public.

7.0 GROUNDS OF APPEAL

- 7.1 Section 25 of the Town & Country Planning (Scotland) Act 1997 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The extant Aberdeen Local Development Plan (LDP) was adopted in February 2012 and is the primary consideration for site specific decision making.
- 7.2 The application subject to this Notice of Review seeks retrospective permission for the creation of a 2 bedroom flat within roofspace, including formation of dormer windows to the front and rear elevations at Flat B, 12 Summerfield Terrace. As noted above, the application has been lodged retrospectively following an error in construction resulted in a minor departure from the plans approved under application P160189 (Appendix 8: P160189 Proposed Plan). The amended plans (Appendix 5: Proposed Plan) illustrate the dormers as constructed. The variation in the consented and completed dormers are shown in more detail on the final page of the Supporting Document (Appendix 9) submitted alongside application P161292.
- 7.3 As noted at paragraph 4.1, the Case Officer's reasons for refusal relate purely to the dormer window at the front elevation.

Therefore, the argument will focus purely on the nature of this. It is firmly contended that the front elevation dormer as constructed is wholly compatible with the streetscape and setting of Summerfield Terrace and complies with the content of the extant Aberdeen LDP 2012. Furthermore, the design and finish of the dormer is seen to enhance the existing aesthetics of the area and improve visual appearance when taken in the context of the existing dormer windows along the street at similar level. This is discussed in greater detail below.

Residential Development

- 7.4 The area in which the proposed development is located in an established residential area and is zoned as such under Policy H1. Therefore, the creation of a new unit within the roofspace of 12 Summerfield Terrace is wholly acceptable. However, reasons for refusal, as stated within the Decision Notice (Appendix 3) state non-compliance with Policy D1 - Architecture and Placemaking and '*aspects of H1 (Residential Areas)*' in that '*the proposed front dormer has not been designed to respect the scale and form of the existing property and is of a size, scale and design that is considered to be inappropriate and visually intrusive to the streetscape and wider area generally, to the detriment of visual amenity*'. This conclusion is refuted.

Design

- 7.5 Firstly, taking Policy D1 – Architecture and Placemaking, the Case Officer's Report of Handling (Appendix 2) denotes that the '*development does not contribute positively to its context*'. It is contended that the constructed front elevation dormer, when considered in the context and precedent of other dormers fronting on to Summerfield Terrace, enhances the quality of the streetscape through high quality design and finish. Image 1, below, illustrates the constructed end dormer in the context of the existing streetscape.

Image 1



7.6 Furthermore, the Report of Handling acknowledges the presence of *'inappropriate dormers to the street facing elevations of surrounding properties'*. The constructed dormer at 12 Summerfield Terrace a notable contrast and improvement to the existing precedent. The materials utilised in construction have been presented to the Council alongside the consented application P160189 (Appendix 10). It was concluded within its Report of Handling (Appendix 6) that proposed materials *'are considered to be complementary to the existing property and wider area generally'*. The dark palette of materials used ensures the dormer sits quietly at roofspace level and integrates with the predominant shade of traditional grey slate. Original slates have been reused in construction, adding to the sustainable nature of the development. It is therefore seen as an aesthetical improvement to Summerfield Terrace when viewed alongside the existing neighbouring front dormers which are finished with white windows, fascias and down piping which are more visually prominent.

7.7 The local setting and context should not be overlooked in assessing the proposals. The site does not lie within a Conservation Area and is located in an established residential area typified by tenement blocks, as well as a range of different house types of varying design and architectural styles. Neighbouring King Street and Jasmine Street are awash box dormers which have been constructed on front elevations. These are generally of

mixed design and lack consistency, with many rising directly from wall heads. Examples of these are illustrated below by Image 2 and Image 3. The Supporting Document found at Appendix 9 provides further local context of Summerfield Terrace.

Image 2 – Existing front elevation dormer windows on King Street



Image 3 – Existing front elevation dormer windows on Jasmine Street



7.8 From the above images, it is clear that a strong precedent exists for such development in the area. It is felt that, when considered alongside existing dormers, the proposed development would

enhance the aesthetics of the area through appropriate build material and quality finish. The Case Officer's remarks in the Report of Handling (Appendix 2) stating that the development '*is of poor quality and inappropriate design*' and materials used results in an alteration which is '*out of character with existing property and within the wider street scene*' contradict the assessment provided previously relative to approved application P160189, which takes no issue with the design of dormer window identical to that which has been constructed. Materials used in construction have been supported by the Council. Therefore, the Case Officer's above comments are refuted. Therefore, it is firmly contended that the dormer complies with Policy D1 – Architecture and Placemaking and Policy H1 – Residential Areas in relative to design and makes a positive contribution to its setting and context.

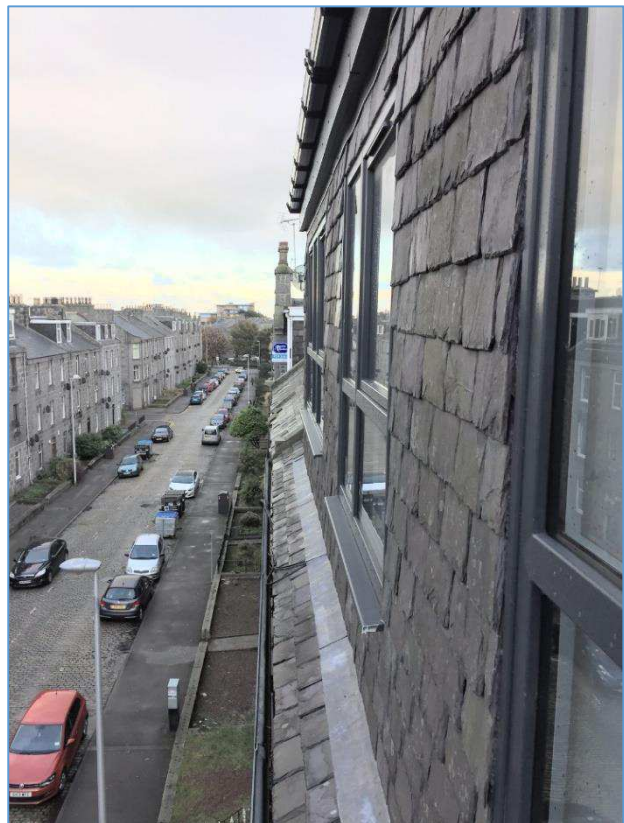
Scale

- 7.9 It is acknowledged that front dormer as constructed indicates a departure from plans approved under P160189. However, the error in construction is considered minor in nature and should not warrant refusal when taken alongside other material considerations pertinent in the assessment of this application. As illustrated at page 6 of the Supporting Document (Appendix 9), the front dormer has been built 500mm forward of its approved position and now sits 400mm off the wall head. It is refuted that such a minor encroachment should warrant a refusal solely based on this point. As proven above, the design and build materials of the dormer are seen as wholly acceptable in the context of extant Aberdeen LDP Policies D1 and H1.
- 7.10 The Report of Handling states that the dormer '*sits in a far more pronounced position relative to the street*'. This is considered unreasonable in the context of existing dormers both on Summerfield Terrace and in the surrounding area. The height of the building significantly reduces the prominence of the dormer when viewed from street level with a low frequency of passers-by likely to their line of sight to observe features at roof level. Tall buildings lining the Summerfield Terrace contribute to an enclosed environment at street level at present, with the additional impact

imposed through the implementation of the front elevation dormer viewed to be minor in nature.

- 7.11 The constructed dormer sits 400mm back from the wall head and more than 300mm beneath the ridge height of the building and in this regard, complies with points e), f) and g) denoted under the heading 'Front Elevations' of SG Householder Development Guide, dealing with older properties of a traditional character.
- 7.12 It is considered unreasonable to assess the appearance of the dormer exclusively from street level as the Case Officer appears to have done, seemingly overlooking the Proposed Plan (Appendix 5) submitted alongside the application. This illustrates the scale and massing of the front elevation dormer relative to the roof. The dormer is viewed as being proportionate in the context of the roof massing and, as illustrated by Image 4, below, the dormer sits level or behind the line of existing dormers found on Summerfield Terrace. In this regard, the proposals are seen to comply with point c) of the 'Front Elevations' criteria found in SG Householder Development Guide.

Image 4



- 7.13 Taking cognisance of the above, the Case Officer's reasons for refusal in the context of Policy D1 and Policy H1 relative to scale and mass is refuted. The existing dormer as constructed cannot be seen to be *'to the detriment of visual amenity'* or sufficiently *'detract from the character'* of the area to constitute refusal of the application when taken in the context of the minor 500mm error in construction and the existing streetscape and visual aesthetics of Summerfield Terrace. Any impacts on visual amenity and the character of the setting of the area incurred by the dormer window are reasonably viewed as being minor in nature, with the constructed design seen to enhance the aesthetics of the locality when considered alongside existing dormers of a similar ilk.

Accessibility & Infrastructure

- 7.14 It should not be overlooked that the proposals will optimise existing utilities and infrastructure in a residential area which borders the city centre boundary. The additional unit maximises the capacity of the built environment to deliver a sustainable development in an accessible location, in compliance with Scottish Planning Policy and the SDP. Its implementation will encourage multi-modal forms of transport and reduce reliance on the private car. The site is well serviced and located in close proximity to employment opportunities.

8.0 CONCLUSIONS

- 8.1 The proposed development fully conforms to the content of the extant Development Plan. The preceding arguments demonstrate that the proposals to create a 2 bedroom flat in roofspace including formation of dormer windows to the front and rear elevations justify the support of the Council in this regard.
- 8.2 It is contended that the reasons for refusal stated within the Report of Handling in relation to Policy D1 and Policy H1 are unsubstantiated and fail to consider the previously approved application on site and the subsequent completion of the works in this regard. An error in construction has resulted in a departure from the plans approved and resultantly, the front dormer exists in a position 500mm further forward than its consented location. The

dormer remains 400mm from the wall head, a distance which is not considered as unreasonable in this instance. All other aspects in terms of design, build material and palette of colour used remain identical to that of the approved application P160189. The position of the rear dormer, located 350mm from its consented location, has been deemed acceptable to the Council. Taken collectively, it is unreasonable to conclude that such a minor variation in the built form should constitute refusal in this regard when considered in the context of the site's locality and the nature and design of surrounding development.

- 8.3 The appellant has, up until now, expended significant monies in completing the works to a high standard. The dismissal of this appeal will result in greater costs being incurred through further works to resolve a minor, almost negligible departure from approved plans which will do little to improve or enhance the quality of the existing streetscape.
- 8.4 In view of the foregoing, contrary to the reasons for refusal, the proposals are compliant with relative policies. There are no outstanding objections from consultees and with four representations were received in support of the application. Therefore, it is respectfully requested that the appeal is allowed and planning permission granted to allow the retention of the completed works.

List of Supporting Information

Appendix 1: Application Form

Appendix 2: Report of Handling

Appendix 3: Decision Notice

Appendix 4: Location Plan

Appendix 5: Proposed Plan

Appendix 6: P160189 Report of Handling

Appendix 7: P160189 Decision Notice

Appendix 8: P160189 Proposed Plan

Appendix 9: Supporting Document

Appendix 10: P160189 Material Examples

Report of Handling Detailed Planning Permission

160640: Proposed dormers to front of the ancillary building (Retrospective) at Mr Allan Gowie, 1 Cairnview Crescent, Rosehill, Aberdeen, AB16 5DR

For: Mr Allan Gowie

Application Date:	18 May 2016
Officer:	Sepideh Hajisoltani
Ward:	Hilton/Woodside/Stockethill
Community Council:	No comments received

RECOMMENDATION:

Refuse

SITE DESCRIPTION

The application site relates to a 1.5 storey semi-detached dwelling house located on the west side of Cairnview Crescent. The area is characterised by similar semi-detached dwellings. There is an ancillary building of 1.5 storey in the back garden. The site is identified as being within a Residential Area, as allocated in the Aberdeen Local Development Plan (2012).

DESCRIPTION OF PROPOSAL

Detailed planning permission is sought retrospectively for the formation of two dormers to front (east elevation) of the ancillary building. The ancillary building was granted planning permission under P150474 with roof lights.

RELEVANT HISTORY

Application Number	Proposal & Decision	Decision Date
P130534	Detailed planning permission for erection of new garage was approved conditionally – The ancillary building was built after the approval however there is a discrepancy with the built form and the approved drawings in that two dormers were built instead of the approved rooflights.	June 2013
P150474	Detailed planning permission for erection of ancillary building to rear and formation of 2.4m wall was approved	June 2015

unconditionally

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at www.publicaccess.aberdeencity.gov.uk.

CONSULTATIONS

Consultee	Summary of Comments
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Environmental Health Team	No observations
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Community Council	No comments received
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REPRESENTATIONS

None

PLANNING POLICY

Aberdeen Local Development Plan (2012)

Residential Areas (H1)

Architecture and Placemaking (D1)

Proposed Aberdeen Local Development Plan

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

D1- Quality Placemaking by Design (D1- Architecture and Placemaking)

H1- Residential Areas (H1- Residential Areas)

Supplementary Guidance

Householder Development Guidance

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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.

Design, Scale and Massing

Policy D1 states that new development must be designed with due consideration for its context and make a positive contribution to its setting. While there is no specific guidance for design of garages in Householder Development Guide, it is considered that all development should be well designed with due regard for both their context

and the design of the parent building. The proposed dormers would be partially visible from Cairnview Crescent. The surrounding residential area is characterised by semi-detached dwellings with ancillary buildings of various type and size. They are however all subservient to the original dwellings and none have dormers on their roofs. The approved garage with roof lights was subservient to the original dwelling and did not impose a dominating appearance in the back garden; however it is considered that the introduction of two dormers would not have the same visual effect. Dormers are typical features of a house, but rarely a feature of garages or other ancillary structures. The design, scale and form of the proposed dormers when combined, create the appearance of a building that is no longer ancillary to the original dwelling. As a result the proposal would appear out of context and would have a negative impact on the visual amenity of the surrounding area and would set a precedent for similar proposals in the future.

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

Residential Amenity

All new developments should not result in significant adverse impact upon the privacy afforded to neighbouring residents, both within dwellings and in any private garden ground/ amenity space. Assessment of privacy within adjacent dwellings will therefore focus upon the context of a particular development site, taking into account factors such as window to window distances and the characteristics of the surrounding area. Any windows associated with habitable rooms should not look out directly over, or down into areas used as private amenity space by residents of adjoining dwellings. Whilst the approved roof lights did not raise any concerns in terms of privacy, the proposed dormers would create an opportunity for overlooking into the back garden and directly towards the rear windows of no. 3 Cairnview Crescent & no. 94 Cairncry Road. The distance between the proposed dormers and neighbouring windows is approximately 12m for no. 3 Cairnview Crescent and approximately 17m for no. 94 Cairncry Road. Accordingly, the amenity and privacy of the adjacent residents would be significantly eroded.

In terms of daylight, as it is ambient, the assessment is applied to the nearest window serving a habitable room, using the "45 degree rule" as set out in the British Research Establishment's '*Site Layout Planning for Daylight and Sunlight – A guide to Good Practice*'. Calculations indicate that all neighbouring properties are located a sufficient distant from the proposed garage to ensure no significant detrimental impact in terms of loss of daylight to habitable rooms

Turning to the impact to adjacent properties in terms of overshadowing, the assessment indicates that due to the size, form and orientation of the proposal, there

APPLICATION REF: 160640

would not be any additional impact relating to overshadowing of private rear garden ground to surrounding properties.

It is considered that due to the impact of the development on privacy of surrounding dwellings, the proposal does not fully comply with Policy H1- Residential Areas.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

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

RECOMMENDATION:

Refuse

REASONS FOR RECOMMENDATION

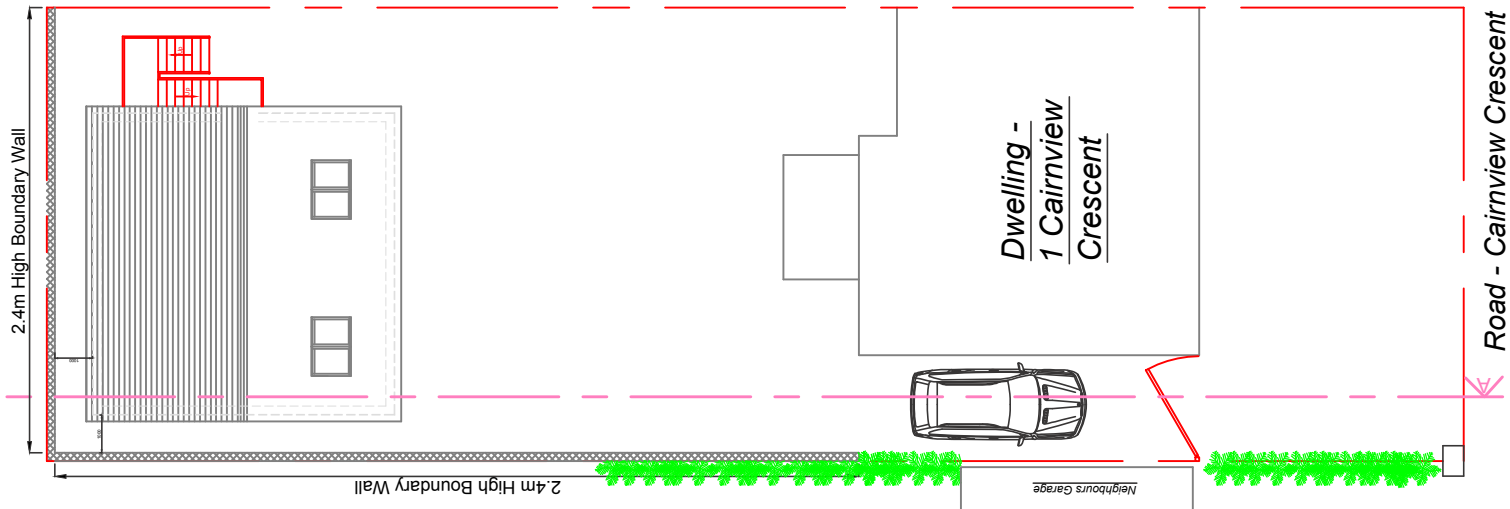
The proposed dormers to the front of the ancillary building are not in compliance with Policy D1 (Architecture and Placemaking) and Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2012. The proposal does not demonstrate due regard for the design and context of the surrounding area and as a result the proposed development would appear out of context and would have a negative impact upon the visual amenity of the surrounding area and also compromise the privacy of neighbouring properties due to unacceptable level of overlooking from the dormers. On this basis, it is considered that the proposal does not accord with the provisions of the Development Plan and that there are no material planning

APPLICATION REF: 160640

considerations – including the Proposed Aberdeen Local Development Plan – that would warrant approval of the application.



