

Public Document Pack



To: Councillor Boulton, Chairperson; and Councillors Copland and Donnelly (Depute Provost).

Town House,
ABERDEEN 13 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, 20 SEPTEMBER 2018 at 2.00 pm.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

BUSINESS

- 1 Procedure Notice (Pages 5 - 6)

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

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

[Local Development Plan](#)

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

PLANNING ADVISER - GAVIN EVANS

- 2 24 Rubislaw Den South - Erection of Garage/Hobby Workshop to Rear - 180328
- 3 Delegated Report, Original Application Form and Decision Notice (Pages 7 - 24)

Members, please note that all plans and supporting documents relevant to the review can be viewed online at the following link and add the Reference Number:-

Reference – 180328

<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

4 Planning Policies Referred to in Documents Submitted (Pages 25 - 26)

5 Notice of Review with Supporting Information Submitted by Applicant / Agent
(Pages 27 - 48)

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

Reference -180328

<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

6 Determination - Reasons for Decision

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

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

8 20 West Mount Street - Erection of 1.5 Storey Rear Extension - 180129

9 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 49 - 66)

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

Reference – 180129

<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

10 Planning Policies Referred to in Documents Submitted (Pages 67 - 68)

11 Notice of Review with Supporting Information Submitted by Applicant / Agent
(Pages 69 - 76)

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

Reference - 180129

<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

12 Determination - Reasons for Decision

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

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

14 42A Seaforth Road - Erection of Residential Development of Eight two Bedroom Flats and Associated Car Parking and Amenity Space

15 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 77 - 110)

Members, please note that all plans and supporting documents relevant to the review can be viewed online at the following link and add the Reference Number:-

Reference – 180352

<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

16 Planning Policies Referred to in Documents Submitted (Pages 111 - 112)

17 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 113 - 122)

Members, please note that all plans and supporting documents relevant to the review can be viewed online at the following link and add the Reference Number:-

Reference - 180352

<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

18 Determination - Reasons for Decision

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

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

Website Address: www.aberdeencity.gov.uk

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

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL


1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
3. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
4. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.
Any representations:
 - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
 - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
5. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
6. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
 - (a) written submissions;
 - (b) the holding of one or more hearing sessions;
 - (c) an inspection of the site.

7. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
8. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

DETERMINATION OF REVIEW

9. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
10. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-

“where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
11. In coming to a decision on the review before them, the LRB will require:-
 - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
 - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
 - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
12. In determining the review, the LRB will:-
 - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
 - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions.**
13. The LRB will give clear reasons for its decision in recognition that these will require to be intimated and publicised in full accordance with the regulations.

	Strategic Place Planning
	Report of Handling

Site Address:	24 Rubislaw Den South, Aberdeen, AB15 4BB,
Application Description:	Erection of garage/hobby workshop to rear
Application Reference:	180328/DPP
Application Type:	Detailed Planning Permission
Application Date:	9 March 2018
Applicant:	Mr Mark Buyers
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Queen's Cross And Harlaw
Case Officer:	Sheila Robertson

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to the rear garden of a detached 2 storey, 3-bay villa located on the north side of Rubislaw Den South within the Albyn Place/Rubislaw Conservation Area. The property, which was designed by Arthur Clyde circa 1879, is listed as Category B, constructed with coursed grey granite to the principal elevation, coursed granite rubble to the remaining elevations, a pitched slated roof, overhanging eaves and timber bargeboards with Gothic detailing. An extension to the rear and gable is currently under construction. The rear garden extends approximately 43m from the rear elevation, abutting the private communal grounds of 'The Den'. There is a potting shed to the extreme eastern corner of the rear garden, approximately 25sq.m in size, with a pitched roof and built of timber, painted black, on a brick base

Relevant Planning History

Applications for planning permission (Ref: 160875) and Listed Building Consent (Ref: 160876) were approved in November 2016, for the erection of a 1.5 storey gable extension including a garage for several cars, and single storey extension to the rear.

An application (Ref: 171419/DPP) for erection of garden store within the rear garden was withdrawn in September 2017. A corresponding application for Listed Building Consent (Ref: 180325/LBC) was refused on 4 May 2018.

APPLICATION DESCRIPTION

Description of Proposal

The proposal involves the erection of a single storey garage/hobby workshop within the rear garden. The structure would be square in plan, with a footprint of 36sqm, sitting 7.7m from the rear

elevation of the extension currently under construction and abutting the eastern boundary wall. As ground levels rise towards the rear of the garden, a 1m depth of soil would be excavated to set the structure down below the surrounding garden level. The eaves height would be 2.6m, no higher than the boundary wall to which it would abut, with a roof ridge height of 4m when measured from the southern elevation. The roof would be fully hipped with a flattened ridge. A paved area of hardstanding covering 28sqm would be laid, infilling the space between the garage and proposed rear extension. Vehicle entry to the rear garden would be via the proposed garage to the gable elevation, which has vehicle access doors to both front and rear. Finishing materials would include a red brick base course, vertical timber linings painted black and a slate roof.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P57VX5BZJME00>

The following documents have been submitted in support of the application –

- Design Statement
- Supporting statement

CONSULTATIONS

Roads Development Management Team – No observations

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

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

Aberdeen Local Development Plan (ALDP)

Policies D1 (Quality Placemaking by Design), D4 (Historic Environment) and H1 (Residential Areas).

