

# Public Document Pack



To: Councillor Boulton , Chairperson; and Councillors Copland and Duncan .

Town House,  
ABERDEEN 02 August 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, 9 AUGUST 2018 at 10.00 am.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

### **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 - GAVIN EVANS**

- 2 Erection of Domestic Garage (over two floors) with Ancillary Accommodation (at first floor level) - 78 Fountainhall Road Aberdeen - 180369

- 3 Delegated Report, Decision Notice and Letters of Representation (if there are any)  
(Pages 7 - 18)

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

- 4 Planning Policies Referred to in Documents Submitted

Members, the following planning policies are referred to:-

**National Planning Policy**

Scottish Planning Policy (SPP)

Historic Environment Scotland Policy Statement (HESPS)

**Aberdeen Local Development Plan (ALDP)**

H1: Residential Areas;

D1: Quality Placemaking by Design and

D4: Historic Environment

**Supplementary Guidance**

Householder Development Guide; and

Transport and Accessibility

**Other Material Planning Considerations**

The Albyn Place/Rubislaw Conservation Area Appraisal and Management Plan

The policies can be viewed at the following link:-

<https://www.aberdeencity.gov.uk/services/planning-and-building/development-plan>

- 5 Notice of Review with Supporting Information and Initial Application Submitted by Applicant / Agent (Pages 19 - 46)

- 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

**PLANNING ADVISER - GAVIN EVANS**

- 8 Formation of Dormer to Rear - 58 Fonthill Road Aberdeen - 180423

- 9 Delegate Report, Decision Notice and Letter of Representation (if any) (Pages 47 - 54)

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

10 Planning Policies referred to in Documents Submitted

Members, the following planning policies are referred to:-

**National Planning Policy**

Scottish Planning Policy (SPP)

Historic Environment Scotland Policy Statement (HESPS)

**Aberdeen Local Development Plan (ALDP)**

Policy D1 - Quality Placemaking by Design

Policy H1 - Residential Areas

Policy D4 - Historic Environment

**Supplementary Guidance (SG)**

Householder Development Guide

**Other Material Considerations**

Managing Change in the Historic Environment: Roofs

Ferryhill Conservation Area Character Appraisal

The policies can be viewed at the following link:-

<https://www.aberdeencity.gov.uk/services/planning-and-building/development-plan>

11 Notice of Review with Supporting Information and Initial Application Submitted by Applicant / Agent (Pages 55 - 86)

12 Determination - reason for decision

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

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

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

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

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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.

 <b>ABERDEEN</b> CITY COUNCIL	<h2 style="margin: 0;">Strategic Place Planning</h2>
	Report of Handling

<b>Site Address:</b>	78 Fountainhall Road, Aberdeen, AB15 4EH.
<b>Application Description:</b>	Erection of domestic garage (over two floors) with ancillary accommodation (at first floor level)
<b>Application Reference:</b>	180369/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	13 March 2018
<b>Applicant:</b>	Dr Nick Richardson
<b>Ward:</b>	Hazlehead/Ashley/Queens Cross
<b>Community Council</b>	Rosemount And Mile End
<b>Case Officer:</b>	Gavin Clark

## RECOMMENDATION

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Refuse

## APPLICATION BACKGROUND

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### Site Description

The application site is located on the eastern side of Fountainhall Road, within the Albyn Place/Rubislaw Conservation Area. There is a brick built, single garage located within the rear garden with access to a service lane, approximately 4.7m wide x 5.3m deep, with a pitched roof 3.9m high to roof ridge. There is a small section of 1.8m high wall with a garden gate, to the lane elevation, and both side boundaries to the rear garden are screened by a combination of 1.8m high walls and various trees and shrubs. The majority of properties have some form of outbuilding or garage positioned to the rear of their feu, fronting onto the rear lane.

### Relevant Planning History

Planning permission (Ref: 170533/DPP) was refused under delegated powers on the 19<sup>th</sup> July 2017 for an identical proposal. The applicant did not seek to have that decision reviewed by the Local Review body within the required timescales. The reason for refusal was that: *“the proposed garage fails to comply with the guidelines contained in Section 3.1.6 “Outbuildings” of the Supplementary Guidance: Householder Development Guide, and with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan, by virtue of its design, scale, massing and height, which would result in an obtrusive structure within the street scene, out of keeping with that of the locale thereby having a detrimental impact on the character and amenity of the surrounding residential area. Furthermore, it would fail to demonstrate due regard for its context and would have a negative impact on the character of the Albyn Place/Rubislaw Conservation Area, contrary to Policy D4 of the Aberdeen Local Development Plan, Historic Environment Scotland Policy Statement (HESPS) and Scottish Planning Policy (SPP)”*.

Planning permission (Ref: P120401) was approved under delegated powers on the 19<sup>th</sup> June 2012 for the erection of an extension to the rear of the dwellinghouse.

## APPLICATION DESCRIPTION

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### Description of Proposal

The proposal is identical to that which was refused in July 2017 (as noted above). It involves the remove the existing single garage and remaining section of boundary wall to the lane elevation and to replace it with a domestic garage over two storeys providing garaging at ground floor level and “*multi-function accommodation*” and shower room at first floor level. The structure would extend 7.4m across the full width of the plot and 8.1m back into the rear garden from the heel of the lane. The roof would be pitched at 26.5°, sloping backwards from the lane with a roof ridge height of 6m. Eaves height would be 2.2m lower. There would be 2 roof lights to the lane elevation whilst a dormer window, built off the wall head, would extend 4m across the rear elevation. The garage would be accessed by a full width roller shutter door to the lane elevation. Finishing materials would include painted vertical timber cladding above the garage door, light coloured smooth render and slates to match the existing dwelling house.

### 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=P5IZXQBZJSW00>

The following documents have been submitted in support of the application – *Design Statement: George Simpson: March 2018*: this document provides details of the site, the development brief, details of the rear lane (with details of garages in the surrounding area), conservation area requirements, height considerations, details of previous site history and a discussion on associated Supplementary Guidance. Numerous photographs of the rear lane were also included in this document.

## CONSULTATIONS

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**ACC - Roads Development Management Team** – note that the garage requires to be 6m x 6m internally; and that all new garages served via a rear lane require to be set back at least 1m from the edge of the lane within the curtilage of the property boundary. Their response will be discussed in greater detail below, but overall there is no objection to the proposed development.

## REPRESENTATIONS

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None received.

## MATERIAL CONSIDERATIONS

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### 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

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

**Aberdeen Local Development Plan (ALDP)**

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

**Supplementary Guidance**

- Householder Development Guide; and
- Transport and Accessibility

**Other Material Planning Considerations**

- The Albyn Place/Rubislaw Conservation Area Appraisal and Management Plan

**EVALUATION**

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**Principle of Development**

Whilst the principle of demolition of the existing garage and provision of a free-standing building within the curtilage of a residential property for purposes incidental to the enjoyment of the 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 its location, its impact on the character and amenity of the area, effects on residential character and amenity and on the surrounding conservation area.

**Scale and Design**

Certain elements of the proposal are considered to be acceptable in terms of the Supplementary Guidance. The garage would have a finished footprint of 60sqm in comparison to the existing garage which has a footprint of 25sqm. This would result in a rise in built site coverage of 8.9% to 51.6% which, although high, is acceptable within the context of surrounding properties. The rear garden is deemed sufficiently generous to support a structure of such footprint and approximately 50% of the original rear garden would remain undeveloped.

Guidance relating specifically to the erection of domestic garages is contained in Section 3.1.6 “Outbuildings” of the adopted Supplementary Guidance: Householder Development Guide. Whilst the principle of providing ancillary accommodation within the roof space of a pitched roofed garage is generally acceptable, where a second storey is to be accommodated, outbuildings are required to retain the impression of being single storey in height (i.e. by containing all upper floor accommodation within the roof space). In this instance, the wall head height would be raised significantly above what is normally acceptable for an ancillary, single storey building, in order to achieve generous head room within the upper floor, resulting in the eaves and roof ridge standing significantly higher than the majority of garages within the immediate area, given surrounding topography, particularly in relation to those flanking the application site. The height of the garage, combined with the formation of a large dormer built off the wallhead to the rear, would result in the structure that is a 2 storey building which is prohibited by this guidance. In addition, the shallow pitched nature of the roof is out of character with surrounding dwelling houses and garages, which generally exhibit a steeper pitch, and when combined with the full width roller shutter doors, lends an industrial appearance to the structure, at odds with the domestic character of the surrounding area. Features such as dormer windows are not supported by the guidance as their inclusion is not normally associated with domestic garages and they are considered to introduce an intrusive element to the streetscape as they increase the visual dominance of such buildings, resulting in an unbalanced structure which would give the garage a top heavy, bulky and dominant appearance to the detriment of the visual character and amenity.

