

Public Document Pack



To: Councillor Boulton, Convener; and Councillors Cameron and Nicoll.

Town House,
ABERDEEN 08 January 2018

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 2 - Town House** on **MONDAY, 15 JANUARY 2018 at 2.00 pm.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

1.1 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

MEMBERS PLEASE NOTE THAT THE FOLLOWING LINK WILL TAKE YOU TO THE LOCAL DEVELOPMENT PLAN.

[Local Development Plan](#)

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

PLANNING ADVISER - ANDREW MILLER

2.1 5 Rubislaw Den South - Replace Existing Conservatory with Single Storey Extension and Raise Existing Terrace - 170444

2.2 Delegated Report, Plans and Decision Notice and Letters of Representation (Pages 7 - 30)

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OORDCGBZKBL00>

2.3 Planning Policies Referred to in Documents Submitted

Members, the following planning policies are referred to:-

National Policy

- Scottish Planning Policy (SPP)
- Historic Environment Scotland Policy Statement (HESPS)

Aberdeen Local Development Plan 2017

- D1 - Quality Placemaking by Design
- D4 - Historic Environment
- H1 - Residential Areas

Other Relevant Material Planning Considerations

- Householder Development Guide
- Managing Change in the Historic Environment: Extensions

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 Initial Application and Supporting Information Submitted by Applicant / Agent (Pages 31 - 66)

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

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

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
3. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
4. 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

170444/DPP: Replace existing conservatory with single storey extension and raise existing terrace at 5 Rubislaw Den South, Aberdeen, AB15 4BD.

For: Mr Ian Cowie

Application Date:	26 April 2017
Officer:	Sheila Robertson
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Queen's Cross And Harlaw
Advertisement:	S60/65 Development affecting LB/CA
Advertised Date:	Aberdeen Citizen – 26 May 2017 Edinburgh Gazette –26 May 2017

RECOMMENDATION: Refuse

SITE DESCRIPTION

The application property is a Category B listed, semi-detached dwellinghouse located on the south side of Rubislaw Den South, at its junction with Spademill Road and within the Albyn Place / Rubislaw Conservation Area. Designed by Marshall Mackenzie in the late 19thC, the property is a 2.5 storey, 4-bay villa constructed with a rough faced pink granite base course, rough faced grey coursed granite and a grey slate roof with decorative clay ridge. The windows are predominantly 2 pane white painted timber sash and case. To the rear elevation there is a gabled bay advanced to the right. The property was extended in the early 1990's by the addition of two single storey extensions, of modern design, one positioned to the eastern gable, 6.8m in length, projecting approximately 4m forward of the rear bay, and 5m in width, with a hipped pitched roof, 4.4m to roof ridge, which is partly slated and glazed. An extension of similar design has been added to the rear elevation to the opposite side of the bay, extending 7.2m along the mutual boundary with 7 Rubislaw Den South. It is 4.5m in width and cuts across a small section of the rear bay. The roof is hipped and pitched and 3.8m in height. The rear elevation of the property faces Spademill Lane which is bounded by a section of 2m high granite walls and a garage of modern construction, with semi mature trees to the inner face. The boundary to Spademill Lane is defined by 1.8 m high walls and a semi mature tree belt within the garden.

The adjoining dwelling house to the west has been extended by a full width single storey extension which projects 5m along the boundary separating the properties, and is 2.5m less in projection than the applicants' current extension. Due to the change in ground levels between the properties, the western boundary wall is 1.3m in height to the applicant's garden and 0.5m higher to the neighbours' side. The flat roofed section of the neighbours' extension adjacent to the mutual boundary lines through with the eaves height of the applicant's extension.

DESCRIPTION OF PROPOSAL

Planning permission is sought to remove the existing extension to the western boundary and replace it with a single storey, pitched roof extension with a total projection of 9.5m. The furthestmost 600mm section would be recessed 400mm from the boundary wall. Eaves height would line through with the flat roof of the neighbouring extension and the roof ridge would be 800mm higher than existing. The southern elevation would have full width bi fold glazed doors with a glazed apex. The east elevation would be extensively glazed with the dado walls below constructed in granite to match existing, as would the western elevation. The extension would have a pitched roof finished with natural slates and clay ridge tiles, both to match existing, white painted timber soffits and fascias, aluminium clad timber window and door frames and cast iron rainwater goods. It is also proposed to alter the existing rear terrace involving removal of steps and raising a section to provide a level surface. The terrace would be also extend southwards adding an additional area of approximately 5 sqm. A new set of access steps would also be formed to the garden area however no details have been provided as to proposed materials (this could be conditioned were consent to be granted). The existing balustrade would be re-used.

The proposal has been amended since original submission; a section of the rear extension has been set off the boundary, the roof profile altered and the ridge height reduced.

RELEVANT HISTORY

None

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at <https://publicaccess.aberdeencity.gov.uk/online-applications/>

CONSULTATIONS

None requested

REPRESENTATIONS

None

PLANNING POLICY

National Policy

- [Scottish Planning Policy \(SPP\)](#)
- [Historic Environment Scotland Policy Statement \(HESPS\)](#)

Aberdeen Local Development Plan 2017

- [D1 - Quality Placemaking by Design](#)
- [D4 - Historic Environment](#)

- H1 - Residential Areas

Other Relevant Material Planning Considerations

- Householder Development Guide
- Managing Change in the Historic Environment: Extensions

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.

Principle of Development

Whilst the principle of extending or altering an existing dwelling is normally acceptable within a residentially zoned area such as this, proposals must also be assessed in terms of factors such as design, appearance and location and setting of the listed building, impact on the character and amenity of the area and effect on residential character and amenity. Development within a Conservation Area should have a neutral or positive effect on its character and appearance.

Scale and Design and Impact on Residential Amenity

Certain elements of the proposed extension are considered to be acceptable in terms of the associated Supplementary Guidance: Householder Development Guide (SG). The proposal would result in only a small increase in the overall footprint of the dwelling house maintaining both a low level of site coverage and substantially more than an adequate amount of useable rear garden space. The built footprint of the dwelling house as extended would, cumulatively, be less than the maximum 100% increase on original permitted. The rear garden is well screened and the rear elevation is not readily visible therefore impact to the visual character of the streetscape and wider area would be limited. The materials as proposed are high quality and would match or integrate with existing. The increase in the area of the terrace would result in a small increase in the built site coverage of the rear garden, and provided the materials would match existing, the alterations to the existing terrace are acceptable. Whilst these particular elements are considered to be acceptable specifically in terms of the SG, the impacts on the fabric and character of the listed building are discussed and assessed in the separate application for listed building consent (ref. 170579/LBC)

Notwithstanding the above, the proposal fails to accord with the criteria contained in the above guidance in relation to projection relative to the original dwelling house. The extension would project 9.5m along the western boundary from the original rear elevation which is more than double the maximum projection of 4m generally permitted for extensions to such properties when extending along a mutual boundary separating a pair of semi-detached dwelling houses. This guidance exists not only to protect the overall residential amenity enjoyed by immediate properties in terms of daylight receipt/ undue overshadowing but also to avoid situations where the useable

rear garden ground to adjacent properties becomes 'hemmed in' through the siting of development with excessive rear projections along common boundaries.

The limitation in respect of the maximum allowable projection still applies in this instance, although since the existing extension exceeds the current guidelines in terms of projection, a similar projection could be justified on the basis that existing neighbouring residential amenity would be maintained.

In terms of residential amenity, the proposal would have no impact on daylight receipt to any neighbouring habitable rooms; there would be a negligible increase in overshadowing of the property to the west which would not be unduly onerous; and there would be no increase in opportunities for overlooking neighbours' rear garden space than exists at present. However, it is considered that a projection substantially in excess of the current projection would result in a particularly overbearing elevation to the rear extension, which has windows close to the mutual boundary and rear garden ground of No 7 Rubislaw Den South and subsequent erosion to their amenity. The existing extension currently extends 1.9m beyond the furthestmost projection of the neighbours' extension adjacent to the boundary, thereafter the remaining 1.1m is set at an angle of 45° to the boundary. The new extension would extend a further 4.7m from the rear of the neighbours' extension and since it would occupy a slightly elevated position above the ground level of the neighbouring property, the overbearing effect would be compounded, thereby negatively affecting residential amenity, contrary to Policy H1.

This limitation in projection also serves to ensure an extension is in proportion, relative to the size of the dwelling house. The Householder Development Guide states that "*Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale.*" The extension masks and dominates the original form and overwhelms the appearance of the original rear elevation, especially when considered in the context of the other existing extension. At present there is a degree of balance between the property's existing extensions in terms of projection, roof profile and design. Although the roof ridge height has been marginally reduced since original submission, it would be higher than existing and visually cuts across the lower sill of an upper window. The extension wraps around to envelop part of the western section of the rear bay, compromising a feature of historical importance. The combination of the general form, projection, width and design of the extension, which cuts across original historical detailing that defines the character of the building, result in an extension that does not take its cue from the original architecture of the dwelling house.

The proposed extension conflicts with Aberdeen Local Development Plan Policy D1 for the following reasons. The extension has not been designed with due consideration for its context and would have a negative impact on the setting of this listed building. The proposal, being of excessive projection, would be inappropriate in relation to the layout of the existing property and the adjoining dwelling. The extension would not sit well with and would not have a sense of place with the main dwelling, its linear dimensions resulting in an extension that will be out of character in

relation to the other rear extensions in the area. The resultant extension will be an imposing, overbearing, incongruous structure particularly when viewed from the side elevations, that would introduce a visually intrusive element, which would have a detrimental impact on the character and appearance of parent dwellinghouse.

Impact on the character of the Conservation Area

Historic Environment Scotland's *Managing Change for the Historic Environment: Extensions* sets four key criteria that extensions to historic buildings should meet:

- must protect the character and appearance of the building;
- should be subordinate in scale and form;
- should be located on a secondary elevation;
- must be designed in a high-quality manner using appropriate materials

The proposed extension fails to meet the first two criteria. The poor and inappropriate relationship between the proposed extension and the rear elevation, and the masking of original features both result in a proposal that does not respect or complement the existing building, as the excessive projection and width of the extension would result in an extension that will be out of proportion relative to the dwellings original form and layout and therefore does not protect the character and appearance of the building. Policy D4 (Historic Environment) of the ALDP states that proposals affecting conservation areas will only be permitted if they comply with SPP which states proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area. For the above reasons, the proposed extension has not been designed with due consideration to its context, and would negatively affect the historic character of the existing dwelling and therefore the wider conservation area, contrary to the aims of SPP, HESPS and therefore with Policy D4 of the ALDP.

