

Public Document Pack



To: Councillor Boulton, Chairperson; and Councillors Cameron and Councillor Donnelly, the Depute Provost.

Town House,
ABERDEEN 06 September 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, 13 SEPTEMBER 2018 at 11.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

BUSINESS

- 1 Procedure Notice (Pages 7 - 8)

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

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

- 2.1 Erection of Domestic Double Garage to Rear of 12 Albert Street Aberdeen - 180201

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 9 - 34)

Members, please note that all plans and supporting documents relevant to the review can be viewed online at the following link by entering the application reference number 180201:-

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

2.3 Planning Policies Referred to in Documents Submitted

Members, the following planning policies are referred to:-

National Planning Policy

Scottish Planning Policy (SPP)

<https://www.gov.scot/Resource/0045/00453827.pdf>

Historic Environment Scotland Policy Statement (HESPS)

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=f413711b-bb7b-4a8d-a3e8-a619008ca8b5>

Aberdeen Local Development Plan (ALDP)

B3: West End Office Area;

D1: Quality Placemaking by Design; and

D4: Historic Environment

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

Supplementary Guidance

The Householder Development Guide

<https://www.aberdeency.gov.uk/sites/default/files/2.1.PolicySG.HouseHolderDesignGuide.pdf>

Transport and Accessibility

<https://www.aberdeency.gov.uk/sites/default/files/5.1.PolicySG.TransportAccessibility.pdf>

Other Material Considerations

Albyn Place and Rubislaw Conservation Area Character Appraisal

https://www.aberdeency.gov.uk/sites/default/files/2013_Con_Appraisal_3_Albyn.pdf

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 35 - 58)

Members, please note that all plans and supporting documents relevant to the review can be viewed online at the following link by entering the application reference number 180201:-

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

2.5 Determination - Reasons for Decision

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

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

PLANNING ADVISER - GAVIN EVANS

3.1 Partial Removal of Boundary Wall and Installation of Electric Gate and Formation of Driveway - 14 Forest Avenue Aberdeen - 180699

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 59 - 76)

Members, please note that all plans and supporting documents relevant to the review can be viewed online at the following link by entering the application reference number 180699:-

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

3.3 Planning Policies Referred to in Documents Submitted

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

<https://www.gov.scot/Resource/0045/00453827.pdf>

Historic Environment Scotland Policy Statement (HESPS)

<https://www.historicenvironment.scot/archives-andresearch/publications/publication/?publicationId=f413711b-bb7b-4a8da3e8-a619008ca8b5>

Aberdeen Local Development Plan (ALDP)

Policy H1 - Residential Areas

Policy D1 - Quality Placemaking by Design

Policy D4 - Historic Environment

Policy D5 - Our Granite Heritage

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

Supplementary Guidance (SG)

Transport and Accessibility

<https://www.aberdeencity.gov.uk/sites/default/files/5.1.PolicySG.TransportAccessibility.pdf>

Other Material Considerations

Managing Change in the Historic Environment: Boundaries

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=00c41790-175c-418e-8b8f-a60b0089b6b3>

Great Western Road Conservation Area Character Appraisal

https://www.aberdeencity.gov.uk/sites/default/files/2013_Con_Appraisal_7_GWR.pdf

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 77 - 84)

Members, please note that all plans and supporting documents relevant to the review can be viewed online at the following link by entering the application reference number 180699:-

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

3.5 Determination - reason for decision

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

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

Website Address: www.aberdeencity.gov.uk

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

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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.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	12 Albert Street, Aberdeen, AB25 1XQ,
Application Description:	Erection of domestic double garage to rear
Application Reference:	180201/DPP
Application Type:	Detailed Planning Permission
Application Date:	15 February 2018
Applicant:	C/o Baxter Design Company (Old Deer) Ltd
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Queen's Cross And Harlaw
Case Officer:	Roy Brown

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

A 134sqm area of the rear curtilage of an early 19th century 1½ storey granite terraced building, which contains flats. The site adjoins Albert Walk to the southwest and comprises a non-original boundary wall dividing an area of hard surface and an area of grass. The building is B-Listed within the listing of the overall terrace, 2-18 Albert Street, is part of a Category A-Listed building group and is within the Albyn Place and Rubislaw Conservation Area.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

A double garage in the rear curtilage which would replace the existing boundary wall and would be built on the soft landscaped communal garden ground. It would be set approximately 5.5m back from the southwest boundary.

The application has been amended since submission so that the garage would have a hipped roof with approximate maximum heights of 5.3m and an eaves height of 3.1m, the footprint would be 66sqm and the proposal would be set approximately 200mm in from the original southeast and northeast boundary walls, and it would be finished with reclaimed granite, wet-dash render, and slates. This assessment is based on the submitted amended plans.

Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P46RS7BZJ5800>

CONSULTATIONS

ACC - Roads Development Management Team – No objection – The driveway in the front curtilage would need to be 5m in length.

ACC - Flooding And Coastal Protection – No objection - No comments. There is a risk of surface water flooding along the northeast boundary so the use of permeable materials and rain water harvesting to help prevent increased surface water runoff is recommended.

REPRESENTATIONS

A letter of representation (objection) has been received, which states that the application is contrary to the Aberdeen City and Shire Strategic Development Plan and the Aberdeen Local Development Plan because:

- it constitutes over-development of the site;
- it is inconsistent with the character of the surrounding area and would have a negative impact on the appearance and amenity of the street; and
- it will have an unacceptable impact on the surrounding conservation area and listed buildings.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy and HES Policy Statement are relevant to the determination of this application.

Aberdeen Local Development Plan (ALDP)

Policies D1 - Quality Placemaking by Design, D4 - Historic Environment and B3 - West End Office Area are relevant to the determination of this application.

Supplementary Guidance

The Householder Development Guide
Transport and Accessibility

Other Material Considerations

Albyn Place and Rubislaw Conservation Area Character Appraisal

EVALUATION

Principle of Development

The application site is zoned within the West End Office area on the Proposals Map of the ALDP, under Policy B3, and this proposal relates to householder development. Householder development would not undermine the underlying objectives of this policy providing it protects existing residential amenity.

Design and Scale

The proposed garage would be in a publicly visible location on the historic rear lane, Albert Walk. There are no garages within curtilage of any of the properties of the early 19th century terrace, 2-18 Albert Street, or in other words, on the northeast side of this lane. The only garages on Albert Walk which do exist are on the southwest side and they are ancillary domestic single garages. The Conservation Area Character Appraisal highlights unsympathetic rear lane development and large residential garages as a threat to, and the loss of vegetation in rear gardens due to car parking as a weakness of, the conservation area. Although many of the properties on Albert Terrace have lost garden ground to accommodate car parking, thus far, and unlike many of the rear lanes in the wider conservation area, Albert Walk has not been subject to unsympathetic development in terms of large garages and back-land development.

The proposed garage would of a similar scale in terms of footprint to that of the original dwellinghouse and the other properties in the terrace, and therefore would have a footprint which would be comparable to that of a separate dwelling. In this sense, it would not be subordinate to the original dwellinghouse and would constitute over-development of the site. The garage would have a high eaves height for a domestic outbuilding, would have a hipped roof, and would extend almost the entire width of the curtilage. The introduction of a garage of this scale on this side of the lane where there are no garages would have an adverse impact on the visual amenity of the surrounding area, and would disrupt the original pattern of development of this rear lane and the overall setting of the B-Listed terrace. It can be noted that the proposed garage would be finished with traditional materials. However, the garage would be contrary to the Householder Development Guide in that it would not be of a scale and design that respects the prevalent context of the surrounding area.

The siting of the proposed garage would be contrary to the principles of Transport and Accessibility in that it would not be on the same line as the original garden boundary wall in order to maintain the delineation of the lane, and an additional area of garden ground would resultantly be covered by development for the purpose of additional parking. The further loss of garden ground for car parking would be contrary to aims of the Conservation Area Character Appraisal.

The proposal would set a negative precedent for similar garages and other back-land development on Albert Walk which would be significantly detrimental to the character and appearance of the Albyn Place and Rubislaw Conservation Area.

Due to its inappropriate design, scale and siting, the proposal would have a negative impact on the setting of the original B-Listed building, the large number of neighbouring listed buildings, and the character and appearance of the conservation area, and would therefore be in conflict with the relevant national and local policies relating to design and built heritage.

Amenity

Although the proposal would reduce the amount of usable garden ground for the flats in 12 Albert Street and a minor part of the remaining garden would be overshadowed, the garage would not significantly adversely affect the residential amenity of these properties, or any other residential property in terms of sunlight, daylight or privacy. It would not have any significant conflict with Policy B3 in principle in this regard.

The garage would overshadow the non-residential car parking areas of 10 and 14 Albert Street. Given the use of these areas as such, the impact in terms of amenity would be negligible.