Other Material Considerations

Householder Development Guide and Historic Environment Scotland's 'Managing Change in the Historic Environment' series: Setting

EVALUATION

Principle of Development

While the principle of erecting an ancillary structure within the curtilage of a dwelling is normally acceptable within a residentially zoned area such as this, any proposal must also be assessed in terms of factors such as design, appearance and location, impact to the setting of the Listed Building and effect on the character and amenity of the surrounding residential area. Development

within a Conservation Area should also have a neutral or positive effect on its character and appearance, in line with SPP, HESPS and Policy D4 of the ALDP.

Site Character and History

The character of the immediate area is one of substantial detached houses, typically set within large grounds. The houses are late 19th /early 20th century and were developed by the prominent architects of the time who were often employed to produce daring and unique designs to reflect the prosperity and personality of clients and are imposing, two or three storeys, set back far from the road. Since original construction, and apart from the recently approved extensions to the application property, modifications to existing properties have been relatively small scale mainly associated with erection of single storey rear extensions, modest garages, alterations to front gardens to provide parking and reinstatement of railings.

Planning permission and Listed Building Consent have been approved at the application property to (a) demolish the existing garage and the side return of the rear annexe and replace with a 1.5 storey extension, and (b) demolish the rear annexe and erect a single storey, pitched roofed extension linked to a flat roofed single storey extension, in-filling the void created between the rear extension and eastern boundary wall. Accommodation to be created included garage parking for several cars, utility room and a garden room at ground floor level, and a new bedroom/en-suite at upper level. These permissions are currently under construction. The design was accurately modelled upon the existing building, and care was taken with detailing such as materials, coursing, window proportions, roof pitch and profile, to ensure the character and integrity of the listed building were retained.

Scale, Design and Layout.

Policy H1 states householder development must not have an unacceptable impact on the character and amenity of the surrounding residential area. There is also recently adopted guidance relating to the erection of domestic garages contained in Section 3.1.6 "Outbuildings" of the Householder Development Guide, which expects that such ancillary buildings should be subordinate in scale to the dwelling house, and, where highly visible and especially in Conservation Areas (in which the application site is located), should be of a scale that respects the prevalent context of the surrounding area.

Certain elements of the proposed structure are considered to be acceptable in terms of the Supplementary Guidance: Householder Development Guide. In terms of scale, the footprint of the structure plus the paved area would result in a negligible rise in the built site coverage, and the rear garden would be sufficiently generous to support a structure of such scale without resulting in a significant loss of useable rear garden space. The proposed garage would be subservient to the original dwelling house in terms of both floor space and height. However, the proposal also requires to be assessed in terms of factors such as design, materials and siting and how they would impact on the character and setting of the Listed Building and the character of the wider Conservation Area.

Looking at the pattern of development, the properties to the north side have no rear access lane, unlike the properties to the south side, however their rear gardens are generally devoid of large ancillary structures. Later additions such as garages are mainly of modest scale and generally sit to the gable elevations of the dwellings, although several properties further west have buildings located within their far rear gardens which appear to function as garages, although there are no historical records of their approval, and therefore they may have been converted from original out buildings or rebuilt on their original site. The proposed siting of the garage, within relatively close proximity to the rear of the dwelling house, following completion of the recently approved extension, would be inconsistent and not in keeping with the historical and surrounding pattern of development, and the loss of the original development pattern due to such back-land development is considered to affect the general setting of the listed building. In addition, the loss of garden

ground associated with the garage, in addition to the area to be given over to paving slabs to access the garage, is considered detrimental to the green setting of the dwelling house.

In terms of design, the proposal is deemed inappropriate, given the square plan and hipped roof profile, neither of which take their cue from the original architectural design of the dwelling house, and would therefore have a negative impact on the character and appearance of the property, which would be exacerbated by the close proximity of the structure. The proposed materials are not considered to be in keeping with the existing dwelling house, neither matching (apart from the slate roof), or acting as a high quality deferential contrast to the fabric of the existing dwelling. The supporting statement justifies the use of such materials on the basis that they would imitate those found on the potting shed, located to the extreme rear of the garden, however no visual benefit would be gained in their use given that the shed is not viewed in the context of the dwelling house. The proposed materials are deemed unsuitable and, when used in such close proximity to the dwelling house, would have a negative impact on its character and setting.

In terms of scale, the proposed structure, in isolation, could be considered to be subservient to the original dwelling house given its footprint and height. However, the proposed structure cannot be seen in isolation and must be considered in the context of, and having regard to the extent, size and character of the recently approved extension, which would increase the original footprint of the dwelling house (193sq.m) by a further 62sq.m. The proposed garage would add a further 36sq.m, and, given its close proximity to the approved extension, would cumulatively dominate the original building when viewed from the rear. It is accepted that the garage would be to a subordinate elevation in terms of public visibility however the architectural integrity of the building is not determined by the extent to which it can be viewed by the public, therefore it is considered that it would significantly detract from the architectural integrity of the listed building and have a negative impact on the external appearance by reason of its general form, scale, design, materials and proximity to the dwelling house, which results in a structure that doesn't take its cue from the original architectural design and would therefore impact negatively on its original character and setting, contrary to the guidance contained in the Managing Change Document.