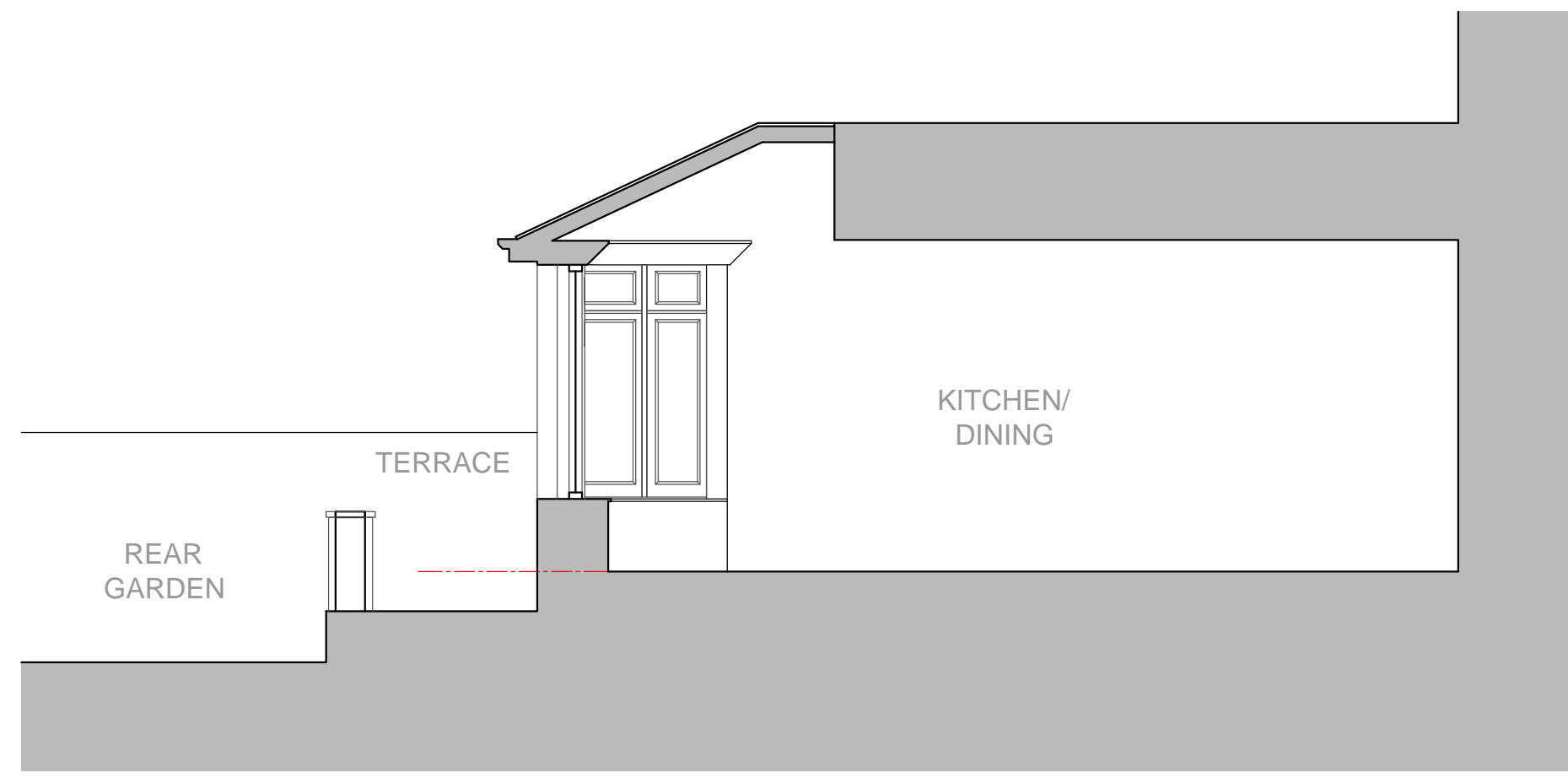
Conclusion

The inappropriate design and projection of the proposed extension and its poor relationship to the rear elevation of the existing dwelling would prevent the proposal from being architecturally compatible in terms of design and scale with the original dwelling and the proposal therefore fails to preserve and enhance the character and appearance of the listed building and that of the wider conservation area, by reason of the adverse impact on the fabric, character and setting of the listed building and the obscuring of its original architectural form and plan. As such the application would not accord with the objectives of SPP with regard to the historic environment and would therefore conflict with local plan policy D4. No overriding public interest to justify approval of the development, contrary to the objectives of SPP has been demonstrated or is evident. The proposal is not considered to accord with all relevant policies and supplementary guidance and the proposal is therefore recommend for refusal for the reasons stated below.

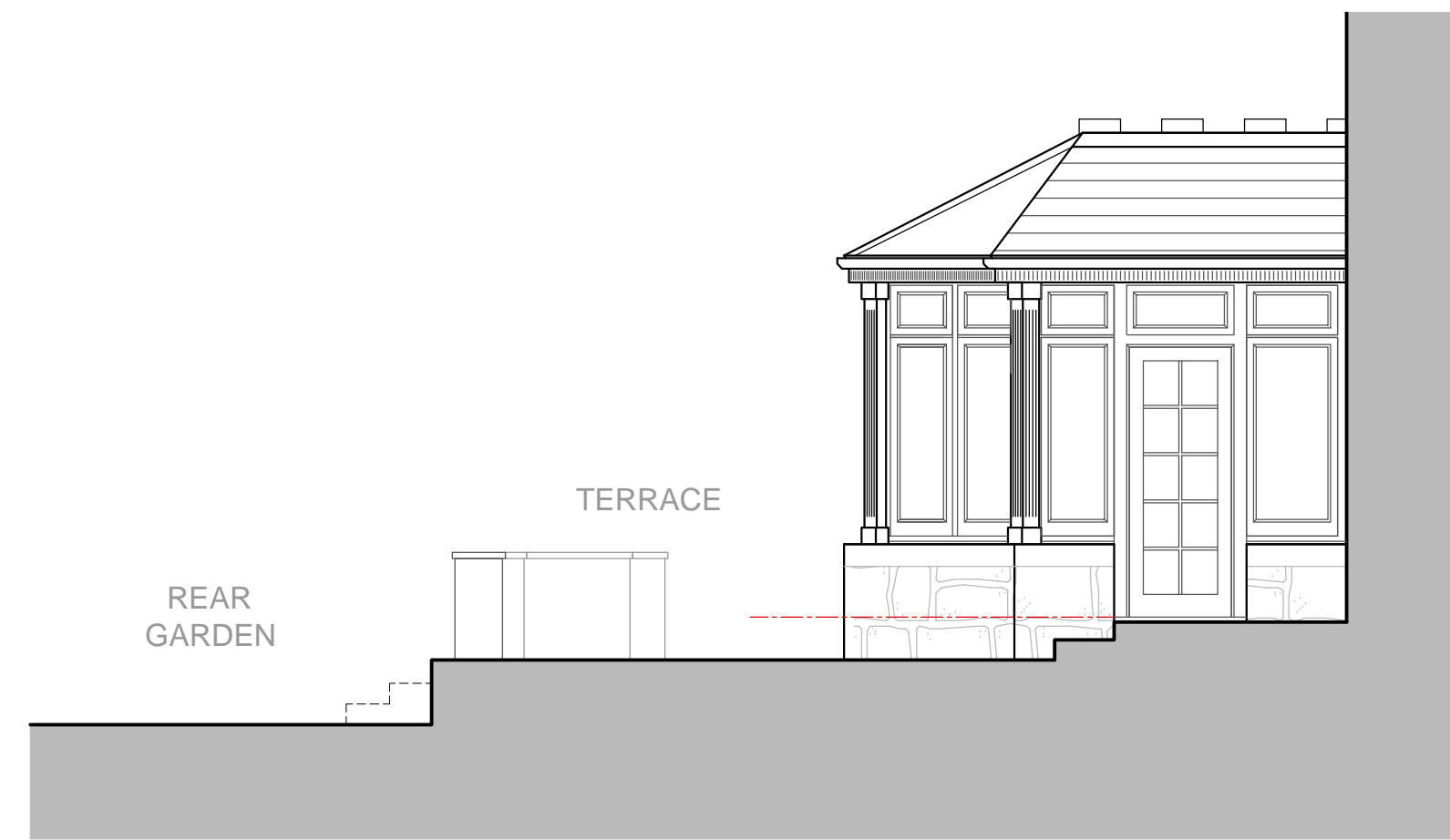
RECOMMENDATION: Refuse

REASONS FOR RECOMMENDATION

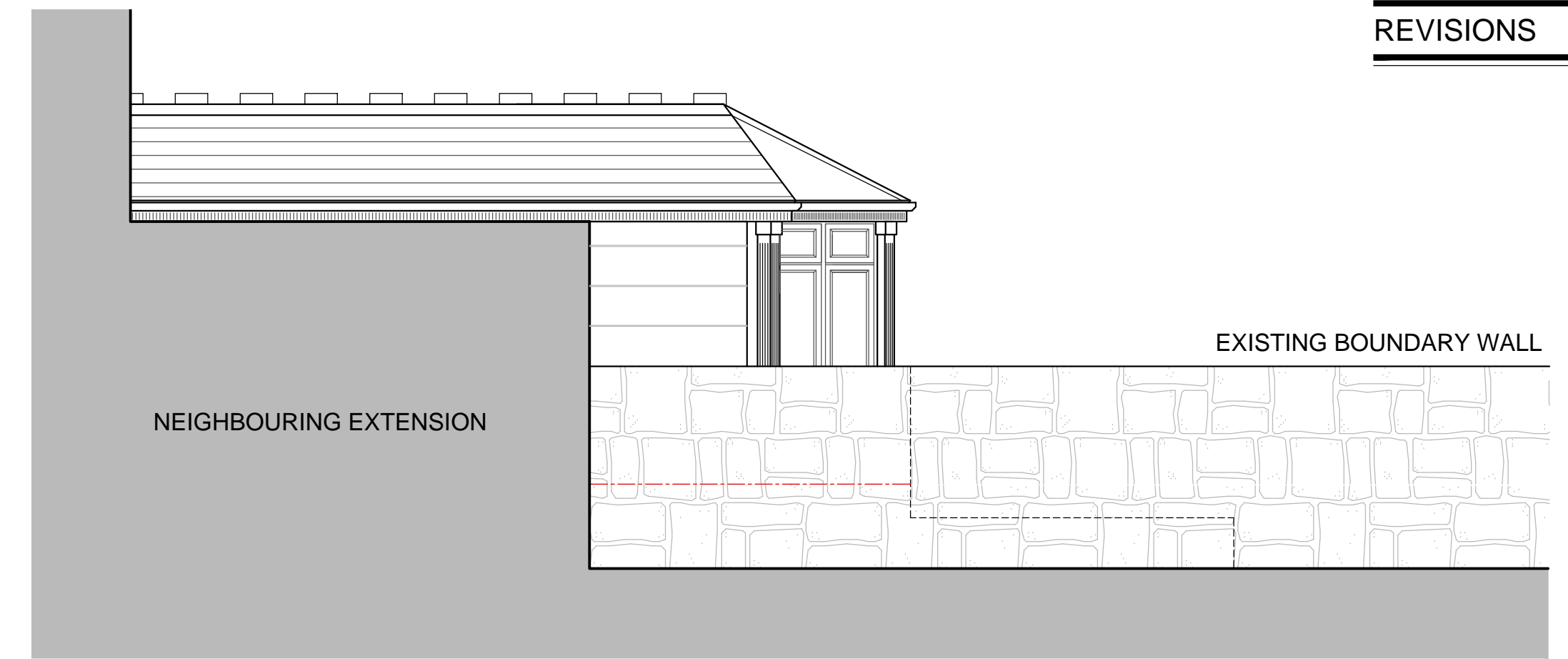
The proposal fails to comply with the relevant policies of the Aberdeen Local Development Plan 2017, namely Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas), and the Supplementary Guidance contained in the Householder Development Guide in that by reason of its scale and projection, the proposal would have a negative impact on the external appearance of the property and would detract from the character and integrity of the listed building. It respects neither the character and architecture of the existing dwelling house nor that of the surrounding area and would negatively affect current residential amenity. Approval of the application would be detrimental to and thus neither preserve nor enhance the character of the Conservation Area, and the proposal is therefore contrary to the provisions of Scottish Planning Policy, Historic Environment Scotland Policy Statement, Managing Change in the Historic Environment: Extensions and thereby with Policy D4 (Historic Environment) of the Aberdeen Local Development Plan. 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 that would warrant approval of the application.