Garage sited 1m away from boundaries

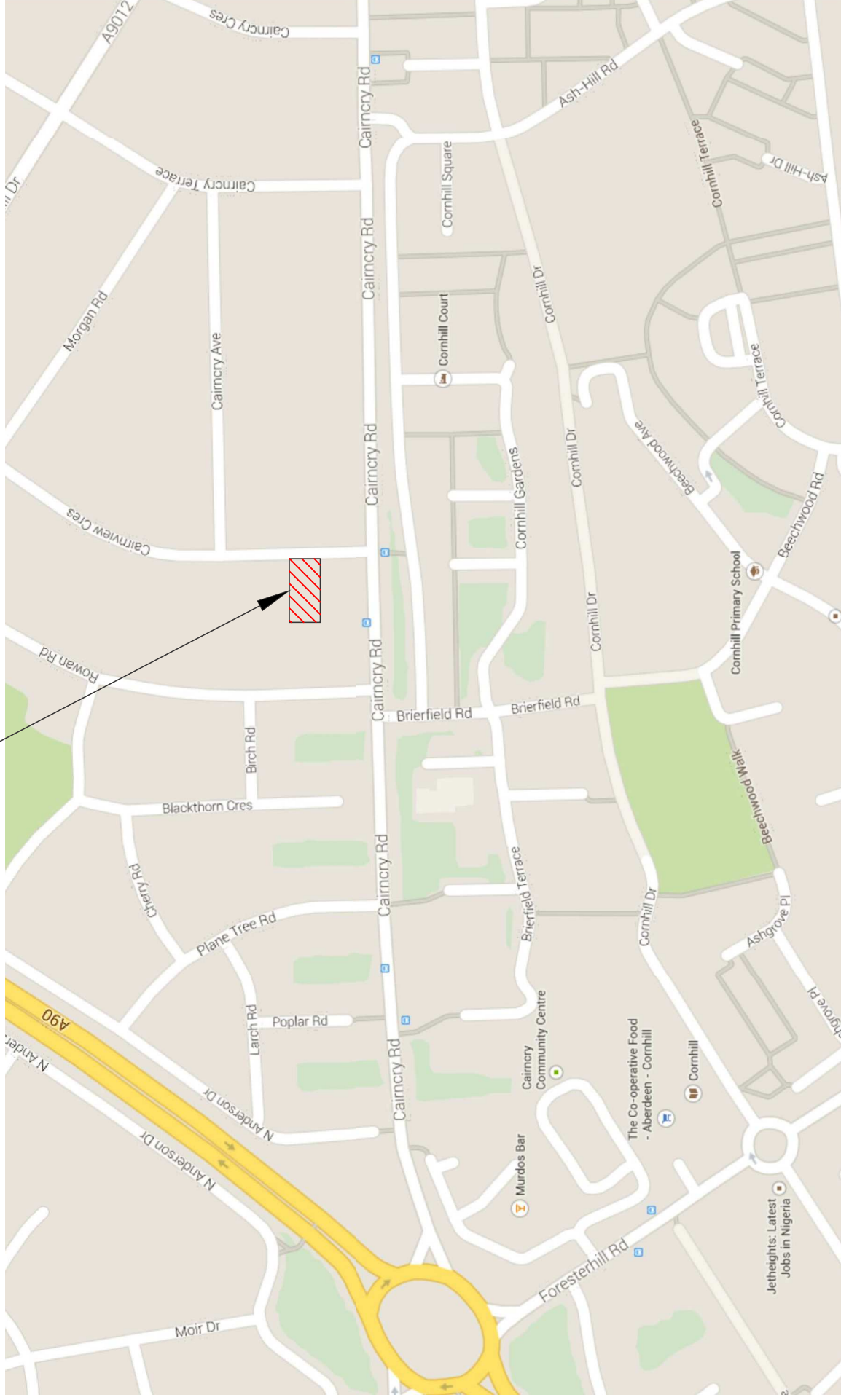


Block Plan - Scale 1:200



1 Cairnview Crescent
Aberdeen
AB16 5DR

- NOTES:
1. Figured dimensions take precedence over scaled dimensions.
 2. All dimensions to be checked on site.
 3. Any discrepancies are to be reported immediately.
 4. No variation or alternative work to be undertaken without express written instructions.
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Location Plan

Boundary Wall - Materials

Walls - Grey Dry Dash Render with P.C Conc coping.

REV	DATE	DESCRIPTION
-----	------	-------------



The Old School, Garage
Washhill,
Aberdeen, AB15 4JG
Tel: (01224) 746 855
E-mail: info@aspectas.com

NAME

Mr A. Gowie

ADDRESS

1 Cairnview Crescent
Aberdeen
AB16 5DR

TITLE

Proposed Garage - Location & Block Plan
(Planning Application)

SCALE

1:200 @ A3

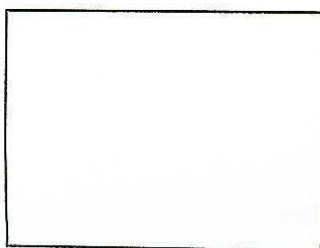
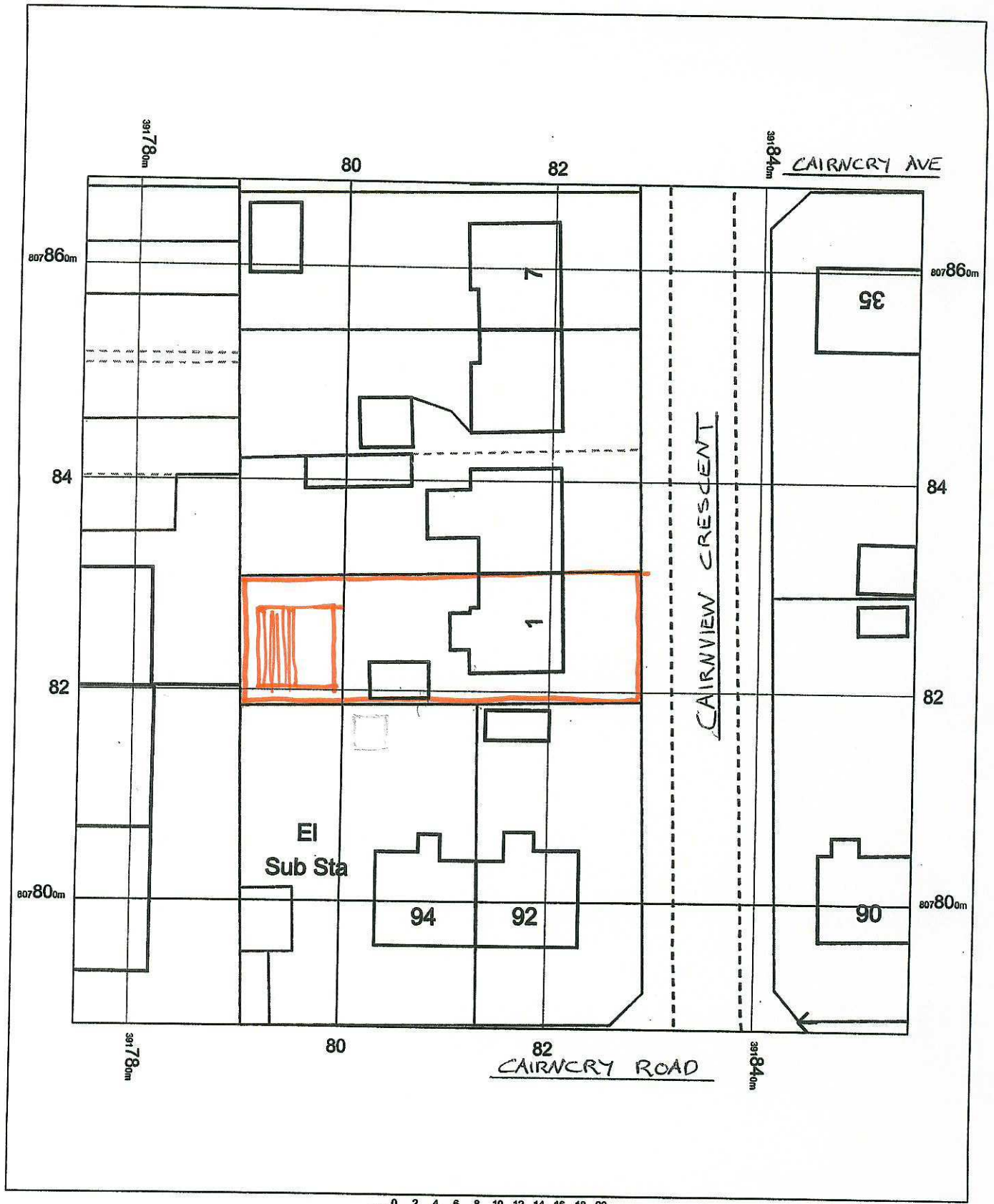
DATE

Mar 15

DRG. No.

AA/160-02

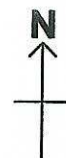
Rev (-)



OS Mastermap
 05 April 2013, ID: BW1-00220084
 www.blackwellmapping.co.uk

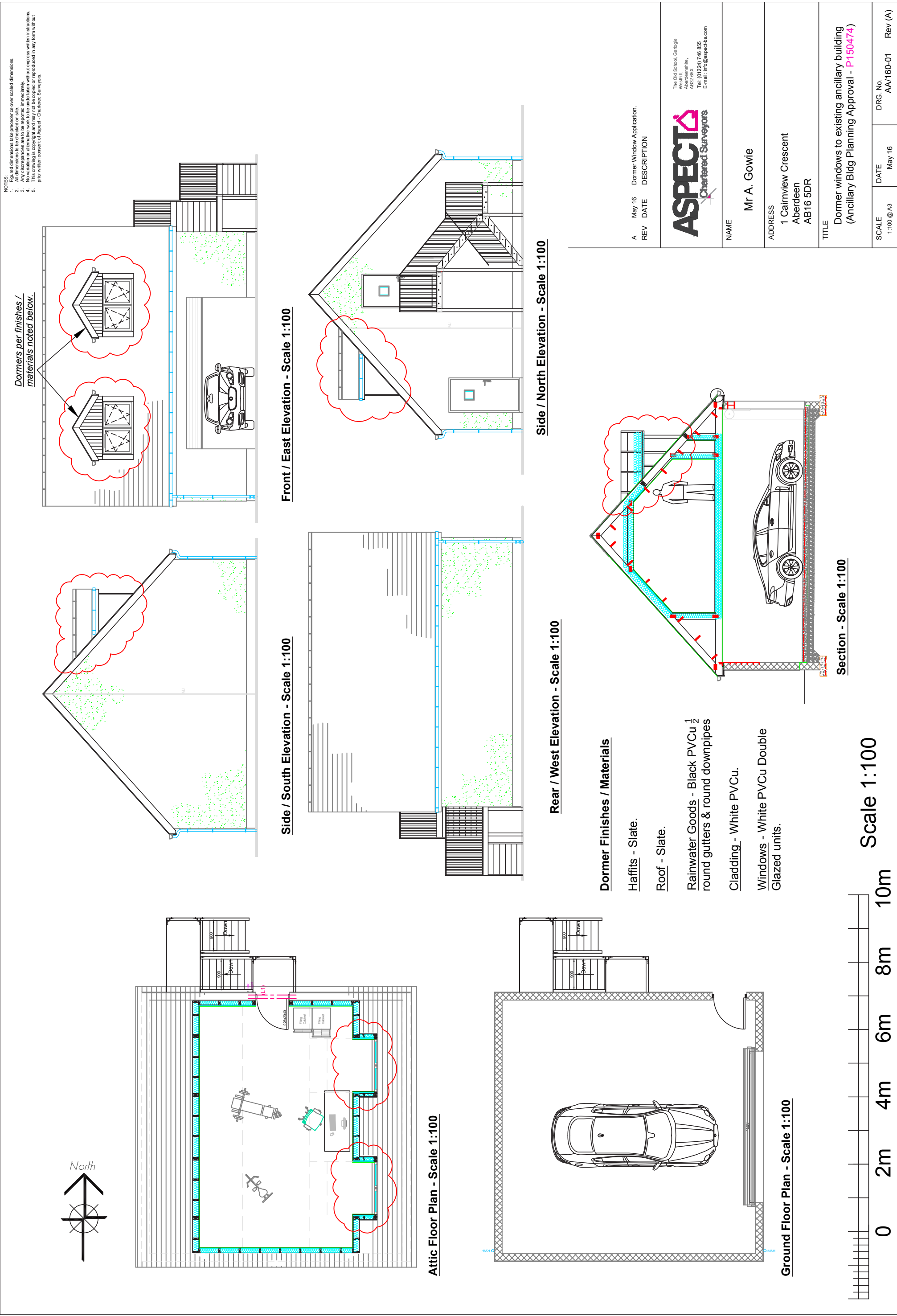
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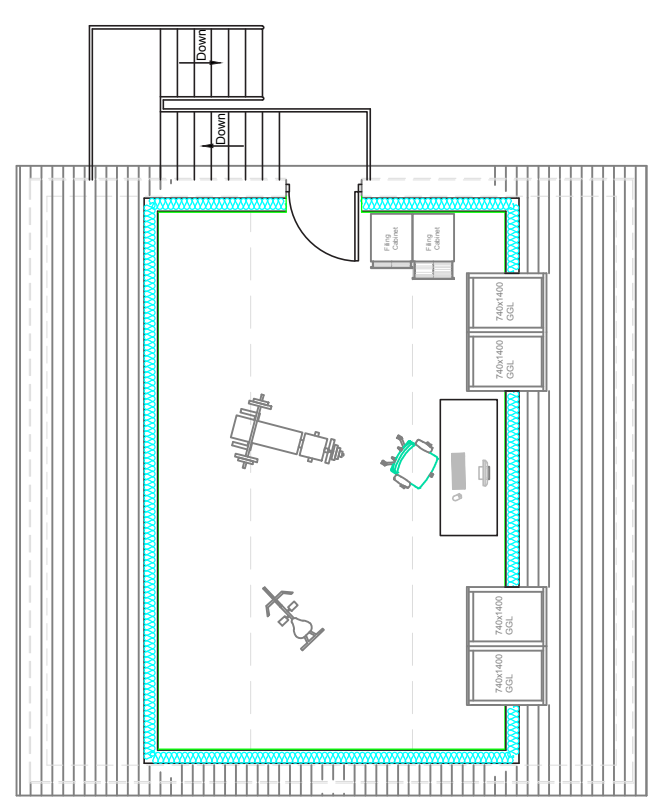


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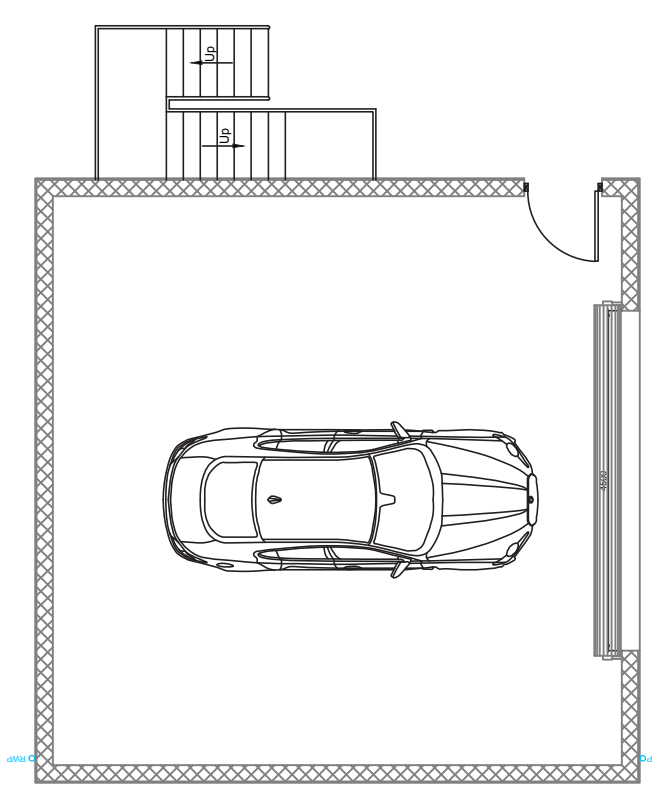
TEL: 01224 485 845
 maps.aberdeen@blackwell.co.uk



