

Public Document Pack



To: Councillor Boulton, Convener; and Councillors Duncan and Sandy Stuart.

Town House,
ABERDEEN 14 March 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 **THURSDAY, 22 MARCH 2018 at 3.30 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

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 - KRISTIAN SMITH

2 9 Forest Avenue, Aberdeen - Erection of Single Storey Extension to Rear - P171122

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

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OWBD1UBZFY600>

4 Planning Policies Referred to in Documents Submitted

Members, the following planning policies are referred to:-

National Planning Policy and Guidance

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

Aberdeen Local Development Plan (2017)

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

Other Material Considerations

- Historic Environment Scotland's 'Managing Change in the Historic Environment' series : Extensions
- Great Western Road 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

5 Notice of Review with Supporting Information and Initial Application Submitted by Applicant / Agent (Pages 17 - 40)

6 Determination - Reasons for Decision

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

7 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

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

This page is intentionally left blank

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.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning and Sustainable Development Service</h2>
<p>Report of Handling</p>	

Site Address:	9 Forest Avenue, Aberdeen, AB15 4TU,
Application Description:	Erection of single storey extension to rear
Application Reference:	171122/DPP
Application Type	Detailed Planning Permission
Application Date:	15 September 2017
Applicant:	Mr G Brooke
Ward:	Hazlehead/Ashley/Queens Cross
Community Council	Ashley And Broomhill
Case Officer:	Sheila Robertson

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is located on the south-western side of Forest Avenue, bound by Forest Avenue Lane to the south and west, and within the Great Western Road Conservation Area. The site is occupied by a 2.5 storeys end terraced dwelling house, of traditional design and build, with a single storey annexe to the rear, 3m in width and extending 4.9m along the northern boundary. The roof is mono pitched with a hipped gable, 4.8m in height and finished with slate. The annexe has a rendered finish, with sandstone quoins, and abuts and matches the projection of the annexe to the adjoining dwelling house at 11 Forest Avenue, to the north west, which has previously been extended at upper level and a parapet wall erected on the boundary separating the annexes. There is a garage occupying the full width of the plot, to the far south west section of the rear garden, which is bound to all elevations by a stone wall varying in height between 1.8m and 2m.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Erection of a single storey extension to the rear, extending across the full width of the dwelling house, and involving demolition of the existing rear annexe. The proposed extension would match the existing annexe in terms of projection. The roof would be flat and 3.6m in height, with 2 raised

roof lights projecting 500mm above the roof surface. The rear facing elevation would be almost entirely glazed with grey aluminium framed sliding doors with fixed panes above. Finishing materials would include grey Sarnafil to the roof, white K-Rend to the walls and grey painted timber fascias and soffits. The exposed area of the adjoining annexe would be rendered.

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/applicationDetails.do?activeTab=documents&keyVal=OWBD1UBZFB600>

The following document has also been submitted in support of the application:

- Structural report – this document contains a statement on the current condition of the annexe, based on a visual inspection, and highlights areas where remedial works have already been carried out or are required, supported by photographs.

CONSULTATIONS

None

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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.

National Planning Policy and Guidance

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

Aberdeen Local Development Plan (2017)

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

Other Material Considerations

- Historic Environment Scotland's 'Managing Change in the Historic Environment' series : Extensions
- Great Western Road Conservation Area Appraisal

EVALUATION

Principle of Development

While 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, impact on the character and amenity of the area and effect on residential character and amenity. Development within a Conservation Area should have either a positive or a neutral effect on its character and appearance.

Design, scale and massing

Policy D1 states that new development must be designed with due consideration to its context. A general principle in the Householder Development Guide is that proposals for extensions should be architecturally compatible in design and scale with the original house and its surrounding area. Any extension should not serve to overwhelm or dominate the original form or appearance of the dwelling. The projection of an extension along a boundary separating terraced dwelling houses is restricted to a maximum of 3m.