When combined with the increased footprint and width, the resultant massing of the proposed garage would not reflect the domestic scale that should be expected of such a structure. The

proposal would be inappropriate for a residential area by introducing an imposing and overpowering building that would dominate the lane to the detriment of neighbouring properties and the surrounding residential area, and would therefore be contrary to the aims of both Policy D1 (Quality Placemaking by Design) and Policy H1 (Residential Areas) and the associated Supplementary Guidance: Householder Development Guide in that the proposal fails to consider the context of the surrounding area, does not make a positive contribution to the setting of the house/area and would dominate the streetscape thereby resulting in an unacceptable impact on the visual character of the area.

### **Impact on residential amenity**

The proposed garage would be sufficiently distant so as not to result in any impact in terms of loss of day light to neighbouring windows, and would have no substantial impact in terms of overshadowing, being located a suitable distance from neighbours' main areas of useable garden ground. It is acknowledged that the proposed dormer at upper level, serving a 'multi purpose' room, would introduce an element of overlooking of adjoining neighbours gardens although the presence of several trees within the rear garden would offer a degree of privacy to neighbours' rear gardens, provided they were not removed. Should the accommodation be used for purposes such as a home office, then there would be potential for occupancy on a very frequent basis.

### **Impact on character of Conservation Area**

The Conservation Area Character Appraisal for this area has identified the presence of '*Unsympathetic development of large residential garages*' and '*Unsympathetic development that does not reflect or relate to the character of the area*' as being a threat to the character of conservation areas. As described above, the proposal fails to contribute to the preservation and enhancement of the conservation area, as required by Policy D4 (Historic Environment) of the ALDP as it would introduce a visually disruptive feature to the streetscape, at odds with the prevailing character and appearance of garages within the lane, and altering the existing balance and character of this part of the conservation area, to its detriment.

### **Roads Development Management**

The proposal was assessed by officers in Roads Development Management; who initially requested that the garage be set back by 1m from the lane. Following discussion, they have agreed to remove this request, given the surrounding context and the prevalence of detached garages which sit hard up against the lane. Subsequently, they have no objection to the proposal and the development would not offend the general principles of the Transport and Accessibility SG.

### **Other Considerations**

The application site is flanked by single garages of modest scale and height, in common with the majority of garages facing the lane, however there are a cluster of three modern garages towards the northern end of the lane with above average roof ridge and eaves heights. A recently approved garage at 82 Fountainhall Road (referred to in the applicants supporting statement) abuts one of these garages, and its compatibility with its neighbour, in terms of roof profile and height, was a material consideration in its approval. Although its height and roof profile would be similar to the application under assessment, the situation with regard to that garage was materially different in that it abuts another structure of similar height, which is not the case with the current proposal. Further, it was approved prior to the adoption of the current Local Development Plan and the 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*'. Therefore that approval cannot be used as a precedent to support approval of this application which falls to be determined on a site specific basis.

## **RECOMMENDATION**

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The proposed garage fails to comply with the guidelines contained in Section 3.1.6 “Outbuildings” of the Supplementary Guidance: Householder Development Guide, and with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan, by virtue of its design, scale, massing and height, which would result in an obtrusive structure within the street scene, out of keeping with that of the locale thereby having a detrimental impact on the character and amenity of the surrounding residential area. Furthermore, it would fail to demonstrate due regard for its context and would have a negative impact on the character of the Albyn Place/Rubislaw Conservation Area, contrary to Policy D4 (Historic Environment) of the Aberdeen Local Development Plan, Historic Environment Scotland Policy Statement (HESPS) and Scottish Planning Policy (SPP).

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## **DECISION NOTICE**

### **The Town and Country Planning (Scotland) Act 1997**

### **Detailed Planning Permission**

George W Simpson, Chartered Architect  
Tulloford Mill  
Oldmeldrum  
Inverurie  
AB51 0AQ

on behalf of **Dr Nick Richardson**

With reference to your application validly received on 13 March 2018 for the following development:-

**Erection of domestic garage (over two floors) with ancillary accommodation (at first floor level)  
at 78 Fountainhall Road, Aberdeen**

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

<b>Drawing Number</b>	<b>Drawing Type</b>
180369-01	Location Plan
TD17/08/02	Elevations & Sections (Proposed)
TD17/08/03	Section & Site Photos (Proposed)
TD17/08/01 REV A	Composite Drawing

#### **REASON FOR DECISION**

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

The proposed garage fails to comply with the guidelines contained in Section 3.1.6 "Outbuildings" of the Supplementary Guidance: Householder Development Guide, and with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of

the Aberdeen Local Development Plan, by virtue of its design, scale, massing and height, which would result in an obtrusive structure within the street scene, out of keeping with that of the locale thereby having a detrimental impact on the character and amenity of the surrounding residential area. Furthermore, it would fail to demonstrate due regard for its context and would have a negative impact on the character of the Albyn Place/ Rubislaw Conservation Area, contrary to Policy D4 (Historic Environment) of the Aberdeen Local Development Plan, Historic Environment Scotland Policy Statement (HESPS) and Scottish Planning Policy (SPP).

**Date of Signing** 19 April 2018



**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](http://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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# Consultee Comments for Planning Application 180369/DPP

## Application Summary

Application Number: 180369/DPP

Address: 78 Fountainhall Road Aberdeen AB15 4EH

Proposal: Erection of 1.5 storey domestic garage with ancillary accommodation (at first floor level)

Case Officer: Gavin Clark

## Consultee Details

Name: Mr Michael Cowie

Address: Aberdeen City Council, Marischal College, Broad Street, Aberdeen AB10 1AB

Email: micowie@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

## Comments

I note this application for the erection of 1.5 storey domestic garage with ancillary accommodation (at first floor level) at 78 Fountainhall Road, Aberdeen AB15 4EH.

I note that there does not appear to be dimensions provided for the proposed double garage, this requires to be 6m x 6m in size externally and a minimum internal size no less than 5.7m x 5.7m. All new or replaced garages served via a rear lane require to be set back at least 1m from the edge of the lane within curtilage of the property boundary.

Upon receipt of revised drawings detailing the above Roads Development Management would be better placed to provide full comments. However, should the above be fully accommodated i can confirm that RDM would have no objections to this proposal.

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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 100071024-001

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 existing single garage to be replaced by new 1.5 storey building with New Double Garage and Multi-purpose Accommodation at first floor.

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:	George W Simpson, Chartered Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	George	Building Name:	Tulloford Mill
Last Name: *	Simpson	Building Number:	
Telephone Number: *	01651 873601	Address 1 (Street): *	Oldmeldrum
Extension Number:		Address 2:	Inverurie
Mobile Number:		Town/City: *	Inverurie
Fax Number:		Country: *	UK
		Postcode: *	AB51 0AQ
Email Address: *	gwsarchitect@btinternet.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Dr	Building Name:	
First Name: *	Nick	Building Number:	78
Last Name: *	Richardson	Address 1 (Street): *	Fountainhall Road
Company/Organisation		Address 2:	
Telephone Number: *	07890 952 985	Town/City: *	Aberdeen
Extension Number:		Country: *	UK
Mobile Number:	07794 424 037	Postcode: *	AB15 4EH
Fax Number:			
Email Address: *	richardsonnick@outlook.com		



## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

78 FOUNTAINHALL ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 4EH

Please identify/describe the location of the site or sites

Northing

806180

Easting

392306

## 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: George Simpson

On behalf of: Dr Nick Richardson

Date: 20/10/2017

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 George Simpson

Declaration Date: 13/03/2018

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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 100128302-002

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:

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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Dr"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Nick"/>	Building Number:	<input type="text" value="78"/>
Last Name: *	<input type="text" value="Richardson"/>	Address 1 (Street): *	<input type="text" value="Fountainhall Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text" value="07794 424 037"/>	Postcode: *	<input type="text" value="AB15 4EH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="richardsonnick@outlook.com"/>		

## 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="78 FOUNTAINHALL ROAD"/>
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 4EH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806180"/>	Easting	<input type="text" value="392306"/>
----------	-------------------------------------	---------	-------------------------------------

## 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)

Erection of domestic garage (over two floors) with ancillary accommodation (at first floor level) at 78 Fountainhall Road

## 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.

This repeat application has further information illustrating the proposals comply with Sect 3.1.6 of the Supplementary Guidance. The Planning Officer did not offer any opinions on this information although it clearly identifies contradictions in previous advice. The Handling report is almost a carbon copy of the first application. Comments on the roof pitches are incorrect and should have been revised. Essentially it boils down to issues of scale, character, appearance etc. and opinions differ.

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)

Comments on Handling Report, Design Statement, Drawings Nos. TD17-08-01A, 02, 03, letter dated 18th Oct 2018, Notes re delegated powers

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

180369/DPP

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

13/03/2018

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

19/04/2018

## 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)

The site cannot be seen from the lane. The rear elevation of the proposed garage faces into the private garden space and has been designed to complement the contemporary rear extension, recently completed, to the dwelling house.

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)

For security reasons the gates to the rear garden are kept locked, but of course access can be arranged by appointment.