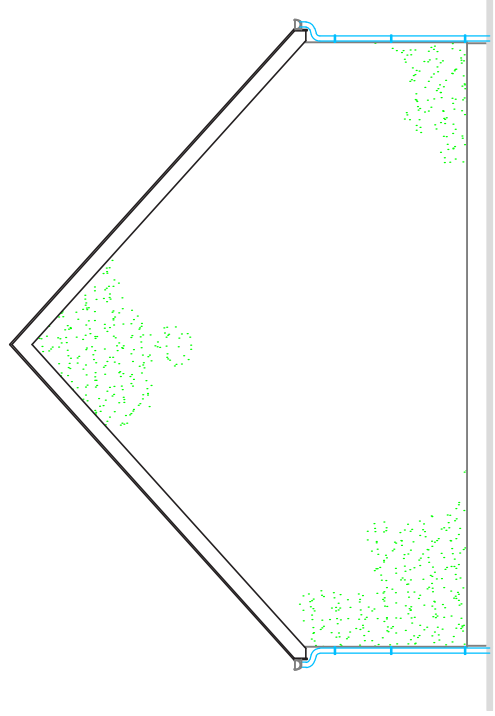
- NOTES:
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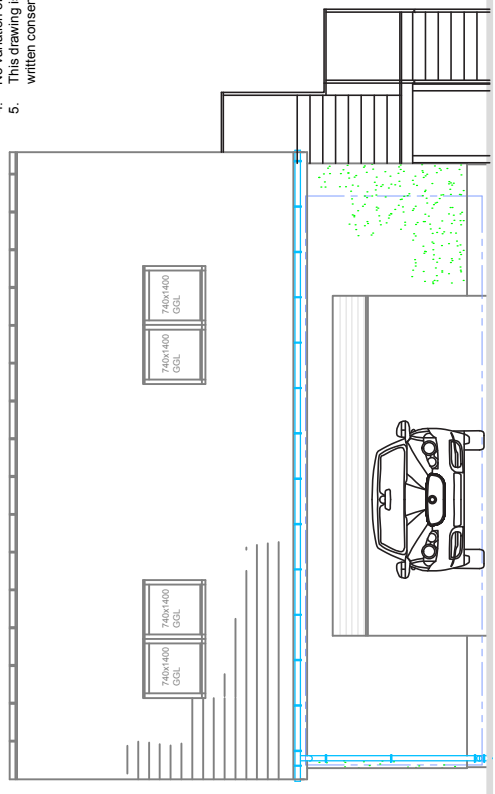
Attic Floor Plan - Scale 1:100



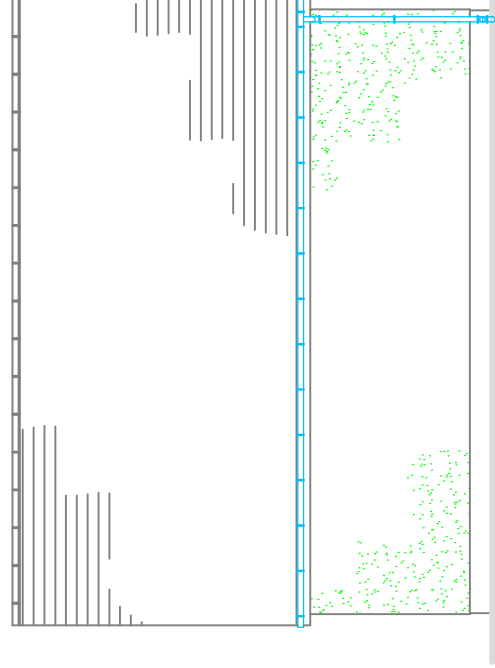
Ground Floor Plan - Scale 1:100



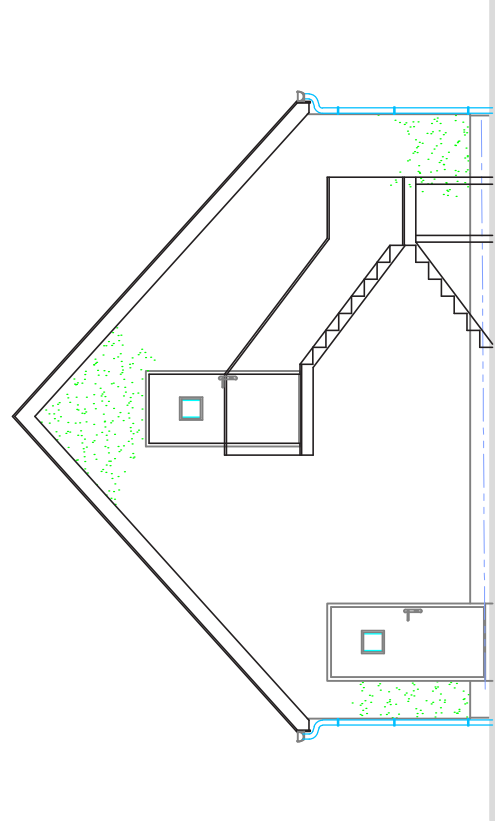
Side / South Elevation - Scale 1:100



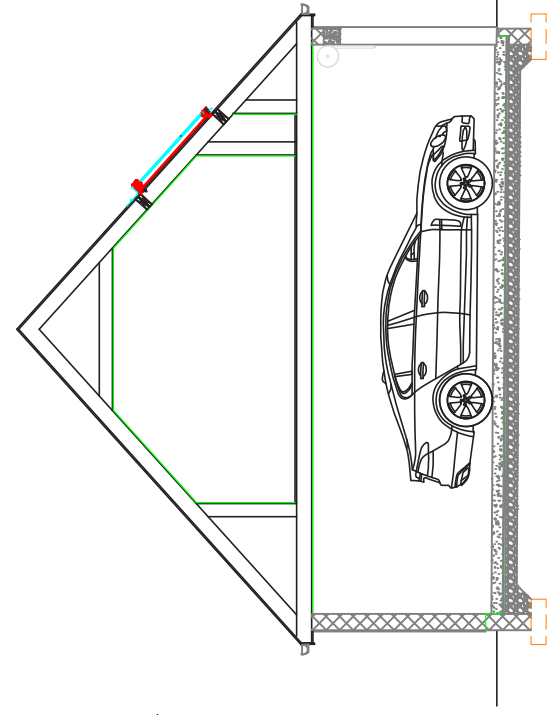
Front / East Elevation - Scale 1:100



Rear / West Elevation - Scale 1:100



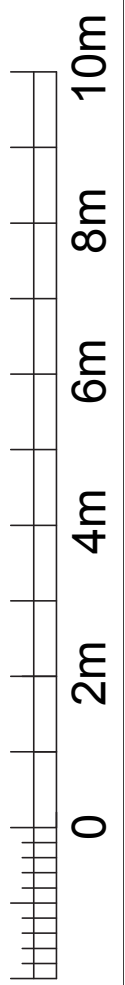
Side / North Elevation - Scale 1:100



Section - Scale 1:100

Finishes / Materials

- Walls - Grey Dry Dash Render.
- Pass Doors - Timber painted white.
- Roof - Slate.
- Rainwater Goods - Black PVCu 1/2 round gutters & round downpipes
- Roller Shutter Door - White PVCu
- Staircase - Steel painted Black



Scale 1:100

REV	DATE	DESCRIPTION
A	May 16	Title Box Notes Amended.



NAME	Mr A. Gowie
ADDRESS	1 Cairnview Crescent Aberdeen AB16 5DR
TITLE	As Existing - Plans & Elevations (Planning Approval - P150474)
SCALE	1:100 @ A3
DATE	Mar 15
DRG. No.	AA/160-01
Rev	(A)

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Aspect Consultants
The Old School (Aspect)
Garlogie
Westhill
Aberdeenshire
AB32 6RX

on behalf of **Mr Allan Gowie**

With reference to your application validly received on 18 May 2016 for the following development:-

**Proposed dormers to front of the ancillary building (Retrospective)
at 1 Cairnview Crescent, Rosehill**

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

<u>Drawing Number</u>	<u>Drawing Type</u>
Proposed Garage Layout, Section and Elevations Location Plan and Site Plan	AA/160-01 Rev A AA/160-02

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

The proposed dormers to the front of the ancillary building are not in compliance with Policy D1 (Architecture and Placemaking) and Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2012. The proposal does not demonstrate due regard for the design and context of the surrounding area and as a result the

PETE LEONARD
DIRECTOR

proposed development would appear out of context and would have a negative impact upon the visual amenity of the surrounding area and also compromise the privacy of neighbouring properties due to unacceptable level of overlooking from the dormers. On this basis, it is considered that the proposal does not accord with the provisions of the Development Plan and that there are no material planning considerations – including the Proposed Aberdeen Local Development Plan – that would warrant approval of the application.

Date of Signing 22 August 2016



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)

None.

RIGHT OF APPEAL THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any 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 www.eplanning.scot.

Notices of review submitted by post should be sent to Planning and Sustainable Development (address at the top of this decision notice).

SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that 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.

From: webmaster@aberdeencity.gov.uk
To: PI
Subject: Planning Comment for 160640
Date: 23 May 2016 15:25:20

Comment for Planning Application 160640

Name : sheila stephen
Address : 94 cairncry road
aberdeen
ab16 5lf

Telephone :

Email :

type :

Comment : We object to the proposed dormer windows as they overlook our back garden. The plan that was approved included Velux windows, which did not affect the privacy of our garden to such an extent as the updated plan does.

IMPORTANT NOTICE: This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this email in error, notify the sender by reply email, delete the received email and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this email and recommend that you subject any incoming email to your own virus checking procedures. Unless related to Council business, the opinions expressed in this email are those of the sender and they do not necessarily constitute those of Aberdeen City Council. Unless we expressly say otherwise in this email or its attachments, neither this email nor its 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.



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 100029518-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="ASPECT Consultants"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Graeme"/>	Building Name:	<input type="text" value="The Old School (ASPECT)"/>
Last Name: *	<input type="text" value="Thom"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01224746855"/>	Address 1 (Street): *	<input type="text" value="The Old School (ASPECT)"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="GARLOGIE"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Westhill"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Aberdeenshire"/>
		Postcode: *	<input type="text" value="AB32 6RX"/>
Email Address: *	<input type="text" value="graeme@aspect-bs.com"/>		

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="Allan"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Gowie"/>	Address 1 (Street): *	<input type="text" value="Cairnview Crescent"/>
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="AB16 5DR"/>
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="1 CAIRNVIEW CRESCENT"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB16 5DR"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="807828"/>	Easting	<input type="text" value="391814"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Proposed dormers to the front of the ancillary building

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 attached statement.

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

Yes No

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

Supporting letter

Application Details

Please provide details of the application and decision.

What is the application reference number? *

P160640

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

18/05/2016

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

22/08/2016

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 Graeme Thom

Declaration Date: 28/10/2016

Planning – Review Body

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

Date: 28th October 2016

Our Ref: AA/160

To whom it may concern

APPEAL / NOTICE of REVIEW

Planning Application – Ref: P160640 – PLANNING CONSENT REFUSAL

Proposed dormers to front of the ancillary building

ADDRESS: 1 Cairnview Crescent, Aberdeen, AB16 5DR

APPLICANT: Mr Allan Gowie

Further to receiving the Decision Notice in respect of the above, to advise that the Planning Application has been refused, we write to lodge an Appeal / Notice of Review of the decision and note our discord. There are several factors about the way this case has been dealt with that have left our client and ourselves somewhat exasperated.

1. Planning approval (P150474) was gained for the garage with two sets of large velux windows looking down the driveway – then after contemplation the client wished to build dormers instead of the velux windows to enhance the use of the upper floor room – which is what the Building Warrant approval was subsequently granted for. Aside from the slight visual change, the dormers are not making the overlooking situation any worse but increase the usability of the room above the garage and it was an oversight that an amendment to the Planning Consent was not obtained at that point.
2. The works commenced and a Mr Gavin Bruce (Planning Inspector) wrote to us to highlight that the dormers did not form part of the original consent, but as part of the letter it was advised that either the development is built in accordance with the Planning Approval (P150474) or a new application should be made for the dormers. In consultation with the planners, prior to the new application being made, there was no indication that the proposal was deemed against policy and stood no chance of being approved – but the Planning Service willingly induced a new application and accepted the associated £202.00 processing fee.
3. /



3. The new Planning Application (P160640) to change the velux windows to dormers on the previously approved ancillary building in order to improve the usable space in the room above the garage was validated on 18th May 2016 and as stated on the letter, a decision should normally be expected within a 2 month period after that date. Due to the relatively simple nature of the application this was believed to be an achievable timescale and after a site inspection by case officer who was onsite for approximately 1 hour and intimated to our client that he did not see an issue and could clearly understand why our client wished to construct the dormers in place of the velux to improve the room above the garage.
4. On expiry of the 2 month period and after various enquiries from ourselves and the client direct to the Planning Authority, we received no formal correspondence and no agreement was sought to the extension of the decision period.
5. Despite being told that correspondence had been sent and asking for this to be resent and emailed to us, we still received no formal correspondence from the Planning Authority in respect of this application.
6. After a full 3 months of the application being dated as valid, and after further enquiries as to what was going on the first and only formal correspondence we received was the Decision Notice advising of the refusal.
7. The basis for the refusal of the application are two broad planning policies that are totally subjective as evidenced by the original case officer intimating no issues when on site.
8. Design, Scale and Massing – Had the garage and proposed dormers been adjacent to the house and fully visible from the street, then the point regarding the dormers giving a dominant appearance may have had some traction, but as acknowledged in the Report of Handling the garage and proposed dormers would only be 'partially visible from Cairnview Crescent' which surely therefore this diminishes the effect. In terms of scaling to adjacent building, immediately behind the garage there are blocks of 2 storey flats on Rowan Road which are set at a higher ground level than our clients' site and are more imposing on the surrounding properties than the proposed dormers.
9. In terms of Residential Amenity - The use of large velux windows somehow does not produce an overlooking issue even though they facilitate / promote the same degree of visibility from inside as the dormers would. The existing dormer window to the side of our clients' house looks directly over No.94 Cairncry Road and poses more of an overlooking issue than the proposed dormers and the existing dormer to the rear of the house overlooks No.3 Cairnview Crescent and on this basis the overlooking issue should also be dismissed as insignificant.

In summary/

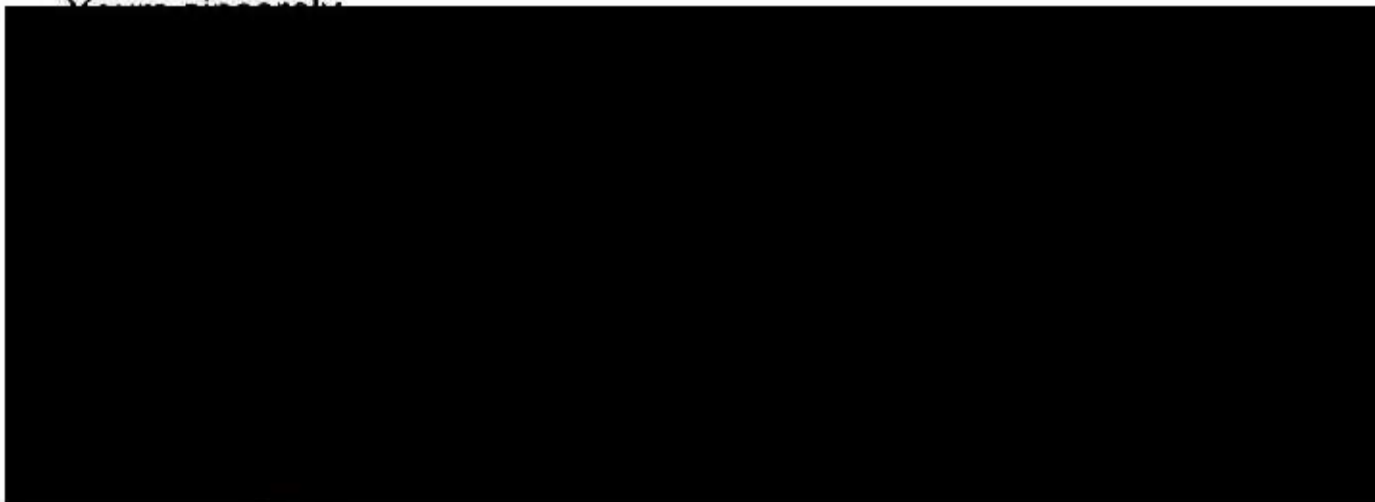
In summary,

- 1) No objections or representations were received from neighbouring interests or consultees.
- 2) As the existing garage /ancillary building is set well back in the feu and the proposed dormers would only be seen by immediate neighbours, none of whom raised any concerns or objections, and only partially visible from Cairnview Crescent, we do not believe that the addition of dormers has any impact on the visual amenity of the area which, the garage/ ancillary building in any event is completely over shadowed by the high terraced dwellings immediately to the rear.
- 3) There are other domestic garages throughout the town and indeed close by which have dormers.
- 4) There is absolutely no significant adverse impact upon the privacy afforded to the neighbouring residents as suggested by the planning service in their report of handling, between that of looking out of a velux or of a dormer, the view is exactly the same. Furthermore, as referred to above, no objections or representations were received from the neighbours.

This forms the basis of our appeal on the refusal issued in respect of this application and we feel compelled to also convey our discontent with the processing of this application.

I trust that the above is in order, but should you have any queries please do not hesitate to contact me -
Telephone – Aberdeen **746855** or **Mobile 07971 194 770**.

Yours sincerely,



enclosed

AA/160-01 Rev (A) (P16040) - Dormer Window Application
AA/160-01 Rev (A) (P1504) – As Existing
AA/160 – 10 – Garage Section



Report of Handling Detailed Planning Permission

160507: Proposed dwelling house with associated parking at 25-29 Queens Road, Aberdeen

For: Knight Property Group

Application Date:	22 April 2016
Officer:	Jane Forbes
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Queen's Cross & Harlaw
Advertisement:	Proposal Affecting the Setting of Listed Buildings or the Character of Conservation Areas [Sections 60 and 65 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997]
Advertised Date:	11 May 2016

RECOMMENDATION:

Refuse

SITE DESCRIPTION

The application site, which extends to an area of 210m², lies within Conservation Area 4 (Albyn Place & Rubislaw), and forms part of a wider residential site (circa 1804m²) located on the south side of Queen's Road. It comprises an 1870's, Category C listed, granite-built detached dwellinghouse, with rear garden bound to the south by Queen's Lane South. The application site lies to the south of the dwelling, within an area of garden ground, with part of a 1.8 metre high traditional granite rubble wall forming the boundary to the south and east.

DESCRIPTION OF PROPOSAL

The proposal seeks detailed planning permission for the erection of a single storey mews style dwelling within the south-easternmost corner of the site. The proposed development would be accessed off Queen's Lane South, with a 1.8 metre high traditional rubble wall forming part of the southern boundary of the site. A similar style wall would also extend to a height of between 1.1 and 1.4 metres along the western boundary of the site, thereby providing an enclosed garden area. 2 parking spaces would be located to the north of the dwelling.