Existing Section AA

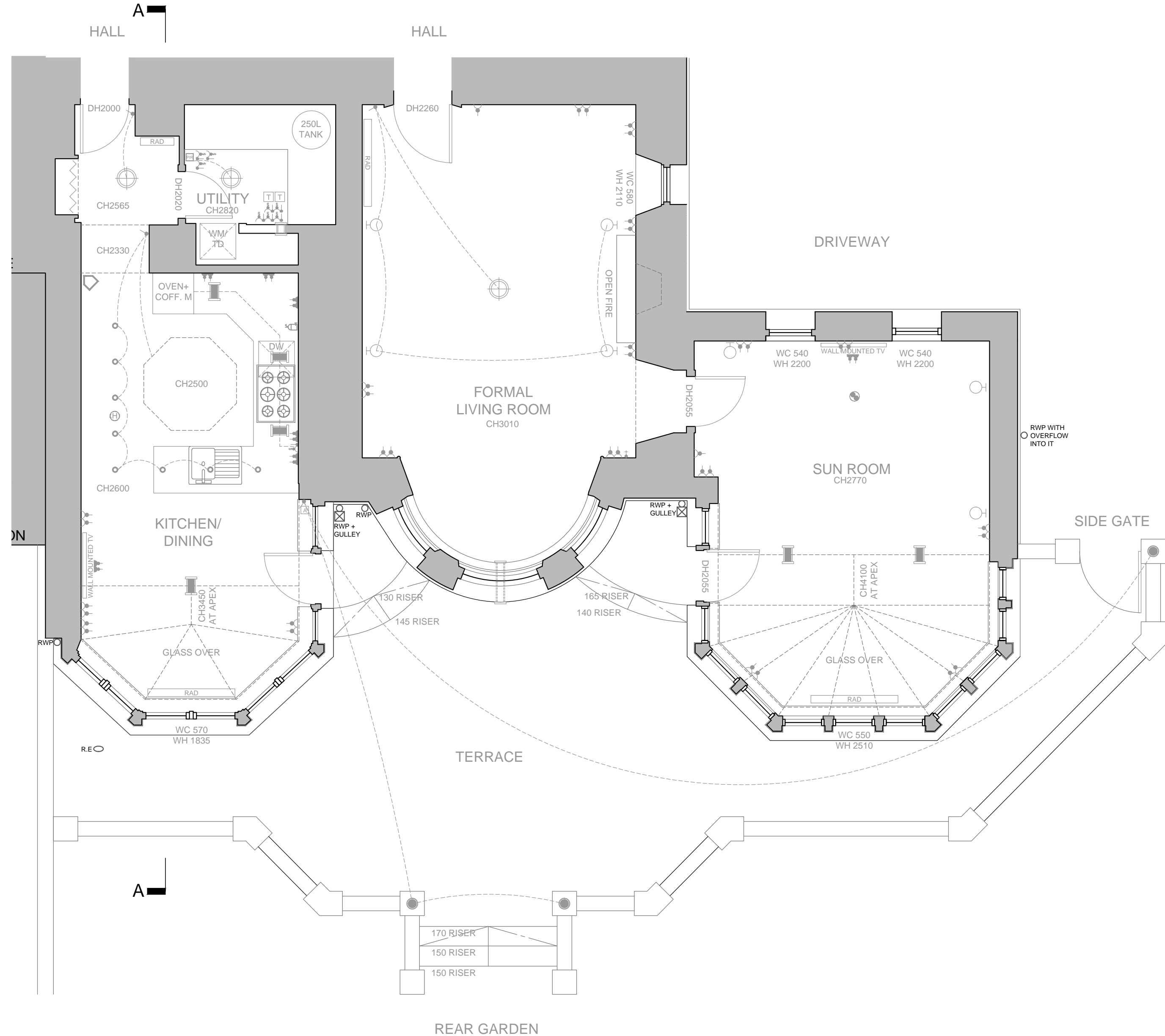
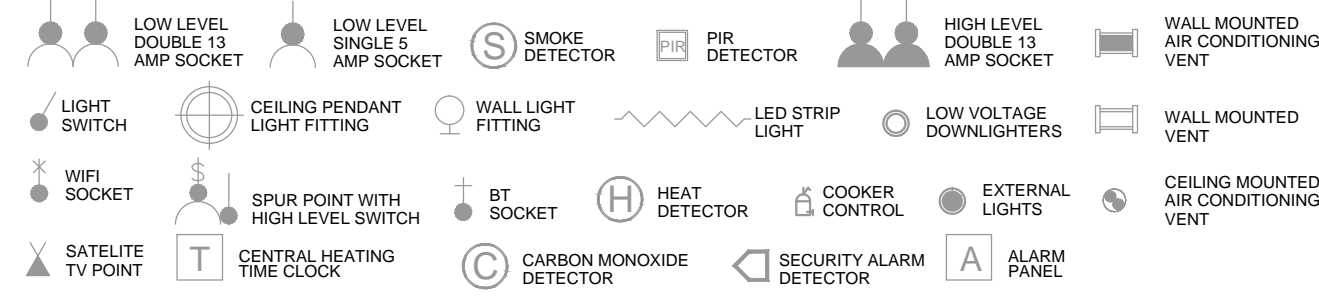


Existing East Elevation



Existing West Elevation

EXISTING ELECTRICAL LEGEND



Existing Ground Floor Plan

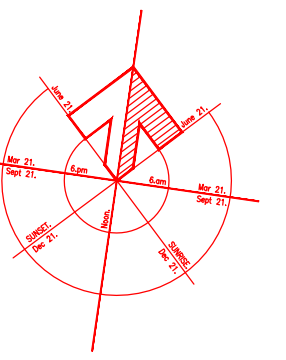
SURVEY DRAWINGS



Existing Photos



Existing South Elevation



PROJECT DETAILS

Extension at
5 Rubislaw Den South
Aberdeen
AB15 4BD
Mr & Mrs Cowie

Survey Drawings

Scale: 1:50 at A1
Date: April 2017
Drawn: KM

CHECK INITIALS DATE
planning:
warrant:
tender:



4 St James Place, Inverurie,
Aberdeenshire, AB51 3UB
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25 Albyn Place, Aberdeen, AB10 1YL
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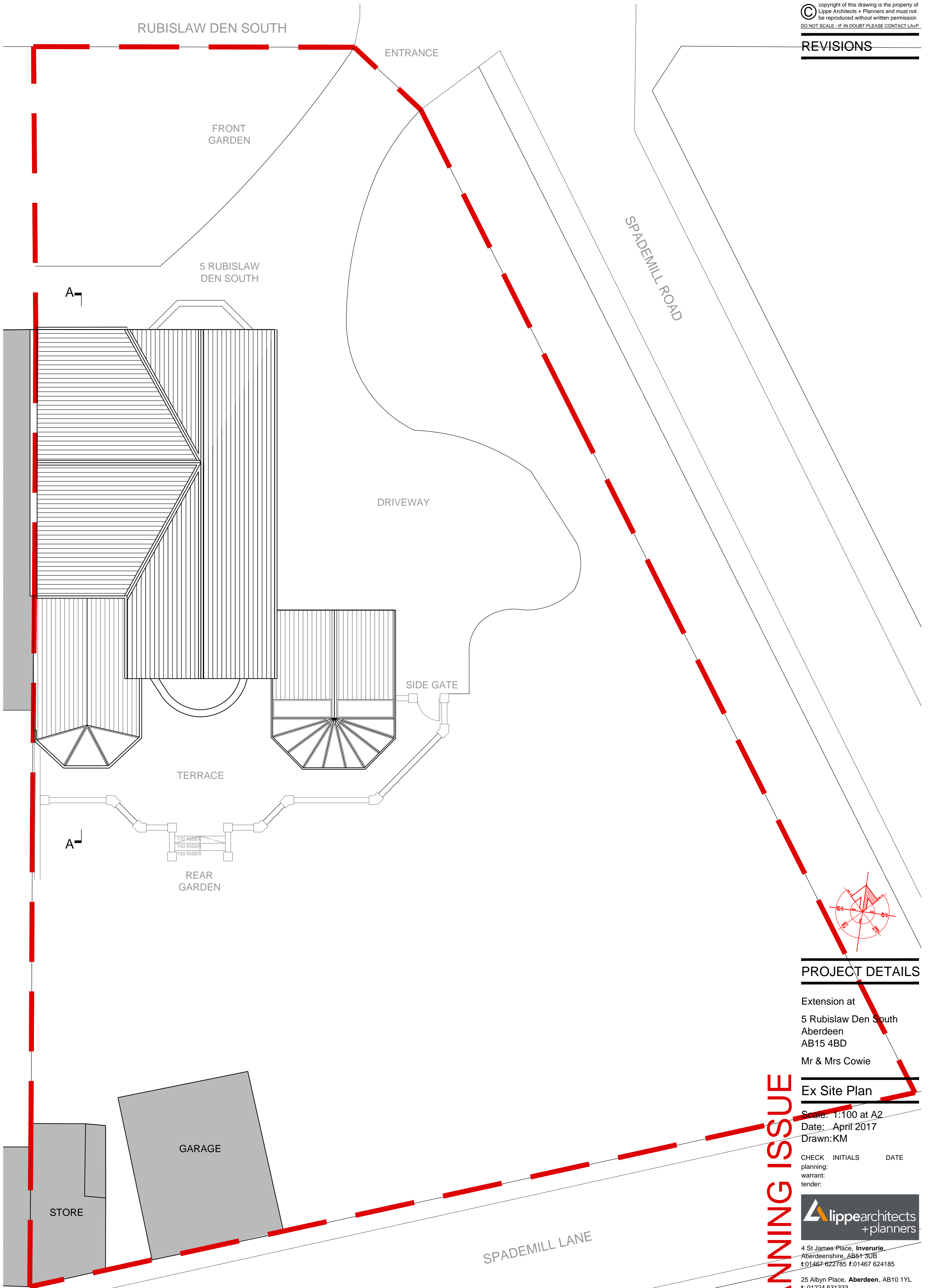
e: admin@lippe-architects.co.uk
www.lippe-architects.co.uk

Ref: 5301-004

PLANNING ISSUE

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REVISIONS



PROJECT DETAILS

Extension at
5 Rubislaw Den South
Aberdeen
AB15 4BD
Mr & Mrs Cowie

Ex Site Plan

Scale: 1:100 at A2
Date: April 2017
Drawn: KM

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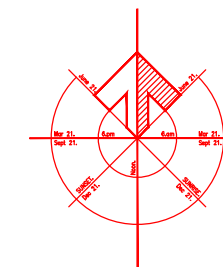
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PLANNING ISSUE

EXISTING SITE PLAN
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REVISIONS