## 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 George Simpson

Declaration Date: 13/07/2018

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## DEMOLITION OF EXISTING SINGLE GARAGE TO BE REPLACED BY NEW 1.5 STOREY BUILDING WITH NEW DOUBLE GARAGE AND MULTI-PURPOSE ACCOMMODATION AT FIRST FLOOR.

### DESIGN STATEMENT

#### THE SITE

The application site at 78 Fountainhall Road is within the Albyn Place/Rubislaw Conservation Area and the proposed new garage is to be located at the rear of the garden which is at present occupied by a part brick/part timber single garage with a corrugated iron roof and a roller shutter door giving access to the rear service lane which is shared by the dwellings on Fountainhall Road and Blenheim Place. The garage is in reasonable condition but has seen better days and is now used exclusively for storage. The plot measures 7.4m in width and on the boundary to the lane includes a gate and a small panel of masonry wall approximately 1.8m high with part masonry and part local red brick copings. The remainder of the garden is bounded by similar masonry walls which along with the small trees and shrubs provide more than adequate privacy. At the other end of the garden the traditional 2½ storey dwelling has been extended by a single storey lounge/kitchen/diner with a decked balcony approximately one metre above garden level. The style of the extension is very contemporary but nevertheless enhances and defines the character of the garden space.

#### THE BRIEF

With a young family the applicants would like to rationalise the use of the garden and at the same time provide extra living space which is at a premium in this part of the city. This would mean removing the existing garage which would be replaced with a 1½ storey outbuilding comprising a double garage at ground floor with multi-purpose accommodation at first floor to include maximum storage and a shower room for flexible use by family and guests. There are already garages of this type in the lane and in other service lanes in the inner city. From a planning perspective the benefits of this type of development must be recognised in terms of protecting sustainable communities by keeping families with young children in the centre of the city rather than moving to the suburbs which is often the only practical alternative. A specific requirement is that the garage should be built full width of the plot to form a security barrier between the garden and the lane to prevent thefts under the cover of darkness. There have been incidents of this sort in the lane recently.

#### THE LANE

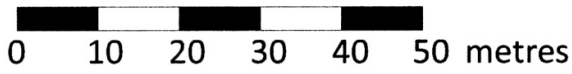
(Please see the roof survey drawing overleaf).



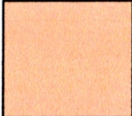
The overriding feature of the lane is the diverse mixture of outbuildings. Every plot on the lane has a garage or shed of some sort and the original masonry walls with attractive brick copings have all but disappeared. The outbuildings include modest 'shed built' garages with corrugated iron and asbestos cement roofs, generally low pitched, and unlikely to be replaced. Flat roofs are part of the mix randomly located along the lane as well as a few slated roofs from previous eras. Recent trends are for bigger double garages with slated roofs built full width of the plot and mostly grouped at the north end of the lane in the vicinity of the application site. This last group are the only buildings which display a degree of consistency, which although not of a particularly high standard, suggest this is perhaps the best approach for achieving a tidy and acceptable appearance for a lane in the conservation area. Of particular note, whether fortuitous or by careful design, these roofs, at least on the West side of the lane, have exactly the same roof pitch as those of the dwellings on Fountainhall Road.



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# LOCATION PLAN 1:1250



- |   |            |   |                                |  |                                 |
|---|------------|---|--------------------------------|--|---------------------------------|
|  | FLAT ROOFS |  | LOW PITCH ROOFS<br>30° or less |  | HIGH PITCH ROOFS<br>40° or more |
|---|------------|---|--------------------------------|--|---------------------------------|
- same eaves heights
  - gables presented to lane

## LEGEND

## CONSERVATION AREA REQUIREMENTS

In conservation areas item 5.8.6 of Supplementary Guidance: Transport and Accessibility, Garages in Rear Gardens states:-

*Where, as in most situations, the garage opens onto the lane, the outer wall of the garage should be on the same line as the garden wall and not recessed back from it as this helps to maintain the delineation of the lane.*

## HEIGHT CONSIDERATIONS

From the outset very careful consideration was given to the height of the building. There are two reasons why Garages have become higher in recent years:-

1. *“the delineation of the lane”* as explained above requires modern garage doors, normally of the roller shutter door variety to be housed within the door opening or immediately behind the external wall. Please refer to drawing No. TD17/08/02 where section A-A clearly shows the roller mechanism housed behind the door thereby lessening the height of the door seen from the lane. Furthermore, by virtue of the recess for the roller mechanism, the ground floor to ceiling height is less than would otherwise be possible.
2. Higher ceiling heights have become the norm due to the proliferation of SUVs and 4x4s and the use of roof racks with these vehicles. This alone has increased the height of garages generally and is a consideration which must be recognised by Planning Authorities and which is unlikely to be reversed in the foreseeable future.
3. The height has been fixed at the height of the majority of the double garages in the vicinity of the application site.

## THE REAR EXTENSION

Unconditional Planning Permission was granted for the rear extension in 2012. The reasons on which the Council has based this decision are as follows:-

The proposed extension complies with Local Plan Policies D1 and H1, and the draft householder guidance. The extension is of suitable scale, design and materials for its location, and would have no adverse impact on the visual or residential amenity of neighbouring properties or the character of the area. The character of the Conservation Area would be preserved in compliance with the guidance contained in Scottish Historic Environment Policy.

## SUPPLEMENTARY GUIDANCE: HOUSEHOLDER DEVELOPMENT GUIDE

Where planning permission is required, the following rules will apply:

Outbuildings must always be subordinate in scale to the dwellinghouse and two storey outbuildings will generally not be permitted;

Where a second storey is to be accommodated within a pitched roof space, outbuildings should retain the impression of being single storey in height and dormers will not be permitted as a means of gaining additional headroom;

Access to an upper floor should be situated internally;

Outbuildings should not have a negative impact on the character of the surrounding area;

Where highly visible and especially in conservation areas, detached garages should be of a scale and design that respects the prevalent context of the surrounding area;

Proposals will be assessed on their impact on the amenity of the area (e.g. loss of daylight/privacy) in the same way as extensions;

Outbuildings will not usually be acceptable in front gardens because of the damaging impact development forward of a front building line can have on the visual character of an area.

## THE PROPOSALS

(Please refer to drawing No.TD17/08/03- LONG SECTION THROUGH No.78 FOUNTAINHALL ROAD)

The proposed design has developed from all of the above considerations and these have been upheld to comply with the current policies and supplementary guidance. For clarity and to dispel any misinterpretations resulting from the first planning application please take note of the following not included elsewhere in this report:-

1. The proposed roof pitch is same as the roof pitch for the dwelling.



EXISTING ROOF to DWELLING indicating a roof pitch of 27.5 degrees.

2. The existing dwellings are substantial houses with high ceiling heights and this should allow a proportionate increase in the size of “subservient” outbuildings.
3. The eaves of the proposed garage are below the level of the parapet to the Rear Extension.
4. The first floor windows to the garage, strictly speaking, are not dormers but could be considered as a contemporary variant of wall-head gables referred to in Supplementary Guidance: Householder Development Guide. Whatever they cannot be seen from the lane.
5. There were no objections to the first application.



Footnote

The following photographs, all accredited to the Planning Department, are included in this statement because they give rise to grave concerns that they are likely to have unfairly influenced the outcome of the first application due to the selective representation of the existing garages in the lane. For the record the photos are dated 14<sup>th</sup> June 2017 and were posted on the first application webpages thereafter. They were downloaded on the 23<sup>rd</sup> July 2017 from the category “site visit” but were removed from the website sometime later. Furthermore, no photos from within the site were included and I suggested that such views were necessary to give an all-round understanding of the garden ambience with reference to the recent contemporary rear extension. A further site visit took place and included the rear garden. We are now aware that there is no requirement for such photos to be included in the webpages and this was a simple mistake; but as they appeared in the public domain we can conclude they could have and should have included clear views of the garages nearer the application site. Please refer drawing No. TD17/08/03









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COMMENTS ON THE REPORT OF HANDLING - (dealing with Scale and Design issues only)

Scale and Design

Paragraph 2

The statement:-

“In this instance, the wall head height would be raised significantly above what is normally expected from an ancillary, single storey building, in order to achieve generous head room within the upper floor, resulting in the eaves and roof ridge standing significantly higher than the majority of single storey garages within the immediate area, particularly in relation to those flanking the application site”

Is misleading for the following reasons:-

1. The proposed height of the building is in keeping with the majority of the garages in this part of the lane as the photographs below and the roof survey overleaf clearly illustrate.