Certain elements of the proposed extension are considered to be acceptable in terms of the supplementary guidance. The proposal would maintain both a low level of site coverage and a substantial area of useable rear garden space. The built footprint of the dwelling house as extended would be well under the maximum 100% increase permitted. The extension would be subservient to the dwelling house in terms of footprint and height. In terms of residential amenity, the proposal would have no impact on daylight receipt to any neighbouring habitable rooms nor result in any overshadowing. The rear boundary walls would ensure no increase in opportunities for overlooking neighbours' rear garden space than exists at present.

Rear extensions on terraced dwellings are generally restricted to 3m in projection when measured from the rearmost original part of the main house, excluding any store or outhouse which did not originally contain any internal living accommodation, as specified in the Householder Development Guide. This would be exceeded in this instance, as the proposal would be 4.9m in length. Exceeding the prescribed 3m limit can be justified only if the extension is of sufficiently high quality, it sits well with and complements the existing house, it does not result in an overdevelopment of the site and there are no adverse impacts on residential amenity. In this case, while the projection could be justified on the grounds of the annexe's current projection, the maintenance of a low level of site coverage and lack of impact to neighbouring amenity, the issue of design will have to be assessed below.

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;
- must be designed in a high-quality manner using appropriate materials;
- should be subordinate in scale and form;
- should be located on a secondary elevation.

The proposal fails to meet the first two criteria. Although it is acknowledged that the extension would be sited to the rear, on a secondary elevation, the rear elevation occupies a fairly visible location, where policy expects that original historic fabric, where it makes a contribution to the character of the Conservation Area, should be retained. The combination of the general form, width, materials and design of the extension, in addition to the loss of an original historical annexe that both defines the character of the building and pattern of development, and contributes to the

historical character of the area, would result in an extension which would not take its cue from either the original dwelling house or prevalent pattern of development to the rear elevations of surrounding dwelling houses. Development that does not reflect or relate to the character of the area and the loss of original patterns of development have been identified as being a major weakness of the City's Conservation Areas.

The extension would be contemporary in terms of design and materials, which can, in certain circumstances, be seen as an acceptable contrast to the traditional form and materials of the original building, however the box like design is not considered to be of sufficient architectural merit to compensate for the loss of the original annexe, and results in an extension that has neither been designed with due consideration to its context, nor takes its cue from the original architectural design and pattern of development. The new extension would be lower in height than the annexe to which it would abut, which would lead to an imbalance between the conjoined annexes and expose a large area of blank masonry wall to the neighbours section of annexe, all to the detriment of current visual amenity. The proposal would therefore negatively impact on the property's original character, and not protect the historic character and appearance of the building and pattern of development of the wider area thereby negatively affecting the character of the conservation area contrary to the above guidance.

For the above reasons, it is considered that the proposed extension has not been designed with due consideration for the property's setting and would adversely affect the architectural integrity of the original building and its historic character resulting in an extension that does not respect or complement the existing building by reason of the loss of the rear annexe, which is considered to make a contribution to the pattern of development and visual amenity within the immediate area. The proposal has therefore not been designed with due respect for its context nor would it "protect the character and appearance of the building as Historic Environment Scotland's *Managing Change in the Historic Environment: Extensions*" states they must do. The proposal therefore contravenes Policy D1 (Quality Placemaking by Design) and the Historic Environment Scotland's 'Managing Change in the Historic Environment' series: Extensions' which encourage proposals to be architecturally compatible in design with the existing dwelling. The loss of a traditional feature would have a detrimental impact on the visual amenity of the locality and the character and appearance of the conservation area and the proposal would thereby be contrary to SPP, HESPS, Policies H1 (Residential Areas) and D4 (Historic Environment) of the Aberdeen Local Development Plan, the guidance contained in the Managing Change Document and to the aims of the Great Western Road Conservation Area Character Appraisal.

In support of the proposal, the agent has stated that the existing annexe is not an original feature of the dwelling house; it is structurally unsound which would justify its removal; floor to ceiling height within the existing extension does not comply with current building regulations therefore the annexe cannot be incorporated into any extension; and the blank wall [of the neighbouring annexe] would be completely re-rendered to match existing and if it is an original feature the granite would be exposed and repointed. The agent also refers to a similar property at 77 Forest Avenue where a similar extension as proposed, involving removal of the rear annexe, was approved under planning reference 150187.