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. In

coming to this assessment the Planning Authority has had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010, to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Matters Raised in the Letter of Objection

The planning policies and guidance which are directly relevant to the assessment of this application are listed and addressed in the evaluation. The specific comments raised have been addressed in the above evaluation.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed garage would be incongruous in design, siting and scale in the context of being within the curtilage of a B-Listed building within an A-Listed building group and within the Albyn Place and Rubislaw Conservation Area. It would have a negative impact on the character and appearance of the conservation area. It would be contrary to Scottish Planning Policy; Historic Environment Scotland Policy Statement; Policies D1 – Quality Placemaking by Design and D4 – Historic Environment of the Aberdeen Local Development Plan; the Supplementary Guidance: ‘the Householder Development Guide’ and ‘Transport and Accessibility’; and the aims of the Albyn Place and Rubislaw Conservation Area Character Appraisal. There are no material planning considerations which would warrant the grant of planning permission in this instance.



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 100084382-001

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)

Proposed garage

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Adenhall"/>
First Name: *	<input type="text" value="D"/>	Building Number:	<input type="text" value="9"/>
Last Name: *	<input type="text" value="Greene"/>	Address 1 (Street): *	<input type="text" value="Kirkgate"/>
Company/Organisation	<input type="text" value="c/o Baxter Design Company (Old"/>	Address 2:	<input type="text" value="Old Deer"/>
Telephone Number: *	<input type="text" value="01771 622296"/>	Town/City: *	<input type="text" value="Peterhead"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB42 5LJ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="info@baxterdesigncompany.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="12 ALBERT STREET"/>
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="AB25 1XQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805987"/>	Easting	<input type="text" value="393014"/>
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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: Mr D Greene

On behalf of:

Date: 15/02/2018

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 Craig Fyvie

Declaration Date: 15/02/2018

Payment Details

Online payment: ABSP00002486
Payment date: 15/02/2018 09:26:00

Created: 15/02/2018 09:26

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

C/o Baxter Design Company (Old Deer) Ltd
Mr D. Greene
Adenhall
9 Kirkgate
Old Deer
Peterhead
UK
AB42 5LJ

With reference to your application validly received on 15 February 2018 for the following development:-

**Erection of domestic double garage to rear
at 12 Albert Street, Aberdeen**

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

<u>Drawing Number</u>	<u>Drawing Type</u>
17146-P1 Rev 3	Elevations, Cross-Sections and Floor Plans (Proposed)
17146-P1 Rev 1	Location and Roof Plan (Proposed)

REASON FOR DECISION

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

The proposed garage would be incongruous in design, siting and scale in the context of being within the curtilage of a B-Listed building within an A-Listed building group and within the Albyn Place and Rubislaw Conservation Area. It would have a negative impact on the character and appearance of the conservation area. It would

be contrary to Scottish Planning Policy; Historic Environment Scotland Policy Statement; Policies D1 - Quality Placemaking by Design and D4 - Historic Environment of the Aberdeen Local Development Plan; the Supplementary Guidance: 'the Householder Development Guide' and 'Transport and Accessibility'; and the aims of the Albyn Place and Rubislaw Conservation Area Character Appraisal. There are no material planning considerations which would warrant the grant of planning permission in this instance.

Date of Signing 13 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.

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 180201/DPP

Application Summary

Application Number: 180201/DPP

Address: 12 Albert Street Aberdeen AB25 1XQ

Proposal: Erection of 1.5 storey domestic garage to rear

Case Officer: Roy Brown

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 to rear at 12 Albert Street, Aberdeen AB25 1XQ.

I note the site is located within the inner city boundary and within controlled parking zone (CPZ).

I can confirm that the proposed double garage meets the required dimensions as per ACC guidelines. I note the applicant wishes to retain a driveway in front of the proposed garage, however there is no dimension detail provided, this driveway area will require to be a minimum of 5m in length.

Roads Development Management have no objection to this application.

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MEMO



ABERDEEN
CITY COUNCIL

To	R Brown Planning & Infrastructure	Date	16/02/18
		Your Ref.	180201
		Our Ref.	
From	Flooding		
Email	pa.flooding@aberdeencity.gov.uk		
Dial	01224 53 2387		
Fax			

Flooding
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 11 ,
2nd Floor West,
Marischal College
Broad Street
Aberdeen AB10 1AB

Planning application no.180201

ACC Flood Team have no comments or objections to make on this application. We would like the applicant to be aware that there is a risk of surface water flooding along the North East boundary. We would strongly recommend the use of permeable materials where suitable in the design to help prevent any increase in the surface water runoff. We would also recommend the use of rain water harvesting where suitable. However this would not form any condition to be placed on the application.

Regards
Katy Joy Goodall - Flooding & Coastal

Bernadette Marjoram

Interim Corporate Director

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Your Ref Roy Brown - 180201/DPP
Our Ref ESS/1025/00550/EFB/TGGH/JB

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BY EMAIL & HARD COPY
Planning & Sustainable Development
Business Hub 4
Marischal College
Broad Street
ABERDEEN AB10 1AB



9 March 2018

Dear Sirs

ESSON PROPERTIES LIMITED
OBJECTION TO APPLICATION REFERENCE 180201/DPP
PLANNING APPLICATION FOR THE ERECTION OF 1.5 STOREY DOMESTIC GARAGE
TO REAR OF 12 ALBERT STREET, ABERDEEN AB25 1XQ

We are instructed by Esson Properties Limited, who operate from 10 Albert Street, Aberdeen to object to the application for detailed planning permission for the erection of a 1.5 storey domestic garage to the rear of 12 Albert Street, Aberdeen. Our client received neighbour notification of the application dated 16 February 2018. This letter is submitted timeously in accordance with the neighbour notification our client received and requires to be taken into account in determining the application.

Our client owns 10 Albert Street and 4 Carden Terrace, which are used as their own offices or rented out as offices to tenants. The application site at 12 Albert Street adjoins our client's property at 10 Albert Street. The properties form part of the whole street of even numbered properties which are all Category B Listed Buildings. The application site also falls within the Albyn Place and Rubislaw Conservation Area.

Our client wishes to object to the application on the following grounds:

1. it constitutes over-development of the site;

Aberdeen Edinburgh Glasgow

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2. it is inconsistent with the character of the surrounding area and will have a negative impact on the appearance and amenity of the street; and
3. it will have an unacceptable impact on the surrounding conservation area and listed buildings.

We address each of these in turn below.

Development Plan

The application requires to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises the Aberdeen City and Shire Strategic Development Plan 2014 (SDP) and the Aberdeen Local Development Plan 2017 (LDP).

The strategic vision for the City and Shire area in terms of the SDP is to “*be an even more attractive, prosperous and sustainable European city region and an excellent place to live, visit and do business*”. In light of this, one of the SDP objectives is to make sure new development maintains and improves the region’s important built, natural and cultural assets. The SDP acknowledges that the built environment is a valuable resource, and that sites which contribute to the built and historical environment are just as sensitive as sites which contribute to the natural environment. The SDP advises that these sites should be protected from the negative effects of development.

The LDP shares its strategic vision, and seeks to make Aberdeen City an attractive place to live, while protecting its existing assets.

For the reasons stated in this letter the application is contrary to the development plan.

1. it constitutes over-development of the site;

The proposal is for a 1.5 storey domestic garage, where none exists currently, to be added to the 3 storey residential property at 12 Albert Street. At the rear of 12 Albert Street is an area of car parking large enough for approximately 3 cars before a wall and a door through which provides access to the garden ground.

The proposed garage is to be formed by slapping through the existing wall, to make the opening for the garage. The garage will protrude some 8.2m into the rear garden of 12 Albert Street from the existing wall. The proposed garage is to have storage space of 2.4m in height above the garage height of 2.6m.

The application site falls within the West End Office Area in the LDP. **LDP Policy B3: West End Office Area** does not specifically refer to householder development but indicates that proposals for change of use to residential use, or any new residential development, will be considered on their merits. Change of use or expansion of offices involves consideration of the size, scale and design of development in respect of the special historic and architectural character of the area and the design needs to take account of the relationship to the existing building, context and modifications to existing extensions. Scope to provide access to properties from rear lanes will only be acceptable if satisfactory access arrangements are in

place, or can be provided by the developer. New development proposals that do not protect existing residential amenity will be refused.

This Policy approach is reinforced by paragraph 3.1.6 of the **Supplementary Guidance: Householder Development Guide** which provides that outbuildings must always be subordinate in scale to the dwellinghouse, not have a negative impact on the character of the surrounding area, and detached garages should be of a scale and design that respects the prevalent context of the surrounding area, especially where highly visible and when in Conservation Areas.

The Albyn Place and Rubislaw Conservation Area Character Appraisal describes the prevailing development pattern within the area of the application site, which falls within the Albyn Place/Carden Place/Albert Terrace and Victoria Street sub-area, as being:

*“...structured and linear, with main thoroughfares and back lanes running east to west, cross sectioned with those running north to south. **The style of properties and the density ensures there is a strong urban form.**”* (page 23) (emphasis added) and that *“Rear lanes are used for access. In domestic premises garages and rear gardens are enclosed by high stone walls which remain mostly intact and large proportions have garage door openings built into the walls”* (page 11).