RELEVANT HISTORY

- P140896: Change of use from flatted properties to 18 serviced apartments – refused at Planning Development Management Committee, 6 November 2014 (enforcement measures instructed relating to garden wall restoration and rebuilding, and a scheme of replacement tree planting);

APPLICATION REF: 160507

- P141878: Reinstatement of rear boundary wall, gardens levels, planting and landscaping – approved conditionally, March 2015;
- P140896: Appeal dismissed April 2015;
- P151798: 2 storey rear extension to form 2 flats, associated car parking and landscaping; partial demolition of the rear boundary wall and garage; and formation of new access – approved conditionally 4 March 2016.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at www.publicaccess.aberdeencity.gov.uk.

CONSULTATIONS

- **Roads Development Management** – No objection, but clarification sought that access rights would be maintained for the proposed vehicle parking
- **Environmental Health** – No observations
- **Communities, Housing and Infrastructure (Flooding)** – No observations
- **Community Council** – No comments received

REPRESENTATIONS

None

PLANNING POLICY

National Policy and Guidance

- Scottish Planning Policy (SPP)
- Historic Environment Scotland Policy Statement (HESPS)
- Managing Change in the Historic Environment - Guidance notes on 'Setting' and 'Boundaries'

Aberdeen Local Development Plan

- Policy D1 - Architecture and Placemaking
- Policy D2 – Design & Amenity
- Policy D4 - Aberdeen's Granite Heritage
- Policy D5 - Built Heritage
- Policy B13 - West End Office Area

Proposed Aberdeen Local Development Plan

- D1 – Quality Placemaking by Design (*Policy D1 - Architecture and Placemaking*)
- D4 – Historic Environment (*Policy D5 – Built Heritage*)
- D5 – Our Granite Heritage (*Policy D4 – Aberdeen's Granite Heritage*)
- B3 – West End Office Area (*Policy B13 – West End Office Area*)

Supplementary Guidance

- The sub-division and redevelopment of residential curtilages

OTHER RELEVANT MATERIAL CONSIDERATIONS

- The Albyn Place/Rubislaw Conservation Area Appraisal

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan, and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

Principle of Development

Whilst it lies within the West End Office Area, the application site is residential in nature. In such an instance, Policy D1 requires new development to be appropriate for their context and surrounding uses. The SG on Subdivision and Redevelopment of Residential Curtilages states one must consider how such development will impact on the character of the area, the relationship between buildings and the space/garden ground surrounding them, and critically, whether the proposed development respects the established relationship. Policy BI3 further suggests that the principle of development may be considered acceptable providing a suitable level of residential amenity can be achieved; the introduction of a new residential building does not prejudice the continued operation of existing uses; and safe access can be delivered to the site for both pedestrians and vehicles. In this regard, as the existing and adjacent sites are residential in nature, the proposed use would be in-keeping with this context, and as can be seen later in the report, reasonable levels of residential amenity can be achieved.

However, and notwithstanding the suitability of residential use and amenity levels, it is noted that 25-29 Queen's Road form part of a row of large, detached and semi-detached granite-built properties set within long, generously proportioned plots. A formal building line fronts onto Queen's Road, with rear gardens and parking spaces or garages accessed off Queen's Lane South. The erection of a single dwelling house, in this location to the rear of an existing garden, would not be in-keeping with the established density, character and pattern of development of the surrounding area, and would constitute 'backland' development. On account of its location, it may also lead to increased use of the rear lane for shared use by both pedestrian and vehicular access, which in this instance where the lane has no separate pavement, could lead to a pedestrian safety hazard. Furthermore any change of site ownership in the future may compromise the retention of the existing access arrangements, resulting in a scenario whereby pedestrian access could be restricted to the rear leane and the right of access to the car-parking spaces may be challenged. Whilst there is no indication at this stage that such a change may occur, the Planning Authority should not enable an arrangement that could reasonably be subject to long-term conflict.

Taking the above into account and notwithstanding the compliance with certain policy provisions, the over-riding principle of development within this context would not be supported under Policies D1 and BI3 of the ALDP, or the Council's SG. Approval of such development may set an undesirable precedent for future applications of a similar nature, which could lead to the fundamental erosion of the character and amenity of the surrounding area. Nevertheless, for the purpose of clarity and to ascertain if material considerations exist that may outweigh this policy

position, an assessment under all remaining policies and guidance is set out as follows.

Design, Scale & Siting

In their individual rights the design and scale are considered modest and acceptable for a residential unit of this nature; being single storey in height; set at a low finished ground level; and partially screened from the existing boundary walls. Materials would be of suitable quality, with a combination of finishes to include natural granite blockwork, traditional slates to the roof and aluminium framed windows. It would be sufficiently distant from the existing property, with enclosed, landscaped garden ground and suitable levels of car-parking provision. Whilst it would be visible, it would not be considered visually overbearing or intrusive. However, Policy D1 also requires consideration to be given to the siting within the wider context, which as noted above is not considered acceptable. Additionally, back-land development which is at odds to existing residential patterns can enable the creation of a secondary building line along a rear lane, where dwellings would have main frontage and access onto rear lanes with no formal pedestrian footpath; a scenario strongly resisted by Policy D2 and the Council's SG.

Policies BI3 and D5 give further weight to this impact in light of the conservation area, and in this instance whilst individual design aspects such as the reinstatement of the original boundary wall would be welcomed; SPP and HES policy and guidance require consideration be given to the relationship between buildings, natural features and open spaces, and to the 'sense of place' these create. The loss of established development patterns within this specific area, as well as others throughout the city; is identified as a clear weakness in the Council's Conservation Area Appraisal for Albyn Place and Rubislaw. The proposal would present clear conflict with the above principles, and whilst it is acknowledged that its impact may be somewhat limited when assessed in isolation, its cumulative impact on the wider area; including potential replication through similar applications on nearby sites, would be a significant threat to the preservation and protection of the conservation area.

In light of the above, there are no exceptional, individual merits identified that would justify back-land development in this location, and the potential to replicate such development on nearby sites cannot be overlooked. The proposal represents clear conflict and risk not only to the established residential character of the site, but also the ongoing protection and preservation of the conservation area; as required by Policy D1, Policy D5 and Policy BI3 of the ALDP, the Council's SG, SPP and HES policy and guidance.

Privacy & Residential Amenity

As with the design, the proposal provides a certain degree of compliance with Policy D2 and the SG when looking at individual amenity levels within the site. Impact on privacy by way of overlooking is not an issue due to orientation and distances between buildings, whilst daylight and sunlight levels would all be within acceptable standards. Suitable levels of private space could also be delivered without compromising the amenity of existing residents. However, whilst private garden ground can be delivered adjacent to the property, as a direct result of its inappropriate siting in a rear garden the dwelling would fail to secure any sense of public face to a street, and as noted previously could lead to potential conflict of

access if site ownership were to change in the future. Thus, whilst the proposal may again offer individual merits, there is still a clear failure to meet the principle requirements of Policy D2 and the Council's SG, and as before there are no material considerations identified that would suggest this policy position should be overlooked.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis. In relation to this particular application the following policies are of relevance: D1 – Quality Placemaking by Design; D4 – Historic Environment; D5 – Our Granite Heritage; and B3 – West End Office Area. These policies are substantively similar to those of the adopted plan, therefore no further evaluation is required in respect of the proposed plan.

Conclusion

In summary of the above, and notwithstanding the individual merits of the proposal in terms of design, scale and amenity; such policy compliance is partial and in itself insufficient to disregard the contextual impact deriving from the location of the dwelling and the consequential effect this would have on the wider area. The principle is not supported by Policy D1, Policy D2 and Policy BI3 of the ALDP, or the Council's SG on the Subdivision and Redevelopment of Residential Curtilages. Approval of the application could also allow this type of development to be replicated more widely; the cumulative impact of which would neither preserve nor protect the character or special interest of the conservation area, and thus would be contrary to SPP, HES policy and guidance, and subsequently Policy D5 of the ALDP. No material considerations have been identified that would outweigh this policy position, including the policies and guidance set out in the proposed ALDP.

RECOMMENDATION:

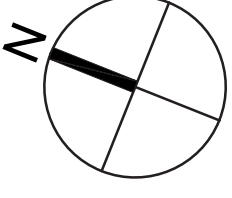
Refuse

REASONS FOR RECOMMENDATION

The proposed development would result in the subdivision of an existing residential plot, and would not be in-keeping with the established density and pattern of

APPLICATION REF: 160507

development in the area. Constituting backland development, it would fail to provide a public face to a street with uncertainty surrounding long-term access arrangements. The impact of such development would not only be considered inappropriate for its residential context, but would be significantly harmful to that of the wider Albyn Place/ Rubislaw Conservation Area. Whilst the proposal offers suitable individual merits by way of design, scale and finishing, these are not considered of exceptional quality to outweigh the issue of principle in this instance. As such, the principle of development fails to comply with Policy D1 (Architecture & Placemaking), Policy D2 (Design & Amenity) and Policy BI3 (West End Office Area) of the Aberdeen Local Development Plan 2012; the Council's Supplementary Guidance on the Subdivision of Residential Curtilages; Scottish Planning Policy and Historic Environment Scotland policy and guidance with respect of development within Conservation Areas; and subsequently Policy D5 (Built Heritage) of the Aberdeen Local Development Plan 2012. Approval of such development may set an undesirable precedent for future applications of a similar nature, which could lead to the fundamental erosion of the character and amenity of the surrounding area. There are no material considerations identified, including evaluation under the Proposed Aberdeen Local Development Plan 2016, that would outweigh the above policy position or justify approval of the application.



--- PLANNING APPLICATION BOUNDARY
 --- CLIENT OWNERSHIP BOUNDARY

Revision	CHKD :	Date :
Drawn :	CHKD :	Date :
Revision		
Drawn :	CHKD :	Date :
Revision		
Drawn :	CHKD :	Date :
Revision		
Drawn :	CHKD :	Date :
Revision		

A Issued for Planning

Drawn : LM	CHKD : AM	Date : 22.04.18
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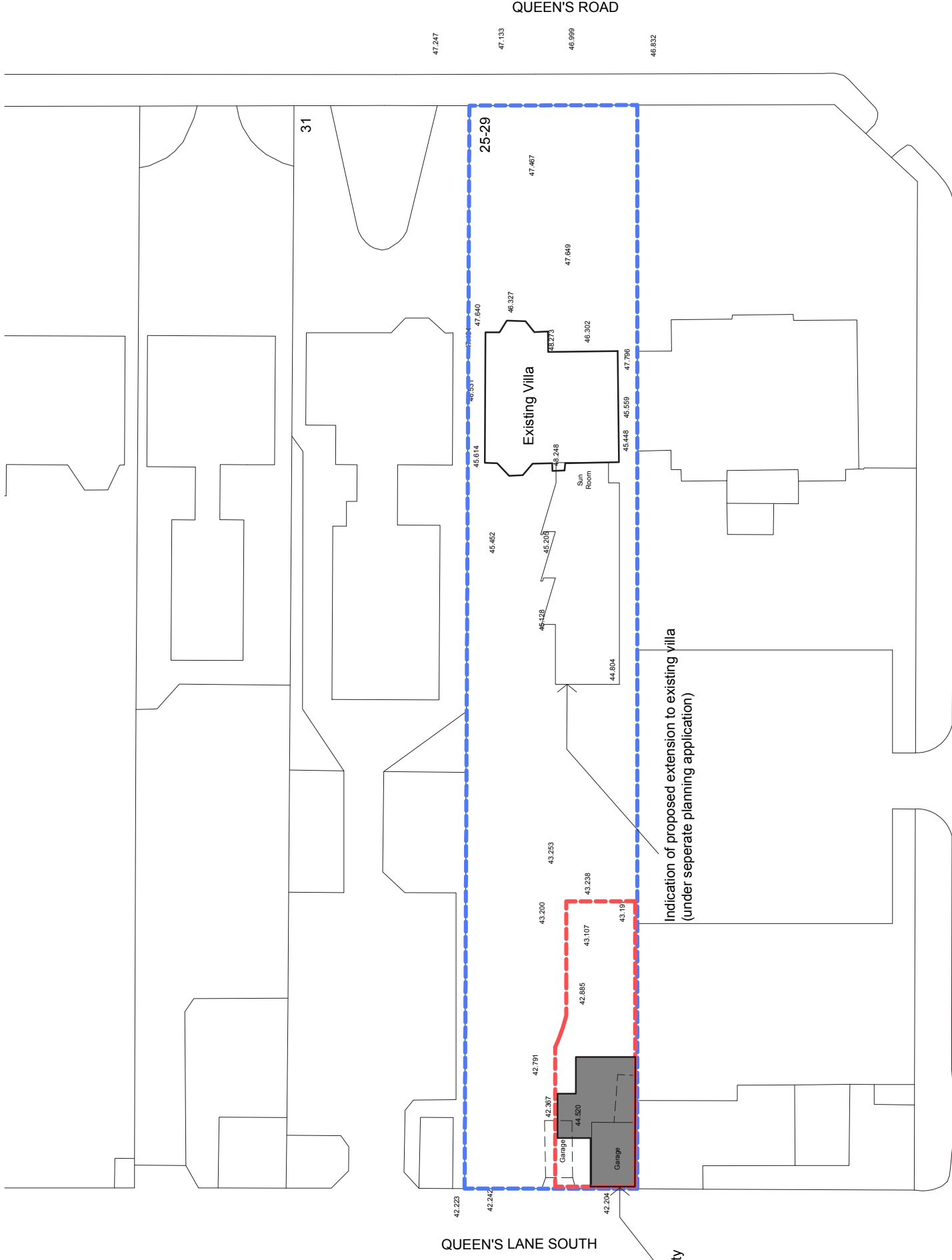
Client:
 Knight Property Group

Project:
 25-29 Queen's Road, Aberdeen
 Mews Property

Drawing:
 Site Plan

Project No.	Rev.
P16-077	
PL(90)002	A
PLANNING	

Created : LM Checked : AM
 Date : 10.04.18 Scale : 1:500 @ A3
 BELFAST EDINBURGH GLASGOW HYFENNESS LONDON MANCHESTER PERTH



QUEEN'S LANE SOUTH

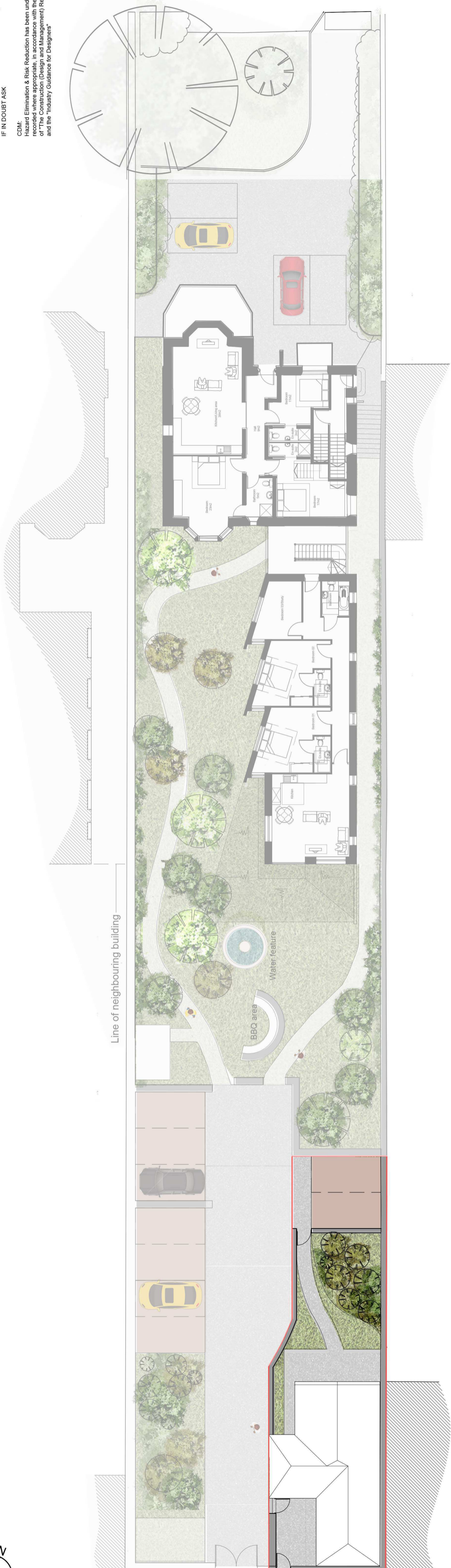
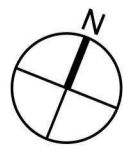
QUEEN'S ROAD

Existing Villa

Indication of proposed extension to existing villa
 (under separate planning application)

Indication of proposed mews property
 (grey fill) existing garage to be
 demolished.