A structural report has also been submitted based on a visual inspection of the accessible parts of the annexe. Internally, the report highlights cracking in the plasterboard in various locations; and separation in linings from the original, main house gable window and window/door frames. The external face adjacent to the main house shows the granite lintel to be off level with evidence of filler. There is a vertical crack running in 2 sections adjacent to the main rear window, again with signs of previous repair. Internally cracking was notes over the large window in the annexe; the gable has been rebuilt with blockwork with movement joints visible at the junction with the adjacent property; and the mortar in the areas of wall constructed in granite pinnings are visibly weathered. The report concludes by stating that areas of the annexe show signs of ongoing structural

movement and the condition of the annexe will continue to deteriorate leading to potential structural instability.

Historic OS maps from 1900-1902 clearly show a rear annexe to the application property and, while the original construction may have been rendered at a later date, the existing annexe is considered to be original. While it is acknowledged that the annexe is showing signs of deterioration, which is inevitable over time without suitable intervention, the report does not provide any evidence that the structure is structurally unsound and therefore cannot be refurbished and/or incorporated into any new extension. The current external eaves height is 3.6m, and no evidence has been provided to explain why adequate internal head height could not be achieved were the annexe to be integrated into any extension.

It should be noted that the property referred to at 77 Forest Avenue is a mid -terraced house, where the original rear annexe was not clearly visible from the rear access lane. In that case, while the original annexe has been removed, the extension does not extend across the full width of the garden; occupies a less visible location than the application property as it is screened to the south east by the longer projection of the neighbours annexe; it replicates to a certain degree the roof profile of the original annexe thereby maintaining a degree of symmetry with the neighbours' annexe to which it abuts; however this extension was approved before the introduction of the current Householder Development Guidance which states that "*No existing extensions, dormers or other alterations which were approved prior to the introduction of this supplementary guidance will be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document.*" There are several recent examples of approved extensions in the immediate area, including 87 Forest Avenue (planning ref. 170586), where an existing rear annexe has been altered, extended and refurbished while still maintaining original historic fabric and pattern of development.

Impact on the Conservation Area

Policy D4 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 reasons detailed above, it is considered that the proposed extension has not been designed with due consideration for its context; the original architectural integrity of the dwelling house would be compromised and the loss of historic fabric would threaten its original design and setting. Therefore the proposed extension has not been designed with due consideration to its context, and would negatively affect the character of the conservation area contrary to the aims of SPP, HESPS and therefore with Policy D4 of the ALDP.

The Conservation Area Appraisal for this area advises that development that does not reflect or relate to the character of the area and the loss of the original pattern of development as being a major weakness of this Conservation Area. The proposal would have a negative impact on the character and integrity of the dwelling house as it necessitates an unacceptable loss of historic fabric and would disrupt the rhythm and pattern of development to the rear of properties to this section of Forest Avenue, leading to erosion of the historic character and a negative impact on the wider character of the conservation area.

Summary

For the reasons noted above, the proposed extension is considered to conflict with the provisions of the ALDP, namely Policy D1 (Quality Placemaking by Design) and Policy D4 (Historic Environment), the Householder Development Guide and Historic Environment Scotland's Managing Change Document - Extensions. The proposal would have a negative impact on the character and integrity of the dwelling house as it necessitates an unacceptable loss of historic

fabric and alterations to the original design concept and pattern of development within the terrace. Insufficient justification has been provided to support the loss of the annexe. The inappropriate design of the proposed extension, and its relationship to the existing and neighbouring dwelling would prevent the proposal from being architecturally compatible in terms of design and scale with the original dwelling and the surrounding area. Additionally the proposal would disrupt the rhythm and pattern of development to the rear of the terrace, and set an unwelcome precedent for similar inappropriately designed extensions involving the loss of historic fabric and layout pattern in the surrounding area, which cumulatively could have a significant detrimental impact on, and erode the visual amenity and character of the Conservation Area, contrary to the aims of the Great Western Road Conservation Area Character Appraisal. There are no material planning considerations that would warrant approval of planning permission in this instance.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