PROJECT DETAILS

Extension at
5 Rubislaw Den South
Aberdeen
AB15 4BD
Mr & Mrs Cowie

Location Plan

Scale: 1:1250 at A3
Date: April 2017
Drawn: KM

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Ref: 5301-000



LOCATION PLAN

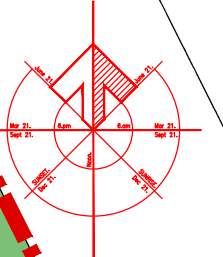
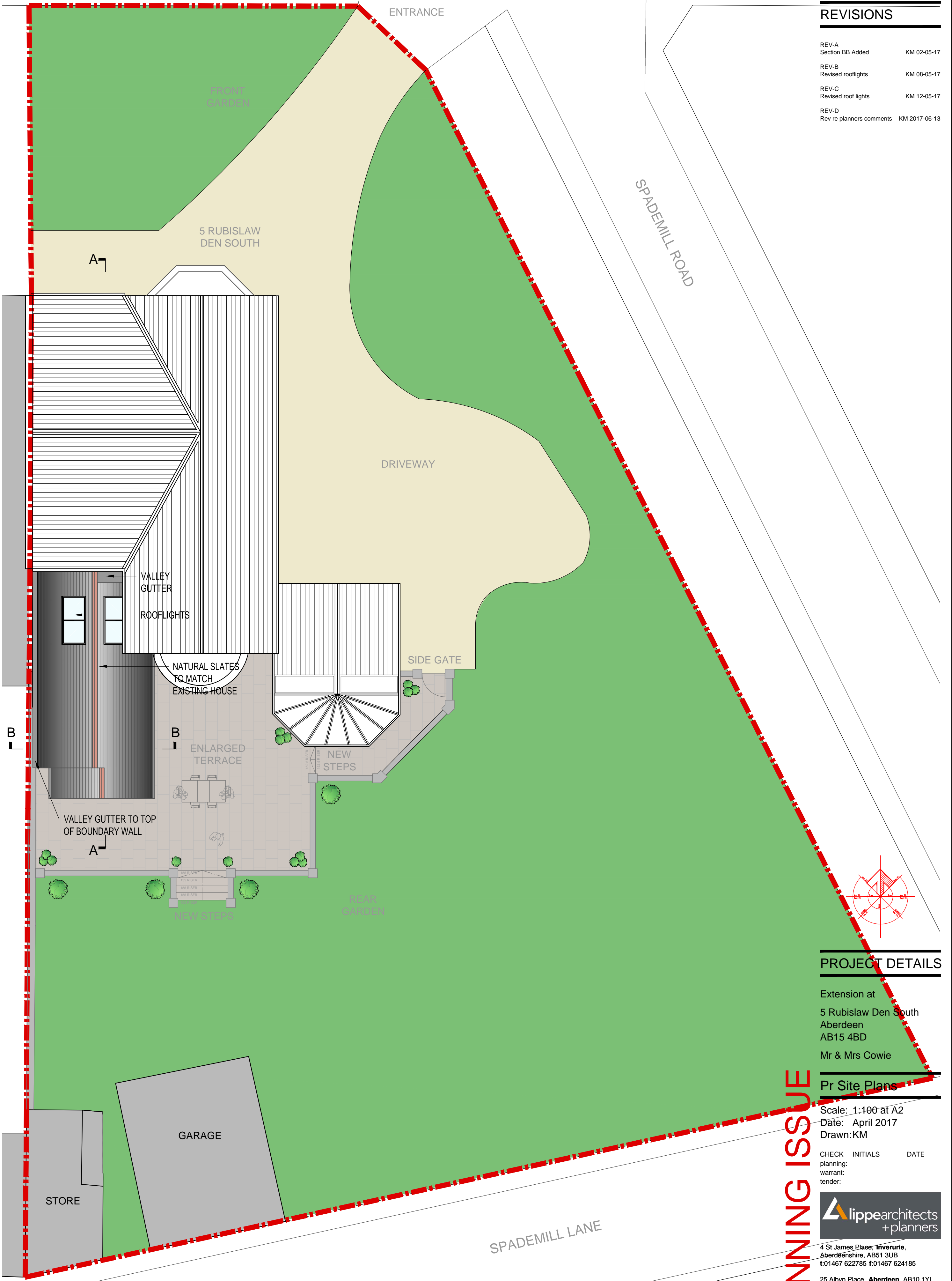
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PLANNING ISSUE

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REVISIONS

REV-A	Section BB Added	KM 02-05-17
REV-B	Revised rooflights	KM 08-05-17
REV-C	Revised roof lights	KM 12-05-17
REV-D	Rev re planners comments	KM 2017-06-13



PROJECT DETAILS

Extension at
 5 Rubislaw Den South
 Aberdeen
 AB15 4BD
 Mr & Mrs Cowie

Pr Site Plans

Scale: 1:100 at A2
 Date: April 2017
 Drawn: KM

CHECK	INITIALS	DATE
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Ref:5301-006-C

PLANNING ISSUE

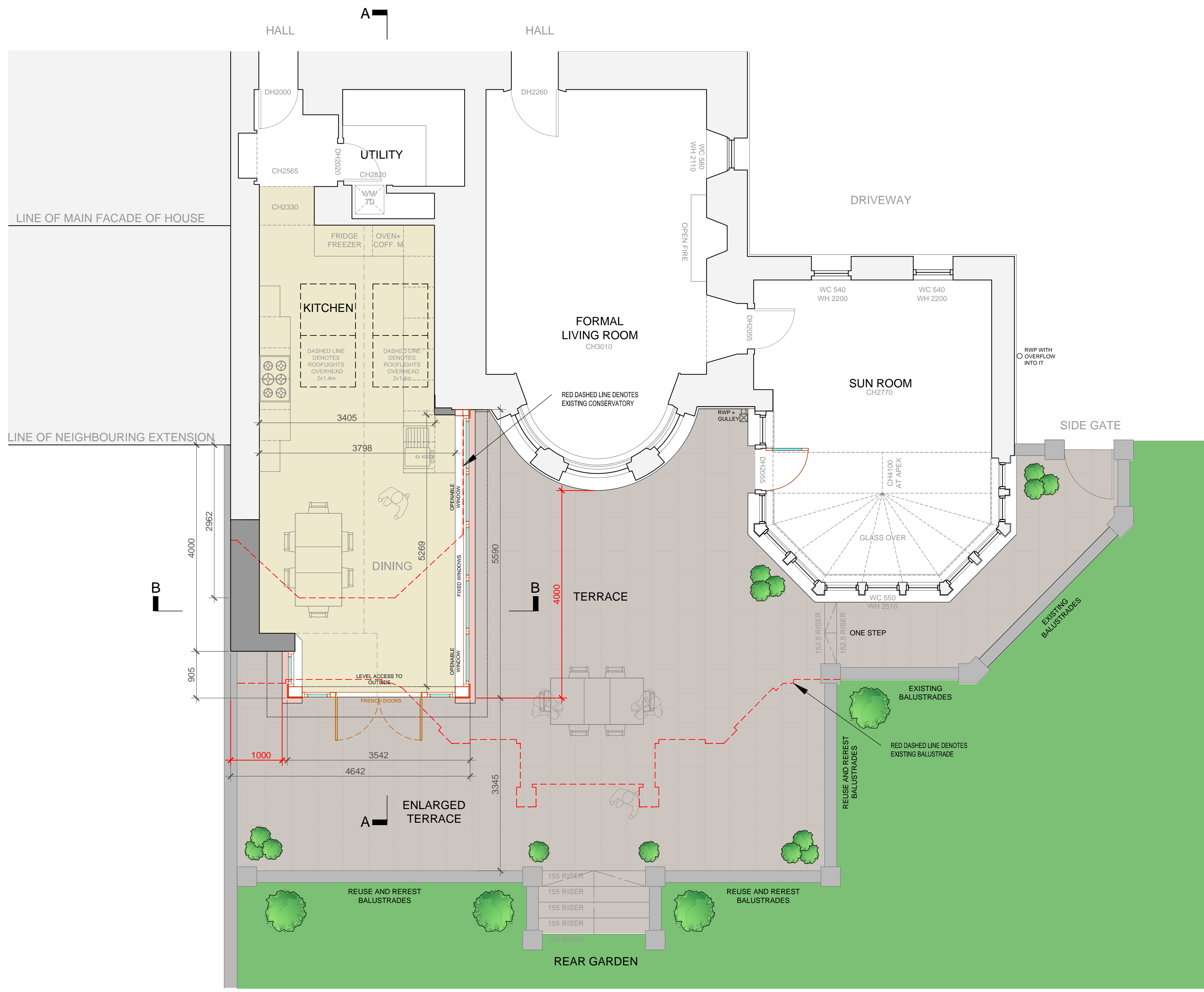
PROPOSED SITE PLAN

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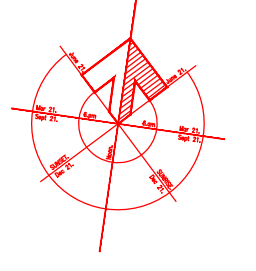
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REVISIONS

REV-B	Section BB added	KM 02-05-17
RE-B	Revised rooflights	KM 08-05-17
REV-C	Revised windows	KM 12-05-17
REV-D	Revised window + sink position	KM 22-05-17
REV-E	Planners comments	KM 2017-06-12



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PROJECT DETAILS

Extension at
 5 Rubislaw Den South
 Aberdeen
 AB15 4BD
 Mr & Mrs Cowie

Proposed Plans

Scale: 1:50 at A1
 Date: April 2017
 Drawn: KM

CHECK	INITIALS	DATE
planning:		
warrant:		
tender:		



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PROPOSED FLOOR PLAN
 Scale 1:50 at A1

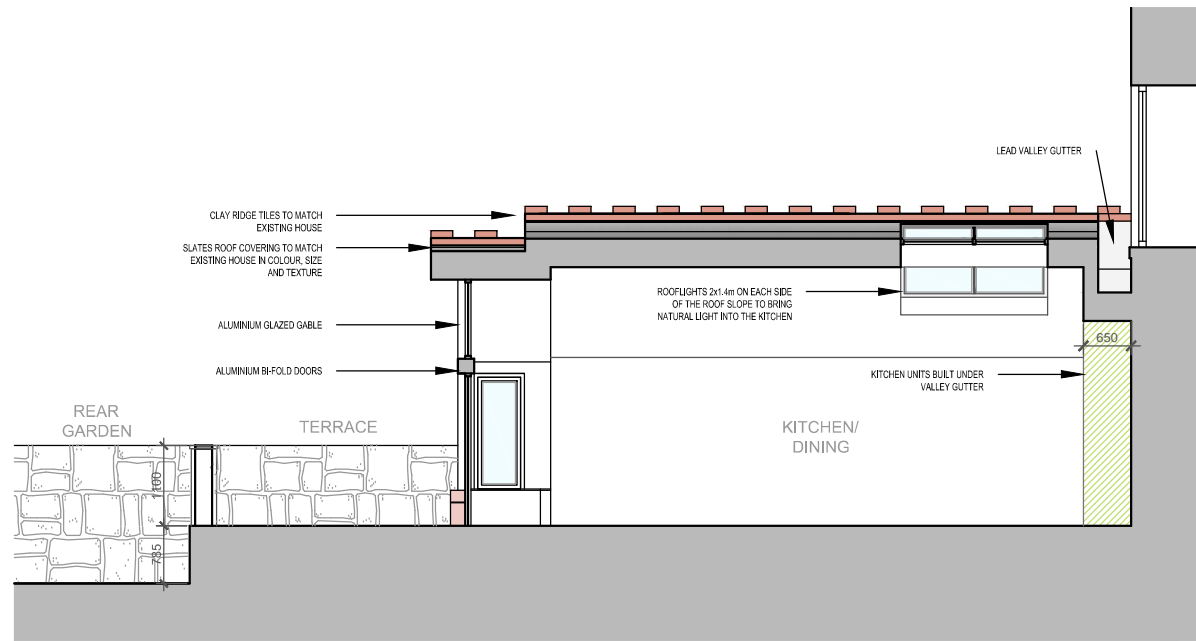
PLANNING ISSUE

Ref: 5301-007-E

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REVISIONS

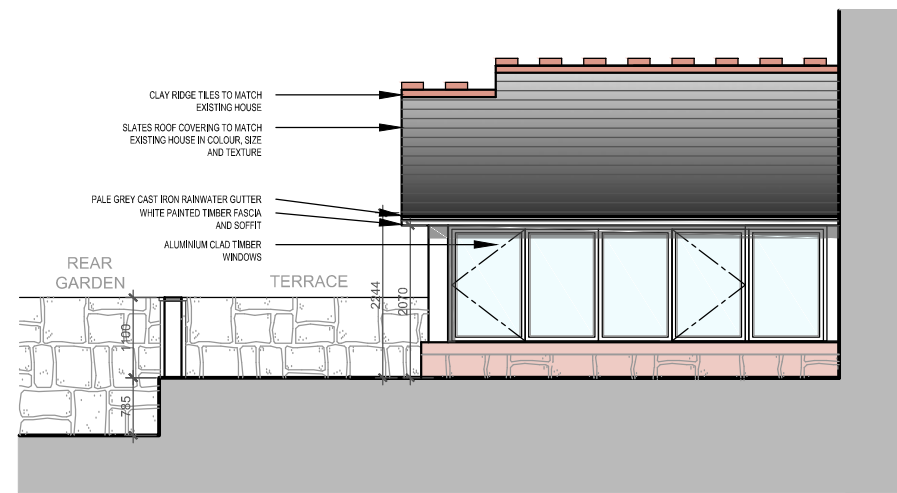
REV-A	Added Sinc BB + Valley Gutter	KM 02-05-17
REV-B	Revised rooflights	KM 08-05-17
REV-C	Revised windows	KM 12-05-17
REV-D	Planners comments	KM 2017-06-12