Para 3.5 of the Conservation Area Character Appraisal identifies the key characteristics which enhance this sub area of the Conservation Area including *“Back lane wall/garage/features – undeveloped residential/developed commercial properties”* and that the greatest threats to the management of this sub-area within the Conservation Area are:

- *“Loss of the original pattern of development and boundary walls of back land development due to car parking and extensions”;*
- *“Unsympathetic development that does not reflect or relate to the character of the character area”;*
- *“Unsympathetic development of large residential garages”.*

There are no other 1.5 storey garages in the back gardens of Albert Street properties. There is a single garage with mono pitch roof to the south-east of the application site, but this is formed behind the boundary wall of that property, so is hidden visually. Should the application be approved, a higher density of residential development would result, contrary to the strong urban form and character which typifies the Conservation Area. The proposed development will result in a design which is not in keeping with the structured pattern of built development along the back of the Albert Street properties.

Sufficient useable garden ground requires to be retained for the property. **Supplementary Guidance: The Sub-Division and Redevelopment of Residential Curtilages** requires, as a general guide, that no more than a third (33 per cent) of the total site area for each individual curtilage should be built upon. Whilst the proposal would appear to comply with

the requirement for properties of 2 storeys or more to have a minimum of 11m garden length, it is not clear if that is useable garden ground. There is no assessment of the impact on sunlight or daylight from a 1.5 storey garage, at a height of 5m, on the retained garden ground or on the neighbouring properties.

Based on the measurements shown on the drawings submitted, the application will result in more car parking/garage space than is given over to garden space for the residential property. It is not clear how the application complies with the requirement to develop only a third of the total site area for an individual curtilage, whilst maintaining sufficient useable garden ground.

Whilst our client's property to the south of the application site consists of a car park, the proposed garage brings the built development more than half way down the mutual boundary wall between our client's property and the application site. There is also a window on the rear elevation of the proposed garage, at less than a meter in height from floor level, such that any users of first floor garage space will be able to overlook into our client's property. The height and coverage of the curtilage of the application site, with its overbearing nature of our client's existing property is of utmost concern. Although the first floor of the garage is to be used as storage space, it could also lead to a potential loss of amenity and privacy of our client's car park if it could be utilised for purposes other than storage.

It is submitted that the application constitutes overdevelopment as the proposals conflict with the established character of the area and breach the appropriate level of built development for an individual curtilage whilst also retaining insufficient useable garden ground. The proposal conflicts with Policy B3, the Householder Development Guide and The Sub-Division and Redevelopment of Residential Curtilages SG and the principles enshrined in the Albyn Place and Rubislaw Conservation Area Character Appraisal.

2. it is inconsistent with the character of the surrounding area and will have a negative impact on the appearance and amenity of the street

LDP Policy D1: Quality Placemaking by Design requires all development to be of a high standard of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.

The proposed materials are off-white smooth render, new or second hand slates, grey upvc windows and doors with grey upvc soffits and black upvc gutters and downpipes. There is no justification put forward for the use of these materials and how they tie in with the required level of high quality design. As there is no assessment of the Conservation Area character it has not been demonstrated that the proposed materials are in keeping with the character of the Conservation Area. The proposal is contrary to Policy D1 and Albyn Place and Rubislaw Conservation Area Character Appraisal.

Furthermore, no design statement has been submitted by the applicant to demonstrate that the Listed Buildings and their setting will not be adversely affected by the proposed development.

As noted above, there are no other 1.5 storey garages which back onto the properties along this section of Albert Street. The proposed development will have a negative impact on the appearance and amenity of the street and the proposed materials have not been justified in accordance with Policy D1.

3. **it will have an unacceptable impact on the surrounding conservation area and listed buildings.**

As the application proposes works to a listed building, which includes the walls, a separate Listed Building Consent application is required. So far as our client is aware no such application has been made in tandem with the current application reference 180201/DPP.

Section 59 of the Planning (Listed Building and Conservation Area) (Scotland) Act 1997 requires a planning authority, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Subsection 59 (3) confirms that “preserving”, in relation to a building, means preserving it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character, and “development” includes redevelopment.

Given no Listed Building Consent application has been submitted, the Council must apply the tests set out in Section 59 to this application.

Furthermore, Section 64 of the Planning (Listed Building and Conservation Area) (Scotland) Act 1997 requires a planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Proposals affecting Conservation Areas, or Listed Buildings, will only be permitted if they comply with Scottish Planning Policy pursuant to **Policy D4: Historic Environment**.

In respect of Conservation Areas, Scottish Planning Policy 2014 (SPP) states that:

“Proposals for development within conservation areas, and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area.”

In respect of listed building, SPP restates the duties as set out in the Planning (Listed Building and Conservation Area) (Scotland) Act 1997 and notes that listed buildings should be protected from demolition or other work that would adversely affect it or its setting.

The applicant’s supporting information makes no reference to the guidance in the Scottish Historic Environment Policy (SHEP). SHEP is a material consideration in the determination

of this application which must, as a matter of law¹, be taken into account. It would be unlawful to issue planning permission on the basis of the application as presented.

The proposed development is of a type which has been specifically identified as a threat to the integrity of the Conservation Area in the Conservation Area appraisal. The proposals deviate from the pattern of development in the area for the reasons already stated, constituting overdevelopment of the site, and will cause a significant loss of garden ground. The approval of the application could set a precedent for inappropriate back land development in the Conservation Area. The proposed development has not been considered against sufficient listed features, including our client's property. For these reasons, it is submitted that the proposed development does not preserve or enhance the character and appearance of the Conservation Area as is required by SPP, Section 64 of the Planning (Listed Building and Conservation Area) (Scotland) Act 1997 and is not therefore supported by Policy D4.

Conclusion

The protection, conservation and, where possible, enhancement of the historic built environment is a key element of the development plan, and any application for development that is inconsistent with this should be opposed. When considering development that affects a listed building, Section 59 of the Planning (Listed Building and Conservation Area) (Scotland) Act 1997 requires a planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. No account has been taken of our clients' listed building contrary to the requirements of Policy D4.

It is submitted that the proposed development is inappropriate for the Conservation Area location, where the strictest development standards should be imposed in light of Section 64 of the Planning (Listed Building and Conservation Area) (Scotland) Act 1997 which requires a planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

It is submitted that the proposed development would constitute overdevelopment of the application site, and would have a negative impact on the character and amenity of the area, contrary to a number of LDP policies.

Since the application contravenes the terms of the development plan, and no material considerations have been put forward justifying departing from the plan, the application requires to be refused.

¹ City of Edinburgh Council v Sect of State for Scotland 1998 SC (HL) 33
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We trust that the points raised in this letter will be taken into account when determining the application in due course.

Kindly acknowledge safe receipt of this letter.

Yours faithfully

A handwritten signature in black ink, consisting of a long, flowing horizontal line that ends in a small loop, followed by the initials 'WP'.

for and on behalf of Burness Paul LLP

T: +44 (0)1224 618538

E: Theresa.Hunt@burnesspaul.com

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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 100084382-003

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="1 The Square"/>
First Name: *	<input type="text" value="D"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Greene"/>	Address 1 (Street): *	<input type="text" value="Mintlaw"/>
Company/Organisation	<input type="text" value="c/o Baxter Design Company"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Peterhead"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB42 5EH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="12 ALBERT STREET"/>
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="AB25 1XQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805987"/>	Easting	<input type="text" value="393014"/>
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Description of Proposal

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

Proposed erection of domestic double garage to rear of 12 Albert Street, Aberdeen

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.

It is necessary that all grounds for appeal highlighted within the attached statement are considered, along with the accompanying documents DG1, DG2, DG3, DG4, DG5 and the previously refused drawings 17146-P1(am3) and P2(am1).