Whilst some elements of the proposal are acceptable, the loss of the original rear annexe, combined with the inappropriate design of the proposed extension and its resultant poor relationship to the rear elevation of the existing dwelling and adjoining dwelling house would prevent the proposal from being architecturally compatible in terms of design and scale with both the original dwelling and the surrounding area. The proposal fails to preserve and enhance the character and appearance of the original building and pattern of development by reason of the adverse impact on the fabric, character and setting of the dwelling house by removal of its original architectural form, setting and plan. The proposal has not been designed with sufficient reference to the context and historical setting of the dwelling house, contrary to the aims of Policy D1 (Quality Placemaking by Design). 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 (Historic Environment). 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 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. Approval would risk setting an unwelcome precedent for further unsympathetic extensions involving removal of historic fabric and pattern of development within the conservation area which, if replicated, could lead to a significant cumulative erosion of its character and appearance. 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 planning consent in this instance.

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

RJM Architectural Design
Ross McWilliam
Bottom Shed
North Road Industrial Estate
North Road
Insch
Scotland
AB52 6XP

on behalf of **Mr G Brooke**

With reference to your application validly received on 15 September 2017 for the following development:-

Erection of single storey extension to rear at 9 Forest Avenue, 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:

<u>Drawing Number</u>	<u>Drawing Type</u>
577/04	Ground Floor Plan (Proposed)
577/03	Elevations and Floor Plans

REASON FOR DECISION

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

Whilst some elements of the proposal are acceptable, the loss of the original rear annexe, combined with the inappropriate design of the proposed extension and its resultant poor relationship to the rear elevation of the existing dwelling and adjoining

dwelling house would prevent the proposal from being architecturally compatible in terms of design and scale with both the original dwelling and the surrounding area. The proposal fails to preserve and enhance the character and appearance of the original building and pattern of development by reason of the adverse impact on the fabric, character and setting of the dwelling house by removal of its original architectural form, setting and plan. The proposal has not been designed with sufficient reference to the context and historical setting of the dwelling house, contrary to the aims of Policy D1 (Quality Placemaking by Design). 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 (Historic Environment). 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 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. Approval would risk setting an unwelcome precedent for further unsympathetic extensions involving removal of historic fabric and pattern of development within the conservation area which, if replicated, could lead to a significant cumulative erosion of its character and appearance. 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 planning consent in this instance.

Date of Signing 8 December 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.

This page is intentionally left blank



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 100066324-003

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"/>
First Name: *	<input type="text" value="G"/>	Building Number:	<input type="text" value="9"/>
Last Name: *	<input type="text" value="Brooke"/>	Address 1 (Street): *	<input type="text" value="forest avenue"/>
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="AB15 4TU"/>
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="9 FOREST AVENUE"/>
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 4TU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="804948"/>	Easting	<input type="text" value="392383"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Alterations and extension

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.

As per attached document

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

Yes No

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

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Notice of review supporting statement and drawings

Application Details

Please provide details of the application and decision.

What is the application reference number? *

171122

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

15/09/2017

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

08/12/2017

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

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 Ross McWilliam

Declaration Date: 02/03/2018

This page is intentionally left blank



UNIT 1
North Road Industrial Estate
North Road
Insch
Aberdeenshire
AB52 6XP

01464 829 097
ross@rjmarchitecturaldesign.co.uk

NOTICE OF REVIEW

Request for review of the refusal of planning application reference 17/1122/DPP - Alterations and extension at 9 Forest Avenue, Aberdeen, AB15 4TU

Grounds of appeal statement for Mr and Mrs G. Brooke on February 2018

1.1 INTRODUCTION

1.2 This Notice of Review has been prepared by RJM Architectural Design on behalf of Mr and Mrs Brooke 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 planning permission for alterations and extension to dwelling at 9 Forest Avenue, Aberdeen.