PROPOSED SECTION AA
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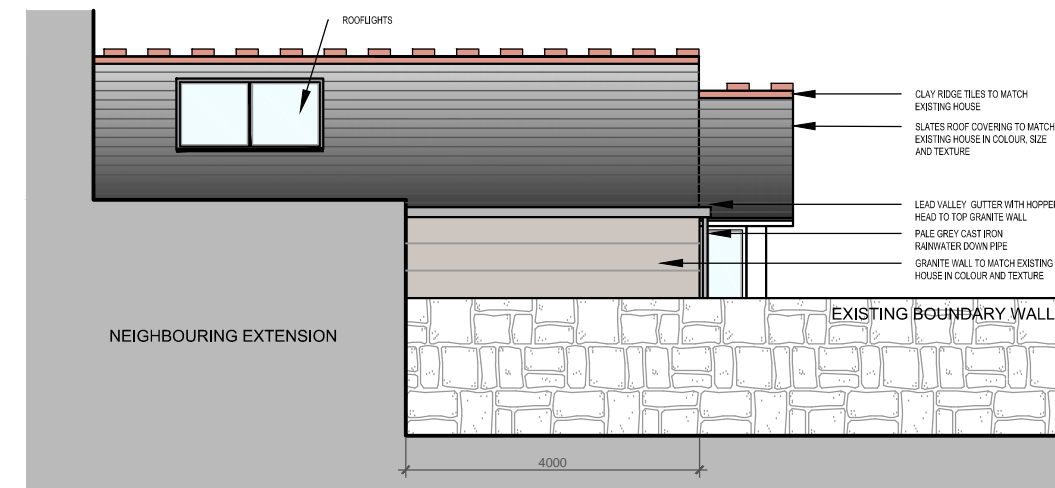
PROPOSED SECTION BB
Scale 1:50 at A1



PROPOSED EAST ELEVATION
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PROPOSED SOUTH ELEVATION
Scale 1:50 at A1



PROPOSED WEST ELEVATION
Scale 1:50 at A1

PROJECT DETAILS

Extension at
5 Rubislaw Den South
Aberdeen
AB15 4BD
Mr & Mrs Cowie

Pr Elevs. & Sections

Scale: 1:50 at A1
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Ref:5301-008-D

PLANNING ISSUE

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Lippe Architects & Planners Ltd
4 St. James Place
Inverurie
Scotland
AB51 3UB

on behalf of **Mr Ian Cowie**

With reference to your application validly received on 26 April 2017 for the following development:-

**Replace existing conservatory with single storey extension and raise existing terrace
at 5 Rubislaw Den South, 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
5301-000	Location Plan
5301-007-E	Ground Floor Plan (Proposed)
5301-008-D	Multiple Elevations (Proposed)
5301-06-C	Site Layout (Proposed)

REASON FOR DECISION

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

The proposal fails to comply with the relevant policies of the Aberdeen Local Development Plan 2017, namely Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas), and the Supplementary Guidance contained in the

Householder Development Guide in that by reason of its scale and projection, the proposal would have a negative impact on the external appearance of the property and would detract from the character and integrity of the listed building. It respects neither the character and architecture of the existing dwelling house nor that of the surrounding area and would negatively affect current residential amenity. Approval of the application would be detrimental to and thus neither preserve nor enhance the character of the Conservation Area, and the proposal is therefore contrary to the provisions of Scottish Planning Policy, Historic Environment Scotland Policy Statement, Managing Change in the Historic Environment: Extensions and thereby with Policy D4 (Historic Environment) of the Aberdeen Local Development Plan. 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 that would warrant approval of the application.

Date of Signing 15 August 2017



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.

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Consultation Response

Masterplanning, Design & Conservation Team



To:	Sheila Robertson	
From:	Zinnie Denby-Mann (Planning Trainee – Conservation) zdenbymann@aberdeencity.gov.uk 01224 523065	
Date:	22 May 2017	
Application:	Ref / Description / Address:	170444/DPP Replace existing conservatory with single storey extension and raise existing terrace 5 Rubislaw Den South Aberdeen AB15 4BD

Masterplanning, Design & Conservation Team review:

Thank you for consulting me on this application for an extension to replace an existing conservatory and alterations to the landscaping around this category C listed property in the Albyn / Rubislaw Conservation Area.

I have not been out on site and seen the property however I am presuming that the existing conservatory is a modern extension. If this is not the case then please could you let me know?

The principle of replacing a modern conservatory with a new extension is acceptable however the detail needs to be appropriate for the listed building. By virtue of the materials that a conservatory is constructed out of, it will appear as a fairly lightweight extension in relation to the rest of the building. This is important as it allows the original building structure to remain the dominant part of the building.

The proposed new extension is a taller structure than the existing and cuts across one of the first floor windows. This would have a negative impact on the listed building and should not be approved.

The existing conservatory appears to have some clay ridge tiles and slates on the roof. Is it possible to reuse these in the new extension in order to accord with Policy D1 of the ALDP, which requires that development is resource efficient.

You may wish to ask for a sample of the granite that is proposed 'to match existing house in colour and texture'. It is likely that this will need to be reclaimed granite if it is to match. Details of the materials proposed to be used for the low level wall to the south and east elevations have not been supplied, which they need to be.

The proposed blacked glass panel to the east elevation is not a high quality finish and would detract from the extension. The applicant should consider whether the sink unit could be moved in order that this is not necessary. Similarly, the opaque window on the west elevation is not a choice of material that would usually be considered desirable for an extension to a listed building. uPVC is also not a high quality material for downpipes.

The proposed extension will project more than 3m along the boundary with the neighbouring property. 5 Rubislaw Den South is the end property in a terrace and as such this is contrary to the Householder Development Guide which states that it should not extend more than 3m, unless suitable justification can be provided, which it has not been

The proposed patio is much larger than the existing area and is raised higher off the ground. Raising the ground height where it meets the building is likely to create damp issues within the property and so details of how this might be mitigated need to be provided as a proposal which would cause damage to the listed building should not be approved. Details of the proposed materials for the retaining wall, steps and the ground surfacing also need to be supplied.

I also note that on the proposed drawings the rear facing rooflight on the main part of the house is not shown. This should be amended.

Please do not hesitate to ask if you have any questions.



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North 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 100049287-001

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.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Demolition of the existing conservatory. New extension to create an enlarged open plan kitchen and dining area. The existing terrace is to be enlarged and raised slightly to create a flush inside outside finish to allow the client easy accessibility in a wheelchair. All materials, and detailing has been shown to match the existing house, with new conservation style rooflights.

Has the work already been started and/ or completed? *

No Yes - Started Yes – Completed

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:	Lippe Architects + Planners		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Lippe Architects	Building Name:	
Last Name: *	& Planners Ltd	Building Number:	4
Telephone Number: *	01467 622785	Address 1 (Street): *	St. James Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Inverurie
Fax Number:		Country: *	Scotland
		Postcode: *	AB51 3UB
Email Address: *	admin@lippe-architects.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Ian	Building Number:	5
Last Name: *	Cowie	Address 1 (Street): *	Rubislaw Den South
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB15 4BD
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

5 RUBISLAW DEN SOUTH

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 4BD

Please identify/describe the location of the site or sites

Northing

805743

Easting

391907

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Lippe Architects & Planners Ltd

On behalf of: Mr Ian Cowie

Date: 21/04/2017

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Lippe Architects & Planners Ltd

Declaration Date: 21/04/2017

Payment Details

Cheque: William Lippe Architects Ltd., 001169

Created: 21/04/2017 12:42



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North 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 100074768-001

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:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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="Rubislaw Den South"/>
First Name: *	<input type="text" value="Ian"/>	Building Number:	<input type="text" value="5"/>
Last Name: *	<input type="text" value="Cowie"/>	Address 1 (Street): *	<input type="text" value="5 Rubislaw Den South"/>
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="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 4BD"/>
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="5 RUBISLAW DEN SOUTH"/>
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="AB15 4BD"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805743"/>	Easting	<input type="text" value="391907"/>
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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)

Appeal against refusal of planning permission to replace existing conservatory with single storey extension and raise existing terrace

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see attached 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)

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 document and various appeal documents

Application Details

Please provide details of the application and decision.

What is the application reference number? *

170444/DPP

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

26/04/2017

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

15/08/2017

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

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Given the refusal is due to design and impact of the extension it would be beneficial for the LRB to view the appeal site

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

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 Lippe Architects & Planners Ltd

Declaration Date: 08/11/2017

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**Appeal against refusal of planning
permission to replace existing
conservatory with single storey extension
and raise existing terrace at 5 Rubislaw
Den South, Aberdeen**

**Aberdeen City Council planning reference
170444/DPP**

Document List – Appeal Productions

Appeal Document 1 – Application Form

Appeal Document 2 – Existing Site Plan

Appeal Document 3 – Existing Elevations and Floor Plans

Appeal Document 4 – Proposed Site Plan

Appeal Document 5 – Proposed Floor Plans

Appeal Document 6 – Proposed Elevations

Appeal Document 7 – Report of Handling

Appeal Document 8 – Refusal Notice dated 15 August 2017

Appeal Document 9 – Corresponding Listed Building Appeal Statement

BACKGROUND AND PROPOSAL

Lippe Architects and Planners submitted applications for full planning permission 170444/DPP and listed building consent 170579/DPP on behalf of Mr and Mrs Cowie (the Appellant), the owners of the house at 5 Rubislaw Den South, Aberdeen. Both applications were to replace an existing conservatory with a single storey extension and raise the existing terrace. This is an appeal related to the application for full planning permission which was refused under delegated powers on 15 August 2017. A separate appeal relative to the refusal of listed building consent also refused on 15 August 2017 has been submitted to the Scottish Government Planning and Environmental Appeals Division.

The reason for refusal is as follows:

The proposal fails to comply with the relevant policies of the Aberdeen Local Development Plan 2017, namely Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas), and the Supplementary Guidance contained in the Householder Development Guide in that by reason of its scale and projection, the proposal would have a negative impact on the external appearance of the property and would detract from the character and integrity of the listed building. It respects neither the character and architecture of the existing dwellinghouse nor that of the surrounding area and would negatively affect current residential amenity. Approval of this application would be detrimental to and thus neither preserve nor enhance the Conservation Area, and the proposal is therefore contrary to the provisions of Scottish Planning Policy, Historic Environment Scotland Policy Statement, Managing Change in the Historic Environment: Extensions and thereby with Policy D4 (Historic Environment) of the Aberdeen Local Development Plan. 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 that would warrant approval of the application.

Application 170444/DPP was validated on 26 April 2017. While the planning application was not accompanied by a supporting design statement for the purpose of clarity for this appeal the following is a brief description of the proposed works to the property.

The extension seeks to enhance the kitchen and dining facilities by creating a larger open plan space. The existing extension projects approximately 3.2 metres further forward than the existing extension at the neighbouring property at 7 Rubislaw Den South. The applicant requires the living areas to be better suited for the use of a wheelchair user, requiring more floor space and a better internal layout. Therefore the applicant seeks permission for an extension that instead projects 4.25 metres (an extra 1 metre) from the neighbouring extension. The extension then steps in by 1 metre, and projects a further 0.9 metres into the

garden. Overall the new extension will increase the length of the existing rear projection by 1.9 metres.

The outlook from the dining and kitchen space is over the large rear garden, which includes a terraced area. The house occupies a large corner plot with ample front and rear garden space and the proposed enlargement of the extension and terraced area does not compromise the amenity space in any way. Currently there is a stepped access from all living areas onto the terrace, and therefore the new proposal includes raising the level of the terrace by 0.3 metres to create a flush inside-outside finish ensuring a wheelchair user has direct access to the terraced area.