PANORAMIC VIEWS to the EAST

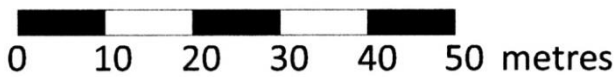
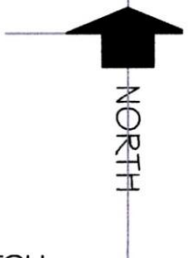


SITE



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# LOCATION PLAN 1:1250



- same eaves heights
- gables presented to lane

## LEGEND

2. There is a growing trend for higher ceiling heights in garages due to the proliferation of SUVs and 4x4s and the use of roof racks with these vehicles. This alone has increased the height of garages generally and is a consideration which must be recognised by Planning Authorities and is unlikely to be reversed.
3. Supplementary Guidance: Transport and Accessibility, Parking in Conservation Areas, Section 5.8.6 Garages in Rear Gardens states:-

“The formation of garages off rear lanes, serving houses or a small number of flats, can usually be achieved satisfactorily. The design and positioning of the garage should be given careful consideration, particularly with regard to the effect the garage will have on the appearance of the lane. Where, as in most situations, the garage opens onto the lane, the outer wall of the garage should be on the same line as the garden wall and not recessed back from it as this helps to maintain the delineation of the lane. However, on a case by case basis, where there are concerns over safety and manoeuvrability, a setback of 1m within the property boundary will be required.”

In this case there is no need for the setback as the lane is wide enough. However to retain the line of the lane the roller shutter door mechanism, which can be positioned within the door opening or behind (as proposed) has the effect of raising the eaves.

The statement:-

“In addition, the shallow pitched nature of the roof is out of character with surrounding dwelling houses and garages, which generally exhibit a steeper pitch, and when combined with the full width roller shutter doors, lends an industrial appearance to the structure, at odds with the domestic character of the surrounding area.”

Is factually incorrect as the proposed roof pitch is identical to the outbuildings in nos. 82,84 & 86, and all of the terraced dwellings on Fountainhall Road and a lot if not most garage doors are full width of their buildings; perhaps the planning officer is suggesting that the character of the lane is already jeopardised?



EXISTING ROOF to DWELLING indicating a roof pitch of 27.5 degrees.

The statement:-

“Features such as dormer windows are not supported by the guidance as their inclusion is not normally associated with domestic garages and they are considered to introduce an intrusive element to the streetscape as they increase the visual dominance of such buildings, resulting in an imbalanced structure which would give the garage a top heavy, bulky and dominant appearance to the detriment of the visual character and amenity.”

Is confusing at the least as the proposed elevation to the lane is devoid of any dormers; it is hard to understand how the so called dormer which can only be seen from the garden side can have any effect on the ‘streetscape’ and by association ‘the detriment of the visual character and amenity’.

Paragraph 3

All of this paragraph is disputed as a wordy summary of the previous arguments and in reality, given the extremely diverse character of the lane, the proposed outbuilding is unlikely to have any detrimental effect whatsoever. However a site visit will provide the perfect opportunity to assess the visual impact by comparing the proposals with the outbuilding at No. 82 which is now nearing completion.

Paragraph 4 - Impact on residential amenity

All accepted as reported.

Paragraphs 5 & 6 – Impact on character of Conservation Area and Conclusion.

The comments ref. paragraph 3 apply but mention must be made of the assertion of precedent by the planning officer, which is not the case but an architect’s attempt to achieve consistency which is evidently lacking from the diverse appearance of outbuildings in the lane. On this subject most of the modest garages referred to here and elsewhere in the report are from a previous era, witness the corrugated asbestos and rusty iron roofs, are largely ‘Shed built’ and are unlikely to make a comeback.

It seems likely that the trend for bigger garages with useful accommodation at first floor, and built over the full width of the plot, is likely to continue as owners add value to their main asset but also to increase security which is becoming a greater problem even in these more salubrious neighbourhoods.



Notes regarding the use of Planning Technicians under Delegated powers.

Architects are concerned that planning technicians are being used to determine planning applications, including recommendations to refuse planning permission. This has been referred to the RIAS which has agreed that a letter will be sent soon to the RTPI for clarification of the rules which apply. I mention this because it appears that the decision to refuse the second application has been influenced by the first. Of particular concern is the situation, which applies to this application, where ALP policies focus mostly on issues of scale, character and design, in other words aesthetic or visual matters, all of which require a qualified understanding of these policies. I am not persuaded such consideration has been applied to this application.

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GEORGE W SIMPSON, CHARTERED ARCHITECT  
FRIAS, RIBA

Tulloford Mill, Oldmeldrum,  
Aberdeenshire AB51 0AQ  
Telephone No. 01651 873601  
Email: gwsarchitect@btinternet.com



18<sup>th</sup> October 2017

Sheila Robertson  
Planning Technician  
Communities, Housing & Infrastructure  
Planning & Sustainable Development  
Aberdeen City Council  
Business Hub 4  
Marischal College  
Broad Street  
Aberdeen AB10 1AB

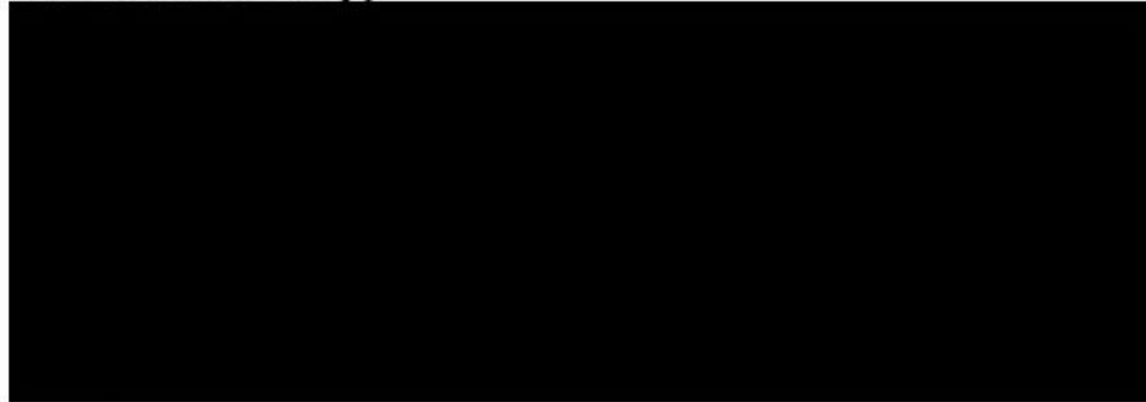
Dear Sheila Robertson,

**170533/DPP: 1.5 storey garage with ancillary accommodation at upper level at 78 Fountainhall Road, Aberdeen, AB15 4EH**

In the course of preparing the appeal in respect of the above planning application I revisited the application webpage to download the photographs of various views taken in the lane and which show a number of the existing garages. I understand they were taken by you as part of your duties in dealing with this application. I was very surprised to find that these photographs which, if I remember correctly were posted under the title 'Site Visit', had been removed.

I phoned you this morning to request copies as the photographs had already been in the public domain; this appears to be an entirely reasonable request. You informed me that they were posted by mistake and would not be made available. To you this might be a simple mistake but there are wider implications. The photographs must have been taken for a purpose; we can only guess they were to be discussed with your line manager. However I agree with the applicant that the photographs did not include views of the garages typical in the immediate vicinity of the application site, and may have presented a distorted impression of the scale and appearance of the existing buildings. If you are now unable to provide copies, which reluctantly I must accept, can you please make them available to the Local Review Body as we feel this may have influenced the outcome of the application. This is a formal request.

Yours sincerely,




G W Simpson

cc. Gavin Clark, Senior Planner (Development Management) (Minor Applications Team)  
Garfield Prentice, Team Leader, (South Area)

VAT REGISTRATION NO. 724 2675 35



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 <b>ABERDEEN</b> CITY COUNCIL	<h2 style="margin: 0;">Strategic Place Planning</h2>
	Report of Handling

<b>Site Address:</b>	58 Fonthill Road, Aberdeen, AB11 6UJ,
<b>Application Description:</b>	Formation of dormer to rear
<b>Application Reference:</b>	180423/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	21 March 2018
<b>Applicant:</b>	Mr and Mrs Eric Marston
<b>Ward:</b>	Torry/Ferryhill
<b>Community Council:</b>	Ferryhill And Ruthrieston
<b>Case Officer:</b>	Roy Brown

## RECOMMENDATION

---

Refuse

## APPLICATION BACKGROUND

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### Site Description

A late 19<sup>th</sup> century detached two-storey granite dwelling and its associated front and rear curtilage, located within a well-established residential area and within the Ferryhill Conservation Area. The dwelling has a gable roof, a southern facing principal elevation and is in a line of similar granite properties fronting Fonthill Road, none of which have box dormers.

### Relevant Planning History

Planning permission (Ref: 171032/DPP) was granted in November 2017 for the erection of a contemporary single storey extension and a shed to the rear of the dwelling. This consent has not been implemented, but remains valid.

## APPLICATION DESCRIPTION

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### Description of Proposal

The formation of a contemporary styled box dormer extension on the rear of the dwelling. Materials proposed include a zinc roof and walls and aluminium windows.