The excavations required to accommodate the proposed new garage are substantial and may undermine the existing boundary wall affecting the fabric of the listed wall. It has not been made clear how the wall will be safeguarded during excavation and construction of the proposed extension.

SPP and HESPS and in turn Policy D4 require proposed works to either maintain or enhance the setting of listed buildings and the character and appearance of conservation areas. In view of the above, it is considered that while the inappropriate design/materials and poor siting of the proposed structure would result in an incongruous structure not in keeping with the historical pattern of development, adverse impact to the wider character of the Conservation Area would be limited since the structure would not be visible from any public viewpoint. However, the cumulative impact of further development in such close proximity to the rear elevation, would fail to preserve and enhance the character and appearance of the listed building, negatively affect its historic character and setting. As such the application would not accord with the objectives of SPP with regard to the historic environment and would therefore conflict with local plan policy D4. The proposal also conflicts with Policy D1 as the structure has not been designed with due consideration for its context; would neither sit well nor have a sense of place with the main dwelling and thus have a negative visual impact on the character and setting of this Listed Building. No overriding public interest to justify approval of the development, contrary to the objectives of SPP, has been demonstrated or is evident.

Impact on the Character of the Conservation Area

The structure would not be visible from any public viewpoint (other than from the private communal garden area to the rear) therefore although the proposal would impact negatively on the

setting of the dwelling house and historic pattern of development, any adverse impact to the wider character and visual amenity of the Conservation Area would be limited.

Impact on Residential Amenity

The proposed structure would be sufficiently distant from neighbouring properties and of acceptable height to ensure no impact on terms of loss of day light to neighbouring windows and there would be no significant impact in terms of overshadowing, the structure being located a suitable distant from neighbours' main areas of useable garden ground. The existing boundary walls would provide sufficient screening to protect neighbours' current privacy levels from any potential for overlooking from the windows to the western elevation. Residential amenity would therefore be retained in compliance with Policy H1.

Equalities Impact Assessment

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

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposal fails to comply with the relevant policies of the Aberdeen Local Development Plan 2017, namely Policies D1 (Quality Placemaking by Design) and D4 (Historic Environment) in that the proposal has not been designed with due consideration for the context of its setting. The proposal would have a negative impact on the setting of this Listed Building by reason of its scale, siting, materials and design, thereby detracting from the character and integrity of the listed building. Although the proposal would impact on the historical pattern of development, any adverse impact on the visual character and amenity of the Conservation Area would be limited since the structure would not be readily visible from any public area. The excavations required to accommodate the proposed new garage could undermine the existing boundary wall and affect the fabric of the listed wall. The proposal is therefore contrary to the provisions of Scottish Planning Policy, Historic Environment Scotland Policy Statement, Managing Change in the Historic Environment: Setting and thereby with Policy D4 (Historic Environment) of the Aberdeen Local Development Plan. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations that would warrant approval of planning permission in this instance.

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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 100086615-002

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

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of garage/hobby workshop to rear

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

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:	Graham Mitchell Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Graham	Building Name:	
Last Name: *	Mitchell	Building Number:	22
Telephone Number: *	01224649949	Address 1 (Street): *	Rubislaw Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB10 1XE
Email Address: *	office@gma-aberdeen.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Mark	Building Number:	24
Last Name: *	Buyers	Address 1 (Street): *	Rubislaw Den South
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB15 4BB
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

24 RUBISLAW DEN SOUTH

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 4BB

Please identify/describe the location of the site or sites

Northing

805785

Easting

391763

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1524.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Residential Dwelling

Access and Parking

Are you proposing a new 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 propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

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

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)? *

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, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

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.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Recycling bins stored in the garage

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

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: Graham Mitchell

On behalf of: Mr Mark Buyers

Date: 07/03/2018

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

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) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|---|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Graham Mitchell

Declaration Date: 07/03/2018

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Graham Mitchell
Graham Mitchell Architects
22 Rubislaw Terrace
Aberdeen
Scotland
AB10 1XE

on behalf of **Mr Mark Buyers**

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

**Erection of garage/hobby workshop to rear
at 24 Rubislaw Den South, Aberdeen**

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

Drawing Number	Drawing Type
01	Location Plan
13 rev c	Multiple Floor Plans (Proposed)
14 rev c	Multiple Elevations (Proposed)
15 rev c	Roof Plan (Proposed)
17 rev b	Multiple Floor Plans (Proposed)

REASON FOR DECISION

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

The proposal fails to comply with the relevant policies of the Aberdeen Local Development Plan 2017, namely Policies D1 (Quality Placemaking by Design) and

D4 (Historic Environment) in that the proposal has not been designed with due consideration for the context of its setting. The proposal would have a negative impact on the setting of this Listed Building by reason of its scale, siting, materials and design, thereby detracting from the character and integrity of the listed building. Although the proposal would impact on the historical pattern of development, any adverse impact on the visual character and amenity of the Conservation Area would be limited since the structure would not be readily visible from any public area. The excavations required to accommodate the proposed new garage could undermine the existing boundary wall and affect the fabric of the listed wall. The proposal is therefore contrary to the provisions of Scottish Planning Policy, Historic Environment Scotland Policy Statement, Managing Change in the Historic Environment: Setting and thereby with Policy D4 (Historic Environment) of the Aberdeen Local Development Plan. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations that would warrant approval of planning permission in this instance.