The extension features a timber framed, glazed gable in this south facing location to maximise the natural light within the living spaces. The roof shall be clad in natural slate with clay ridge tiles to ensure continuity with the existing house. French doors provide access to the terrace on the southern elevation. There are casement windows along the eastern elevation above a low granite cill which is in keeping to the original design of the house. The large expanse of glazing provides a direct view over the outdoor seating area on the terrace and the garden space.

Steel posts clad in timber facings will be used in the corners to minimise the thickness of the construction and prevent interrupting the garden view as much as possible. The pitched roof will be of a timber frame construction. The extension will be constructed using modern techniques and materials to limit heat loss and provide low energy bills. All materials proposed have been chosen to compliment and be sympathetic to the existing C Listed property. The symmetry, proportion, and scale allow the external aesthetic of the extension to sit comfortably on the south and east elevation.

While the application was ongoing the roof was reduced in height to address planning concerns and the end of extension was also set back by 1 metre off the mutual boundary.

For clarity, it should be noted that the house is a category C listed building and not B listed as referred to in the officer's report. While the house is indeed listed and this is an important consideration, the lower category means that the property is considered important on only a local level, not at a regional level.

For clarity the measurements of what exists at present and what is proposed at 5 Rubislaw Den South, along with what exists at 7 Rubislaw Den South should be detailed.

The length of the existing neighbouring extension at 7 Rubislaw Den South along the mutual boundary measures 4 metres.

The length of the existing extension at 5 Rubislaw Den South along the mutual boundary measures 6.1 metres (or 7.2 metres to the end of the bay set back from the mutual boundary). This is 2.1 metres past the neighbouring extension (or 3.2 metres including the end of the bay). The existing situation and measurements are shown in Diagram 1.

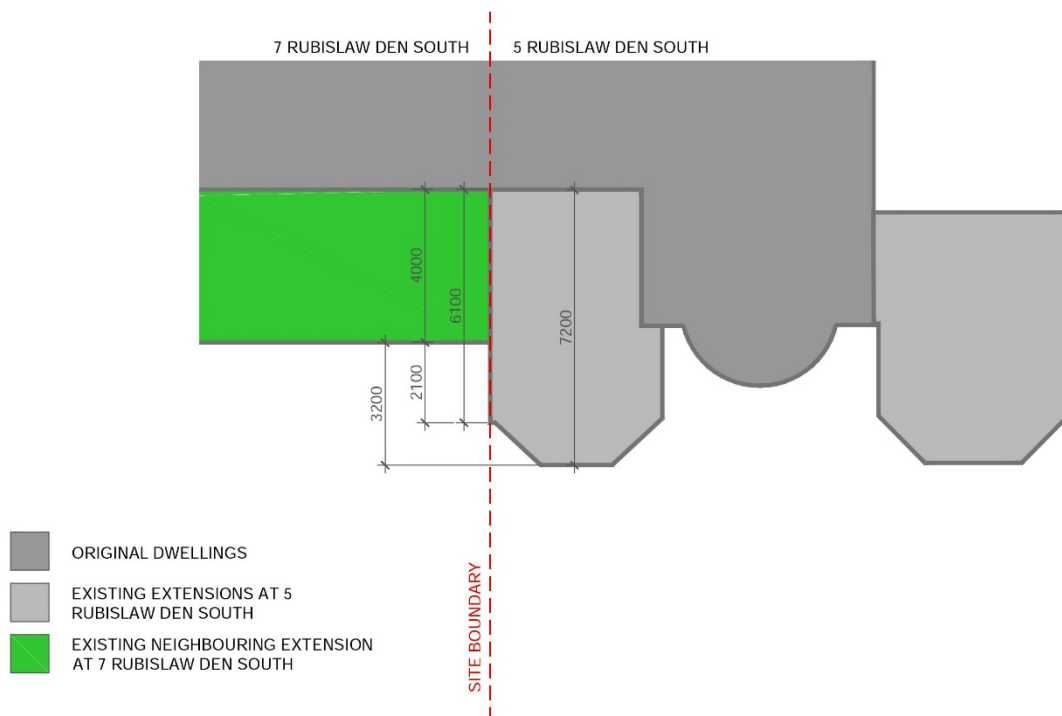


DIAGRAM 1 - EXISTING EXTENSIONS

The length of the proposed extension at 5 Rubislaw Den South along the mutual boundary measures 8.25 metres (with an additional 0.9 metre set back 1 metre from the mutual boundary to a total of 9.15 metres set back from the boundary). This is 4.25 metres past the

neighbouring extension (or 5.15 metres including the set back). The proposed situation and measurements are shown in Diagram 2.

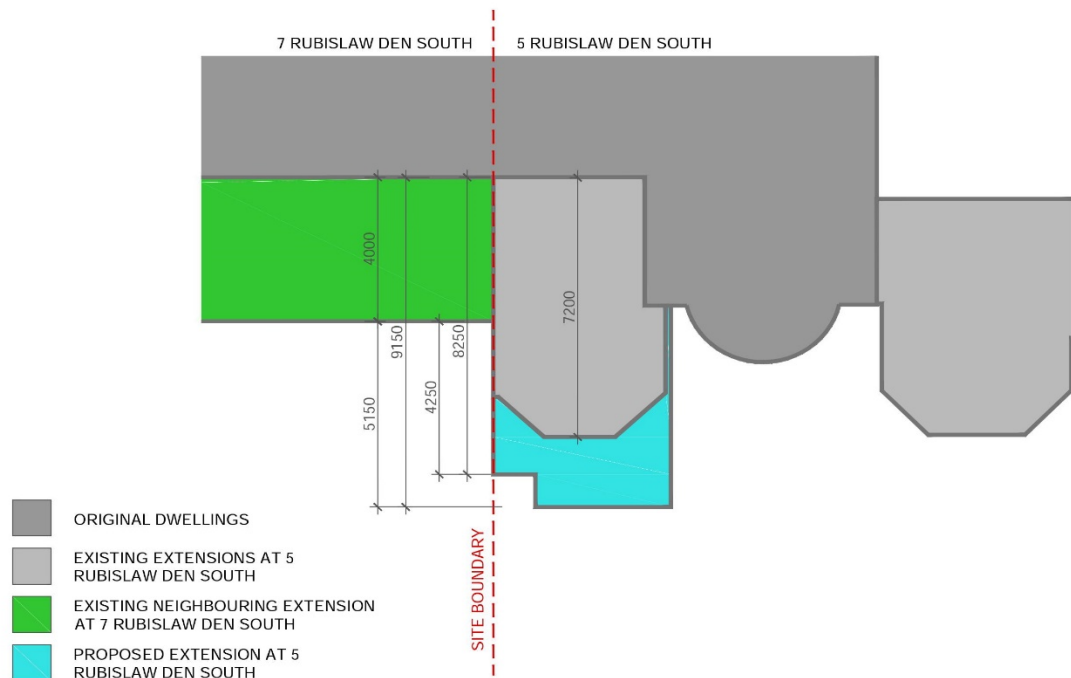


DIAGRAM 2 - PROPOSED EXTENSION

The additional length of proposed extension along mutual boundary is an extra 2.15 metres. This is shown in Diagram 3 below.

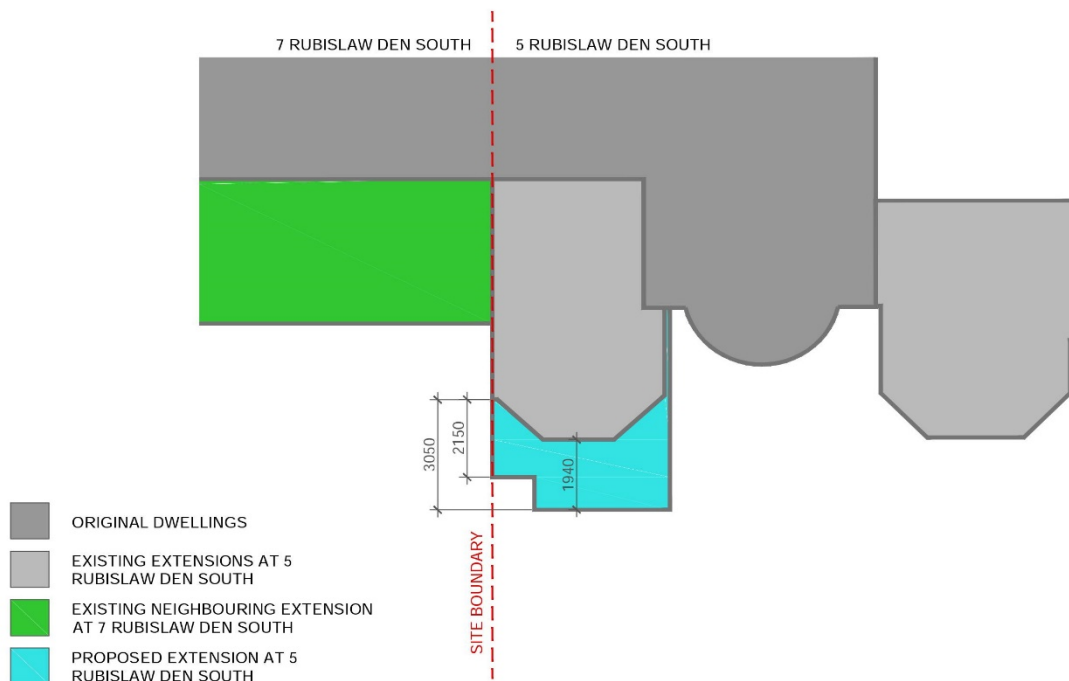


DIAGRAM 3 - OVERALL INCREASE IN LENGTH

POLICIES AND SUPPLEMENTARY GUIDANCE AND MATERIAL CONSIDERATIONS

Aberdeen City Local Development Plan 2017

Policy H1 – Residential Areas states that proposals for householder development will be approved in principle if it does not have an unacceptable impact on the character and amenity of the surrounding area and complies with Supplementary Guidance.

Supplementary Guidance (SG) Householder Development Guide supports the above policy and Policy D4 – Historic Environment by providing guidance to ensure householder developments are of a good quality design, carefully sited and give due consideration of scale, context and design of the parent building to ensure development does not erode the character and appearance of our areas.

Policy D1 – Quality Placemaking by Design states that all development must ensure high standards of design and have a strong and distinctive sense of place which is as a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.

Policy D4 – Historic Environment states that the Council will protect, preserve and enhance the historic environment in line with SPP, SHEP and its own SG and Conservation Character Appraisals and Management Plan. High quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas and historic gardens will be supported.

Supplementary Guidance – Householder Development Guide includes the following guidance:

- Proposals for extensions and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complimentary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale.
- No extension or alteration should result in a situation where the amenity of any neighbouring property would be adversely affected. Significant adverse impact on privacy, daylight and general amenity will count against a development proposal.
- Single storey extensions will be restricted to 4 metres in projection along the boundary shared with the other half of the semi-detached property.

Scottish Planning Policy 2014

The aim of SPP is to ensure that development and changes in land occur in suitable locations and are sustainable. The primary objectives are to set the land use framework for promoting sustainable economic development, to encourage and support regeneration to maintain and enhance the quality of the natural heritage and built environment.

Scottish Historic Environment Policy 2011

SHEP correctly recognises that the protection of the historic environment is not about preventing change but that change in this dynamic environment should be managed intelligently and with understanding to achieve the best outcome for the historic environment and that the historic environment has a key role to play in regeneration.

DISCUSSION AND CONCLUSION

The two main reasons for refusal relate to scale and projection in terms of Policy D1 and Policy H1 and detracting from the character and integrity of the listed building in terms of Policy D4.

With regard to policies H1 and D1, it is important to note that the planner agrees with a number of elements proposed in the application.