### Supporting Documents

All drawings and the supporting statement can be viewed on the Council's website at:  
<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P5XT8PBZK0C00>

Design Statement: Hyve Architects: March 2018: provides details of the site, a design brief, planning history, as assessment against Supplementary Guidance and Planning Policy and an overall conclusion.

## **CONSULTATIONS**

---

**ACC - Roads Development Management Team** – No objection – Whilst increased number of bedrooms would generate additional parking demand, the property is within a controlled parking zone and the property would still only be entitled to 2 on-street parking permits. It would therefore not affect existing parking demand in the area.

## **REPRESENTATIONS**

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None

## **MATERIAL CONSIDERATIONS**

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### **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. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires, with respect to any buildings or other land in a conservation area that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

### **National Planning Policy**

Scottish Planning Policy (SPP)

Historic Environment Scotland Policy Statement (HESPS)

### **Aberdeen Local Development Plan (ALDP)**

Policy D1 - Quality Placemaking by Design

Policy H1 - Residential Areas

Policy D4 - Historic Environment

### **Supplementary Guidance (SG)**

Householder Development Guide

### **Other Material Considerations**

Managing Change in the Historic Environment: Roofs

Ferryhill Conservation Area Character Appraisal

## **EVALUATION**

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### **Principle of Development**

The application site is located in a residential area, under Policy H1 – Residential Areas, of the ALDP and the proposal relates to householder development. Householder development will comply with this policy in principle provided it does not constitute overdevelopment, does not adversely affect the character and amenity of the surrounding area and complies with the Supplementary Guidance, in this case the Householder Development Guide. Given this proposal would not affect the built footprint of the dwelling and would have negligible impact on the intensity of the use on the site, it would not constitute overdevelopment. The other issues are assessed in the below evaluation.

### **Design and Scale**

Managing Change in the Historic Environment: Roofs, states that roof alterations should normally match the original as closely as possible. In considering how to alter a roof it is important to understand the impact of the works on the roof itself and the appearance of the building or street as a whole and the potential for cumulative effects of similar developments should be considered. The Ferryhill Conservation Area Character Appraisal highlights that a threat to this conservation area is development pressure for small scale alterations that cumulatively have an adverse impact on the area's character.

The proposed dormer would be a substantial intervention to the original roofslope of the dwelling where no dormer exists as it would cover almost 50% of the roofslope. Its modern box form would not respect the scale of the original building, in conflict with the Supplementary Guidance: 'The Householder Development Guide'. The proposed dormer would be incongruous to the line of properties of even numbers 36-58 Fonthill Road. All of these properties retain their original pitched roofed dormer windows and there has been negligible modern intervention to the original form of these roof slopes. There are also no examples of similarly scaled modern dormers having been granted planning permission on this line of properties or in the surrounding area under current policies and guidance. The grant of planning permission for the proposed large dormer could set an unwelcome precedent for other similarly scaled dormers which would have a cumulatively negative impact on the character and appearance of the conservation area. On this basis, the proposed dormer would conflict with the national and local policies relating to the historic environment, Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the Aberdeen Local Development Plan; and the Supplementary Guidance: 'The Householder Development Guide'.

It can be noted that the principle of using contemporary finishing materials would be acceptable as they could reflect those on the single storey extension granted planning permission. It can also be noted that the dormer would partially comply with aspects of the design principles of dormers in the Supplementary Guidance: 'The Householder Development Guide' in terms of its distance to the edges of the roof and its proportion of glazing. Nevertheless, for the reasons above, the application would have a negative impact on the character and appearance of the conservation area and therefore would not warrant anything other than the refusal of planning permission in its proposed form.

### **Amenity**

The proposed dormer would not significantly impact residential amenity in terms of privacy, sunlight and background daylight, in accordance with Policies H1 and D1 of the ALDP, and the SG.

### **Equalities Impact Assessment**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

## **RECOMMENDATION**

---

Refuse

## **REASON FOR RECOMMENDATION**

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The proposed dormer would be of a substantial scale and would be of modern box form which would be incongruous to the architectural integrity of the original building and the surrounding area. This proposal and the precedent it could set for similar interventions would have a significant negative impact on the character and appearance of the Ferryhill Conservation Area. The proposed dormer would therefore conflict with the principles of Scottish Planning Policy; Historic

Environment Scotland Policy Statement; Policies D1 – Quality Placemaking by Design, H1 – Residential Areas, and D4 – Historic Environment of the Aberdeen Local Development Plan; the Supplementary Guidance: ‘The Householder Development Guide’; Managing Change in the Historic Environment: Roofs’; and the Ferryhill Conservation Area Character Appraisal. There are no material planning considerations which would warrant approval of planning permission in this instance.

## **DECISION NOTICE**

### **The Town and Country Planning (Scotland) Act 1997**

#### **Detailed Planning Permission**

Nikki Ritchie  
Hyve Architects Ltd  
68-72 Allardice Street  
Stonehaven  
United Kingdom  
AB39 2AA

on behalf of **Mr and Mrs Eric Marston**

With reference to your application validly received on 21 March 2018 for the following development:-

**Formation of dormer to rear  
at 58 Fonthill Road, Aberdeen**

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

<b>Drawing Number</b>	<b>Drawing Type</b>
A1025-02-01	Location Plan
A1025-02-03	Elevations and Floor Plans (Proposed)

#### **REASON FOR DECISION**

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

The proposed dormer would be of a substantial scale and would be of modern box form which would be incongruous to the architectural integrity of the original building and the surrounding area. This proposal and the precedent it could set for similar interventions would have a significant negative impact on the character and appearance of the Ferryhill Conservation Area. The proposed dormer would

therefore conflict with the principles of Scottish Planning Policy; Historic Environment Scotland Policy Statement; Policies D1 - Quality Placemaking by Design, H1 - Residential Areas, and D4 - Historic Environment of the Aberdeen Local Development Plan; the Supplementary Guidance: 'The Householder Development Guide'; Managing Change in the Historic Environment: Roofs'; and the Ferryhill Conservation Area Character Appraisal. There are no material planning considerations which would warrant approval of planning permission in this instance.

**Date of Signing** 17 May 2018



**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](http://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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## NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect  
of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)  
Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS  
ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr and Mrs	Ref No.	
Forename	Eric	Forename	Pippa
Surname	Marston	Surname	Robertson
Company Name		Company Name	Aurora Planning Limited
Building No./Name	58	Building No./Name	22
Address Line 1	Fonthill Road	Address Line 1	Rubislaw Terrace
Address Line 2		Address Line 2	
Town/City	Aberdeen	Town/City	Aberdeen
Postcode	AB11 6UJ	Postcode	AB10 1XE
Telephone		Telephone	+44 7378 164327
Mobile		Mobile	
Fax		Fax	
Email		Email	info@auroraplanning.co.uk
3. Application Details			
Planning authority	Aberdeen City Council		
Planning authority's application reference number	180423/DPP		
Site address	<div style="border: 1px solid black; padding: 5px; min-height: 100px;">                     58 Fonthill Road                      Aberdeen                      AB11 6UJ                 </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px; min-height: 50px;">                     Formation of a contemporary styled box dormer extension on the rear of dwelling.                 </div>		

Date of application

Date of decision (if any)

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

**4. Nature of Application**

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

**5. Reasons for seeking review**

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

**6. Review procedure**

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

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

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

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

**7. Site inspection**

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

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

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

The site is at the rear of a private house, which is not visible from Fonthill Road, and to which there is no public access. The applicant is able to provide safe access if required.

### 8. Statement

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

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

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

Please see Notice of Review: Paper Apart.

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

Yes  No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

n/a



## 9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

A list of documents submitted with the notice of review is included in the paper part at Appendix 4.

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

## 10. Checklist

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

Full completion of all parts of this form


Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

## DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:  Name: **Pippa Robertson** Date: **12 July 2018**

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.



**58 FONTHILL ROAD  
ABERDEEN  
AB11 6UJ**

**NOTICE OF REVIEW UNDER  
S.43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

in respect of

**DECISION TO REFUSE PLANNING APPLICATION REFERENCE 180423/DPP**

**PAPER APART**



## 1 Introduction

- 1.1 Planning application reference 180423/DPP was submitted to Aberdeen City Council on 21/03/2018, seeking:

*“The formation of a contemporary styled box dormer extension on the rear of the dwelling.”*

- 1.2 The application was refused on 17/05/2018, with the reason for refusal being given as:

*“The proposed dormer would be of a substantial scale and would be of modern box form which would be incongruous to the architectural integrity of the original building and the surrounding area. The proposal and the precedent it could set for similar interventions would have a significant negative impact on the character and appearance of the Ferryhill Conservation Area. The proposed dormer would therefore conflict with the principles of Scottish Planning Policy; Historic Environment Scotland Policy Statement; Policies D1 – Quality Placemaking by Design, H1 – Residential Areas, and D4 – Historic Environment of the Aberdeen Local Development Plan; the Supplementary Guidance: ‘The Householder Development Guide’; Managing Change in the Historic Environment: Roofs’; and the Ferryhill Conservation Area Character Appraisal. There are no material planning considerations which would warrant approval of planning permission in this instance.”*

- 1.3 A review of the decision to refuse the application is now sought on the grounds that the proposed dormer:

- is in accordance with the relevant Development Plan Policies specifically, Policies H1, D1, and D4;
- complies with the requirements of Supplementary Guidance: Householder Development Guide in terms of dimensions and style;
- will have no adverse impact on the character and appearance of the Ferryhill Conservation Area by virtue of its location on the rear elevation of the property and the quality and nature of both the design and the materials proposed;
- is consistent with the principles of Scottish Planning Policy and the Historic Environment Policy Statement in terms of allowing for positive change in the historic environment; and





- will not set a precedent for future similar modern interventions in that every planning application must be determined on its merits.