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)

DG1, DG2, DG3, DG4, DG5, 17146-P1(am3), P2(am1) and Grounds of Appeal statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

180201/DPP

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

15/02/2018

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

13/04/2018

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 *

Further written submissions on specific matters

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)

It is necessary that all grounds for appeal highlighted within the attached statement are considered, along with the accompanying documents and previously refused drawings. We feel that a further site inspection would also be beneficial

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)

the applicant should be contacted to arrange full access to the site via rear, gated entrance to the garden area

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 Craig Fyvie

Declaration Date: 11/07/2018

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11/07/18

REQUEST FOR REVIEW OF THE REFUSAL OF APPLICATION
REFERENCE NO. 180201/DDP FOR PLANNING PERMISSION FOR
THE ERECTION OF A DOMESTIC DOUBLE GARAGE TO THE REAR
OF A PROPERTY AT 12 ALBERT STREET, ABERDEEN

GROUNDS FOR APPEAL STATEMENT

Contents

- 1.0 Introduction
- 2.0 Planning History
- 3.0 Description of Site and Proposals
- 4.0 Development Plan Policy
- 5.0 Grounds for Appeal
- 6.0 Conclusions and Recommendations

Supporting Documents

DG1

DG2

DG3

DG4

DG5

1.0 INTRODUCTION

- 1.1 This Notice of Review is submitted on behalf of Mr D Greene under the terms of Section 43a(8) of the Town & Country Planning (Scotland) Act 1997 and Regulation 9 of the Town & Country Planning (Scheme of Delegation and Local Review Procedures) (Scotland) Regulations 2013. It is against the refusal by Aberdeen City Council to grant planning permission for the erection of a domestic double garage to the rear of a property at 12 Albert Street, Aberdeen.
- 1.2 The application was submitted by Mr Craig Fyvie, Baxter Design Company (Old Deer) Ltd on 15th February 2018 and validated 15th February 2018. Following discussion with the Planning Officer and on review of a Letter of Objection received 12th March 2018 amended plans were submitted on 14th March 2018.
- 1.3 The application was refused as the Planning Officer contended that;

The proposed garage would be incongruous in design, siting and scale in the context of being within the curtilage of a B-Listed building within an A-Listed building group and within the Albyn Place and Rubislaw Conservation Area. It would have a negative impact on the character and appearance of the conservation area. It would be contrary to Scottish Planning Policy; Historic Environment Scotland Policy Statement; Policies D1 – Quality Placemaking by Design and D4 – Historic Environment of the Aberdeen Local Development Plan; the Supplementary Guidance: ‘the Householder Development Guide’ and ‘Transport and Accessibility’; and the aims of the Albyn Place and Rubislaw Conservation Area Character Appraisal. There are no material planning considerations which would warrant the grant of planning permission in this instance.

- 1.4 As set out in the Notice of Review Form, Mr Greene requests that this review be determined by written submission.

2.0 PLANNING HISTORY

- 2.1 Full planning permission Reference: P091424 was granted and approved unconditionally on the 14th January 2010. A copy of the approved plans are attached as Document DG1 & DG2. That proposal was for a larger garage with a 1-1/2 story glass extension to the rear, the previous submission was considered acceptable by the Planning Officer. The previous Delegated Report (Document DG3) advised that:

“The proposed garage with adjoining sun lounge would also comply with recommended policy guidelines. It would be of a suitable scale, design and materials and would not result in the loss of daylight, sunlight or privacy to any of the neighbouring properties.

The proposed works would comply with recommended policy guidelines and no other material considerations would outweigh this. They would not detract from the residential amenity of the area and would preserve the character of the conservation area.”

- 2.2 The reason provided for approving the application stated; *“The proposed works would comply with recommended policy guidelines and no other material considerations would outweigh this. They would not detract from the residential amenity of the area or the character of the conservation area.”*
- 2.3 As per planning permission Reference: P091424 the appellant proceeded to re-instate the period cast railings to the front of the building at a cost of £11k and separately to re-instate the roof space using materials sympathetic to the period at a cost of £26k, unfortunately the expenditure of £37k meant the appellant was unable to proceed at that time with the garage & sunroom prior to the lapsing permission in 2013.

However, he was of the view, and understandably so, that a subsequent application for a smaller garage without the sunroom would be acceptable given that there had been no substantive changes to the Planning Policy in the intervening period.

- 2.4 Following submission of the application of 15th February 2018 it became clear that the current Planning Officer had issue with both the scale and modern design of the proposed garage. The agent for Mr Greene requested further clarification around the Planning officer’s concerns. Several discussions between agent and planner took place prior to the submission of a revised application.

The points raised are list below:

“the Planning Authority may be in a position to support an outbuilding which is of a significantly reduced scale and is formed from suitable materials which complement those of the surrounding area. Specifically, the Planning Authority seeks:

- The built footprint of the garage to be reduced to the minimum dimensions required for a double garage – 6m in width x 5.7m in length in accordance with the minimum dimensions of garages in ‘Transport and Accessibility’.*
- The eaves height and overall height to be substantially reduced, reflective of the character of other garages of the surrounding area.*
- The roof pitch to be much shallower reflective of the character of other garages of the surrounding area, or have a shallow profiled metal monopitched roof.*
- The garage to feature no uPVC, and the window and fascia to be framed with timber.*

- *The walls to be finished with reclaimed granite (on its south face). If this is not possible, the finish should be a buff wetdash dash render or timber linings.*
- *The garage to be sited 1m back from the rear boundary, to reinstate the delineation of the lane and so that less of the rear curtilage is developed on.*
- *The garage to not be attached to the B-Listed granite boundary walls, but instead located centrally between these."*

Amended plans were subsequently submitted, with the following changes:

- Significant reduction of the area of floor space with the garage boundary walls being re-sited to sit within rather than be attached to the existing B- Listed granite boundary walls. The garage was not reduced to the minimum dimensions as proposed. The appellant did give the reduction consideration however after consideration and discussion it was apparent that placing a reduced size of garage in the middle of the proposed site would lead to there being underutilised areas of wasteland down each side of the garage between the garage and existing boundary walls which would not be aesthetically sympathetic to the area.
- The overall height was reduced to reflect the garage directly opposite the proposed site.
- The roof pitch was revised to be more reflective of the character of other garages in the surrounding area. The roof was not revised to a shallow profiled metal monopitched roof as it was not felt that this would be in fitting with the local character or adding to the area in any way.
- The garage fascia was revised from uPVC to timber and the window to the rear was removed to reduce any infringement on the privacy of the neighbouring commercial car parks / premises as requested in the Letter of Objection.
- The front facing wall was revised to reclaimed granite with a buff wetdash render for the other walls that will not be visible from the lane.
- The revised drawings did not move the garage forward to 1m back from the rear boundary. However, the front drive area was revised so that reclaimed cassettes were reinstalled, restoring some of the original features of the back lane that have been lost.

Despite these amendments the application was refused on 13th April 2018.

3.0 DESCRIPTION OF SITE AND PROPOSALS

3.1 Located at the west end of Union Street on Albert Street, this building is a Category B listed building, and is also designated as a group Category A listing with other properties within Albert Street (including numbers 2-18 (even numbers) Albert Street). The site lies within the Albyn Place and Rubislaw Conservation Area.

The building consists of granite walls and natural slate roof. The building is 2-1/2 storey in height with an additional basement level. The building lies within a terrace. The building fronts onto Albert Street, and its rear elevation can be accessed from Albert Walk which is a lane to the rear of the site.

The proposed site for the double garage is in the rear curtilage which would replace the existing rear garden wall and would be built on the soft landscaped garden ground. It would be set approximately 5.5m back from the southwest boundary.

3.2 The proposal is to build the garage from the existing rear wall, it would be finished in reclaimed granite on the front facing wall, would be finished in a grey wet dash render on the other three walls with a reclaimed slate roof in keeping with the original building and surrounding conservation area. The area to the front of the garage would be re-instated with reclaimed cassettes.

3.3 The original submission reflected the scale and footprint of the garage approved by the Council in January 2010. However, following discussions with the Planning Officer, amended plans were submitted reducing the overall foot print and height of the garage.

3.4 The proposed garage is required to provide sheltered and secured off street parking and to provide for the storage of garden maintenance equipment, garden tools and garden furniture for the sole use by residents /occupiers of 12 Albert Street

4.0 DEVELOPMENT PLAN POLICY

4.1 The extant Development Plan comprises the Aberdeen City and Shire Strategic Development Plan, approved by Scottish Minister in June 2014, and the Aberdeen City Local Development Plan adopted in February 2017. The former addresses strategic matters and is not relevant in the context of this appeal.

4.2 The Local Development Plan identifies the proposed site as falling within the West End Office Area where Policy B3 applies. This is more relevant for commercial developments but it does advise that any new residential development will be considered on their merits and the council will support the restoring of cast iron railings which were restored as part of the original planning permission Reference: P091424. With regards to expansions of existing

offices they will be acceptable provide; the size, scale and design of development proposal respect the special historic and architectural character of the area and; the design meets all of the relevant criteria set out in the Historic Environment TAN, with regards to relationship to the existing building, context and modifications to existing extension.

- 4.3 The residential properties in neighbouring streets come under Area H1 within The Local Development Plan. This advises that within existing residential areas proposals for new development and household development will be improved in principle if it does not constitute overdevelopment, does not have an unacceptable impact on the character and amenity of the surrounding area; does not result in the loss of valuable and valued areas of open space; and, complies with Supplementary Guidance.
- 4.4 The Planning Officer in determining the application also considers Policy D1 – Quality Placemaking by Design and Policy D4 – Historic Environment to be relevant in the determination of the application. Policy D1 requires that all developments must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Through Policy D4 the council seeks to protect, preserve and enhance the historical environment in line with Scottish Planning Policy, Scottish Historical Environmental Policy, and its own Supplementary Guidance and Conservation Character Appraisal and Management Plan. High quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of the conservation area will be supported.
- 4.5 Material considerations referred to by the Planning Officer in determining the application include Supplementary Guidance to the Local Development Plan comprising the Householder Development Guide. The Guidance sets out general principles for outbuildings. Such outbuildings should be subordinate in scale to the dwelling house and two storey outbuildings will generally not be permitted; Where a second storey is to be accommodated within the pitched roofspace, 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.
- 4.6 Scottish Planning Policy is a further material consideration. It sets out the Scottish Government's Policies on alterations or change in the historic environment. Historic Environment Scotland provides guidance on managing change in the historic environment. Their Guidance Notes set out the principles that apply to extending historic buildings. The

Guidance notes that most historic buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses. It acknowledges that it is difficult to lay down hard and fast rules for new work when much will depend upon the site, the landscape, the scale and form of both the existing building and of the addition or extension proposed. In terms of the general principles it advises that additions or extensions;

- Must protect the character and appearance of the building;
- Should be subordinate in scale and form;
- Must be designed in a high quality manner using appropriate materials.