Date of Signing 9 May 2018



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

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

None.

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

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

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

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

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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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)

H1 - Residential Areas;

D1: Quality Placemaking by Design; and

D4: Historic Environment

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

Supplementary Guidance

Householder Development Guide

<https://www.aberdeencity.gov.uk/sites/default/files/2.1.PolicySG.HouseHoldDesignGuide.pdf>

Other Material Considerations

Historic Environment Scotland, Managing Change in the Historic Environment: Setting

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=80b7c0a0-584b-4625-b1fd-a60b009c2549>

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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 100129476-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Mark"/>
First Name: *	<input type="text" value="Mark"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Buyers"/>	Address 1 (Street): *	<input type="text" value="Rubislaw Den South"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 4BB"/>
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="24 RUBISLAW DEN SOUTH"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 4BB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805785"/>	Easting	<input type="text" value="391763"/>
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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)

Erection of garage/hobby workshop to rear.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see statement of reasons for review submitted with the supporting documents.

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)

A structural report and additional information about previous back-land have both been submitted to address concerns raised by the planning authority to which the applicant was not given the opportunity to respond before the application was determined.

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

Please see list at appendix 1 to the statement of reasons for review.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

180328/DPP

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

09/03/2018

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

09/05/2018

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

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 site of the proposed development is located to the rear of the dwellinghouse at 24 Rubislaw Den South, such that it can be only accessed through the dwellinghouse itself, for which the applicant would of course be happy to arrange access if requested.

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: Miss Pippa Robertson

Declaration Date: 27/07/2018

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**24 RUBISLAW DEN SOUTH
ABERDEEN**

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

in respect of

DECISION TO REFUSE PLANNING APPLICATION REFERENCE 180328/DPP

PAPER APART



1 Introduction

1.1 Planning application reference 180328DPP was submitted to Aberdeen City Council on 9 March 2018, seeking “*the erection of garage/hobby workshop to rear*”, at 24 Rubislaw Den South, Aberdeen.

1.2 The application was refused on 9 May 2018, with the Decision Notice [Document 12] stating that:

“The proposal fails to comply with the relevant policies of the Aberdeen Local Development Plan 2017, namely Policies D1 (Quality Placemaking by Design) and D4 (Historic Environment) in that the proposal has not been designed with due consideration for the context of its setting. The proposal would have a negative impact on the setting of this Listed Building by reason of its scale, siting, materials and design, thereby detracting from the character and integrity of the listed building. Although the proposal would impact on the historical pattern of development, any adverse impact on the visual character and amenity of the Conservation Area would be limited since the structure would not be readily visible from any public area. The excavations required to accommodate the proposed new garage could undermine the existing boundary wall and affect the fabric of the listed wall. The proposal is therefore contrary to the provisions of Scottish Planning Policy, Historic Environment Scotland Policy Statement, Managing Change in the Historic Environment: Setting and thereby with Policy D4 (Historic Environment) of the Aberdeen Local Development Plan. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations that would warrant approval of planning permission in this instance.”

1.3 A review of the decision to refuse the application is now sought on the grounds that the proposed garage/hobby workshop:

- supports the achievement of the vision and aims of the Strategic Development Plan in relation protecting and improving the historic environment, catering for the needs of the whole population and creating a high quality of life;
- is in accordance with the relevant Local Development Plan policies specifically, Policies H1, D1, and D4;
- complies with the requirements of Supplementary Guidance: Householder Development Guide in terms of dimensions and style;



- will have no adverse impact on the setting of the listed building by virtue of the quality and nature of both the design and the materials proposed, as well as the proposed garage/workshop being set back from the existing building by a distance of over 7metres;
- will not undermine the existing boundary wall and affect the fabric of the listed wall;
- will allow for greater enjoyment of the historic environment through the provision of greater residential amenity for the residents of the listed building at 24 Rubislaw Den South; and
- is consistent with the principles of Scottish Planning Policy and the Historic Environment Policy Statement in terms of allowing for positive change in the historic environment.

1.4 It should also be noted that there were no objections to the application from any neighbours or statutory consultees.

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

2 Policy context

2.1 Full details of both the proposed development and the policy context against which it requires to be considered are set out in the Planning Statement submitted with the application [Document 8], in terms of which it is submitted that the application complies with the Development Plan and is supported by all other relevant material planning considerations.

2.2 A full list of documents submitted with the application is provided in Appendix One, together with all other relevant documents referred to in this statement.

2.3 For the reasons given in both the Planning Statement and in this paper apart, read in conjunction with the documents listed in Appendix One, it is submitted that the appeal should be allowed, and the application granted.