1.4 As such, for the reasons given in this paper apart, it is submitted that the review should be allowed, and the application granted.

1.5 A list of all documents submitted with the Notice of Review is included in Appendix 4.

## 2 Background

2.1 The existing property is a late 19<sup>th</sup> century detached two-storey granite dwelling located within a well-established residential area and within the Ferryhill Conservation Area. The dwelling has a gable roof, a southern facing principal elevation and is in a row of similar granite properties fronting Fonthill Road. It is however the only detached house in this row and does not follow the same roofline as other properties, being set back 7 – 8 metres from those to either side at the rear. As such, the rear roof area is screened from the neighbouring properties' views, in addition to which there are no properties directly looking onto the rear of number 58. Photographs showing the relationship between the property and those adjacent to it are included as Appendix 1, these also show existing dormer windows on the rear of neighbouring properties.

2.2 In 2017, planning permission was granted for the erection of a contemporary extension to the rear of the property, projecting approximately 9.3 metres into the rear garden with grey zinc cladding, red cedar, and aluminium framed windows and doors (planning application reference 171032/DPP). In granting consent for that application, the planning officer's view (as set out in the Report of Handling [Document 7]) was that:

*"...the contemporary design of the extension would be an acceptable 'deferential contrast' (as described in Managing Change in the Historic Environment: Extensions) to the 19th century architectural design of the original dwelling.";* and

*"...taking into account its siting on a non-public rear elevation, its unique contemporary design with a substantial proportion of glazing and unique roof form, the proposed contemporary finishing materials would be an acceptable contrast in this particular case".*

2.3 The current application now seeks planning permission for a box dormer extension of a similar style to the ground floor extension approved previously to create more habitable space in the second floor (the use of which is currently restricted due to



limited head height and a lack of natural light) and make this suitable for modern family living. As set out in the Design Statement submitted with the application [Document 6], the proposed dormer window has been designed in a contemporary style which is intended to complement both the original structure and the ground floor extension. To this end, high quality modern materials are proposed so that there is a clear distinction between old and new, with zinc cladding chosen to complement the colour of slate and stone on the existing dwelling. Further details are provided in the Design Statement, in addition to which 3D illustrations of the proposed dormer are provided in Appendix 2.

### **3 Policy context**

3.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In addition, Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires, with respect to any buildings or other land in a conservation area, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

3.2 In this case the application requires to be assessed against the Aberdeen City and Shire Strategic Development Plan (SDP) (2014) and the Aberdeen Local Development Plan (LDP) (2017). Policies of particular relevance to this application are set out below.

#### **Aberdeen City and Shire Strategic Development Plan (SDP) (2014) [Document 11]**

3.3 The SDP's vision is for Aberdeen City and Shire to be:

*“...an even more attractive, prosperous and sustainable European city region and an excellent place to live, visit and do business.”*

3.4 To achieve this vision, the Plan's objectives include:

- the quality of the environment - making sure that important assets are maintained and improved; and
- sustainable communities - making the area a more attractive place for residents and businesses to move to.



3.5 In adapting a traditional building to make it suitable for modern family use, the development proposed in terms of this application clearly contributes to both the maintenance and improvement of assets and making the area more attractive for residents, and should therefore be supported in line with the vision and objectives of the SDP.

**Aberdeen Local Development Plan (ALDP) (2017) [Document 12].**

3.6 The aim of the ALDP is for “...Aberdeen in 2035 to be a sustainable city at the heart of a vibrant and inclusive city region.”

3.7 The ALDP specifically recognises the importance of Aberdeen’s historic built environment and emphasises the role of the historic environment in, amongst other things, helping to connect people and places, providing continuity in a changing world and contributing to sustainability by conserving resources. At the same time, the ALDP emphasises the importance of quality placemaking which, it states, is about creating development that sustains and enhances the social, economic, environmental and cultural attractiveness of the city as a place to be. Adapting a traditional building to make it suitable for modern family use as proposed in terms of this application is clearly supported by the ALDP in terms of enhancing an historic asset to make this a more attractive and sustainable place to live, rather than the family moving to a new house on a greenfield site. As such the proposals are consistent with the ALDP in this regard.

3.8 The key ALDP policies and associated supplementary guidance relevant to this application are:

- Policy H1 – Residential Areas
- Policy D1 – Quality Placemaking by Design
- Policy D4 – Historic Environment
- Supplementary Guidance: Householder Development Guide
- Conservation Area Character Appraisals and Management Plan, Ferryhill

3.9 Each of these will be looked at in turn, in doing which it should be noted that the ALDP stresses that:

*“It is important to remember that development proposals will be assessed against a number of policies within the Local Development Plan so it must be carefully considered as a whole.”*



- 3.10 The ALDP's vision for Aberdeen as a place which offers a high quality of life requires the creation of sustainable communities in which amenity is maintained to a high level, with a wide choice of housing styles and types to be made available to everyone. Hence **Policy H1 – Residential Areas** states that, within existing residential areas and within new residential developments, proposals for new development and householder development will be approved if it:
- does not constitute over development;
  - does not have an unacceptable impact on the character and amenity of the surrounding area; and
  - complies with Supplementary Guidance.
- 3.11 In the case of 58 Fonthill Road, the dormer extension does not constitute over development as the proposal would not affect the built footprint of the dwelling and would have negligible impact on the intensity of use on the site, and this is endorsed by the planning officer in the Report of Handling. Likewise, the Report of Handling also states that the proposed dormer would not have any impact on the amenity of the surrounding area in terms of privacy, sunlight and/or background daylight.
- 3.12 In terms of the impact on the character of the surrounding area, it is submitted that the proposed dormer extension would have minimal impact in that it is on a rear elevation of the property, and thus is not visible from the principle elevation on Fonthill Road. The change in elevations between Fonthill Road and Albury Place to the north mean that the rear roof of the property is just visible from Albury Place, although it is the only roof in the terrace that is, the others being hidden by tall trees (see photograph in Appendix 3). That being the case, the dormer would not be seen to be incongruous in the terrace and, given the architectural form and materials proposed (see paragraphs 3.15 - 3.17 below), it is submitted that there is no potential for the proposed dormer to have any adverse impact on the character of the surrounding area. Indeed, the opposite would be the case.
- 3.13 Finally, the Supplementary Guidance is also discussed in paragraphs 3.22 - 3.24 below, in light of which it is submitted that the proposed development complies with all elements of Policy H1.
- 3.14 The ALDP emphasises the importance of quality placemaking which it states is about creating development that sustains and enhances the social, economic, environmental and cultural attractiveness of the city as a place to be. **Policy D1 –**



**Quality Placemaking by Design** requires all development to ensure high standards of design and to have a strong and distinctive sense of place, this being founded in context appraisal, detailed planning, quality architecture, craftsmanship and materials. In this regard, the dormer extension proposed at 58 Fonthill Road will sustain and enhance the social attractiveness of the property for future generations by providing a high quality contemporary living space within a historic building.

- 3.15 The contemporary design has been chosen intentionally so that architectural form and materials contrast with the existing period dwelling and, at the same time, reflect the recently approved ground floor extension. This is intended to clearly define the old and new elements of the dwelling, and will preserve and complement the original structure. Consequently, the design is responding to the site context by deliberately juxtaposing the traditional building with the contemporary additions (both approved and proposed) to highlight both styles. This is a common design feature for historic buildings, of which there are many examples throughout the city, and which was expressly supported by the Council in granting planning permission for the contemporary style ground floor extension in November 2017.
- 3.16 Notably, the report of handling for the application expressly states that the principle of using contemporary finishing materials would be acceptable in this instance, not least because this would reflect the ground floor extension as outlined as above, and it is submitted that this is the right conclusion to reach.
- 3.17 The report of handling does, however, suggest that the proposed dormer would be incongruous to the line of properties of even numbers at 36-58 Fonthill Road since there have been negligible modern interventions to the original form of these roof slopes and there are no examples of similarly scaled modern dormers having been granted planning permission on this line of properties or in the surrounding area. Whilst it may be true that there are negligible modern interventions to the roofs of these specific properties, it must be taken into account that there are other modern interventions in the area, examples of which are given in paragraph 5.2 below, and that the north side of Fonthill Road is characterised by a variety of building styles (as also highlighted in paragraphs 3.20 and 3.21 below). At the same time, it also needs to be taken into account that the proposed dormer is located at the rear of the property and is not visible from Fonthill Road or neighbouring properties along this. In addition, as stated above, whilst the dormer would be visible at a distance from Albury Place, it is the only roof in the terrace which is. Taking these points together, it is submitted that the proposed dormer can hardly be judged to be incongruous.