4.7 A further material consideration, given no weight by the Planning Officer, is the planning history of the site. Annex A of Scottish Government Circular 3/2013 Development Management Procedures highlights planning history as an appropriate material consideration. Whilst the Planning Officer made passing reference to this in email communication there was no mention in the Report of Handling, it was not listed under Relevant Planning History and no details were provided of the proposal nor the views of the Planning Officer at that time in determining the planning application. These are important material considerations which require to be given appropriate weight by the Local Review Body.

5.0 GROUNDS FOR APPEAL

5.1 Legislation requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The proposal, which is for a modest double garage to the rear of the domestic dwelling on Albert Street, should have been granted planning permission. It is contended that the proposal fully satisfies the terms of Planning Policy as set out in Policies B3, D1, and D4 of the extant Aberdeen Local Development Plan. Beyond this, the planning history of the site and, the grant of full planning permission in 2010 for a much larger garage is a material consideration which justifies approval of the current proposals.

5.2 There is no reference in the Officer's Report of Handling with regards to the previous grant of planning permission in 2010.

5.3 The previous permission, as is evident from the plans attached at Document DG1 & DG2, was for a significantly larger garage, both in terms of the footprint and height. It was approved with a 1-1/2 glass extension to the rear which could be argued is far less in keeping with the local character of the Conservation area than the latest proposal which was rejected. Notwithstanding, the Officer's Report of Handling in respect of that earlier application was positive. The proposals were considered in terms of their impact on adjacent residential amenity and their impact on the character of the Conservation Area. The previous Officer considered the scale, design and materials to be of an acceptable standard that would not detract from the residential amenity of the area, nor would there be any conflict with the preservation of the character of the conservation area.

5.4 In light of the above, given that there have been no substantive changes to Planning Policy and the fact the site remains within a Conservation Area, it is difficult to comprehend the Planning Officer's comments in respect of a significantly reduced scale of development.

5.5 In the Officer's Report of Handling he identified the main objections to the proposal, these are addressed below.

- *The proposed garage would of a similar scale in terms of footprint to that of the original dwelling house and the other properties in the terrace, and therefore would have a footprint which would be comparable to that of a separate dwelling. In this sense, it would not be subordinate to the original dwelling house and would constitute over-development of the site. The garage would have a high eaves height for a domestic outbuilding, would have a hipped roof, and would extend almost the entire width of the curtilage.*

The original dwelling house is 2-1/2 storey in height with an additional basement level. As a single domestic dwelling it would be comparable to a 6-bedroom property. As such, the building of a domestic double garage would not be comparable to a separate dwelling nor would it constitute an over-development of the site. As previously mentioned, the 2010 Delegated Report stated that "It would be of a suitable scale, design and materials and would not result in the loss of daylight, sunlight or privacy to any of the neighbouring properties".

The garages eaves would be comparable to the garage directly opposite the proposed site and the revised plans have significantly reduced the height of the eaves. The revised plans also now show an outline of the outbuilding at number 10 Albert Street which is adjacent to the proposed site.

- *The introduction of a garage of this scale on this side of the lane where there are no garages would have an adverse impact on the visual amenity of the surrounding area, and would disrupt the original pattern of development of this rear lane and the overall setting of the B-Listed terrace. It can be noted that the proposed garage would be finished with traditional materials. However, the garage would be contrary to the Householder Development Guide in that it would not be of a scale and design that respects the prevalent context of the surrounding area.*

While it is true that currently there are no garages on the side of the lane with even numbered properties, as per an original attached plan (DG4) of the area there were several outbuildings of stone construction with a building of stone construction forming part of the dwelling of 12 Albert Street, the original buildings having been demolished to enable commercial usage. An example can be seen for 6 Albert Street under planning application 050342 for the "Demolition of rear boundary wall and outbuildings and alterations to form

car park in rear garden". The remnants of the previous large outbuilding can still be seen on the boundary wall of 6 Albert Terrace.

Currently there are several garages and outbuildings contained within Albert Walk and within 5m of the proposed site there are two garages directly opposite and an adjacent outbuilding contained within number 10 Albert Street. Within 15m there are also a further two garages opposite the site that are accessed via Albert Walk.

The revised plans for a smaller domestic double garage are comparable in height to the existing buildings. The proposed finish of the garage is of a far higher quality and finish than the existing garages and is undoubtedly more sympathetic to the local conservation area than the existing garages.

- *The siting of the proposed garage would be contrary to the principles of Transport and Accessibility in that it would not be on the same line as the original garden boundary wall in order to maintain the delineation of the lane, and an additional area of garden ground would resultantly be covered by development for the purpose of additional parking. The further loss of garden ground for car parking would be contrary to aims of the Conservation Area Character Appraisal.*

The proposed garage is based on being built from the existing rear garden wall, therefore, there would be no further delineation to the back lane than the existing layout of the property. The remaining properties on the Albert Street side of the lane have all been substantially developed to allow for further parking. The proposed changes to number 12 would still leave the most garden space of all the properties in the row and as mentioned in 2018 Report of Handling "the garage would not significantly adversely affect the residential amenity of these properties, or any other residential property in terms of sunlight, daylight or privacy".

With the proposed changes there would still more than 50% of the garden left for soft landscaping in line with Supplementary Guidance: Transport and Accessibility.

- *The proposal would set a negative precedent for similar garages and other back-land development on Albert Walk which would be significantly detrimental to the character and appearance of the Albyn Place and Rubislaw Conservation Area.*

The remaining properties on the Albert Street side of the lane are commercial properties. As can be seen on either a site visit or from the attached satellite image (attachment DG5) all been heavily developed to provide parking at the rear. The proposed development would be far more sympathetic than the neighbouring developments.

With regards to setting a precedent for similar garages, as mentioned previously there are already four garages accessed via Albert Walk that have set a precedent. Furthermore, the

existing commercial properties would not benefit from the building of rear garages as they require the existing off-street parking provided by the rear carparks. It is unlikely that the building of a domestic double garage would aid any of the existing commercial premises with regards to off street parking.

- *Due to its inappropriate design, scale and siting, the proposal would have a negative impact on the setting of the original B-Listed building, the large number of neighbouring listed buildings, and the character and appearance of the conservation area, and would therefore be in conflict with the relevant national and local policies relating to design and built heritage.*

As mentioned in the 2010 Delegated Report “It would be of a suitable scale, design and materials and would not result in the loss of daylight, sunlight or privacy to any of the neighbouring properties. The proposed works would comply with recommended policy guidelines and no other material considerations would outweigh this. They would not detract from the residential amenity of the area and would preserve the character of the conservation area.

The “conflict with the relevant national and local policies relating to design and built heritage” are address in the following paragraphs.

5.6 The contrasting nature of the views expressed in the respective Reports of Handling on each application is a major concern to the appellant. The appellant was unable to implement that earlier permission but, was confident that planning permission could be secured for a similar garage. When it became apparent that the Officer was not supportive of the proposals amended plans were submitted which substantially reduced the scale of development. It was anticipated that the amended proposals would be looked upon favourably. In amending the proposals, the appellant has demonstrated his willingness to arrive at a compromise solution which, on the basis of the previously approved proposals, should be perfectly acceptable. Indeed, it reflects badly on the Planning Authority that permission is granted previously for a much larger proposal yet permission is refused for a smaller development which has much less impact on the adjoining proprietors and the wider Conservation Area.

5.7 In terms of Local Development Plan Policy, it falls within a predominantly commercial area where Policy B3 applies. The policy advises that any new residential development will be considered on their merits and with regards to expansions of existing offices they will be acceptable provide; the size, scale and design of development proposal respect the special historic and architectural character of the area and; the design meets all of the relevant criteria set out in the Historic Environment TAN, with regards to relationship to the existing building, context and modifications to existing extension

The residential properties in neighbouring streets come under Area H1 within The Local Development Plan. This advises that within existing residential areas proposals for new development and household development will be improved in principle if it does not constitute overdevelopment, does not have an unacceptable impact on the character and amenity of the surrounding area; does not result in the loss of valuable and valued areas of open space; and, complies with Supplementary Guidance.