3 Reasons for refusal

3.1 Although the Decision Notice only gives one reason for refusal, it contains four different elements as follows:



- *“The proposal fails to comply with the relevant policies of the Aberdeen Local Development Plan 2017, namely Policies D1 (Quality Placemaking by Design) and D4 (Historic Environment) in that the proposal has not been designed with due consideration for the context of its setting...”;*
- *“The proposal would have a negative impact on the setting of this Listed Building by reason of its scale, siting, materials and design, thereby detracting from the character and integrity of the listed building...”; and*
- *“The excavations required to accommodate the proposed new garage could undermine the existing boundary wall and affect the fabric of the listed wall.”*
- *“The proposal is therefore contrary to the provisions of Scottish Planning Policy, Historic Environment Scotland Policy Statement, Managing Change in the Historic Environment: Setting and thereby with Policy D4 (Historic Environment) of the Aberdeen Local Development Plan...”*

3.2 Each of the above reasons for refusal is addressed in turn below, in doing which it should be remembered that Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the Development Plan comprises **the Aberdeen City and Shire Strategic Development Plan (SDP) (2014)** [Document 13] and **the Aberdeen Local Development Plan (ALDP) (2017)** [Document 14]. The following paragraphs demonstrate how the application complies with the Development Plan in terms of the issues raised in the Decision Notice.

3.3 In this regard, it should be noted that the planning officer’s concerns about impact on the historical pattern of development notwithstanding, the Decision Notice does expressly acknowledge that:

“...any adverse impact on the visual character and amenity of the Conservation Area would be limited since the structure would not be readily visible from any public area.”

3.4 Likewise, the Delegated Report [Document 11], confirms the Council’s view that the proposed development complies with Policy H1 of the Aberdeen Local Development Plan on the basis that:



“The proposed structure would be sufficiently distant from neighbouring properties and of acceptable height to ensure no impact in terms of loss of day light to neighbouring windows and there would be no significant impact in terms of overshadowing, the structure being located a suitable distance from neighbours’ main areas of useable garden ground. The existing boundary walls would provide sufficient screening to protect neighbours’ current privacy levels from any potential for overlooking from the windows to the western elevation. Residential amenity would therefore be retained in compliance with Policy H1.”

- 3.5 It is submitted that the planning officer’s view on both of the above points should be accepted and that the proposed development not only complies with Policy H1 of the ALDP but, as set out in the Planning Statement, also supports the achievement of the vision of the SDP in terms of the area being recognised for the high quality of life it offers to its residents.
- 3.6 The only concerns expressed by the Council then relate to ALDP **Policies D1 and D4, Scottish Planning Policy, Historic Environment Scotland Policy Statement, and Managing Change in the Historic Environment: Setting**. Each of these is looked at under the relevant heading(s) below.
- 3.7 Importantly, when considering the policy context, it must be recognised that the applicant does not propose to carry out any works to the listed property at 24 Rubislaw Den South itself, with the proposed garage/hobby workshop set back from the existing dwelling house by over 7 metres. Further, as with other backland development in the past (for further details of which, please see paragraph 3.14 below) and in keeping with the nature of outbuildings in general, the proposed garage could potentially be removed again in the future with no permanent impact on the listed building as a result.

The proposal fails to comply with the relevant policies of the ALDP, namely Policies D1 (Quality Placemaking by Design) and D4 (Historic Environment) in that the proposal has not been designed with due consideration for the context of its setting

- 3.8 The design principles which have informed the proposed development are set out in the Design Statement submitted with the application [Document 9], in terms of which it is clear that the siting and form of the building have been informed by the location of the house, the neighbouring residential uses, its potential visibility, its functional requirements, and its context within the setting of a listed building. In particular it aims to reflect, and create a transition between, the existing period summerhouse (referred to as a potting shed in the Delegated Report) and recent contemporary extensions to the main house in that:



- the pitch on the garage roof matches the pitch on the extension;
- the timber cladding reflects the materials used on the existing summerhouse, and has been chosen as a material that is synonymous with garden buildings, creating an intentional distinction between the proposed garage and the existing house such that the garage is clearly an ancillary and subordinate structure; and
- the incorporation of glazing into the proposed garage will reflect the surrounding garden ground.

3.9 It should also be noted that the footprint of the proposed development has been determined by its function, and extends no further into the garden than previous back land development has (as set out in more detail under the heading 'siting' in paragraph 3.14 below), and indeed would conceptually be built on the foundations of the historical glasshouse.

3.10 Likewise, the proposed garage would reflect the pattern of development at the neighbouring property to the west, which has been extended extensively into the garden there. However, whereas the extension at the neighbouring property to the west presents a gable end to neighbours, the pitched roof proposed in terms of this application leans away from the neighbours, is a lot more sympathetic and minimises the massing.

3.11 Further details on the proposed development's scale, siting, materials and design are set out in the following paragraphs, in light of which it is clear that the proposed development has been designed with due consideration for the context of its setting, and should accordingly be supported in terms of both Policy D1 and Policy D4.