1.3 The application falls under the class of 'local development' and was submitted by Mr and Mrs Brooke on 15th September and registered as valid on the same day under reference 17/1122. The application was refused planning permission under delegated powers by the appointed officer on 8 December 2017. The Decision Notice are appended to this submission. The reasons provided for refusal are not stated within the decision notice.

2.0 SITE DESCRIPTION AND PROPOSALS

2.1 The appeal site is located on the south-western side of Forest Avenue, bound by Forest Avenue Lane to the south and west, and within the Great Western Road Conservation Area. The site is occupied by a 2.5 storeys end terraced dwelling house, of traditional design and build, with a single storey annexe to the rear, 3m in width and extending 4.9m along the northern boundary. The roof is mono pitched with a hipped gable, 4.8m in height and finished with slate. The annexe has a rendered finish, with sandstone quoins, and abuts and matches the projection of the annexe to the adjoining dwelling house at 11 Forest Avenue, to the north west, which has previously been extended at upper level and a parapet wall erected on the boundary separating the annexes. Significant structural defects has been discovered and reported by a structural engineer with regards to the condition of the annex. There is a garage occupying the full width of the plot, to the far south west section of the rear garden, which is bound to all elevations by a stone wall varying in height between 1.8m and 2m.

2.2 A previous permission was granted in 2011 (ref 11/1042) for the demolition of existing garage and replacement of new. This reflects the support of demolition within a conservation area and

encourage enhanced re-development. The principle of re-development at the site has, therefore, been firmly established.

3.0 REASONS FOR REFUSAL

During the application process it was confirmed by the duty planner that after discussing with line manager that the application was considered acceptable. This was documented by e-mail chain. However 2 weeks later we were advised that they could no longer support then subsequently refused.

- 3.1 The reasons for refusal provided by Aberdeen City Council, detailed within the delegated report are as follows : *“Whilst some elements of the proposal are acceptable, the loss of the original rear annexe, combined with the inappropriate design of the proposed extension and its resultant poor relationship to the rear elevation of the existing dwelling and adjoining dwelling house would prevent the proposal from being architecturally compatible in terms of design and scale with both the original dwelling and the surrounding area. The proposal fails to preserve and enhance the character and appearance of the original building and pattern of development by reason of the adverse impact on the fabric, character and setting of the dwelling house by removal of its original architectural form, setting and plan. The proposal has not been designed with sufficient reference to the context and historical setting of the dwelling house, contrary to the aims of Policy D1 (Quality Placemaking by Design). 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 (Historic Environment). Approval would risk setting an unwelcome precedent for further unsympathetic extensions involving removal of historic fabric and pattern of development within the conservation area which, if replicated, could lead to a significant cumulative erosion of its character and appearance.*

4.0 MATERIAL CONSIDERATIONS

4.1.1 Scottish Planning Policy

- 4.1.2 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.

5.0 GROUNDS OF APPEAL

- 5.1 This section of the report will respond directly to the reasons provided by Aberdeen City Council for refusal of the application addressed below:
- 5.1.1 *the loss of the original rear annexe, combined with the inappropriate design of the proposed extension and its resultant poor relationship to the rear elevation of the existing dwelling and adjoining dwelling house would prevent the proposal from being architecturally compatible in terms of design and scale with both the original dwelling and the surrounding area.*
- 5.1.2 The structural report carried by McLeod and Jordan concludes there are visible signs of ongoing structural movement and will continue to deteriorate leading to instability which will lead to major Health and Safety issues and risk the safety of occupants within the dwelling. We feel we have an obligation and duty of care to the client to

advise the rear annex needs demolished and replaced. The financial implications to rectify the issues will cost more to the existing structure than demolishing and re-building. Given the support to the replacement garage proposed and built in 2011 this justifies demolition within a conservation area.

5.1.2.1 With regards to inappropriate design of the proposed extension we disagree with this statement. We feel our new design is of a lower massing and scale of the existing 2 storey annex which will in turn be less visible from the public lane. The existing rear annex provides no architectural merit whatsoever and given the examples provided of previously approved and build developments within the area certainly sets a precedent in the area. We have proposed a modern and contemporary flat roof extension using very fashionable materials which appear throughout the city centre. The appearance will give a distinct contrast between old and new. We propose to only extend along the extents of the original annex projection. As shown in the photo below the existing rear annex is not as large and dominant as other full 2 storey seen in the terrace.