- 3.18 In choosing a contemporary dormer window design, account has been taken of the six qualities of successful placemaking which are relevant to the proposal, as required by Policy D1 and set out below:

***Distinctive*** – in responding to the site context and with due consideration to scale, colour, details, proportions and materials (as set out in paragraph 2.3 above, the Design Statement and the 3D illustrations in Appendix 2;

***Welcoming*** – in that details, materials, colour and proportion have been considered (see above);

***Safe and pleasant*** – in having no impact on adjoining uses and indeed cannot even be seen from neighbouring properties;

***Adaptable*** – in that the dormer is of a size that allows for effective use of the property both now and in the future;

***Resource efficient*** – in allowing a family to continue to live in an historic building in a city centre location, rather than moving to a greenfield site less accessible to services, facilities, employment and public transport.

- 3.19 More specifically in terms of the historic environment, under **Policy D4 – Historic Environment**, the Council aims to protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP, its own Supplementary Guidance, and Conservation Area Character Appraisals and Management Plans. 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 and conservation areas will be supported.

- 3.20 The existing property at 58 Fonthill Road is not a listed building but is located within the Ferryhill Conservation Area. The **Conservation Area Character Appraisals and Management Plan for Ferryhill (2013) (CACAMP) [Document 18]** includes the following description of the conservation area:

*“Most 19<sup>th</sup> century residential buildings have bay windows as well as private front and rear gardens, which demonstrates that this area was built to appeal to the middle classes with greater social aspirations. Although there are differences in the building forms used, the uniform basic design and the continuous high quality architectural detailing and use of materials means the properties blend well together.”*



- 3.21 The CACAMP requires development to be sensitive to the traditional style of buildings, with this highlighted as being particularly important for small incremental changes to individual properties as their cumulative impact on the street can be significant. In this case, because the proposed dormer extension will be at the rear of the building and is not visible from Fonthill Road itself, it will not have any impact on the existing streetscape. Rather, the proposed dormer will add to the existing differences in building forms - in terms of which it should be noted that 58 Fonthill Road is the only detached property in the row of houses and so is already distinct in nature as highlighted in paragraph 2.1 above and the “blending” of the traditional style properties on Fonthill Road will not be impacted adversely. That is particularly so given the selection of high quality materials proposed, chosen specifically to complement the colour of the slate and stone on the existing dwelling as outlined above. As such, it is submitted that the application is consistent with the CACAMP.
- 3.22 The Council’s **Supplementary Guidance: Householder Development Guide [Document 13]** provides more general rules that should be applied when planning permission is required for a dormer. It states that *“Non-traditional style dormers may be accepted on the rear of non-listed buildings in conservation areas, but generally not on any elevation of listed buildings.”* As highlighted previously, 58 Fonthill Road is not a listed building and hence the guidance that non-traditional style dormers may be accepted on the rear of the building applies.
- 3.23 The Supplementary Guidance then specifically allows for a more relaxed approach to dormer extensions on the non-public (rear) side of older properties of a traditional character, subject to minimum requirements which are set out below, along with a description of how the proposed dormer complies with them:
- the aggregate area of all dormers should not dominate the original roof slope – the proposed dormer covers just under 50% of the roof slope and the modern box form has been chosen to respect the scale and character of the original building by providing a stark juxtaposition to highlight the two differing designs;
  - dormer eaves should be a minimum of 400mm in from the inside face of the gable tabling – the design of the proposed dormer intends to reduce the impact it would have on the existing roof by being built 700mm from the inside face of the existing gable tabling, 300mm more than the minimum stated in the supplementary guidance;
  - the front face of dormer extensions should be a minimum of 400mm back from the front edge of the roof, but not so far back that the dormer appears to be pushed unnaturally up the roof slope – the dormer design is 860mm away from



the existing wall head to proposed window sill, well within the 400mm minimum stated in the supplementary guidance;

- flat roofs on box dormers should be a reasonable distance below the ridge – in this case, the roof height is 800mm below the existing ridge to reduce the scale and mass of the proposed structure against the existing slate roof;
- windows should be located at both ends of the box dormers – there are windows at both ends of the dormer proposed by way of this application;
- solid panels between windows in box dormers may be permitted but should not dominate the dormer elevation – the proposed dormer is comprised predominantly of window space with only one solid panel which does by no means dominate the dormer elevation.

3.24 It is, therefore, clear that the dormer has been designed specifically not to produce a dominating structure, and that the proposed design is entirely in accordance with the requirements of the supplementary guidance. This conclusion is also largely endorsed by the planning officer in the Report of Handling for the application, which states that the dormer would comply with the supplementary guidance in terms of its distance to the edges of the roof and its proportion of glazing, with the only element of the guidance which the planning officer expressed concerns about being the scale of the proposed dormer compared with the original building. In response to this, it is emphasised that the proposed dormer covers less than 50% of the roof as outlined above, and is of a design that the Council has otherwise stated to be acceptable on the basis that it reflects the previously approved ground floor extension (see paragraph 2.2 above). As such, and given that it has also been accepted that the proposed dormer is a suitable distance from the roof edges, it is submitted that there is no justification for concluding that it is not of an appropriate scale, or that the supplementary guidance does anything other than support the application.

#### **4 Material considerations**

##### **Scottish Planning Policy 2014 (SPP) [Document 14]**

4.1 SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. As a statement of Ministers' priorities, the content of SPP is a material consideration that carries significant weight in the determination of planning applications.





4.2 In relation to valuing the historic environment, SPP includes the policy principle that the planning system should allow for positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. The adaptation of a traditional building for modern family use in a way that respects the original building and does not impact on the character of the conservation area is ensuring the sustainable future use of the building and is accordingly supported by SPP.

#### **Historic Environment Scotland's (HES) Policy Statement (2016) [Document 15]**

4.3 HES's Policy Statement replaces Scottish Historic Environment Policy and sets out how SPP should be interpreted and implemented with regards to the historic environment. As such, it is a key consideration when looking at the desirability of preserving an historic asset, and a material consideration in the Scottish planning system.

4.4 The Policy Statement sets out principles of good stewardship, the underpinning philosophy being that it is essential to manage the historic environment carefully for both present and future generations. Maintaining quality is a key aim of good stewardship and involves the following considerations (paragraph 1.20), in respect of which it is stated that:

- management, and any proposed alteration or change of use, should be appropriate and follow best conservation practice;
- to retain historic character and future performance of older buildings it is important to use appropriate and compatible materials and construction techniques; and
- it is important that new developments are sensitive to historic character and attain high standards in design and construction, while recognising the portfolio of original building materials.

4.5 The risk of potentially damaging actions should be minimised by following key principles (paragraph 1.21):

- ensuring that management or alteration, including remedial work, is sympathetic to historic character, using compatible materials and construction techniques; and
- where change is to proceed, adopting strategies to mitigate its impact and keep any interventions to a minimum.



- 4.6 In terms of the proposed dormer extension, the historic environment is being managed for present and future generations in that it will accommodate a family's present and future needs. At the same time, as stated previously, the design and materials have been carefully chosen to be sympathetic to and complement the existing building, its historical context within the conservation area and also the contemporary ground floor extension approved in November 2017. The high quality durable nature of the materials also means that the dormer will require minimal maintenance, thus both retaining the quality of the original building and being sustainable in the longer term.

#### **Our Place in Time: The Historic Environment Strategy for Scotland [Document 16]**

- 4.7 Our Place in Time sets out a 10 year vision for the historic environment, the key outcome of which is to ensure that the cultural, social, environmental and economic value of Scotland's heritage makes a strong contribution to the wellbeing of the nation and its people. The proposed dormer extension at 58 Fonthill Road will contribute to achieving this outcome by enabling a family to create additional living space, allowing them to maximise the use of an historic building, and ensuring that this continues to make a positive contribution to the lives of those living there. The Council has already accepted the need for additional living space with the recent approval of the extension to the property, and the current application complements that by providing additional sleeping accommodation to meet the needs of a growing family.