- the small increase in floor area is acceptable.
- the proposal will not unduly affect daylight or cause overshadowing.
- the site is well screened and there is no adverse visual impact.
- the materials are high quality and would compliment the existing building.
- the increase in terrace area is acceptable.
- a similar projection would be acceptable.

While the limit is 4 metres along mutual boundaries, it must be taken into account that the neighbour already has a 4 metre long extension along the mutual boundary. It is contended that given the size and scale of the gardens that the existing end line of the properties should be where the consideration of new proposals should start. The existing extension already extends approximately 6.1 metres along the mutual boundary leaving only 2.1 metres of the existing extension at 5 Rubislaw Den South projecting forward along the mutual boundary with the extra 1 metre length set back 1 metre to the end of the bay. It is an important consideration that the existing extension already projects along the mutual boundary by 2.1 metres.

The proposed extension should simply be regarded as a 4.25 metre extension along the mutual boundary with a 1 metre set back which while 0.25 metres longer than the 4 metre standard is not an acceptable breach given the existing extensions and on site situation. The tone of the planner's report makes the development sound a lot larger than it actually is.

Also, if it is acknowledged by the planner that the proposal only results in a small increase in floor area, it surely follows that the extension is small and certainly not of any significant or detrimental impact. The planner has also agreed that a similar projection to what exists could be justified so the small increase in the length should also be acceptable.

Contrary to the planner's report the ground at 7 Rubislaw Den South is more elevated than 5 Rubislaw Den South and therefore no additional overbearing is caused. In any case, the planner only describes the extension as having a "slightly elevated position" and therefore this "slight" increase could in no way add to any overbearing.

The extension will maximise the amount of indoor and outdoor space for a wheelchair user and will better provide for solar gain which is beneficial to health.

It is therefore submitted that the proposal complies with Policy H1 and D1.

With regard to Policy D4, while it is appreciated that there is a balance between the two existing extensions, these are not of a particularly sympathetic approach to extending the property and are reflective of a certain style of design when they were constructed. It should not be a significant consideration whether the proposed extension has a cohesion with the remaining bay style sunroom. The proposed extension should be considered on its own merits. Designed to compliment the original house, it also cannot be agreed that the extension “masks and dominates” the original form and cannot be considered to overwhelm the appearance of the original rear extension given it is agreed it is ‘small’.

For information, a listed building appeal statement has been submitted to the DPEA and a copy of this is appended to this appeal to provide further background information in support of this appeal.

The roof has been reduced in height and while there is a minor cut across the lower sill of an upper window, this is not a significant opening, one that is not of any particular merit and is on the rear and much less visible elevation at some distance away from the road. In any case, this window is also already overshadowed by the main projections on the rear gable and is to a degree detracted from by the existing extension given its design. It has already been acknowledged by the planner that this is not a prominent elevation.

The extension does wrap around and envelop part of the western section of the rear bay but the existing extension already does this. It cannot therefore be argued this compromises a feature of historical importance. Again, it has been acknowledged by the planner that this is not an elevation which is particularly visible or prominent.

Contrary to the officer’s report, it is contended that the proposed extension far better takes its cue from the original architecture of the dwellinghouse. The extension is a more linear and simple approach on character with the existing house reflecting the projecting gable style of the rear of the house.

It is contended that it is not appropriate to say that the proposal has a negative effect on the Conservation Area given the issues the planner appears to have relate mainly to the length and the style of the extension as it affects the dwellinghouse.

It is contended that the proposals meets all the criteria in Scottish Government and Historic Environment Scotland guidance. As described in the evidence and commentary above, the extension does not detrimentally affect the character and appearance of the building and is subordinate in scale and form and is also complimentary to the style of the existing dwelling. The planner agrees the impact is less on the secondary elevation and the design is of a high quality in terms of design and materials. The proposal will not only maintain but will enhance the quality of the built environment and is a change which will not detrimentally affect the character of this building.

It is therefore put forward that the extension is architecturally compatible in design and scale with the original house and its surrounding area. It is acknowledged that the materials used are complimentary to the original building. The above demonstrates that the extension does not serve to overwhelm or dominate the original form or appearance of the dwelling and is visually subservient in terms of height, mass and scale. The extension does not result in any adverse impact on privacy, daylight and or general amenity and is therefore acceptable. Amenity of any neighbouring property would not be adversely affected.

It has been demonstrated that the existing extensions at 5 Rubislaw Den South and 7 Rubislaw Den South need to be taken into account in assessing this proposal. While single storey extensions are normally restricted to 4 metres in projection along the boundary shared with the other half of the semi-detached property, there is an existing extension on the neighbours side, the extension measuring 4.25 metres long only results in an extra 0.25 metres of extension with no detriment to amenity and the additional 1 metres is set back off the boundary.

It therefore submitted that the proposal also complies with Policy D4.

In conclusion it is respectfully requested that the appeal is upheld and that planning permission for the extension be granted.



Appeal against refusal of listed building consent to replace existing conservatory with single storey extension and raise existing terrace at 5 Rubislaw Den South, Aberdeen

Aberdeen City Council planning reference 170579/LBC

Document List – Appeal Productions

Appeal Document 1 – Application Form

Appeal Document 2 – Existing Site Plan

Appeal Document 3 – Existing Elevations and Floor Plans

Appeal Document 4 – Proposed Site Plan

Appeal Document 5 – Proposed Floor Plans

Appeal Document 6 – Proposed Elevations

Appeal Document 7 – Report of Handling

Appeal Document 8 – Refusal Notice dated 15 August 2017

Appeal Document 9 – Corresponding Full Planning Permission Appeal Statement

BACKGROUND AND PROPOSAL

Lippe Architects and Planners submitted applications for full planning permission 170444/DPP and listed building consent 170579/DPP on behalf of Mr and Mrs Cowie (the Appellant), the owners of the house at 5 Rubislaw Den South, Aberdeen. Both applications were to replace an existing conservatory with a single storey extension and raise the existing terrace. This is an appeal related to the application for listed building consent which was refused under delegated powers on 15 August 2017. A separate appeal relative to the refusal of full planning permission also refused on 15 August 2017 has been submitted to Aberdeen City Council Local Review Body.

The reason for refusal is as follows:

The proposal fails to comply with the relevant policies of the Aberdeen Local Development Plan 2017, namely Policies D1 (Quality Placemaking by Design) and H4 (Historic Environment) in that by reason of its scale and projection, the proposal has not been designed with due consideration for the context of its setting. The proposal would have a negative impact on the external appearance of the property by masking features of historical significance which contribute to the character of the listed building and, by introducing an extension of excessive projection, would alter the form plan in a negative manner, thereby detracting from the character and integrity of the listed building. The proposal is therefore contrary to the provisions of Scottish Planning Policy, Historic Environment Scotland Policy Statement, Managing Change in the Historic Environment: Extensions and thereby with Policy D4 (Historic Environment) of the Aberdeen Local Development Plan. 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 that would warrant approval of listed building consent in this instance.

Application 170579/LBC was validated on 22 May 2017. While the planning application was not accompanied by a supporting design statement for the purpose of clarity for this appeal the following is a brief description of the proposed works to the property.

The extension seeks to enhance the kitchen and dining facilities by creating a larger open plan space. The existing extension projects approximately 3 metres further forward than the existing extension at the neighbouring property at 7 Rubislaw Den South. The applicant requires the living areas to be better suited for the use of a wheelchair user, requiring more floor space and a better internal layout. Therefore the applicant seeks permission for an extension that instead projects 4.25 metres (an extra 1 metre) from the neighbouring extension. The extension then steps in by 1 metre, and projects a further 0.9 metres into the

garden. Overall the new extension will increase the length of the existing rear projection by 1.9 metres.

The outlook from the dining and kitchen space is over the large rear garden, which includes a terraced area. The house occupies a large corner plot with ample front and rear garden space and the proposed enlargement of the extension and terraced area does not compromise the amenity space in any way. Currently there is a stepped access from all living areas onto the terrace, and therefore the new proposal includes raising the level of the terrace by 0.3 metres to create a flush inside-outside finish ensuring a wheelchair user has direct access to the terraced area.

The extension features a timber framed, glazed gable in this south facing location to maximise the natural light within the living spaces. The roof shall be clad in natural slate with clay ridge tiles to ensure continuity with the existing house. French doors provide access to the terrace on the southern elevation. There are casement windows along the eastern elevation above a low granite sill which is in keeping to the original design of the house. The large expanse of glazing provides a direct view over the outdoor seating area on the terrace and the garden space.

Steel posts clad in timber facings will be used in the corners to minimise the thickness of the construction and prevent interrupting the garden view as much as possible. The pitched roof will be of a timber frame construction. The extension will be constructed using modern techniques and materials to limit heat loss and provide low energy bills. All materials proposed have been chosen to compliment and be sympathetic to the existing C Listed property. The symmetry, proportion, and scale allow the external aesthetic of the extension to sit comfortably on the south and east elevation.

While the application was ongoing the roof was reduced in height to address planning concerns and the end of extension was also set back by 1 metre off the mutual boundary.

For clarity, it should be noted that the house is a category C listed building and not B listed as referred to in the officer's report. While the house is indeed listed and this is an important consideration, the lower category means that the property is considered important on only a local level, not at a regional level.

For clarity the measurements of what exists at present and what is proposed at 5 Rubislaw Den South, along with what exists at 7 Rubislaw Den South should be detailed.

The length of the existing neighbouring extension at 7 Rubislaw Den South along the mutual boundary measures 4 metres.

The length of the existing extension at 5 Rubislaw Den South along the mutual boundary measures 6.1 metres (or 7.2 metres to the end of the bay set back from the mutual boundary). This is 2.1 metres past the neighbouring extension (or 3.2 metres including the end of the bay). The existing situation and measurements are shown in Diagram 1.

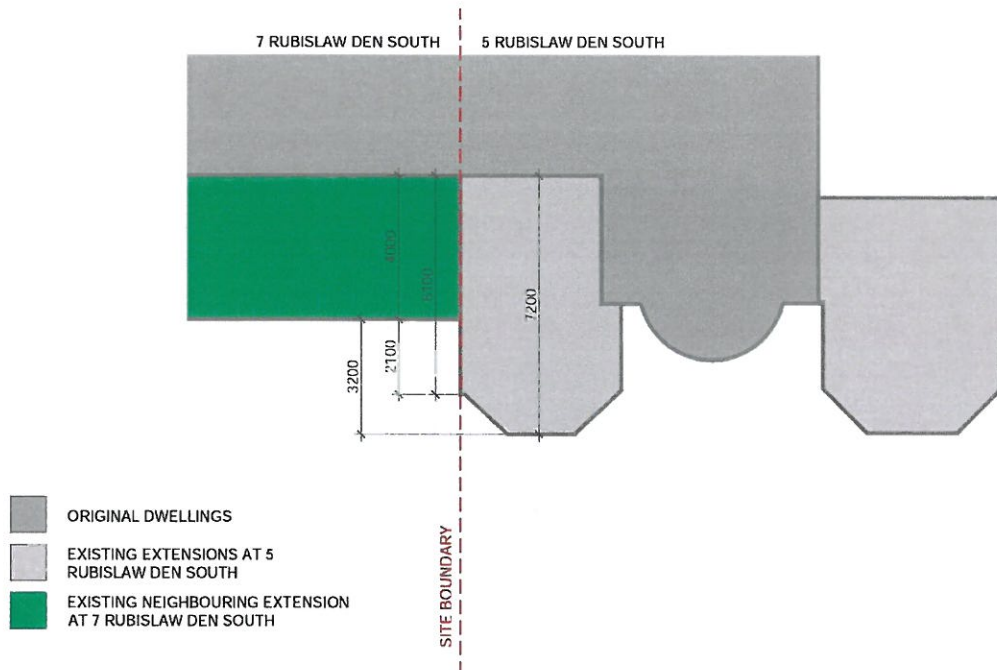


DIAGRAM 1 - EXISTING EXTENSIONS

The length of the proposed extension at 5 Rubislaw Den South along the mutual boundary measures 8.25 metres (with an additional 0.9 metre set back 1 metre from the mutual boundary to a total of 9.15 metres set back from the boundary). This is 4.25 metres past the

neighbouring extension (or 5.15 metres including the set back). The proposed situation and measurements are shown in Diagram 2.