Given the fact that the proposal is for a modest double garage that meets the criteria identified in both policies B3 and H1 it cannot possibly be construed as an overdevelopment or that it would have a negative impact on the character and appearance of the conservation area. Despite being much smaller than that previously approved the Planning Officer contends that the garage would be incongruous in design, siting and scale this directly contradicts the findings of the Planning Officer who dealt with the earlier application in 2010.

- 5.8 Contrary to the Officer's assertion it is contended, as highlighted above, that the application is compatible in design and scale with the original dwelling and the surrounding area. It does not overwhelm or dominate the original form or appearance of the dwelling and is clearly subservient to it in terms of height, mass and scale. This will be reinforced by the fact that it is finished with Granite facing, the remaining walls will be in a grey wet dash render, the roof will be of reclaimed slate and front area will be paved in cassettes which will blend with the original dwelling house and local area. The structure will not stand out from the local area in any form.
- 5.9 The Guidance also seeks to ensure that no extension or alteration should result in a situation where the amenity of neighbouring properties would be adversely affected by impact on privacy, daylight, and general amenity. The Report of Handling acknowledges that although the garage would overshadow the non-residential car parking areas of 10 and 14 Albert Street, given the use of these areas as such, the impact in terms of amenity would be negligible. Finally, the built footprint of the garage falls well below that allowed in the Guidance and less than 50% of the rear curtilage is covered by development. Accordingly, it is contended that the proposals fully accord with the Supplementary Guidance.
- 5.10 Planning Policy D1 relates to quality placemaking by design and seeks to ensure high standards of design with a strong and distinctive sense of place. In this regard, it is contended that the design of the proposal reflects that of the original dwelling and those in the surrounding area. The design and finish are far more in fitting than the other garages contained within Albert Walk. Consequently, it is also contended to satisfy the terms of Policy D4 relative to the historic environment. High quality design that respects the character, appearance and setting of the historic environment and protects special architectural or historic interest of its Conservation Areas is supported by the Council.
- 5.11 Further guidance in respect of the historic environment is provided by Scottish Planning Policy and in particular, Historic Environment Scotland. Their published Guidance Notes

relative to extending historic buildings acknowledges that most buildings can sustain some degree of sensitive alteration or extension to accommodate continued or new uses. The principles set out in that Guidance are fully addressed by the proposed alteration. The proposal satisfies all of the principal requirements in that the garage is subordinate in scale and form to the original building and is designed in a manner and using appropriate materials which protects the character and appearance of the building. The proposal preserves the character of the Conservation Area and as such, is in accordance with Scottish Planning Policy, Historic Environment Scotland Policy, and with Policy D4 of the Aberdeen Local Development Plan.

6.0 CONCLUSIONS AND RECOMMENDATIONS

- 6.1 On the basis of all of the above it is contended that the proposals are fully compliant with Local Development Plan Policies B3, D1, and D4. The proposals involve a modest double garage to the rear of the property at 12 Albert Street.
- 6.2 The proposals are also compliant with Historic Environment Scotland's Guidance on extending historic buildings. The proposals satisfy their criteria and preserve the character of the Conservation Area.
- 6.3 Planning permission was granted in January 2010 for a larger garage with a 1-1/2 storey glass extension to the rear. There have been no substantive changes to Planning Policy in the intervening period and as such, this is a material consideration in the determination of the planning application. It is particularly pertinent to note that the Report of Handling in respect of the current application directly contradicts the Report of Handling on the earlier proposals. The previous proposal was considered entirely acceptable and, given the fact that the height and scale of the proposals has been reduced, it is contended that the current proposals should have been looked upon favourably.
- 6.4 On the basis of all of the above it is respectfully requested that planning permission be granted for the proposed double garage to the rear of the property at 12 Albert Street, Aberdeen.

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The Review Statement submitted on behalf of Mr Greene seeks to address the reason for refusal attached to the Decision Notice dated 13 April 2018. The reason for refusal was:

"The proposed garage would be incongruous in design, siting and scale in the context of being within the curtilage of a BiListed building within an A-Listed building group and within the Albyn Place and Rubislaw Conservation Area. It would have a negative impact on the character and appearance of the conservation area. It would be contrary to Scottish Planning Policy: Historic Environment Scotland Policy Statement; Policies DJ - Quality Placemaking by Design and D4 – Historic Environment of the Aberdeen Local Development Plan; the Supplementary Guidance: "The Householder Development Guide" and "Transport and Accessibility"; and the aims of the Albyn Place and Rubislaw Conservation Area Character Appraisal. There are no material planning considerations which would warrant the grant of planning permission in this instance. "

The applicants do not attempt to address the reasons for refusal directly, or demonstrate how the proposal might address up to date policy requirements. Instead, their Review Statement criticises the Planning Officer's approach in refusing the application and requests that the Local Review Body (LRB) members look at this particular proposal against the backdrop of a previous approval for a garage on this site. The previous approval referred to is reference P091424 for a proposed garage/sun room and front railings which was granted planning permission on 12 January 2010. The applicant's argument seems to be that an historic approval of a larger scheme some 8 years ago, justifies the grant of this proposal. The Review Statement heavily relies on the conclusions reached in the determination of application reference P091424 in terms of impact or otherwise of that proposal on the area. The Appellant seems to believe that approval of P091424 is carte blanche justification for approval of the application which is subject of the Review as "No substantive changes to planning policy ... " have occurred since the earlier approval and that it is "difficult to comprehend the Planning Officer's comments in respect of a significantly reduced scale of development". Whilst the history of the site may be a material consideration, the weight to be attached to any historic approvals needs careful consideration. Since the previous application was considered, there have been very significant changes in planning policy. In particular, there is an entirely new Local Development Plan (LDP) from the previous application, and numerous other policy changes in the intervening 8 years. There have been two LDPs adopted in that period, and significant changes in national policy, with Scottish Planning Policy (SPP) also updated. The previous application was considered against Scottish Historic Environment Policy (SHEP), which has been replaced by entirely new guidance, Historic Environment Scotland Policy Statement (HESPS). The Council's Conservation Area Appraisal was approved in 2013. That document was not in place at the time of the previous application. The application must be considered against both the up to date LDP and updated National Guidance in respect of conservation areas and in respect of the listed buildings. The previous decision was based on policies that have been completely superseded. The fact an historic application was approved, is not in itself a justification to approve this application. As the Council's planning officer

has determined, when this application is considered against the up to date and relevant policies, it should be refused.

Overturing this decision based on an historic decision risks setting a precedent that could be applied to any other applications where there is a previous approval. This would undermine the planning process and weight to be attached to the Council's LOP. The Appellant notes that the plans originally submitted for the application which is subject of this Review are the same size of garage as approved under consent reference P09 I 424, but that in discussion with the Planning Officer amended plans were submitted before determination. By reducing the scale of the proposed development, the appellant appears to have accepted that the approved scheme was not appropriate. The context of this Review is the first opportunity that our client has had to review the amended plans, which were amended after our client's objection letter required to be submitted. The Appellant notes that our client was the only party to object and argues that the amended plans address the points of objection. Our client wishes to confirm that the amended plans do not, in fact, address their concerns. The Appellant states that the revised proposal is *"comparable to the garage directly opposite the proposed site"* but fails to mention that these are domestic single garages, which are not of a footprint comparable to that of a separate dwelling. As the Appellant recognises, there are no garages of the scale proposed on this side of the lane. The Appellant refers to a historic map showing previous outbuildings at the rear of the properties along Albert Street, but what they fail to point out is that they appear to have been of uniform size and of significantly less scale than the current proposal. As the planning officer noted in the Report of Handling for the application which is subject of Review *"thusfar, and unlike many of the rear lanes in the wider conservation area, Albert Walk has not been subject to unsympathetic development in terms of large garages and back-land development."* It is stated that the revised plans have *"significantly reduced the height of the eaves"*. In fact the revised/amended plans show a reduction of height of only 50cms and this has only been achieved by the replacement of a pitched roof with a hipped roof. The width of the proposed garage has only been reduced by 30cms, but the length has in fact increased marginally. It is not clear if the revised plans meet the requirement to have 5m of existing driveway retained as per the Roads consultation response. Our client is of the view that the proposed development remains overdevelopment of the site as it is not subordinate to the original dwellinghouse; it is inconsistent with the character of the surrounding area in that it introduces a scale of garage which disrupts the pattern of the rear land, where no such large garages are at present; and it has a negative impact on the appearance and amenity of the street/lane. The proposed development has an unacceptable impact on the surrounding conservation area and listed buildings all as stated in the original letter of objection. The Appellant has not demonstrated compliance with LOP policy or national guidance.

For the reasons stated in this letter, and the original letter of objection, the Review should be dismissed. We note that the next steps of the process of this Review will be confirmed following completion of the notification period for this Review. Our client would wish to be given the opportunity to be heard at any meeting of the LRB should they have any further questions in respect of this letter or the previous letter of objection.

COMMENTS RECEIVED FROM AGENT IN RESPONSE TO OBJECTOR COMMENTS

We think it would be worth noting that during the planning process for this application we found it difficult to have productive discussion with the planning department in terms of finding an agreeable solution in terms of design and scale etc.