The proposal would have a negative impact on the setting of this Listed Building by reason of its scale, siting, materials and design, thereby detracting from the character and integrity of the listed building

3.12 As identified above, the Delegated Report confirms that the proposed garage would not be visible from any public views such that, in terms of the public setting of the listed building, there would be no impact.

3.13 In addition, in terms of the setting of the listed building more generally, the Delegated Report notes that houses in the area were generally developed in the late 19th/early 20th century by the prominent architects of the time *"who were often employed to produce daring and unique designs to reflect the prosperity and personality of clients"*.



In other words, uniqueness is recognised as a key feature of the area, rather than something to be avoided.

3.14 Looking then at the specific concerns raised in the Decision Notice, it is submitted that:

- **Scale** – there is no justification for the conclusion that the proposed development is not of an acceptable scale, given that the Delegated Report expressly states that:

“In terms of scale, the footprint of the structure plus the paved area would result in a negligible rise in the built site coverage, and the rear garden would be sufficiently generous to support a structure of such scale without resulting in a significant loss of useable rear garden space. The proposed garage would be subservient to the original dwelling house in terms of both floor space and height.”

As set out in the Design Statement, the proposed building is domestic in scale, informed by the existing summer house and recent single storey extensions. The building will be dug into the ground and the roof is pitched and slated and hipped on all sides to minimise its mass and any potential impact.

The Planning Statement also highlights that the proposed development comprises only 2% of the total plot area which, once added to the existing development on the site, still leaves the total plot coverage at well under 20%. In turn, 80% would remain undeveloped. This is significantly within the threshold set out in **Supplementary Guidance: Householder Development Guide** [Document 15] of no more than 50% of the front or rear curtilage of a property to be covered by development. It is also consistent with, or lower density than, neighbouring properties. Hence it is unreasonable to conclude that there would be any loss of garden ground that would adversely impact on the setting of the listed building.

In accordance with the Council’s views as set out above, there is therefore no reason to refuse the application on the basis of scale.

- **Siting** – the Delegated Report states that the siting of the proposed garage close to the rear of the dwelling house would be inconsistent with the historical pattern of development. At the same time, it expresses concerns about the loss of garden ground associated with the garage, the extent to which the area to be given over to paving slabs would be detrimental to the green setting of the dwelling house, and that the loss of the original development pattern due to back-land development would affect the general setting of the listed building.

In this regard, it should be noted that there is a long history of back-land development on the application site, of which the garage now proposed is just the



latest iteration. Indeed, even with the development proposed in terms of this application, less of the plot will be given over to development than has been the case historically, as well as there now being a greater distance between the existing and proposed elements of development. Specifically, as shown on the historical analysis submitted with the Notice of Review [Document 25], development on the site in 1902 comprised a total of 154m², with a glasshouse extension to the dwelling house abutting the house itself and extending a significant distance into the garden. Likewise, the combined footprint of the dwelling house, the recently completed extension and the garage proposed in terms of this application would also be 154m².

At the same time, it must be recognised that the planning officer has confirmed their view elsewhere in the Delegated Report that the proposed garage would result in a negligible rise in the built site coverage, be subservient to the original dwelling in both floor space and height, and that the rear garden is sufficiently generous to support a structure of such scale (see extract above).

Taking these points together, along with the well-considered design (as set out in paragraph 3.8 above), there is no justification for concluding that the siting of the proposed garage would be inconsistent with the historical pattern of development or detrimental to the green setting of the dwelling house, or that it would in any way affect the general setting of the listed building as a result.

- **Materials** – the Delegated Report indicates that the proposed slate roof for the garage would be in keeping with the existing dwelling house, but concludes that other materials would not be. In particular, while recognising that the materials proposed would imitate those found on the summerhouse, the report indicates that no visual benefit would be gained by this on the basis that the summerhouse is not viewed in the context of the dwelling house.

It is not however clear why the summerhouse is said not to be viewed in the context of the dwelling house, this being what is seen from the rear of the dwelling house at the moment and, being a period feature, it is an important part of the listing of the house as a whole (as confirmed by the fact it is expressly referred to in the details of the listing by Historic Environment Scotland). The use of materials that reflect those used on the summerhouse ensures continuity in terms of the listed building's setting, while the proposed slate roof (which the Delegated Report expressly endorses) ties this together with the existing dwelling house itself, as discussed in paragraph 3.8 above. Accordingly, the proposed materials are appropriate to the setting, and there is no justification for refusing the application on this basis.



This notwithstanding, if there are further concerns, then the applicant would be happy for the final details of the materials to be subject to conditions.

- **Design** - the Delegated Report indicates that the proposed design is deemed inappropriate “*given the square plan and hipped roof profile, neither of which take their cue from the original architectural design of the dwelling house*”. Looking at the original house however, this is clearly hipped, as is the outer edge of the side extension which was consented in December 2016 pursuant to planning application reference 160875 (visualisations of which are submitted with this appeal [Document 22]). This hipped element then contrasts with flat roof elements on the rear extensions, which the Delegated Report expressly describes as being:

“...accurately modelled upon the existing building, and care was taken with detailing such as materials, coursing, window proportions, roof pitch and profile, to ensure the character and integrity of the listed building were retained”.