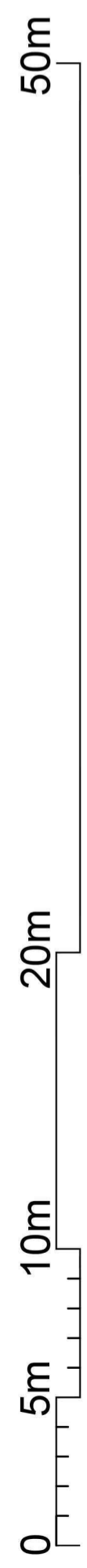
Roof Plan

Revision	CHK'd	Date
A	Issued for Planning	

Drawn: LM	CHK'd: AM	Date: 22.04.16
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Ground Floor Plan



— Planning Application Boundary

Project No.	P16-077
Drawing No.	PL(20)001
Rev.	A
Status	PLANNING

Created	• LM	Checked	• AM
Date	• 10.04.16	Scale	• 1:200 @ A2



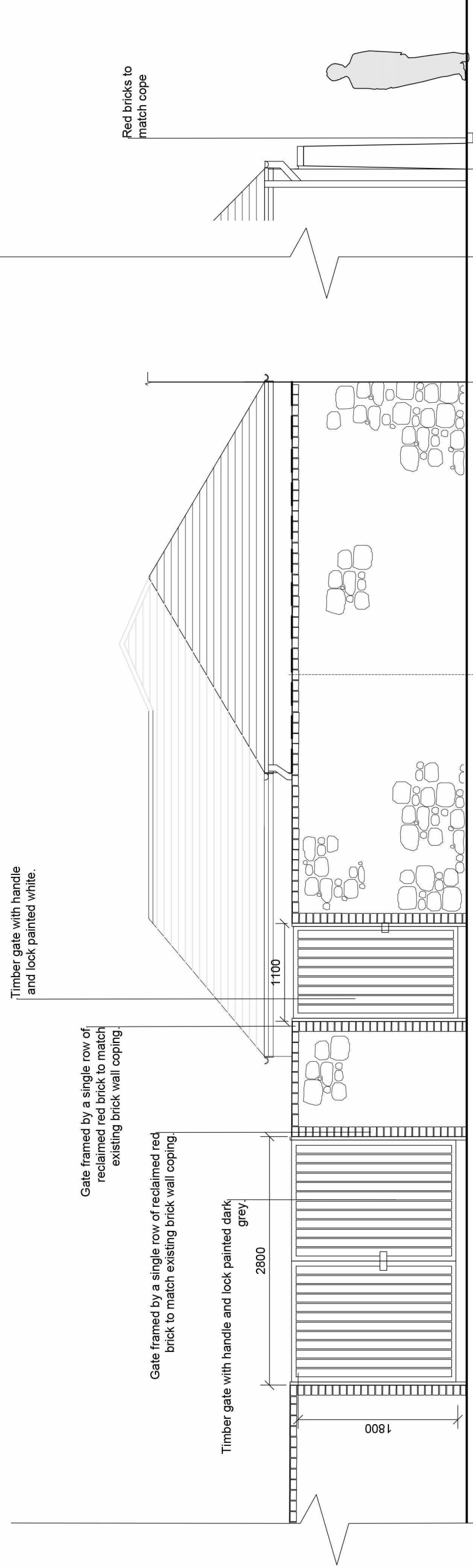
Ground Floor Plan (NTS)

Granite Rubble Wall - Further Details

As per specialist building conservationist feedback:

- a modified lime binder should be used (tradibianc HL5 or equal and consented to) in a 1:2.5 ratio (equivalent to 1x35 kg bag of tradibianc to 150 litres sand (clean, sharp concrete sand) or divisions thereof.
- Mix should be used as a bedding and pointing mortar together with pinning stones.
- All work should be kept damp for at least 72 hours to ensure the hydraulic set happens.

- Work should be undertaken in temperatures between 5 - 35 degrees and protected from rapid drying effects of the wind and sun, direct rainfall, frost etc.
- Mortar mix colour to match existing.



Proposed Rear Boundary

SCALE 1:50

SECTION B

Site Boundary

Revision	Drawn	CHK'D	Date

Revision	Drawn	CHK'D	Date

Revision	Drawn	CHK'D	Date

Revision	Drawn	CHK'D	Date

Revision	Drawn	CHK'D	Date

A Planning Application

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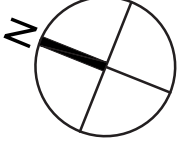
Project
25-29 Queen's Road, Aberdeen
Mews Property

Drawing
Proposed Rear Boundary

Project No.
P16-077
Drawing No.
PL(97)001
Rev.
A

Planning

Created
Date
10/04/2016
Scale
1:50
@ A3



PLANNING APPLICATION BOUNDARY
CLIENT OWNERSHIP BOUNDARY

Revision

Drawn :
Revision

Drawn :
Revision

Drawn :
Revision

Drawn :
Revision

A Issues for Listed Building Consent

Drawn : LM
Revision

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Drawing
Location Plan

Project No.
P16_077

Drawing No.
LBC(90)001

Rev.
A

Listed Building Consent

Created
Date

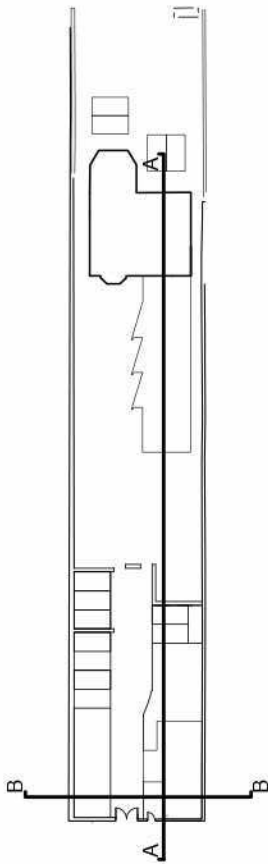
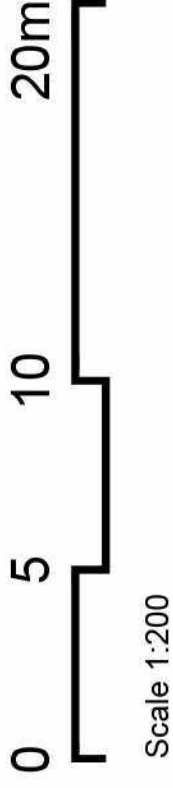
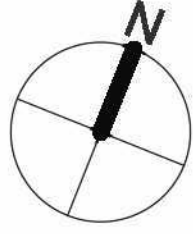
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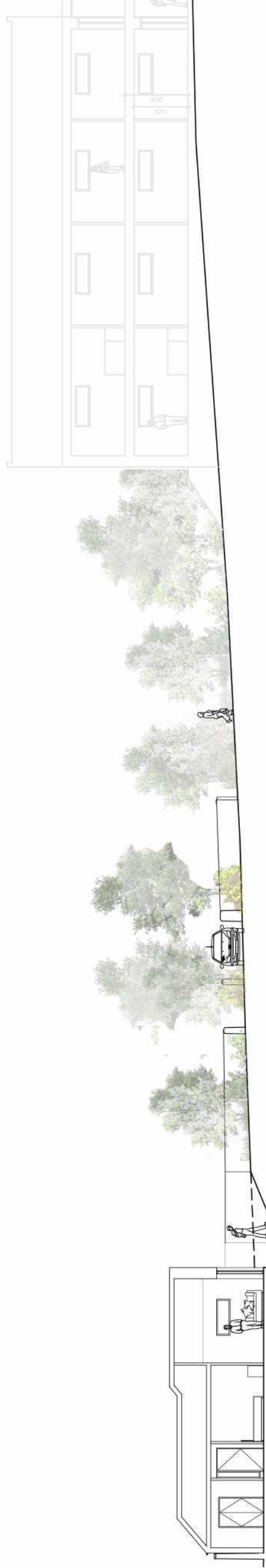
MANCHESTER

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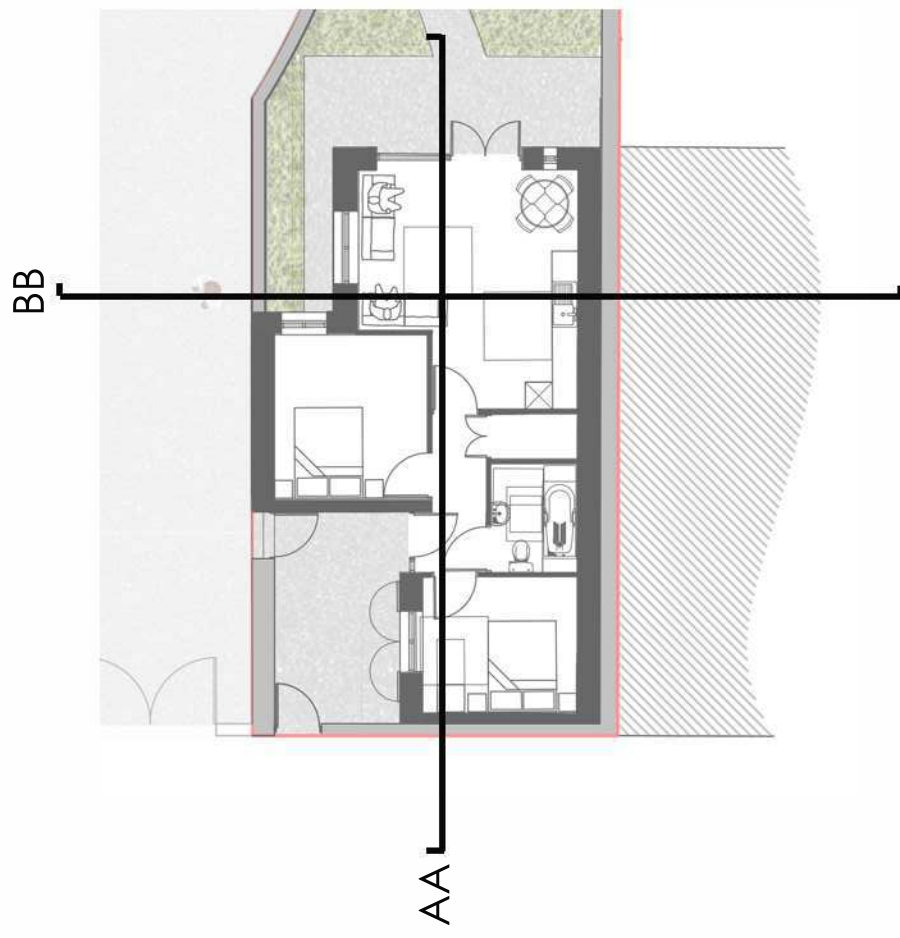
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KEY PLAN



SECTION A-A



SECTION B-B

Revision	

Drawn :	CHK'd :	Date :

Drawn :	CHK'd :	Date :

Drawn :	CHK'd :	Date :

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Project
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 Mews Property

Drawing
 Sections:
 Section A & B

Project No.
 P16-077

Drawing No.
 PL(26)001

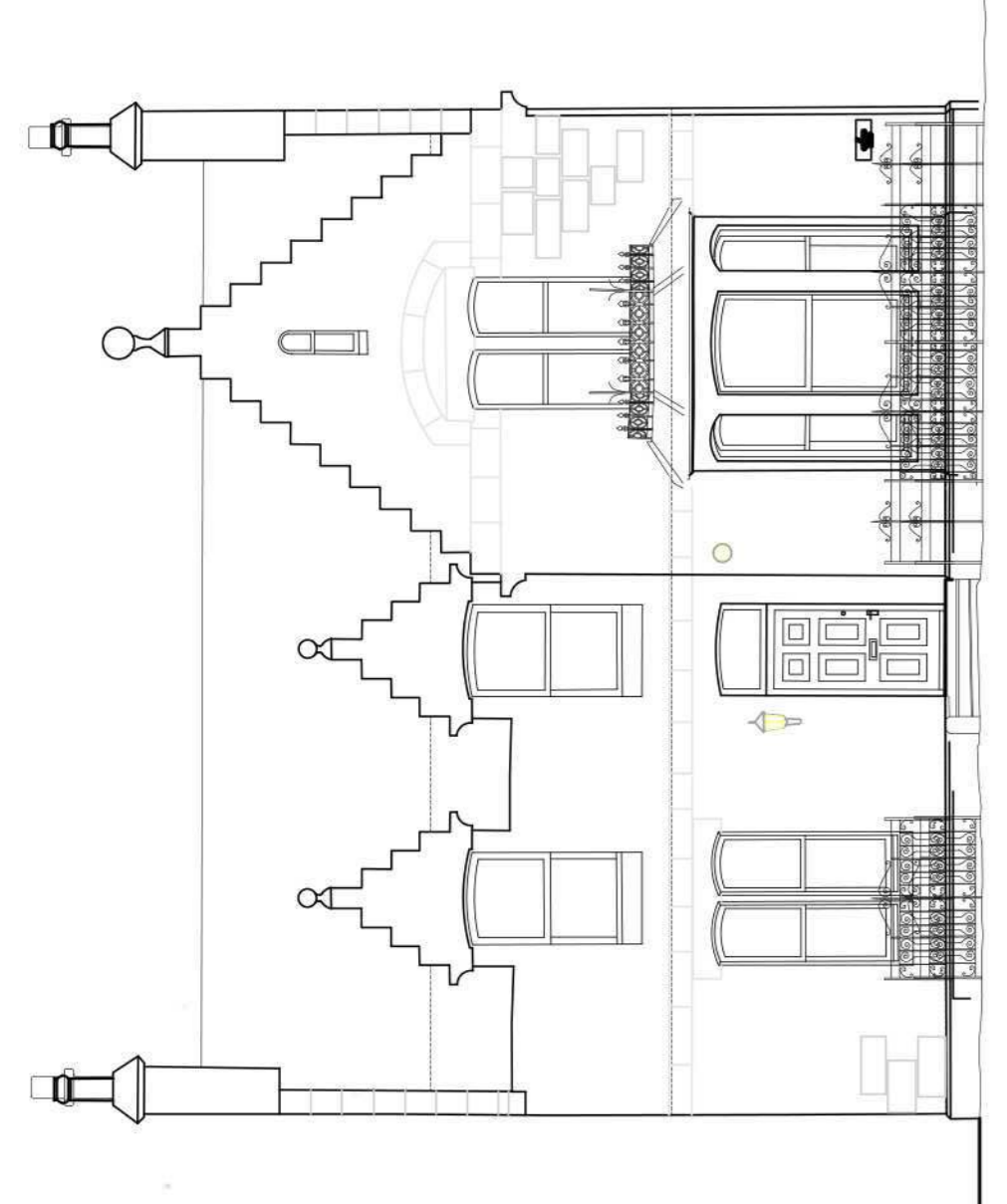
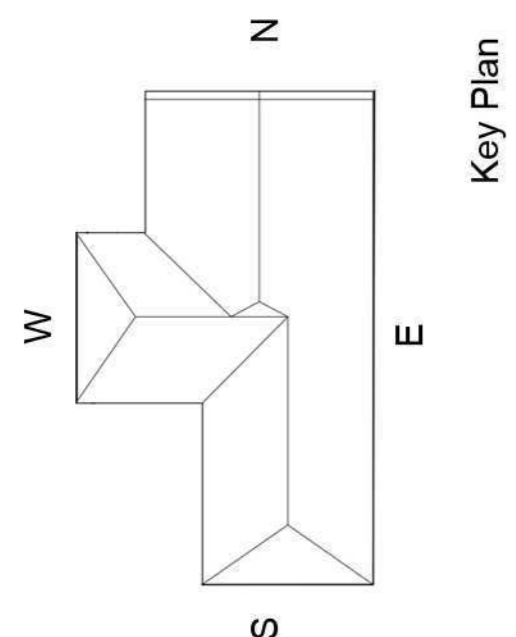
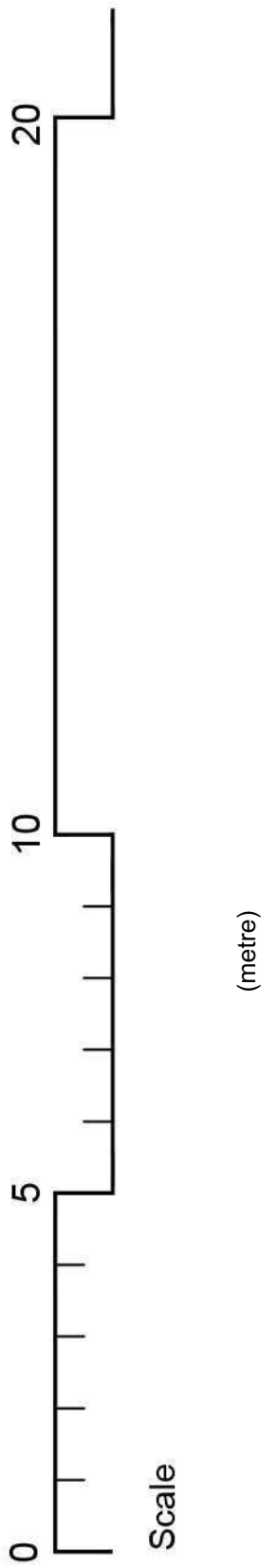
Rev.
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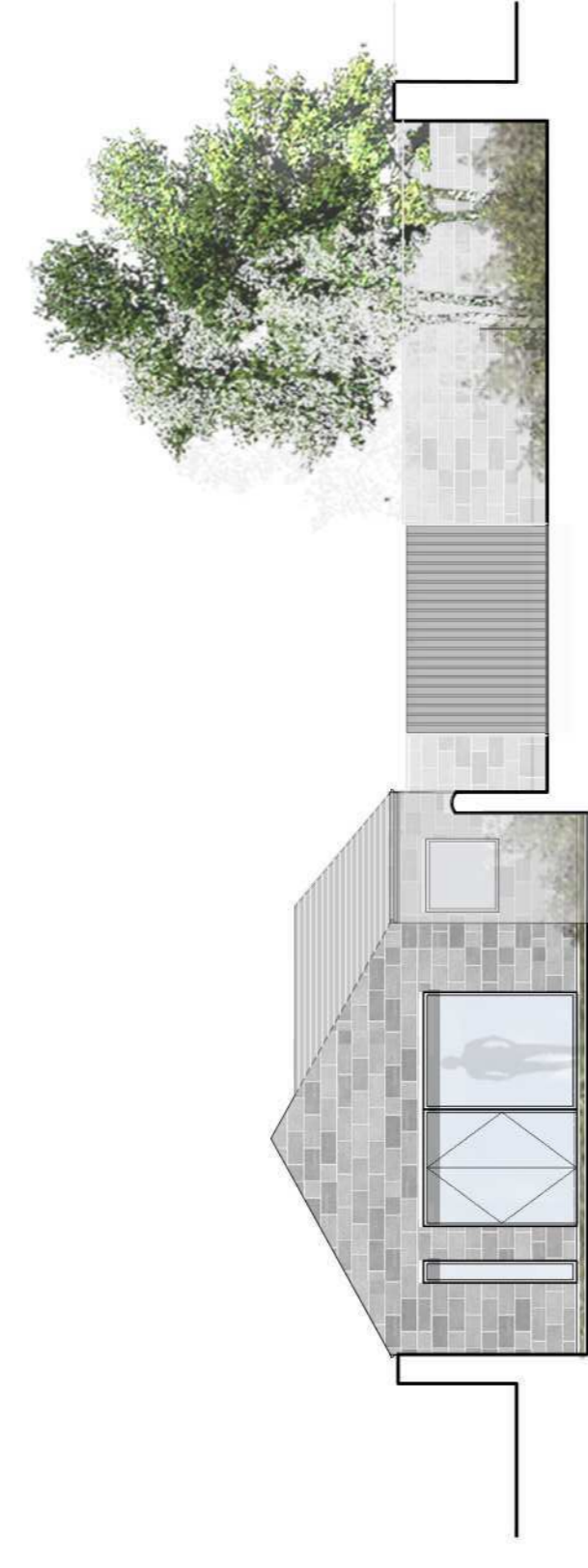