Our client was very open to evolving the design so that it was sympathetic to the character of the area with both the design and especially the materials used. However at the expense of functionality it does in some cases seem unreasonable to take an entirely hard line view towards the application. The purpose of the built environment is to function sufficiently so as to serve the end user's needs. We believe that the revised design submitted as part of the refused application was an entirely reasonable compromise in which we tried to satisfy as many of the planning departments concerns as possible while retaining the necessary functionality of the building. As an ancillary building to a residential property, it's existence relies on it's ability to carry out its function and therefore an entirely compromised design which had been requested by the planning officer would not have functioned appropriately to satisfy the applicants needs.

We also think it would be worth noting that after the refusal of the application our client was keen to set up a meeting with the planning officer to discuss things further and see what could be adjusted in order to achieve a design which would satisfy their needs while also satisfying the planning department. We tried to contact the planning officer on a few occasions to arrange a meeting or to open dialogue to discuss things further but were met with no response at all.

The documents submitted along with the request for review outline the applicants position quite clearly but we just wanted to respond in order to clarify some potential misconceptions within the objection letter that you forwarded to us.

The objection states 'By reducing the scale of the proposed development, the appealant appears to have accepted that the approved scheme was not appropriate'. This seems to jump to a conclusion based on the fact that the applicant is open to discuss things in order to achieve a solution which is best for all parties involved. I would again reiterate that the applicant has been more than reasonable in their willingness to appease the planning departments concerns at the expense of their initial preferred design which most satisfied their functional requirements. The revised design was submitted at a compromise to the functionality of the garage but the applicant was willing to concede some functionality in order to satisfy the concerns of the planning department.

I also notice that the objection letter claims that the reduction in height from the initial submission to the revised submission was 50cm however the overall height of the garage building was reduced by approximately 1.15m which is a significant reduction in height in order to be more sympathetic to the neighbouring properties and less impactful on the surrounding area. It was also claimed that although the width of the proposed garage had been reduced, the length had been increased marginally. This isn't strictly true as the original submission was 7479mm+/- internally and the revised design was also 7479mm+/- internally. The only variation has come in the form of an increased wall thickness to the frontage of the building due to the granite stonework requested by the planning department.

I think it would also be worth highlighting what was mentioned in the document submitted as part of the request for review. It was noted that in the approval of the previous planning application (091424) the design was described by the case officer as "*of a suitable scale, design and materials and would not result in the loss of daylight, sunlight or privacy to any of the neighbouring properties*".

I believe this would be an objective statement and would find it difficult to see how a garage of smaller scale to this previous design could have more impact.

There also seems to be some query or uncertainty as to whether the proposed garage is subordinate to the original dwellinghouse. It's difficult to see how the proposed residential double garage wouldn't be subordinate when situated within the grounds of a 3 storey dwellinghouse.

There are a couple of other points raised within the objection letter which I think I can address at the same time. The objector claims that 'it is not clear if the revised plans meet the requirement to have 5m of existing driveway retained as per the Roads consultation response. The revised drawing which was submitted as part of the application clearly dimensions the driveway as being 5230mm. I would also note that the request of a 5m driveway from the roads consultation seems to vary from the planning officer's request for the garage to be set back a maximum of 1m from the line of the lane.

The objection letter also claims that 'it introduces a scale of garage which disrupts the pattern of the rear land.


The positioning of the garage was chosen so that the frontage of the garage was in line with the existing high garden wall between the driveway and garden of 12 Albert Walk. We believe that this position will have the least impact on the existing pattern of the lane and will minimise the visibility of the garage when walking or driving along the lane itself. The garage is also required to be set back at this position so that it can provide the additional off street parking required by the applicant. I would reiterate that if a minimal sized double garage was positioned 1m back from the lane then it would reduce the available parking area compared to what is currently available and would therefore contradict the purpose of the building.

It is also claimed that the garage 'has a negative impact on the appearance and amenity of the street / lane'

I would again refer to comments made during the approval of the previous application (091424) where it was stated that " *They would not detract from the residential amenity of the area and would preserve the character of the conservation area.*"

Again it is difficult to understand how a garage of smaller scale, utilising more sympathetic materials could suddenly be considered to be the exact opposite of this statement.

It would again be worth noting the granite frontage, buff wet-dash render, slate roofing, timber fascias / soffits and also the reinstatement of cobble stones to the driveway which all aid in retaining the character of the area.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	14 Forest Avenue, Aberdeen, AB15 4TG,
Application Description:	Partial removal of boundary wall and installation of electric gate and formation of driveway
Application Ref:	180699/DPP
Application Type:	Detailed Planning Permission
Application Date:	9 May 2018
Applicant:	Mrs C Gillanders
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Ashley And Broomhill
Case Officer:	Jacqui Thain

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application property is a traditional, two storeys, granite-finished, semi-detached dwelling and its associated curtilage, situated on the corner of Forest Avenue & Annfield Terrace. The property is located within the Great Western Road Conservation Area.

Relevant Planning History

Planning permission (Ref: 96/0028) was approved in February 1996 for a utility room and kitchen extension.

APPLICATION DESCRIPTION

Description of Proposal

It is proposed to remove a 4m long section of the existing boundary wall, facing Annfield Terrace, to install an electric gate and create off-street parking for 3 vehicles on an L-shaped driveway within the rear garden ground of the property. The gate would be constructed of galvanised steel with a horizontal timber infill. The driveway would measure approximately 8.7m/10m long x 4.6m/3m wide/3.7m (beside gate) and would wrap around the rear offshoot and would have an area of approximately 50 sqm.

Supporting Documents

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

CONSULTATIONS

ACC - Roads Development Management Team (RDM) – have no objection to the proposed development. The reason is discussed in greater detail in the evaluation below.

REPRESENTATIONS

One letter of objection has been received. The neighbour raised concerns that the creation of a 4m wide driveway/ dropped kerb would reduce the amount of on-street parking available for other residents.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

Historic Environment Scotland Policy Statement (HESPS)

Aberdeen Local Development Plan (ALDP)

Policy H1 - Residential Areas

Policy D1 - Quality Placemaking by Design

Policy D4 - Historic Environment

Policy D5 - Our Granite Heritage

Supplementary Guidance (SG)

Transport and Accessibility

Other Material Considerations

Managing Change in the Historic Environment: Boundaries

Great Western Road Conservation Area Character Appraisal

EVALUATION

Principle of Development

The application site is located within a residential area, under Policy H1 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, adversely affect the character and amenity of the surrounding area and complies with the Supplementary Guidance. Given this proposal would not enlarge the dwelling and would have no impact on the intensity of the use on the site, it would not constitute overdevelopment. The other issues are assessed below.

Impact on the Surrounding Conservation Area

The proposal is contrary to Policies D4 and D5 of the ALDP. The boundary wall is particularly important due to its prominence and location adjacent to the corner of Forest Avenue and Annfield Terrace. The wall contributes to the historic character of the area and, per HES's "Managing Change: Boundaries", *walls, fences and other boundary treatments forms important elements in defining the character of historic buildings, conservation areas ...* The Great Western Road Conservation Area Appraisal notes that original boundary treatments are key characteristics of the

area. As such, removing sections of boundary wall should only be done where a clear case for necessity has been made, which has not been done with this application. The Conservation Area Character Appraisal lists “Demand for parking” as a threat to the area, which is exemplified in this application by the removal of a section of historic boundary wall to create parking spaces. The overarching Conservation Area Management plan highlights “*Loss of the original development pattern and boundary walls due to back land developments, car parking ...*” as a weakness in Aberdeen’s conservation areas and is not something which the Planning Authority should be perpetuating further. It also highlights both car parking and the “*Cumulative effects of incremental minor changes – windows, doors, removal of boundary walls etc*” as threats to Aberdeen’s conservation areas.

In conclusion, the wall at 14 Forest Avenue is highly visible and contributes to the character of the Great Western Road Conservation Area. Removing sections of a boundary walls to allow access for parking has a negative impact on both the wall and the conservation area. This should therefore only be done when it has been fully justified and necessity has been proven, which is not in this instance. Therefore, the removal of a section of boundary wall would therefore fail to comply with Policies D4 and D5 of the ALDP, along with SPP and HESPS, as well as with the Great Western Road Conservation Area Character Appraisal.

Layout, Siting and Design

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of policy D1. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment. The six qualities of placemaking referred to Policy D1 – Quality Placemaking by Design of the ALDP requires development to reinforce the established pattern of development and to reflect local style and urban form.

For the reasoning mentioned in the above section, the proposal would fail to comply with Policy D1; in that the proposed development would result in the removal of a boundary wall, which would in turn have an adverse impact on the character and appearance of the surrounding conservation area; the proposal has therefore not been designed with due consideration for its surrounding context.

The area of hard-standing proposed would result in over-development of the site, so is therefore contrary to Policy H1 of the ALDP. After development of the driveway, which covers an area of approximately 50 sqm, and taking account of the summer house in-situ, and of the paved area adjacent to the main dwelling, only 19.4 sqm of the rear garden ground would remain undeveloped of the 95 sqm (excluding the rear offshoot).