Likewise, the footprint of the two storey element of the extension is essentially square in nature, with the shape of the proposed garage reflecting this.

As such, given the hipped and square elements of the property at present, there is no rationale for concluding that the square plan and hipped roof profile of the proposed garage does not take its cue from this, or that it is in any way inappropriate. Conversely, looking at the profile of roofs along Rubislaw Den South, it is clear that the square plan and hipped roof profile of the proposed garage very much fits with these, and should be supported as such (see aerial view of roofs submitted with this appeal [Document 23]).

- 3.15 Taking the above points together, there is no reason to refuse the application on the grounds that the proposal would have a negative impact on the setting of the listed building by reason of its scale, siting, materials or design, or that it would have any negative impact on the character or setting of the listed building as a result. As such it should be approved as being in accordance with the relevant ALDP policies, as well as the vision and aims of the SDP relating to the protection and improvement of the historic environment highlighted in the Planning Statement.
- 3.16 In particular, as set out in the Planning Statement, Policy D4 supports high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings. Further guidance is then provided in Supplementary Guidance and



Technical Advice Notes, with the relevant Supplementary Guidance in this instance being **Supplementary Guidance: Householder Development Guide**.

- 3.17 In terms of outbuildings as proposed in terms of this application, Supplementary Guidance: Householder Development Guide states that these must always be subordinate in scale to the dwelling house, generally of one storey only, and should not have a negative impact on the character of the surrounding area. In this regard, 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.
- 3.18 On the basis of the one storey nature of the proposed new building, the size of this compared to the main dwelling house (in terms of which the new building is clearly subordinate), and that this would not result in any loss of privacy, sunlight or daylight to neighbouring properties - it is submitted that this fully complies with the Supplementary Guidance.
- 3.19 In addition, it should be noted that the proposal would not result in the removal of any trees, original outbuildings, or any boundary features.
- 3.20 Reference should also be made to **The Aberdeen City Conservation Area Character Appraisal and Management Plan for the Albyn Place and Rubislaw Conservation Area (2013)** [Document 21], which identifies the key elements which contribute to the area's special character and sense of place. This explains that houses in the Rubislaw Den area were built to show the prosperity and wealth of the city - and of those who had commissioned its buildings – through planned streetscapes, formal gardens and high-end residential development. The area is characterised by wide tree lined streets, which follow a linear and grid pattern.
- 3.21 As recognised by the Planning Officer (see paragraph 3.3 above), the current application is consistent with the character of the Conservation Area in that it does not affect the characteristic street pattern highlighted as being of particular significance to the Conservation Area. It also enhances 24 Rubislaw Den South as a high quality dwelling house, showcasing the prosperity in the City in the heart of this.
- 3.22 Finally, in terms of the detailed design of the proposed development, it is recognised that **Policy D1 - Quality Placemaking by Design** requires all developments to have high standards of design, and a strong and distinctive sense of place. In light of the detailed description of the design process and proposals in the paragraphs above and in the supporting documents, it is submitted that the application fully meets the expectations of Policy D1 in this regard.



The excavations required to accommodate the proposed new garage could undermine the existing boundary wall and affect the fabric of the listed wall

- 3.23 The Delegated Report expresses concerns that excavations required to accommodate the proposed new garage are substantial and may undermine the existing boundary wall affecting the fabric of the listed wall, stating that it has not been made clear how the wall will be safeguarded during excavation and construction works. However, no evidence that damage would be caused to the wall has been presented, and pure speculation is not a legitimate reason for planning permission to be refused, particularly when the applicant was not given the opportunity to submit a structural report demonstrating that such speculation is totally unfounded.
- 3.24 Notably, the recent extension comes up to the wall to the same extent as the proposed garage does and there is no evidence of the wall being undermined to any extent by these.
- 3.25 In addition, subsequent to the extension works, and to the receipt of the Decision Notice for this application, the wall has been inspected by structural engineers, and their assessment is submitted as part the appeal documentation. This confirms both that the wall is currently in good condition, and that the building of the garage proposed in terms of the application would have no effect on the stability of the wall.
- 3.26 On the basis that there is no evidence that damage would be caused to the wall as a result of the proposed development, again there is no justification for refusing the application on this ground.

The proposal is contrary to the provisions of Scottish Planning Policy, Historic Environment Scotland Policy Statement, Managing Change in the Historic Environment: Setting and thereby with Policy D4 (Historic Environment) of the ALDP

- 3.27 In light of the points raised in paragraphs 3.12 - 3.26 above, it is submitted that there are no grounds for concluding that there would be any negative impact on the historic environment as a result of the development proposed, such that there is no conflict with relevant provisions on protecting the historic environment in **Scottish Planning Policy** [Document 16], **Historic Environment Scotland Policy Statement** [Document 17], and **Managing Change in the Historic Environment: Setting** [Document 18], nor therefore with Policy D4.
- 3.28 Indeed the contrary is the case, with **Scottish Planning Policy, Historic Environment Scotland Policy Statement** and **Managing Change in the Historic Environment: Setting** all providing significant support for the proposed development, a factor ignored in the Delegated Report. Scottish Planning Policy, Historic Environment



Scotland Policy Statement and other relevant policy documents are discussed in detail in section 5 of the Planning Statement, in light of which it is submitted that the proposed development also complies with ALDP Policy D4 in terms of being of a high-quality design that respects and protects the historic environment in line with these documents.