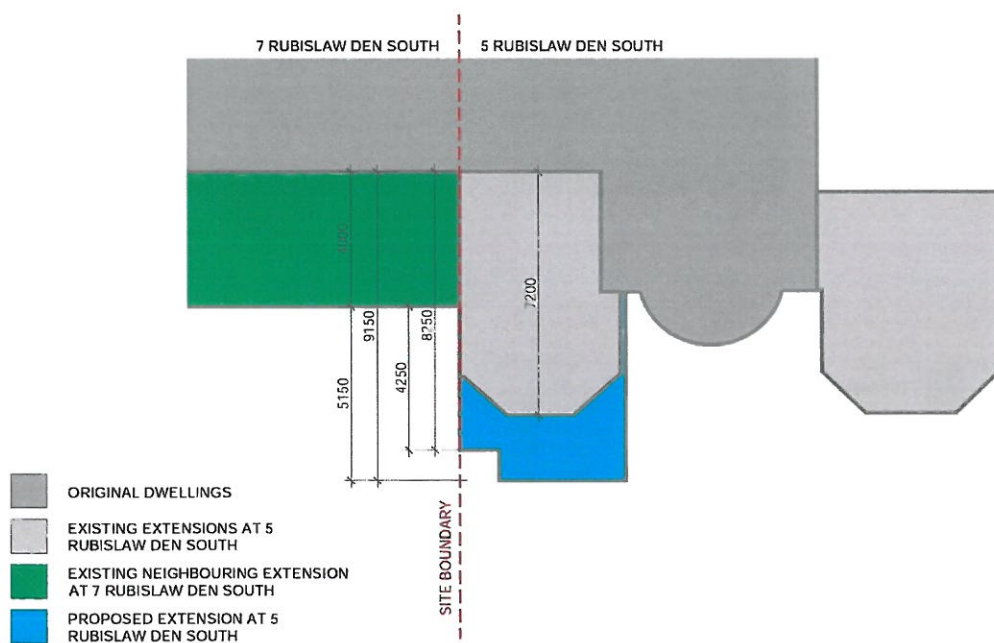


DIAGRAM 2 - PROPOSED EXTENSION

The additional length of proposed extension along mutual boundary is an extra 2.15 metres. This is shown in Diagram 3 below.

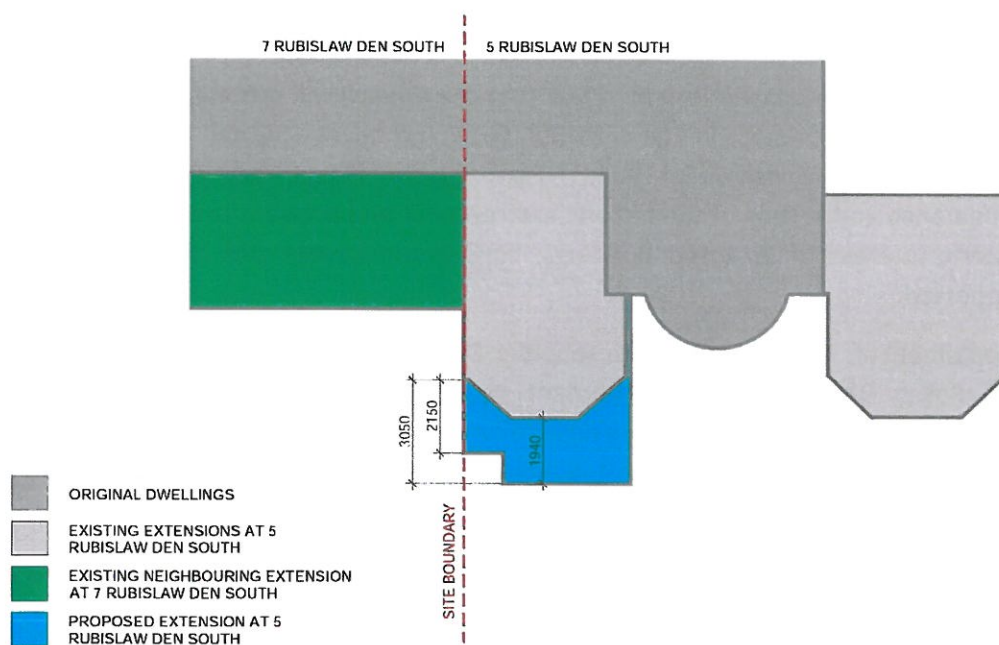


DIAGRAM 3 - OVERALL INCREASE IN LENGTH

POLICIES AND SUPPLEMENTARY GUIDANCE AND MATERIAL CONSIDERATIONS

Aberdeen City Local Development Plan 2017

Policy D1 – Quality Placemaking by Design states that all development must ensure high standards of design and have a strong and distinctive sense of place which is as a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.

Policy D4 – Historic Environment states that the Council will protect, preserve and enhance the historic environment in line with SPP, SHEP and its own SG and Conservation Character Appraisals and Management Plan. High quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas and historic gardens will be supported.

Supplementary Guidance (SG) Householder Development Guide supports the above policy and Policy D4 – Historic Environment by providing guidance to ensure householder developments are of a good quality design, carefully sited and give due consideration of scale, context and design of the parent building to ensure development does not erode the character and appearance of our areas.

Supplementary Guidance – Householder Development Guide includes the following guidance:

- Proposals for extensions and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complimentary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale.
- No extension or alteration should result in a situation where the amenity of any neighbouring property would be adversely affected. Significant adverse impact on privacy, daylight and general amenity will count against a development proposal.
- Single storey extensions will be restricted to 4 metres in projection along the boundary shared with the other half of the semi-detached property.

Scottish Planning Policy 2014

The aim of SPP is to ensure that development and changes in land occur in suitable locations and are sustainable. The primary objectives are to set the land use framework for promoting

sustainable economic development, to encourage and support regeneration to maintain and enhance the quality of the natural heritage and built environment.

Scottish Historic Environment Policy 2011

SHEP correctly recognises that the protection of the historic environment is not about preventing change but that change in this dynamic environment should be managed intelligently and with understanding to achieve the best outcome for the historic environment and that the historic environment has a key role to play in regeneration.

Scottish Historic Environment Policy 2011 – Managing Change in the Historic Environment – Extensions

This guidance advises that extensions:

- Must protect the character and appearance of the building
- Should be subordinate in scale and form
- Should be located on a secondary elevation
- Must be designed in a high quality manner using appropriate materials

In terms of general principles, it is difficult to lay down hard and fast rules for new work when much will depend on the site, the landscape, the scale and form both of the existing building and of the addition or extension proposed. The following basic principles, will, however, apply:

- An addition or extension should play a subordinate role. It should not dominate the original building as a result of its scale, materials or location, and should not overlay principal elevations
- An extension should be modestly scaled and skilfully sited

DISCUSSION AND CONCLUSION

The reason for refusal mainly relates to the impact on the external appearance of the property by masking features of historical significance and that the extension is an excessive projection.

In overall terms of both the full planning application and the listed building consent the planner agrees with a number of elements proposed in the application.

- the small increase in floor area is acceptable.
- the proposal will not unduly affect daylight or cause overshadowing.
- the site is well screened and there is no adverse visual impact.
- the materials are high quality and would compliment the existing building.
- the increase in terrace area is acceptable.
- a similar projection would be acceptable.

If it acknowledged that the proposal only results in a small increase in floor area, it surely follows that the extension is small and certainly not of any significant or detrimental impact. The planner has also agreed that a similar projection to what exists could be justified so the small increase in the length should also be acceptable. For clarity, the floor area of the proposed extension would be 27% more than what exists. In terms of Policy D4 Supplementary Guidance it is contended that this percentage does not serve to overwhelm or dominate the original form. This percentage increase is also argued to be subordinate in scale to the original house in compliance with SHEP Extensions guidance. The extension also complies with SHEP guidance as the extension is on a secondary elevation and the planner has noted that the site is well screened and there would be no adverse visual impact from the development.

The neighbours extension already extends approximately 4 metres along the mutual boundary and the existing extension already extends approximately 6.1 metres along the mutual boundary leaving only 2.1 metres of the existing extension at 5 Rubislaw Den South projecting forward along the mutual boundary with the extra 1 metre length set back 1 metre to the end of the bay. Again, it is not considered that this additional length will make the new extension dominate the house. It is important to consider that the existing extension already project along the mutual boundary by 2.1 metres. The proposed extension measures 4.25 metres past the neighbours extension and the extra 1 metre in length is set back off the boundary.

Again, in line with SHEP extensions guidance, the planner recognises that the proposed extension is of a high quality and would match or integrate with the building.

While it is appreciated that there is a balance between the two existing extensions, these are not of a particularly sympathetic approach to extending the property and are reflective of a certain style of design when they were constructed. It should not be a significant consideration whether the proposed extension has a cohesion with the remaining bay style sunroom. The proposed extension should be considered on its own merits. Designed to compliment the original house, it also cannot be agreed that the extension “masks and dominates” the original form and cannot be considered to overwhelm the appearance of the original rear extension given it is agreed it is ‘small’ in terms of floor area under the application for full planning permission and given the overall small increase in length proposed.

The roof has been reduced in height and while there is a minor cut across the lower sill of an upper window, this is not a significant opening, one that is not of any particular merit and is on the rear and much less visible elevation at some distance away from the road. In any case, this window is also already overshadowed by the main projections on the rear gable and is to a degree detracted from by the existing extension given its design. It has already been acknowledged by the planner that this is not a prominent elevation.

The extension partially wraps around part of the western section of the rear gable but the existing extension already does this. It cannot therefore be argued this compromises a feature of historical importance. Again, it has been acknowledged by the planner that this is not an elevation which is particularly visible or prominent.

Contrary to the officer’s report, it is contended that the proposed extension far better takes its cue from the original architecture of the dwellinghouse. The extension is a more linear and simple approach on character with the existing house reflecting the projecting gable style of the rear of the house.

The proposal also does not have a negative effect on the Conservation Area given the issues the planner appears to have relate mainly to the length and the style of the extension as it affects the dwellinghouse and that there is no issue given the site is well screened and the development is on the rear. This is also a large site and garden with ample space to accommodate the development.

Contrary to the planner’s report the ground at 7 Rubislaw Den South is more elevated than 5 Rubislaw Den South and therefore no additional overbearing is caused. In any case, the planner only describes the extension as having a “slightly elevated position” and therefore this “slight” increase could in no way add to any overbearing.

It is unclear from the planner’s report if there is an issue with the terrace area or not as it refers to ‘only limited impact on the character of the listed building’ but then goes on to say that ‘it would have some impact on the setting of the listed building’. It is contended that the raising of it and increase in area of it while altering what exists are not excessive in terms of Local Plan or national guidance. The terrace is also on the rear elevation where it is agreed the site is less prominent and visible.

It is important to remember that the extension will maximise the amount of indoor and outdoor space for a wheelchair user and will better provide for solar gain which is beneficial to health.

It is contended that the proposals meets all the criteria in Scottish Government and Historic Environment Scotland guidance. As described in the evidence and commentary above, the extension does not detrimentally affect the character and appearance of the building and is subordinate in scale and form and is also complimentary to the style of the existing dwelling. The planner agrees the impact is less on the secondary elevation and the design is of a high quality in terms of design and materials. The proposal will not only maintain but will enhance the quality of the built environment and is a change which will not detrimentally affect the character of this building.

It is therefore submitted that the proposal complies with Policy D1 and D4 and in conclusion it is respectfully requested that listed building consent is granted.