Existing rear annex appears smaller than others



Neighbouring annexes which are larger and more dominant.



- 5.1.2.2 *The proposal fails to preserve and enhance the character and appearance of the original building and pattern of development by reason of the adverse impact on the fabric, character and setting of the dwelling house by removal of its original architectural form, setting and plan. The proposal has not been designed with sufficient reference to the context and historical setting of the dwelling house, contrary to the aims of Policy D1 (Quality Placemaking by Design). 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 (Historic Environment). Approval would risk setting an unwelcome precedent for further unsympathetic extensions involving removal of historic fabric and pattern of development within the conservation area which, if replicated, could lead to a significant cumulative erosion of its character and appearance.*
- 5.1.2.3 We disagree with this due to the pattern of development having already been set by the proposals built at the following addresses:

5.1.2.4 The photo below shows a similar style of extension which has been built on the corner of St Swithin street and Gladstone Place which is located within the conservation area and has a large double garage within plot and single storey flat roof “contemporary” style extension which is very similar to this appeal application.



5.1.2.5 No. 86 Forest Avenue (17/0586) which is a modern flat roof extension replacing a pitched roof annex.

5.1.2.6 No. 118 Forest Avenue (16/1184) shows a flat roof conservatory extension which does not particularly enhance the character and appearance of original building.

5.1.2.7 No. 77 Forest Avenue (15/0187) shows a very modern extension with same flat roof features, White K-red and large common boundary parapet wall which was proposed to replace the rear annex. The sloped roof was never considered to be retained in any way. This property can be viewed from the rear lane also and this application was approved without any concern. Finishes and form.



5.1.2.8 No. 79 Ashley Road (17/0131) which is located within the conservation area also had a newly proposed and extended modern extension to replace a rear annex.





5.1.2.9 There are a mix of properties in Forest Avenue which have both single storey and 2 storey projection annex to the rear, the pattern is very much mixed and we feel do not enhance the appearance of the buildings which is seen to be within a conservation area.





Mix of rear single and 2-storey extensions located within close proximity to application site



We feel the planning comments received for this application are not consistent with other approved applications which have been dealt with from the same planning authority. The existing annex is of a brick and render finish which is not in keeping at all with the original granite house. The proposed finishes to the extension are of high quality nature which should be emphasised. The use of White K-rend smooth cement render to walls shall give a crisp, fresh appearance to the rear of the building and with contrasting grey aluminium clad windows and doors help to enhance the modern design as opposed to the very tired and dilapidated look of the rear annex.

5.1.2.10 Throughout this refused application we have witnessed a very negative approach from the planner which we found bizarre and very frustrating considering we were under the impression that all planners had to look

favourably on and encourage development where possible. The planner seemed to be more concerned with their own timescales to get application determined rather than concentrating on our positive justification which is clearly supported by the relevant statements.

This page is intentionally left blank



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 100066324-001

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)

Alterations and extension

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:	RJM Architectural Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ross	Building Name:	Bottom Shed
Last Name: *	McWilliam	Building Number:	
Telephone Number: *	07771591479	Address 1 (Street): *	North Road Industrial Estate
Extension Number:		Address 2:	North Road
Mobile Number:		Town/City: *	Insch
Fax Number:		Country: *	Scotland
		Postcode: *	AB52 6XP
Email Address: *	ross@rjmarchitecturaldesign.com		

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: *	G	Building Number:	9
Last Name: *	Brooke	Address 1 (Street): *	Forest Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB15 4TU
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

9 FOREST AVENUE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 4TU

Please identify/describe the location of the site or sites

Northing

804948

Easting

392383

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: Ross McWilliam

On behalf of: Mr G Brooke

Date: 15/09/2017

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 Ross McWilliam

Declaration Date: 15/09/2017

Payment Details

Online payment: ABSP00002034
Payment date: 15/09/2017 09:44:00

Created: 15/09/2017 09:44