#### **Historic Environment Scotland's Managing Change series of guidance notes**

- 4.8 **Managing Change in the Historic Environment – Roofs (2010) [Document 17]** recognises that the alteration of a roof can create additional space to allow the building as a whole to remain in use and develop with the needs of the occupants. In considering how to alter a roof, it is important to understand the impact of the works on the roof itself and the appearance of the building or street as a whole. The potential for cumulative effects of similar developments should also be considered.
- 4.9 The guidance also advises that the addition of new features to principal or prominent roof slopes should generally be avoided and that new dormers should be appropriately designed and located with care. There is however nothing in the guidance which precludes the principle of the construction of a new dormer to the rear of a building in the historic environment as is proposed in this instance.
- 4.10 In this case, the proposed dormer at 58 Fonthill Road will create additional space, thus allowing the building to develop with the occupants' needs as expressly endorsed by the guidance. At the same time, the fact that the dormer is on the rear elevation



where it cannot be seen from Fonthill Road means that there will be no impact on the street as a whole, and that there are no potential cumulative effects. Taking this into account, it is submitted that the application is wholly consistent with the guidance in this regard.

## 5 Precedent decisions

5.1 In terms of potentially setting an undesirable precedent, it must be stressed that every planning application requires to be considered on its own merits. That notwithstanding, the fact that the dormer proposed in this application is located at the rear of the building means that no precedent would be set in respect of the view of the street.

5.2 It should also be noted that precedents have already been set, for example:

- Planning application reference P111502 for the demolition of the former police station on Fonthill Road [Document 19], which was a traditional granite building and also located in the Ferryhill Conservation Area, and the erection of a contemporary block of 3 flats on the site -in deciding to grant planning permission for this, the Report of Handling [Document 20] describes the north of Fonthill Road (on which number 58 is also located) as being characterised by a variety of building styles and heights, with no consistent architectural style, and expressly acknowledges the merits of new development adopting a contemporary design rather than seeking to imitate the existing architecture. At the same time, this provides a clear example of contemporary architecture directly fronting the street on Fonthill Road, such that it submitted that there is no justification for concluding that the contemporary dormer window proposed in terms of this application would be incongruous as stated in the planning officer's reasons for refusal.
- Planning application reference 161476/DPP for a modern box dormer on the rear elevation of 40 Whitehall Road (located in the Albyn Place/Rubislaw Conservation Area) which was approved by the Local Review Board in March 2017 - in that case, the Local Review Body was satisfied that the scale, size, massing, materials and location of the modern dormer extension proposed was acceptable in the context of 40 Whitehall Road, would not negatively affect the character of the Albyn Place/Rubislaw Conservation Area, and would therefore comply with the relevant local and national policies and guidance (see LRB Decision Notice [Document 21]. For the reasons given in this statement, it is submitted that the same decision should be reached in respect of this



application, particularly given that in proposed dormer here comprises a smaller proposer of the roof than that approved at 40 Whitehall Road.

## 6 Reasons for Refusal

6.1 In light of the policy context outlined above – and the clear support for the proposed development identified within this - it is submitted that none of the reasons given for the application’s refusal are justified as follows:

- *“The proposed dormer would be of a substantial scale and would be of modern box form which would be incongruous to the architectural integrity of the original building and the surrounding area”.*

As set out in paragraph 3.24 above, the proposed dormer covers less than 50% of the roof, complies with the Supplementary Guidance in terms of distance from the roof edges and glazing, and is of a design that reflects the previously approved ground floor extension. At the same time, it must be recognised that the proposed dormer would be located on a rear elevation that is not visible from the street which, in any event, has no consistent architectural style and already features contemporary interventions as outlined in paragraph 5.2 above. As such, it is submitted that the proposed dormer effectively complements the original building (including the approved extension) in both scale and design, with no potential for this to have any impact on the surrounding area, or any way that it could be said to be incongruous to this.

- *“The proposal and the precedent it could set for similar interventions would have a significant negative impact on the character and appearance of the Ferryhill Conservation Area”.*

As highlighted above, the proposed dormer window cannot be seen from Fonthill Road, with the only location from which it may be possible to see this being Albury Place, where it would still be visible from a significant distance and steep elevation away. As such, it is submitted that this will have no notable impact on the character or appearance of Conservation Area as a whole.

In any event, and while emphasising that every planning application requires to be considered on its own merits, it should also be taken into account that precedents for contemporary interventions within Conservation Areas have already been set, in particular in the granting of planning permission for the ground storey extension to the property to which this application relates, as well as the applications outlined in 5.2 above.



- *“The proposed dormer would therefore conflict with the principles of Scottish Planning Policy; Historic Environment Scotland Policy Statement; Policies D1 – Quality Placemaking by Design, H1 – Residential Areas, and D4 – Historic Environment of the Aberdeen Local Development Plan; the Supplementary Guidance: ‘The Householder Development Guide’; Managing Change in the Historic Environment: Roofs’; and the Ferryhill Conservation Area Character Appraisal”.*

Each of these policy documents has been discussed in detail above, in light of which it is submitted that there is no conflict, and that the proposed dormer window is supported by these for the reasons given.

- *“There are no material planning considerations which would warrant approval of planning permission in this instance.”*

Relevant material planning considerations have also been discussed in detail above, in light of which it is further submitted that the proposed dormer window is also supported by these for the reasons given.

## **7 Conclusion**

7.1 For the reasons given above, it is submitted that the proposed dormer:

- is supported by the relevant Development Plan Policies, specifically Policies H1, D1, and D4;
- complies with the requirements of Supplementary Guidance: Householder Development Guide in terms of dimensions and style;
- will have no adverse impact on the character and appearance of the Ferryhill Conservation Area by virtue of its location on the rear elevation of the property and the quality and nature of both the design and the materials proposed;
- is consistent with the principles of Scottish Planning Policy and the Historic Environment Policy Statement in terms of allowing for positive change in the historic environment; and
- will not set a precedent for future similar modern interventions in that every planning application must be determined on its merits.



7.2 As such, for the reasons given in this paper apart, it is submitted that the review should be allowed, and the application granted.





**Appendix 1: Photographs showing the relationship between the property and those adjacent to it**

**View of front elevation of property from Fonthill Road (south)**



**View of rear elevation of property (north)**



Appendix 2: 3D illustrations of proposed dormer





**Appendix 3: Photograph of property from Albury Place**



## **Appendix Four: List of documents submitted with Notice of Review**

### **Planning application documents**

1. Application Form
2. Application Form – Additional information
3. Location Plan
4. Existing Floor Plans, Elevations and Sections
5. Proposed Floor Plans, Elevations and Sections
6. Design Statement

### **Report of handling and associated documents**

7. Report of Handling
8. Decision Notice
9. ACC Roads Development Management Consultation Response
10. Neighbour Notification List

### **Development Plan and other policy documents**

11. Aberdeen City and Shire Strategic Development Plan (2014)
12. Aberdeen Local Development Plan (2017)
13. Supplementary Guidance Householder Development Guide

### **Material considerations**

14. Scottish Planning Policy (2014)
15. Historic Environment Scotland's (HES) Policy Statement (2016)
16. Our Place in Time: The Historic Environment Strategy for Scotland
17. Managing Change in the Historic Environment – Roofs (2010)
18. Conservation Area Character Appraisals and Management Plan for Ferryhill (2013)
19. Decision Notice for planning application reference P111502
20. Report of Handling for planning application reference P111502
21. LRB Decision Notice for planning application reference 161476





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 100088241-002

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

## Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

## 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:	Hyve Architects Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Nikki	Building Name:	<input type="text"/>
Last Name: *	Ritchie	Building Number:	68-72
Telephone Number: *	01569 763579	Address 1 (Street): *	Allardice street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Stonehaven
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	AB39 2AA
Email Address: *	nikki.ritchie@hyvearch.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	<input type="text"/>
First Name: *	Eric	Building Number:	58
Last Name: *	Marston	Address 1 (Street): *	Fonthill Road
Company/Organisation:	<input type="text"/>	Address 2:	Fonthill Road
Telephone Number: *	<input type="text"/>	Town/City: *	Aberdeen
Extension Number:	<input type="text"/>	Country: *	United Kingdom
Mobile Number:	<input type="text"/>	Postcode: *	AB11 6UJ
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? \*

Yes  No

## Application Details

Please select which application(s) the new documentation is related to.

Application: \*

## Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: \* (Max 500 characters)

## Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. \*

Yes  No

## Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mrs Nikki Ritchie

Declaration Date: 21/03/2018

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Please identify/describe the location of the site or sites

Northing

Easting

## 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:	Hyve Architects Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Nikki	Building Name:	
Last Name: *	Ritchie	Building Number:	68-72
Telephone Number: *	01569 763579	Address 1 (Street): *	Allardice street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Stonehaven
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB39 2AA
Email Address: *	nikki.ritchie@hyvearch.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	
First Name: *	Eric	Building Number:	58
Last Name: *	Marston	Address 1 (Street): *	Fonthill Road
Company/Organisation		Address 2:	Fonthill Road
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB11 6UJ
Fax Number:			
Email Address: *			

## Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? \*

Yes  No

## Application Details

Please select which application(s) the new documentation is related to.

Application: \*

## Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: \* (Max 500 characters)

## Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. \*

Yes  No

## Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mrs Nikki Ritchie

Declaration Date: 21/03/2018

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