EXISTING VILLA
 (MAIN NORTH ELEVATION)

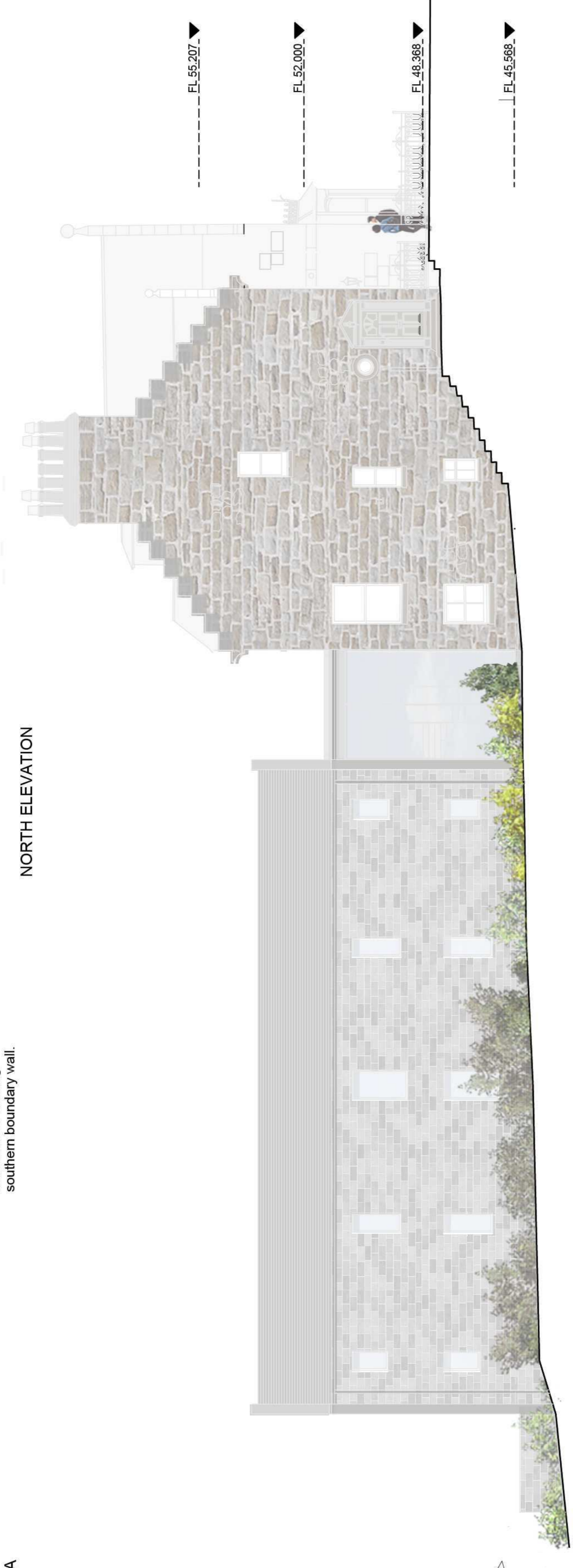


SOUTH ELEVATION
 (EXISTING VILLA AND VILLA
 EXTENSION)

Indication of existing
 southern boundary wall.



NORTH ELEVATION



EAST ELEVATION
 (WITH VILLA EXTENSION INDICATED)



WEST ELEVATION
 (WITH VILLA EXTENSION INDICATED)

Revision	Date	Author
01	10.04.18	JM
02	10.04.18	JM
03	10.04.18	JM
04	10.04.18	JM
05	10.04.18	JM
06	10.04.18	JM
07	10.04.18	JM
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17	10.04.18	JM
18	10.04.18	JM
19	10.04.18	JM
20	10.04.18	JM

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Client
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Project
 25-29 Queens Road, Aberdeen
 Mevra Property

Drawing
 Proposed Elevation

Project No
 P16-077

Drawing No
 PL(25)001

Sheet
 A

PLANNING
 Checked: JM
 Date: 10.04.18
 Scale: 1:100
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Queen's Road
Mews Property
25-29 Queen's Road
Aberdeen

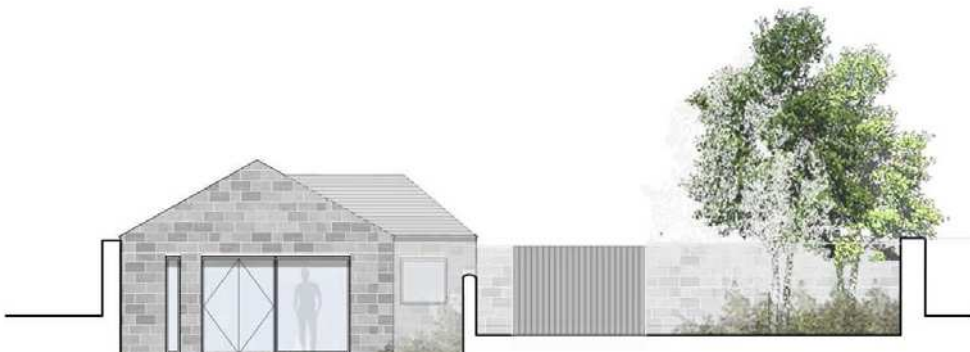
Design & Access Statement

For : KPG City Centre Ltd
Drawing No: D(20)001
First Drafted: 08/04/2016
By: LM
Checked By: AM
Revision: A
Date: 22/04/2016



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- 2 - Site Description, Local Context and History
 - 2.1 Site Description
 - 2.2 Site Context
 - 2.3 Access
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- 4 - Proposals
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 - 4.2 Design Proposals
 - 4.3 Materiality
 - 4.4 Boundary Wall Treatments
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- 5 - Access
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 - 6.1 Location: Proximity, Density and Re-use
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- 7 - Summary



1 – Introduction

This report is presented in support of the planning application for the construction of a small mews property at 25 – 29 Queen’s Road in Aberdeen. The site sits within the wider client ownership boundary for the property which contains an existing villa and consented proposals for an extension to the villa to form residential accommodation. The site is currently unoccupied and was previously used as residential accommodation, providing three flats within the existing villa. The consented extension to the existing villa provides a further 2 x 2 bed flats and associated car parking.

The proposed mews property will provide a two bed residential property with associated car-parking. The proposal will supplement the existing Grade C listed villa and extension to provide an appropriate level of accommodation whilst maintaining key landscaped space.

The proposal will provide a much sought after requirement to meet the current demand for accommodation within the area.

The mews property will occupy the southern most point of the site with a direct relationship to Queen’s Lane South. The mews property addressing Queens Lane South is the same scale as the existing garage that is to be demolished, the property is a sympathetic, considered and subtle addition to the street frontage. The property will also reflect the existing materiality, typology and scale of the surrounding context.

The proposed extension has been configured in a manner to respect the surrounding context, it would therefore be considered to be in keeping with the precedent set by the other rear developments in the immediate and larger area.



Ground Floor Plan in Context and Queen’s Lane South Elevation

2 – Site Description, Local Context and History

2.1 Site Description

The site is located in the west end of Aberdeen within one of the most affluent areas of the city. The traditional granite villas front onto Queen's Road and access to the rear of the property is provided via Queen's Lane South.

In plan form the site follows a traditional repetitive linear arrangement with a long narrow garden to the rear of the property, oriented approximately North–South. The Eastern and Western boundary are edged with existing granite rubble walls and abut offices, car-parking and a nursing home facility respectively.

The frontage to the North currently consists of an access from Queen's Road serving a small gravelled surfaced parking area (providing space for 4 vehicles), a small lawn area with mature trees and soft planting.



Aerial Site Axo.

The site has a considerable level difference of approximately 3.0m between the rear of the existing villa and where the site abuts Queen's Lane South. The current design proposals work closely with the existing change in level of the site.

2.2 Site Context



Aerial Plan View of Site and Surrounding Context

In terms of the local and wider urban context, as noted the site is located within the west end of Aberdeen city centre. Due to its prime location within the city, the area has a predominantly commercial use, focussing on professional and financial services, health practitioners, hotel use, institutions and schools.

The majority of the area is zoned under the 'West End Office Area', which promotes commercial enterprise in the area. This has led to a change in the layout of many of the forecourts and back garden areas, which have been turned into car parking or now accommodate large rear extensions. There is a thriving night time economy within this area, provided by the many hotels, restaurants and bars.

Most of the buildings on Queen's Road are listed and it has many substantial detached houses which stand close together. The buildings are separated from the main thoroughfare by low granite boundary walls, iron railings and hedges.



Context and Listings

The above diagram highlights the most prominent and recent developments within the immediate context of 25-29 Queen's Road. It also indicates both the current listed building categories of the properties together with the extent to which these addresses have been developed and their relationship to our proposed design.

The buildings along Queen's Road are substantial and display bay windows, dormer windows and a number of more ornate features, such as motifs in the stone. The proportions of the buildings are grand and many feature large front doors with fanlights and sidelights that are accessed by steps or flyovers if basements are present.

The buildings are typically detached, of two storeys or three storeys in nature with attic dormers. Although a number of semi-detached villas are present generally these are relatively plain buildings, mostly built in a classical style with minimal ornate detailing.

The facades of the buildings are relatively unchanged, however as many of the buildings are now used as commercial properties, there have been a number of additions - including rear extensions, rear car parking, signage and front car parking. The buildings within this area have a distinctive rhythm. The space between neighbouring buildings and the placement of the buildings within the plots are repeated, creating a regular flow. The majority of the originally domestic buildings are large, detached and substantially built, covering two storeys or more.



Main Elevation to Queen's Road

2.3 Access

Given its location, the existing site is well served by a good network of footways. The main pedestrian access to the site is achieved directly from footways on the southern side of Queen's Road.

There is immediate access to bus routes with the closest bus stops and local bus services located on Queen's Road. The bus stops on Queen's Road are a short walk from the site using existing pedestrian footway provisions. Additional bus stops are also located on Cromwell Road and Union Road to the South which are just a short walk away.

A number of lightly trafficked roads local to the site have been highlighted as recommended cycle routes - these include Queen's Lane South which forms the southern boundary of the site, Forest Road and Forest Avenue to the East, and Bay View Road to the west.

There are excellent road links to the existing site from the strategic and local road network. Queen's Road and many of the surrounding roads operate as main traffic routes to and from the city centre and other key employment zones within the city.

We can conclude that the site is highly accessible by walking, cycling and public transport, as well as vehicles to/from the adjacent local road network and further supporting details can be found in the project transport statement.

3 – Brief

3.1 Initial Brief

Pre-application discussions were held with Aberdeen City Council Planning Department regarding the scheme in principle. Following these discussions and in dialogue with our Client, an initial and detailed analysis of the site and outline brief were formulated to develop proposals.

The following key briefing points were identified:

- The creation of a mews property which would be in keeping with the precedents already set within the area.
- Achieve an economically sustainable development by developing a viable scheme with associated car parking.
- The provision of high quality facilities which maximise the possible views and access to daylight whilst respecting the privacy of the surrounding properties.
- The creation of a building that responds to its surroundings, makes effective use of the available site and creates a welcoming environment while respecting the existing historical context of the original property and Queen's Lane South
- The provision of an additional two car parking spaces on the site adequate for residents utilising the premises.
- The height and scale of the mews property is respectful of the surrounding context.
- Any proposal should be financially feasible, with consideration given to the proposed construction methods.

4 – Proposals

4.1 Response to Site and Context

Important considerations arising from the site analysis were how the proposal related to the existing context. The proposal aims to create a subtle addition to the site, with the proposed mews property addressing Queens Lane South at a similar scale to the existing garage that is to be demolished.



Proposed Plan

The proposed mews property is located on the south east corner of the site; over the footprint of the existing disused garage. Proposals sit behind a reinstated granite rubble wall with access to the mews provided by a separate gated entrance in the wall.



Proposed West Elevation

4.2 Design Proposals

Access through a private driveway will remain from Queen's Lane South. Car parking, bike and bin stores are located at the rear. As noted a gate as part of the reinstated wall to Queens Lane South will provide pedestrian access into the property through a small private courtyard with a secondary access provided directly from the driveway.

The property will provide residential accommodation consisting of two double bedrooms and an open plan living space to the rear of the property opening to a walled garden.



Proposed Ground Floor Access

The garden area will slope towards the gable of the proposed extension at the north west of the site. A path leading to a gate at the end of the garden will allow access to the two car parking spaces serving the property. The properties relationship with both the existing villa and proposed extension has been carefully taken into account. In particular, the use of granite, proportion of windows and hipped gable roof form. Culminating in a proposal that sits comfortably within the site and its wider context..



The use of glazing on the elevations is controlled to satisfy the discrete approach to Queen's Lane South. Internal views within the site towards the attractive garden are maximised alongside light penetration into the building. The open plan lounge area is to benefit from large open-able floor to ceiling windows. The strategy to restrict glazing towards Queens Lane South reinforces the respectful nature of the property in retaining the Lane in its current form while also dealing with issues of privacy from the street.



4.3 Materiality

The proposed mews building will utilise a contextual material palette; taking clues from the adjacent buildings and extension to the villa property. The elevations are controlled in terms of composition and material, whilst at the same time providing modern interiors that reflect the elegant exterior treatment.

Proposed Palette of External Materials:

- Roofing Area: Slate Roof system - Colour: Grey
- External Walls: Natural Granite Block 300x150
- Aluminium Frames windows painted dark grey with stone cills, frames set back into wall

4.4 Boundary Wall Treatments

The site is bound to the west side by existing granite 'random rubble' walls. These walls follow the level change down the site and maintain an approximate height of 1800mm - with the proposed design these walls will remain as is. The Southern boundary with Queen's Lane South is currently delineated by a random rubble granite wall, which has previously had a number of garages incorporated into its length. Our proposal includes the removal of the remaining garage, the rubble wall would be reinstated and a new gated private pedestrian access introduced as part of our proposals.



Queen's Lane South Boundary Wall

4.5 Landscape

Landscaping is to play an important role in softening and grounding the proposed building into the context of Queen's Road and Queen's Lane South.

Green edging will be provided along the boundary walls with larger areas of planting provided to create larger pockets of green space. This allows the incorporation of mature trees into the scheme.

5 – Access

The main pedestrian access routes are taken from Queen's Lane South to the front of the development utilising a discrete gate within the reinstated rubble wall. Two accessible parking bays will be provided within the upgraded rear car park area accessed through the existing private driveway on Queens Lane South.

Vehicular access and egress to the main car parking area will be provided via Queen's Lane South. Access has also been provided from the mews property through the landscaped garden which has been graded to provide level access to the parking area.

A small private courtyard will provide discrete and secure entry to the front door of the property. The entrance incorporates a recess within the building form to provide a covered entrance area.

6 – Sustainability

6.1 Location: Proximity, Density and Re-use

The proposal seeks to make efficient use of the available site and responds to the existing topography of the site. The site provided limited allowance for car-parking, whilst in this proposal we believe the increased capacity will prevent any over-spill onto street parking. Keppie Design have experience of working with contractors to reduce waste on site and it is often simple actions, such as understanding how construction waste can be avoided or re-used, that can make the biggest difference.

6.2 Building Design: Layout, Adaptability and Materials

The orientation of the building maximises the available lighting levels on the interior of the building reducing solar gain with limited glazing to the South. Use of natural, and where possible locally sourced materials, will contribute to create an environmentally and economically sustainable residential development. The proposal represents a significant contribution to the robustness and future flexibility of this area.

6.3 Energy Use and Carbon Emission Reduction

In general Keppie Design has a wide range of experience in designing low energy buildings. Our approach is a holistic one and we believe the simplest solutions are the best. The starting point for how we approach this is through the design process itself, and in that process we first consider the basics of the design itself.

The proposal has been designed with reference to PAN 84 'Reducing Carbon Emissions in New Development' (Scottish Government) Planning Advice Note, Supplementary Planning Guidance 'Reducing Carbon Emissions in New Development'.

Firstly, the detailed performance of the envelope and equipment is best designed as a whole rather than as a series of elements – i.e. rather than design a partial system that has to suit a future one, it is better to design both together. Greater resource efficiencies can be achieved if the design is considered holistically in detail, something Keppie Design have considerable experience in doing.

Secondly Keppie Design has a wealth of experience in specifying and detailing low energy buildings.

During the detailed design, Keppie make use of this experience and current best practice and guidelines, for example BRE Green Guide to Specification, BRE Sustainability Checklist for Developments, SEDA Design for Air tightness, amongst others.

7 – Summary

This proposal to develop 25-29 Queen's Road represents a significant opportunity to contribute to the development of the Queen's Road Area:

Considered: A subtle architectural solution to a challenging and complex site, contributing positively to the fabric of the city whilst providing a much needed facility.

Safe and Pleasant: This proposal responds to the site through careful consideration of the context, history, and city analysis, as well as the relevant policy and good practice guides set out in this document. As such, it provides an attractive, modern building which improves the activity and passive security of the area.

Accessible: The central location of this development offers excellent accessibility and this proposal ensures that the new building encourages, provides and assists independent access to all the buildings users.