Transportation Matters

The proposal has been assessed by officers in Roads Development Management, who have raised no objection to the proposed development. The proposal would see the site increasing from zero to three parking spaces. The driveway is unusually-shaped, making it difficult to compare with the Council’s standards in terms of length and width requirements, however the inclusion of an electric gate would prevent vehicles overhanging onto the public footway. The driveway is an adequate distance from the nearby junction and appears to meet other specifications. The applicants have confirmed that there would be a channel drain at the start of the driveway. The standards state the normal width of a footway crossing is 3m, but this may be increased to 6m for a double driveway. Although, technically, a double driveway is not proposed, the 4m wide footway crossing could be accepted as it would make access/egress of the L-shaped driveway simpler. There are therefore no road safety concerns with the proposed development. Whilst it is acknowledged that at least one on-street car parking space would be lost as a result of the proposed development, it is acknowledged that off-street parking would be provided for the development; with officers in RDM raising no objection to this element of the proposal.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The removal of part of the boundary wall, installation of an electronic gate and formation of hardstanding in order to accommodate three vehicles would be detrimental to the character and amenity of the surrounding area. The proposals have not been designed with due consideration for their context and would not respect the character, appearance and setting of the existing historic property, would be detrimental to its specific historic character and have an adverse impact on the overall historic environment and surrounding Conservation Area. The proposal therefore fails to comply with Scottish Planning Policy, Historic Environment Scotland's Policy Statement (HESPS), Policies H1: Residential Areas, D1: Quality Placemaking by Design, D4: Historic Environment and D5: Our Granite Heritage of the Aberdeen Local Development Plan. There are no material planning considerations which would warrant approval of consent in this instance.



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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 100094998-001

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)

Vehicular Access To Provide Off Street Parking

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:	Fitzgerald + Associates Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Kevin	Building Name:	
Last Name: *	Duguid	Building Number:	53
Telephone Number: *	01224 633 375	Address 1 (Street): *	Albert Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB25 1XT
Email Address: *	info@fitzgeraldassociates.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	C	Building Number:	14
Last Name: *	Gillanders	Address 1 (Street): *	Forest Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB15 4TG
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

14 FOREST AVENUE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 4TG

Please identify/describe the location of the site or sites

Northing

804988

Easting

392408

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Pre-App to ascertain Support

Title:

Mrs

Other title:

First Name:

Sheila

Last Name:

Robertson

Correspondence Reference
Number:

Date (dd/mm/yyyy):

03/04/2018

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

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.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

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: Kevin Duguid

On behalf of: Mrs C Gillanders

Date: 02/05/2018

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 Kevin Duguid

Declaration Date: 02/05/2018

Payment Details

Online payment: ABSP00002764
Payment date: 02/05/2018 13:51:00

Created: 02/05/2018 13:51

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Fitzgerald + Associates Ltd
53 Albert Street
Aberdeen
Scotland
AB25 1XT

on behalf of **Mrs C Gillanders**

With reference to your application validly received on 9 May 2018 for the following development:-

**Partial removal of boundary wall and installation of electric gate and formation of driveway
at 14 Forest Avenue, Aberdeen**

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

Drawing Number	Drawing Type
180699-01	Location Plan
100 A	Composite Drawing

REASON FOR DECISION

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

The removal of part of the boundary wall, installation of an electronic gate and formation of hard standing in order to accommodate three vehicles would be detrimental to the character and amenity of the surrounding area. The proposals have not been designed with due consideration for their context and would not respect the character, appearance or setting of the existing historic property, would

be detrimental to its specific historic character and have an adverse impact on the overall historic environment and surrounding Conservation Area. The proposal therefore fails to comply with Scottish Planning Policy, Historic Environment Scotland's Policy Statement and Policies H1: Residential Areas, D1: Quality Placemaking by Design, D4: Historic Environment and D5: Our Granite Heritage of the Aberdeen Local Development Plan. There are no material planning considerations which would warrant approval of consent in this instance.

Date of Signing 12 July 2018

A handwritten signature in black ink that reads "Daniel Lewis". The signature is written in a cursive style with a clear, legible font.

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

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

None.

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

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

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

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

Notices of review submitted by post should be sent to Strategic Place Planning (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 180699/DPP

Application Summary

Application Number: 180699/DPP

Address: 14 Forest Avenue Aberdeen AB15 4TG

Proposal: Partial removal of boundary wall and installation of electric gate and formation of driveway

Case Officer: Jacqui Thain

Consultee Details

Name: Mr scott lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: slynch@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note that the application is for the partial removal of boundary wall and the installation of an electric gate and the formation of a driveway.

The site is located in the outer city, outwith any controlled parking zone.

The proposed works see the site increasing from 0 to 3 parking spaces.

The driveway is unusually shaped, making it difficult to compare to our standards in terms of length / width requirements, however the inclusion of an electric gate will prevent vehicle overhanging onto the public footway.

The driveway is an adequate distance from the nearby junction, and appears to meet our other specs. I note that driveways should be internally drained, with no surface water discharging on to the public road. The provided drawing appears to show a channel drain at the start of the driveway, but this is not labelled. Can the applicant confirm whether or not this is the case?

I note that our standards state that "the normal width of a footway crossing is 3m but this may be increased to 6m for a double driveway". Although, technically, a double driveway is not proposed, the 4m wide footway crossing can be accepted as it will make access / egress of the L-shaped driveway simpler.

The vehicular footway crossing required for the access should be constructed by Aberdeen City Council. The applicant is responsible for all costs involved and are advised to contact the footway crossings team on 01224 241500, or email footwaycrossings@aberdeencity.gov.uk.

Upon receipt of a response to the above questions I will be better placed to provide a final, comprehensive roads response.

Comments for Planning Application 180699/DPP

Application Summary

Application Number: 180699/DPP

Address: 14 Forest Avenue Aberdeen AB15 4TG

Proposal: Partial removal of boundary wall and installation of electric gate and formation of driveway

Case Officer: Jacqui Thain

Customer Details

Name: Ms Emma Cooper

Address: 11a Forest Avenue Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Concern that creation of 4m wide driveway/dropped curb will reduce the amount of on-street parking available for other residents by more than one car length.

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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 100094998-004

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="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="C"/>	Building Number:	<input type="text" value="15"/>
Last Name: *	<input type="text" value="Gillanders"/>	Address 1 (Street): *	<input type="text" value="Foreest Avenue"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 4TG"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="14 FOREST AVENUE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 4TG"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="804988"/>	Easting	<input type="text" value="392408"/>
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Description of Proposal

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

Partial removal of boundary wall and installation of electric gate and formation of driveway

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.

We argue that in our opinion the proposal can meet the policies.

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)

Covering Letter - Location Plan and 3928_100 Rev A

Application Details

Please provide details of the application and decision.

What is the application reference number? *

180699

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

09/05/2018

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

12/07/2018

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

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

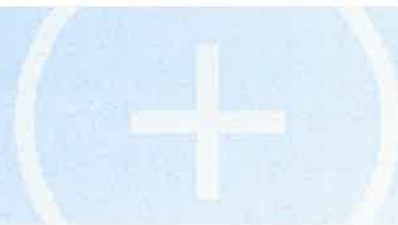
Declare – Notice of Review

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

Declaration Name: Mr Kevin Duguid

Declaration Date: 16/08/2018

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3928-02

Aberdeen City Council
Planning Department
Business Hub 4
Marischal College
Broad Street
ABERDEEN AB10 1AB

ARCHITECTURAL + INTERIOR DESIGNERS

53 ALBERT STREET ABERDEEN AB25 1XT
Tel +44 (0)1224-633375 Fax +44 (0)1224-638520
Email : info@fitzgeraldassociates.co.uk

16 August 2018

Dear Sirs

14 Forest Avenue, Aberdeen
Application Ref: 180699/DPP

In support of our Appeal application, I would like to comment as follows:-

- 1) The opening to Annfield Terrace is restricted to 4m wide. With the existing high section of granite wall being some 25m in length, constitutes a reduction of only 16% loss, with this opening also being some 27m from the junction to Forest Road.
- 2) From Section 5 of Managing Change in the Historic Environment "Boundaries", Item 5.5 reads:
"The formation of a new opening needs to be considered in light of the overall composition of the boundary and assessed as to whether it would be consistent with the existing design. Where the formation of a new opening is found to be consistent, the minimum of historic fabric should be lost and the opening should normally be detailed to match the existing openings. In some cases it might be appropriate to introduce high-quality contemporary design to new fixtures like gates."

And we argue that the contemporary design and high-quality to be appropriate.

- 3) In reply to the letter of objection, the loss of on-street parking would be one space. With the creation of 3 no. spaces, as shown in our application, we provide a potential net gain of 2 spaces.

I trust with the above, you can support our Appeal application.

Yours faithfully
FITZGERALD ASSOCIATES

Kevin Duguid [MCIAT]

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