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997 Detailed Planning Permission

Keppie Design
160 West Regent Street
Glasgow
G2 4RL

on behalf of **Knight Property Group**

With reference to your application validly received on 22 April 2016 for the following development:-

**Proposed dwelling house with associated parking
at 25-29 Queens Road, Aberdeen**

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

Drawing Number	Drawing Type
PL(20)001 REV A	Site Layout (Other)
PL(25)001 REV A	Other Elevation (Proposed)
LBC(90)001 REV A	Location Plan
PL(26)001 REV A	Site Cross Section
PL(97)001 REV A	Other Drawing or Plan

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

The proposed development would result in the subdivision of an existing residential plot, and would not be in-keeping with the established density and pattern of development in the area. Constituting backland development, it would fail to provide a public face to a street with uncertainty surrounding long-term access arrangements. The impact of such development would not only be considered inappropriate for its

PETE LEONARD
DIRECTOR

residential context, but would be significantly harmful to that of the wider Albyn Place/ Rubislaw Conservation Area. Whilst the proposal offers suitable individual merits by way of design, scale and finishing, these are not considered of exceptional quality to outweigh the issue of principle in this instance. As such, the principle of development fails to comply with Policy D1 (Architecture & Placemaking), Policy D2 (Design & Amenity) and Policy BI3 (West End Office Area) of the Aberdeen Local Development Plan 2012; the Council's Supplementary Guidance on the Subdivision of Residential Curtilages; Scottish Planning Policy and Historic Environment Scotland policy and guidance with respect of development within Conservation Areas; and subsequently Policy D5 (Built Heritage) of the Aberdeen Local Development Plan 2012. Approval of such development may set an undesirable precedent for future applications of a similar nature, which could lead to the fundamental erosion of the character and amenity of the surrounding area. There are no material considerations identified, including evaluation under the Proposed Aberdeen Local Development Plan 2016, that would outweigh the above policy position or justify approval of the application.

Date of Signing 13 September 2016

A handwritten signature in black ink that reads "Daniel Lewis". The signature is written in a cursive style and is positioned above the printed name and title.

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)

None.

RIGHT OF APPEAL THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any 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 www.eplanning.scot.

Notices of review submitted by post should be sent to Planning and Sustainable Development (address at the top of this decision notice).

SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that 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.

MEMO



ABERDEEN
CITY COUNCIL

To	Jane Forbes Planning & Infrastructure	Date	12/05/2016
		Your Ref.	P160507 (ZLF)
		Our Ref.	TR/MW/1/51/2
From	Roads Projects		
Email	MWilkie@aberdeencity.gov.uk		
Dial	01224 523482		
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. P160507
25-29 Queens Road, Aberdeen
Proposed dwelling house with garage**

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

I note that the above development proposal would provide a dwellinghouse and 2 car parking spaces, which would be in compliance with the Council's car parking standards. However, the red line boundary is constrained, so it is unclear whether the means of access from the rear lane and the turning space required to use the parking spaces effectively, would be deliverable.

I would therefore ask that the applicants confirm the means of access and turning space which would be made available, and provide details of the proposed householder's access rights in this regard.

**Mark Wilkie
Senior Engineer**

Pete Leonard
Corporate Director

10/11/2016

Hello Mark

Just to advise, I've spoken with Mark Wilkie re above application and your query of 7 November. He didn't receive any info in response to his memo of 12 May 2016. The issue of access to the site was covered within the report of handling as part of the evaluation of the proposal.

Any queries, please don't hesitate to get back to me.

Regards
Jane

Jane Forbes
Planner (Development Management)

Please note: I work a compressed fortnight and therefore will be out of the office every second Monday with effect from 12th January 2015.

Communities, Housing & Infrastructure | Planning and Sustainable Development |
Aberdeen City Council | Business Hub 4 | Ground Floor North | Marischal College |
Aberdeen | AB10 1AB |
Direct Dial: 01224 522276 | Customer Contact Line: 03000 200 292 (**Please note
new number**)
Email: janef@aberdeencity.gov.uk |
Website: www.aberdeencity.gov.uk/planningapplications
Customer Feedback Survey: <https://www.surveymonkey.co.uk/r/PlanningDM>

16/11/16

160507 - 25-29 Queen's Road

Mark,

Further to your letter dated 10th November 2016, and appended consultation response from consultee stating that no additional information was received in relation to the memo from Roads Projects, dated 12 May 2016; it is our understanding that the agent at the time provided verbal confirmation of ownership and access arrangements, including assurance that access rights would be included in the title deeds to the relevant properties.


Should there be no further comment, please proceed to organise a meeting date for the LRB.

Kind Regards,

Catherine

Catherine Thornhill
Head of Planning - Aberdeen
Planning and Development

Savills, 5 Queen's Terrace , Aberdeen AB10 1XL

 Tel : +44 (0) 1224 971 130
Mobile : +44 (0) 7855 999 450
Email : CThornhill@savills.com
Website: www.savills.co.uk

NOTICE OF REVIEW

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

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

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

We reserve the right to comment on any material submitted subsequent to this appeal form and accompanying statement, or to expand our arguments to provide clarification or additional detail where sought.

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 type="checkbox"/> | <input checked="" 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:

The grounds of 25 - 29 Queen's Road have planning permission for conversion and extension to accommodate flats and are currently being redeveloped. The application site fronts onto Queen's Lane South and is accessed from this road.

Statement

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

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

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

Please see accompanying Grounds of Appeal statement.

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

Yes No

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

List of documents and evidence

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

1. Notice of Review Form
2. Grounds of Appeal Statement
3. List of Productions:
 - Production 1: Refusal Notice
 - Production 2: Planning Application Documents
 - Production 3: Design and Access Statement
 - Production 4: Development Plan - Extracts
 - Production 5: Aberdeen and Aberdeenshire Housing Land Audit (2015) - Extract
 - Production 6: The Sub-Division and Redevelopment of Residential Curtilages (2012) - Extracts
 - Production 7: Albyn Place and Rubislaw Conservation Area Character Appraisal
 - Production 8: Report of Handling
 - Production 9: Managing Change in the Historic Environment -- Setting
 - Production 10: Historic Environment Scotland Policy Statement (2016) - Extracts

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 [REDACTED] agent [REDACTED] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

02/11/2016

25 – 29 Queen’s Road, Aberdeen

Grounds of Appeal Statement





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- Figure 5: Extract from Conservation Area Character Appraisals and Management Plan: Albyn Place and Rubislaw
- Figure 6: North side of Queen’s Lane South, Looking Westwards from Forest Avenue
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Productions

- Production 1: Refusal Notice
- Production 2: Planning Application Documents
- Production 3: Design and Access Statement
- Production 4: Development Plan - Extracts
- Production 5: Aberdeen and Aberdeenshire Housing Land Audit (2015) - Extract
- Production 6: The Sub-Division and Redevelopment of Residential Curtilages (2012) - Extracts
- Production 7: Albyn Place and Rubislaw Conservation Area Character Appraisal
- Production 8: Report of Handling
- Production 9: Roads Projects Memo 12/05/16
- Production 10: Historic Environment Scotland Policy Statement (2016) - Extracts
- Production 11: Managing Change in the Historic Environment – Setting - Extracts

Executive Summary

- 0.1 This Grounds of Appeal Statement has been prepared in support of the request for review of the Planning Authority’s decision to refuse planning permission for the erection of a dwellinghouse with associated parking to the rear of 25-29 Queen’s Road, Aberdeen, planning ref: 160507..
- 0.2 This report addresses each of the authority’s reasons for refusal in turn and provides evidence to support this.
- 0.3 The Council’s concerns regarding the subdivision of a residential curtilage are not relevant in this instance, as the main property at 25 – 29 Queens Road has permission for the conversion to flats, including a two-storey rear extension, which would accommodate two properties to the rear of the main dwelling. The application site comprises a redundant single-storey garage, with roller shutter door and flat, corrugated iron roof. Replacement with a sensitive, low-level redevelopment, along the established building line is entirely in-keeping with the character of development within the area and is supported by the Council’s Roads department.
- 0.4 Whilst the site is located within the Albyn Place and Rubislaw Conservation Area, the Council’s Conservation Area Appraisal identifies that there is a low-level building line along Queen’s Lane South – onto which the new proposed mews property would front, thus providing a public face to the street.
- 0.5 The Planning Officer’s concerns surrounding long term access are addressed, a right of access over the mutual driveway to the new flatted properties will be reserved for the mews property in the title deeds to assure this. However it is of note that the Roads engineer is already satisfied in this regard and this concern is considered superfluous.
- 0.6 Ultimately approval of the development will result in the replacement of a dilapidated garage, with a corrugated, mono-pitched roof, with a single-storey mews property, of sensitive design and materials, which will have a positive impact on the character of the area and be seen against the backdrop of the modern flatted building extension, which is currently under construction.



1. Introduction

Introduction

- 1.1 This appeal is lodged on behalf of Knight Property Group under the terms of Section 48 of the Town and Country Planning (Scotland) Act 1997 (as amended by Section 17 of the Planning etc. (Scotland) Act 2006 (the 2006 Act) against the refusal (**Production 1: Refusal Notice**) by Aberdeen City Council, under delegated powers to grant full planning permission for a Proposed dwelling house with associated parking at 25-29 Queens Road, Aberdeen.
- 1.2 The application (**Production 2: Planning Application Documents**) was received and validated on 22 April 2016, following pre-application discussions with the planning officer; and refused on 13 September 2016.
- 1.3 An application for Listed Building Consent for the same development on the same site was submitted and determined on the same dates, however Listed Building Consent was granted for the development.
- 1.4 The reasons for refusal were that:
 - (1) The proposed development would result in the subdivision of an existing residential plot, and
 - (2) Would not be in-keeping with the established density and pattern of development in the area. Constituting backland development;
 - (3) It would fail to provide a public face to a street; with
 - (4) Uncertainty surrounding long-term access arrangements.
 - (5) The impact of such development would not only be considered inappropriate for its residential context, but would be significantly harmful to that of the wider Albyn Place/ Rubislaw Conservation Area.
 - (6) Whilst the proposal offers suitable individual merits by way of design, scale and finishing, these are not considered of exceptional quality to outweigh the issue of principle in this instance. As such, the principle of development fails to comply with Policy D1 (Architecture & Placemaking), Policy D2 (Design & Amenity) and Policy BI3 (West End Office Area) of the Aberdeen Local Development Plan 2012; the Council's Supplementary Guidance on the Subdivision of Residential Curtilages; Scottish Planning Policy and Historic Environment Scotland policy and guidance with respect of development within Conservation Areas; and Subsequently Policy D5 (Built Heritage) of the Aberdeen Local Development Plan 2012. Approval of such development may set an undesirable precedent for future applications of a similar nature, which could lead to the fundamental erosion of the character and amenity of the surrounding area. There are no material considerations identified, including evaluation under the Proposed Aberdeen Local Development Plan 2016, that would outweigh the above policy position or justify approval of the application.
- 1.5 The appellant requests that this appeal be determined by means of written submissions and accompanied site visit in order to fully appreciate the context of the application site.

2. Description of the Site and Proposal

The Site

- 2.1 The application site lies in Aberdeen’s west end, to the south of the property at 25-29 Queen’s Road, a former Victorian granite dwellinghouse which is undergoing conversion to flats, with external car parking. The wider site slopes downwards from Queens’ Road to Queen’s Lane South, with a level difference of around 3m. The site extends to 210m² to the south of the main site, but does not form part of the curtilage of the flatted properties, containing a dilapidated garage. The garage is of breezeblock construction, clad in dry dash, with corrugated iron roof and an up and over door. The site fronts onto Queen’s Lane South and is bounded to the north and west by the curtilage of the main property, with a 1.8m granite rubble wall, beyond which sits a garage within the curtilage of the adjacent care home site to the west; to the east by the garden of the residential properties at 215 and 217 Forest Avenue, the latter a former stables block.
- 2.2 The site lies on the south-western edge of Conservation Area 4 (Albyn Place & Rubislaw), and forms part of a wider residential site (circa 1,804m²) located on the south side of Queen’s Road. Queen’s Lane South runs along the rear of Queen’s Road and Gladstone Place, and part-way along Harlaw Road, exiting onto Harlaw Road. Queen’s Lane South is an adopted road and is typically characterised by outbuildings, garages and residential conversions, with traditional granite walls bounding residential properties; or open driveways to commercial car parks. Residential properties along the road number 2, 5 a-f, 7, 47, 55, 95, 97 Queen’s Lane South and 217 Forest Avenue; with offices at nos. 1 and 41 Queens Lane South. This count excludes outbuildings which are within the use of the main properties on Queen’s Road.

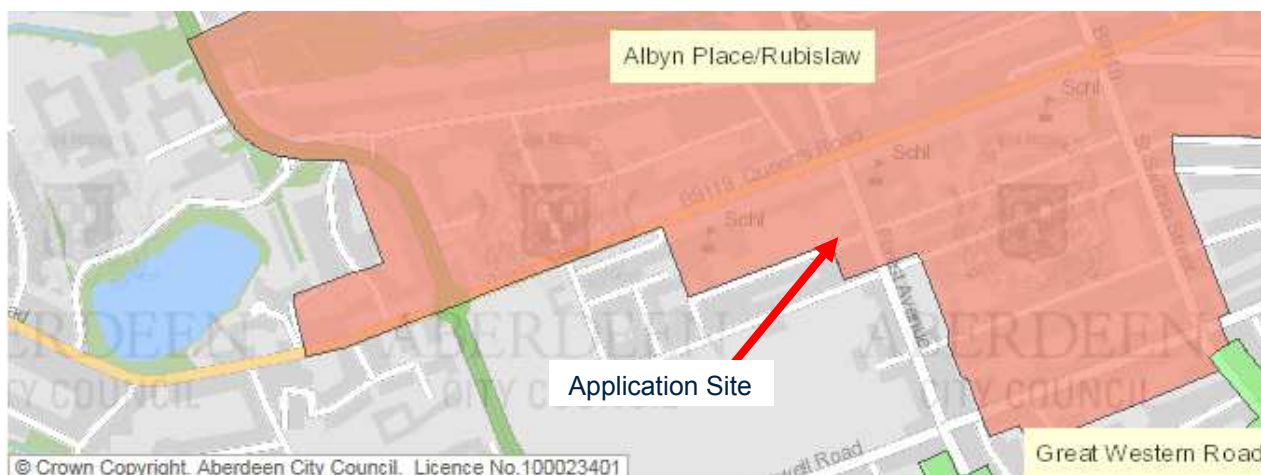


Figure 1: Extract from Albyn Place and Rubislaw Conservation Area Boundary

25 – 29 Queen’s Road, Aberdeen

Grounds of Appeal Statement



- 3.1 The application site lies on the fringe of the *West End Office Area* in the Aberdeen Local Development Plan (2012)(LDP), of which Queen’s Lane South forms the boundary and captures the properties to the north. Within this area applications for office and residential development are encouraged, subject to a satisfactory residential environment being created. The surrounding area immediately to the south of the site is residential. This has led to a change in the layout of many of the forecourts and back garden areas, which have been turned into car parking or now accommodate large rear extensions. Most of the buildings on Queen’s Road are listed and it has many substantial detached houses which stand close together. The buildings are separated from the main thoroughfare by low granite boundary walls, iron railings and hedges, with service buildings to the rear of their plots.

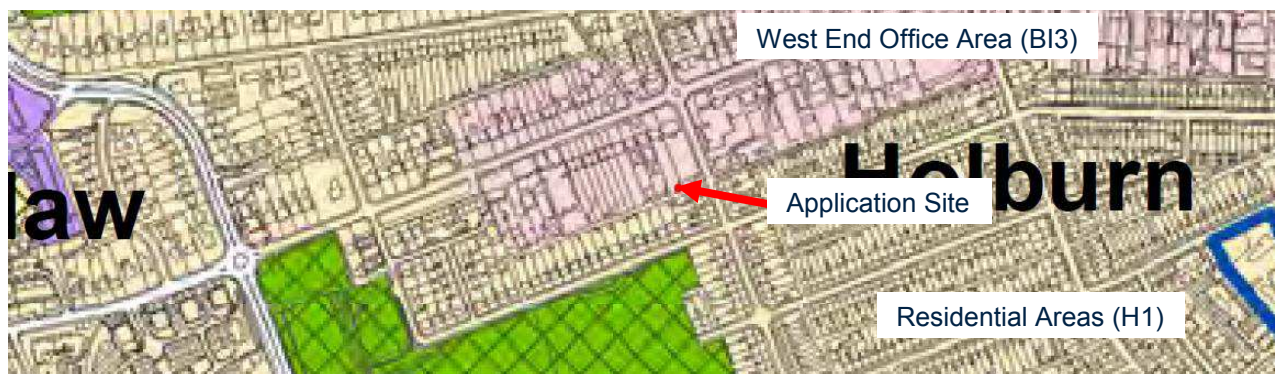


Figure 2: Extract from the LDP (2012) Proposals Map

The Proposal

- 3.2 The proposal seeks detailed planning permission for the erection of a single storey mews style dwelling; with 2no. parking spaces located to the north of the dwelling. The curtilage would be enclosed by a 1.1-1.4 metre high traditional rubble wall and 1.4 metres along the western boundary of the site, thereby providing an enclosed garden area.



Figure 3: Extract from Design Statement - Ground Floor Plan in Context

25 – 29 Queen’s Road, Aberdeen

Grounds of Appeal Statement



- 3.3 The Design & Access Statement (**Production 3: Design and Access Statement**) for the application contains a thorough analysis of the site and its surrounding context; and should be read in conjunction with this statement. The proposed mews property will provide a two bed residential property with associated car parking. The proposal will provide an appropriate level of accommodation whilst maintaining key landscaped space, adjacent to the new build flats; and will provide a much sought after requirement to meet the current demand for accommodation within the area.
- 3.4 The mews property addressing Queens Lane South is the same scale as the existing garage that is to be demolished, the property is a sympathetic, considered and subtle addition to the street frontage. The property will also reflect the existing materiality, typology and scale of the surrounding context and has been configured in a manner to respect its surrounds and remains in keeping with other rear developments within the Conservation Area.



Figure 4: Extract from Design Statement Queen’s Lane South Elevation (showing proposed mews house)

3. Planning Policy Context

Development Plan

- 4.1 The development plan for the area comprises the Aberdeen City and Shire Strategic Development Plan (SDP) (2014) and the Aberdeen Local Development Plan (2012) (**Production 4: Development Plan - Extracts**).
- 4.2 The report of examination of the Proposed Aberdeen Local Development Plan (Proposed Plan) (2015) was published in October 2016, however policies relevant to this application were not materially altered.

Strategic Development Plan

- 4.3 The SDP identifies Aberdeen City as a Strategic Growth Area, where around 75% of development in the region should occur; the plan states a preference for development on brownfield sites, setting a target for 40% of development to occur on brownfield land, to be measured through the Housing Land Audit (page 37). Opportunities for redeveloping brownfield sites should respect the character of the local area, improve the quality of the environment, use high-quality design and include a mix of uses (para. 3.50).

Aberdeen and Aberdeenshire Housing Land Audit 2015

- 4.4 The 2015 Housing Land Audit records that 13% of the Established Housing Land Supply for the in Aberdeen City is located on brownfield land; a shortfall of 27% from the SDP target (figure 3, para 3.2) (**Production 5: Aberdeen and Aberdeenshire Housing Land Audit (2015) - Extract**).

Local Development Plan

- 4.5 Relevant LDP policies include:

Policy D1:	Architecture and Placemaking
Policy D2:	Design & Amenity
Policy D4:	Aberdeen’s Granite Heritage
Policy D5:	Built Heritage
Policy BI3:	West End Office Area

- 4.6 Within the **West End Office Area** the plan comments that the area is ‘readily accessible by public transport and which also provides off street car-parking and space for expansion. The area contains a mix of other uses, including schools, hotels, flats and a hospital’ and that the Council ‘will encourage and promote the continual development of this area’ (para. 3.34).

- 4.7 The policy explicitly states that ‘applications for change of use of properties to residential use will also be encouraged, subject to a satisfactory residential environment being established and that the continued operation of existing uses is not prejudiced. The creation of new residential buildings, where considered acceptable, on the rear lanes of properties requires that a safe means of pedestrian and vehicular access be provided’.

Material Considerations – National Planning Policy

Scottish Planning Policy (2014)

Historic Environment Scotland Policy Statement (2016)

Managing Change in the Historic Environment – Setting (2016)

Material Considerations – Proposed Plan

- 4.8 Relevant LDP policies include:

Policy D1: Quality Placemaking by Design (Policy D1 - Architecture and Placemaking)

Policy D4: Historic Environment (Policy D5 – Built Heritage)

Policy D5: Our Granite Heritage (Policy D4 – Aberdeen’s Granite Heritage)

Policy B3: West End Office Area (Policy BI3 – West End Office Area)

Material Considerations - Supplementary Guidance

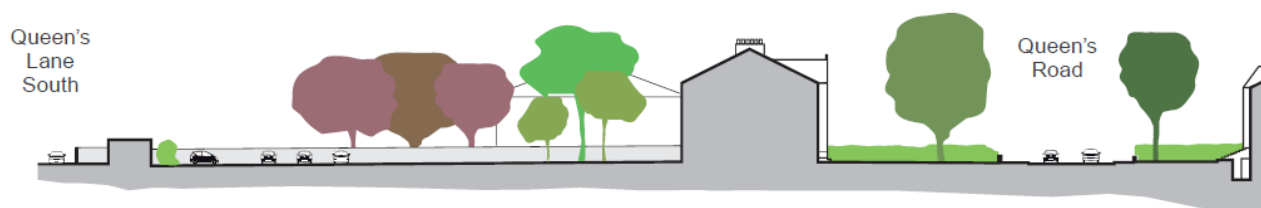
The Subdivision and Redevelopment of Residential Curtilages

- 4.9 The above supplementary guidance (**Production 6: The Sub-Division and Redevelopment of Residential Curtilages (2012) - Extracts**) sets out ‘detailed criteria against which applications for such development should be assessed’, but leaves flexibility for the exercise of professional judgement (para. 2.1); including considerations regarding privacy, residential amenity, daylight, sunlight, design and materials, density, pattern and scale of development, garden ground and precedent.
- 4.10 Rear gardens should have an average length of at least 9 metres, should be conveniently located immediately adjoining residential properties, should be in a block of a size and layout to be useable for sitting out and have an acceptable level of privacy and amenity (para. 3.7).
- 4.11 In terms of density, the acceptability of a new dwelling within an established area will be dependent on the general form of development in the locality. New dwellings must be designed to respect ‘the character of the area formed by the intricate relationship between buildings and their surrounding spaces created by gardens and other features’ (para. 5.1). As a general guide buildings should not project forward of the building line of the street (para. 5.4).
- 4.12 The need to avoid setting a precedent is a material consideration when determining planning applications, including whether any ‘cumulative effect would have a harmful effect on the character or amenity of the

immediate area’ (para. 8.1). However ‘since every application requires to be assessed on its own merits and site specific circumstances vary so much other issues may be relevant to individual planning applications’ (para. 9.1).

Material Considerations – Albyn Place and Rubislaw Conservation Area

4.13 The Conservation Area Character Appraisal (July 2013) (**Production 7: Albyn Place and Rubislaw Conservation Area Character Appraisal**) classes the application site as falling within the fringes of *Character Area B Queen’s Road and the South Side of Albyn Place*. The Conservation Area Management Plan notes that in this area the predominantly commercial focus has led to much of the large garden spaces to have been ‘developed into rear car parking or additional office space through the erection of rear extensions’ and that ‘a number of commercial back land developments have also taken place within this character area, most prominently from buildings accessed off Albyn Lane’ (para 3.2.5).



Street cross section through Queen’s Road and Queen’s Lane South

Figure 5: Extract from Conservation Area Character Appraisals and Management Plan: Albyn Place and Rubislaw

4.14 The above cross section from the Conservation Area Appraisal demonstrates that there is an established building line along the north side of Queen’s Lane South, albeit at a much lower level than the villas fronting onto Queen’s Road.

4. Grounds for Appeal

- 5.1 It is our opinion that the assessment contained in the Report of Handling (**Production 8: Report of Handling**) unfairly assessed this application, principally in terms of the creation of a second building line, the categorisation of the proposal as backland development that was not in keeping with the pattern of development, that the assessment considered access arrangements to the car parking which were acceptable to the Roads Engineers (**Production 9: Roads Projects Memo 12/05/16**). This section will address each reason for refusal in turn and demonstrate the proposal’s compliance with planning policy and respect for the character and development patterns in this area.
- 5.2 Insufficient weight was given to the merits of the proposal, such as the modest scale, in keeping with the surroundings; and use of materials that tie the development in with the character of the area. Providing sufficient private garden ground, amenity space, car parking and privacy within the site. The Design and Access Statement demonstrates the process through which the context was analysed and assessed and the background to the design concept.
- 5.3 No objections from neighbours, the Community Council or adjacent businesses were received to this development proposal, which is positive for development in this area, where densities and land prices are high and community comment on planning matters is typically common.

Reason 1: Subdivision of an existing residential plot

- 5.4 The property at 25-29 Queen’s Road has consent for conversion into 3 flats in the main building and 2 flats in a contemporary new-build extension to the rear. Whilst the application site was formerly part of the curtilage of no 25-29 when it was a dwellinghouse, the current premises do not relate, or form part of the curtilage of this flatted development, which is currently under construction.
- 5.5 As such the residential curtilage of the former detached dwelling no longer exists and approval of the application would not set a precedent in this regard as the plot does not lie within the garden of a dwellinghouse.

Reason 2: Would not be in-keeping with the established density and pattern of development in the area, constituting backland development;

- 5.6 The established pattern of development along Queen’s Lane South is one of low-level development facing the road, as evident from the cross section from the Conservation Area Appraisal (figure 5). Traditionally this would have comprised stables, coach houses or outbuildings, some of which remain and have been converted into residential or office accommodation; more often there are large garages or new residential or office buildings, but all of these respect this established building line along Queen’s Lane South.

25 – 29 Queen’s Road, Aberdeen

Grounds of Appeal Statement



5.7 The below photographs (figures 6 and 7) illustrate that the north side of Queen’s Lane South is in fact characterised by development, with a robust building line. In fact the site itself is brownfield, with the new mews property sitting on the site of the garage for the former mansion house.



Figure 6: North side of Queen’s Lane South, Looking Westwards from Forest Avenue



Figure 7: North side of Queen’s Lane South, Looking Eastwards from Forest Avenue

- 5.8 Alongside the encouragement of changes of use to offices and residential uses, **policy B13 West End Office Area** specifically mentions that *‘the creation of new residential buildings, where considered acceptable, on the rear lanes of properties requires that a safe means of pedestrian and vehicular access be provided’*. In this instance there must be *‘satisfactory traffic management measures are in place, or can be provided by the developer’*.
- 5.9 The Council’s Roads Engineer sought clarification of access to the car parking spaces to the rear, which would be from the shared car park for the flatted properties to the north (under construction), these are addressed under reason 4; however there was no concern over pedestrian or vehicular access or traffic management along Queen’s Lane South. As such the development is in compliance with policy B13 West End Office Areas.

Reason 3: It would fail to provide a public face to a street

- 5.10 Development would provide a public face to Queen’s Lane South, which is an adopted road along which several other properties are accessed; the Conservation Area Appraisal and West End Office Area policy are supportive of this type of development where satisfactory access is available. The guidance seeking development to have a public face to a street is contained in the *Subdivision and Redevelopment of Residential Curtilages* and makes reference to proposals for developments in large gardens, such as those to the south of North Deeside Road; where proposed development is accessed via a long driveway and set wholly within a garden. Para. 5.3 of the supplementary guidance describes that in ‘most cases the predominant pattern of development in suburban residential areas is one of dwellings in a formal or semi-formal building line fronting onto a public road and having back gardens which provide private amenity space. In these areas the construction of dwellings in the rear gardens of existing dwellings, or the redevelopment of a site that results in dwellings that do not front onto a public road, constitutes a form of development that is alien to the established density, character and pattern of development’; however in this instance Queen’s Lane South is a public road.
- 5.11 The proposed development will front onto a street with an established building line and several residential and commercial premises fronting onto it, including the former adjacent stables block, numbered 217 Forest Avenue, with pedestrian access from Queens Lane South, immediately adjacent to the application site.

Reason 4: Uncertainty surrounding long-term access arrangements.

- 5.12 There is no uncertainty surrounding long-term access rights; access to the rear car parking will be from the shared car park access utilised by the flats under development to the north. It is not in the interests of the developer to develop properties with the potential for future conflicts, as such the property titles will reserve access rights over this area for the mews property in perpetuity.
- 5.13 The Council’s Roads Engineers sought clarification regarding access to car parking and are satisfied. The long term property rights are not a material planning consideration.

Reason 5: The impact of such development would not only be considered inappropriate for its residential context, but would be significantly harmful to that of the wider Albyn Place/ Rubislaw Conservation Area

- 5.14 The application for Listed Building Consent for this development was approved on the same day as the application for Planning Permission was refused. In determining Listed Building Consent, SPP directs that the Planning Authority have regard to the impact the development has on (amongst other things) the building and its setting.

‘where planning permission and listed building consent are sought for development affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting... The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from work that would adversely affect it or its setting.

- 5.15 The reasons for the decision to approve Listed Building Consent are stated as compliance with LDP policies *D4 (Aberdeen’s Granite Heritage); Historic Scotland’s Managing Change in the Historic Environment guidance note on Boundaries*. The approval document states that:

‘The proposed development would be acceptable, and would have no adverse impact on the appearance or architectural interest of the listed building. As such the proposal is deemed to be sufficiently compliant with Policy D1 (Architecture and Placemaking), to be in accordance with the principles of HESPS (Historic Environment Scotland Policy Statement), and to comply with Scottish Planning Policy and Policy D5 (Built Heritage) of the Aberdeen Local Development Plan’.

This reason for refusal is at odds with the decision to grant Listed Building Consent, which must consider the setting of the listed building as well as its character. In analysing the site and the scale and design of development that it could accommodate, assessment was carried out in line with the stages set out in the HES guidance note on *Setting (Production 11: Managing Change in the Historic Environment – Setting - Extracts)*. These are as follows:

Stage 1: identify the historic assets

Stage 2: define and analyse the setting by establishing how the surroundings contribute to the ways in which the historic asset or place is understood, appreciated and experienced

Stage 3: evaluate the potential impact of the proposed changes on the setting, and the extent to which any negative impacts can be mitigated.

With reference to the photographs at figures 6 and 7, the guidance also maintains that *‘Key viewpoints to, from and across the setting of a historic asset should be identified. Often certain views are critical to how a historic asset is or has been approached and seen, or understood’*. Key factors to be considered in assessing the impact of a change in a historic setting include *‘whether key views to or from the historic asset or place are interrupted; whether the proposed change would; dominate or detract in a way that*

affects our ability to understand and appreciate the historic asset; the visual impact of the proposed change relative to the scale of the historic asset or place and its setting’.

5.16 The development proposed is unassuming and appropriate in design, scale and positioning; the Conservation Area Appraisal notes that in this Character Area a significant amount of development has taken place over the years. The immediate curtilage of 25-29 Queen’s Road is currently being developed for a contemporary flatted extension. The location of a tired mono-pitched garage with a corrugated roof, against a contemporary flatted development is more out of character than a modest mews property. As such the proposed development was designed so as to have a positive impact on the character of the Conservation Area and not over dominate or detract from it.

5.17 Similarly this aligns directly with one of the *Key Principles* set out in *Historic Environment Scotland’s Policy Statement* that *‘the conservation of any part of Scotland’s historic environment should have regard to retaining, or where appropriate enhancing, the setting of the site, monument, building or landscape’* (**Production 10: Historic Environment Scotland Policy Statement (2016) - Extracts**).

Reason 6: Approval of such development may set an undesirable precedent for future applications of a similar nature, which could lead to the fundamental erosion of the character and amenity of the surrounding area.

5.18 This development is the redevelopment of an existing building on its building line and of a modest scale that is in keeping with surrounding development. It will not result in the splitting of a residential curtilage as the dwellinghouse in question is currently undergoing extension and conversion to flats, of which this application part forms no part. Development in and fronting onto rear lanes is discussed and accepted under policy BI3 West End Office Area, so long as there is no issue with access – of which this has been proven. Every planning application should be determined on their own merits and the merits of this application do not justify its refusal in this instance. The appointed officer approved the development for Listed Building Consent, which considers the character of the development of the setting of the Listed Building and its surroundings, therefore having demonstrated the compliance in terms of access arrangements, building line and curtilage split, the Planning Service has accepted that materials, scale, design, privacy, amenity and car parking are all appropriate to the area.

5. Summary and Conclusions

- 5.1 The Report of Handling for this planning application states that the design, materials and factors such as privacy, car parking, garden ground and means of enclosure all meet policy standards. However the report considers that the development is not compliant with policies D1 and D2 on account of not having a public face to a street, creating a secondary building line and being backland development. The above report demonstrates that not only is the proposed mews property of modest scale and replaces an existing, tired building, along an established building line; it is located immediately adjacent to two dwellinghouses situated to the rear of the adjacent St James Place offices at 3 Queens’ Gate. The Council’s Roads engineers are satisfied with frontage and access onto Queen’s Lane South, a road that many other properties have principal access onto.
- 5.2 This proposal is characteristic of innovative, sensitive brownfield development, that analyses and responds to its context and will enhance the character of the area far more than the current building which it would replace. It will be constructed in a palette of sensitive colours and materials, as noted in both the *Design and Access Statement* and *Report of Handling*.
- 5.3 Permitting this development would not set a precedent for similar developments, as the Council has specific supplementary guidance against which all such development is assessed; and in this instance the dwellinghouse at 25 – 29 Queen’s Road is undergoing conversion and extension to accommodate contemporary flats to the rear – the application site does not form part of the curtilage of these flats and is a separate and unrelated site. The lack of suitability of suitable brownfield sites for development in Aberdeen City is one of the reasons that the SDP target for brownfield development is not being met.
- 5.4 This particular site meets the terms of the guidance in terms of access, contribution to the street, design privacy for existing and new residents, amenity all surrounding occupiers, provision of private garden space and off-street parking. Its approval would see the removal of a dilapidated mono-pitched garage, and the sensitive development of a single storey mews property in with a combination of finishes to include natural granite blockwork, traditional slates to the roof and aluminium framed windows.
- 5.5 Lastly, no issues or objections were raised by the Community Council or neighbouring residents – in an area where development is often contentious, this is viewed as extremely positive.
- 5.6 We therefore respectfully request that planning permission be granted for the development of the proposed mews house at 25 – 29 Queen’s Road, on the basis that it is an appropriate development along the northern side of Queen’s Lane South, onto which the property will front; there are no access issues, either in title or technically; the planning officer is satisfied with the design, building, materials, garden ground, privacy and car parking.

Productions

- Production 1:** Refusal Notice
- Production 2:** Planning Application Documents
- a) Application Form
 - b) Location Plan - LBC(90)001 RevA
 - c) Site Plan - PL(90)002 RevA
 - d) Proposed Layout - PL(20)001 RevA
 - e) Proposed Elevations - PL(25)001 RevA
 - f) Sections A & B- PL(26)001 RevA
 - g) Proposed Rear Boundary Wall PL(97)001 RevA
- Production 3:** Design and Access Statement
- Production 4:** Development Plan - Extracts
- Production 5:** Aberdeen and Aberdeenshire Housing Land Audit (2015) - Extract
- Production 6:** The Sub-Division and Redevelopment of Residential Curtilages (2012) - Extracts
- Production 7:** Albyn Place and Rubislaw Conservation Area Character Appraisal
- Production 8:** Report of Handling
- Production 9:** Roads Projects Memo 12/05/16
- Production 10:** Managing Change in the Historic Environment – Setting
- Production 11:** Historic Environment Scotland Policy Statement (2016) - Extracts