3.29 In particular, it should be noted that:

- **Scottish Planning Policy 2014 (SPP)** [Document 16] - Paragraph 141 of Scottish SPP states that:

“The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting.”

In this instance, the design and materials for the proposed development have specifically been chosen to reflect those used in the existing buildings, which have already been confirmed by the Council as being appropriate to the character and appearance of the listed building, and are hence in accordance with SPP.

- **Historic Environment Scotland’s Policy Statement** [Document 17] - Historic Environment Scotland’s Policy Statement replaces Scottish Historic Environment Policy and sets out how SPP should be interpreted and implemented with regards to the historic environment, stating that:

“The protection of the historic environment is not about preventing change. Historic Environment Scotland believes that change in this dynamic environment should be managed intelligently and with understanding, to achieve the best outcome for the historic environment and for the people of Scotland. Such decisions often have to recognise economic realities.” [para 1.5]

It also states that, where a proposal involves alteration or adaptation which will sustain or enhance the beneficial use of a listed building, and does not adversely affect the special interest of the building, consent should normally be granted. The Council agreed that the proposals in relation to planning application reference 160875 complied with the principles of Scottish Historic Environment Policy’s Statement in that they considered that the proposals in that application would not unduly diminish the special character of the listed building, nor contribute to any additional detrimental impact to, or erosion of, the special character of the wider area. Given that the current application is similar in design and complies with ALDP



Policy D4, it is submitted that it should also be accepted as being in accordance with the Policy Statement.

- **Our Place in Time: The Historic Environment Strategy for Scotland** [Document 20]
- the Vision for Our Place in Time is that:

“Scotland's historic environment is understood and valued, cared for and protected, enjoyed and enhanced. It is at the heart of a flourishing and sustainable Scotland and will be passed on with pride to benefit future generations.”

The executive summary makes it clear that the key outcome of the Strategy is to ensure that the cultural, social, environmental and economic value of Scotland's heritage makes a strong contribution to the wellbeing of the nation and its people. It is not to maintain Scotland's heritage for that heritage's own sake per se. Our clients have invested significantly to upgrade, care for and protect their historic property with all required repairs and maintenance carried out thoroughly by a small and known team of mature and experienced craftspeople.

The current application allows them to continue to live in and enjoy the property in a way that meets their needs, and allows continued positive contributions to the cultural heritage.

- **Managing Change in the Historic Environment – New Design in Historic Settings (2016)** [Document 19] – this further emphasises that the historic environment should not be seen as static, and that the introduction of new buildings can have a significant positive effect in terms of enhancing the historic setting. The guidance then goes on to set out a number of principles and examples to showcase how this can be achieved, not all of which are relevant to the current application. However, as stated above and in the Design Statement, it is clear that:

- the proposed new building and its siting within the garden of 24 Rubislaw Den South reflects the existing urban structure and urban grain of the conservation area;
- the building is domestic in scale and very much subservient to the original house;
- the materials have been selected to reflect and complement the existing buildings; and



- the history of the dwelling house demonstrates its evolution, with new extensions and outbuildings being built and replaced over a period of time, the current application merely being the next phase of its evolution.

3.30 In addition, in terms of **Managing Change in the Historic Environment: Setting** (which is not considered in detail in the Planning Statement, with the focus instead being on Historic Environment Scotland’s guidance note on New Design in Historic Settings as discussed above), this emphasises the importance of understanding the setting in which development is proposed, including in terms of the purpose for which it was originally developed and the use it was intended to have. In this regard, it must be recognised that 24 Rubislaw Den South was developed as a dwelling, with the intention of both showcasing “*daring and unique designs*” (as discussed in paragraph 3.13 above) and providing a high level of residential amenity. Fundamentally, the development proposed in terms of this application is intended to ensure that both of these purposes continue to be fulfilled, thus making a positive contribution to the historic setting in this regard. As such, any impact the proposed development would have on the setting of the listed building would be a positive one, and the application should be supported as such.

4 Conclusion

4.1 For the reasons given above, it is submitted that the proposed development:

- supports the achievement of the vision and aims of the Strategic Development Plan in relation protecting and improving the historic environment, catering for the needs of the whole population and creating a high quality of life;
- is in accordance with the relevant Local Development Plan policies specifically, Policies H1, D1, and D4;
- complies with the requirements of Supplementary Guidance: Householder Development Guide in terms of dimensions and style;
- will have no adverse impact on the setting of the listed building by virtue of the quality and nature of both the design and the materials proposed,
- will not undermine the existing boundary wall and affect the fabric of the listed wall;
- will allow for greater enjoyment of the historic environment through the provision of greater residential amenity for the residents of the listed building at 24 Rubislaw Den South; and



- is consistent with the principles of Scottish Planning Policy and the Historic Environment Policy Statement in terms of allowing for positive change in the historic environment.

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



Appendix One – List of Documents

Planning Application Documents

1. Application Form
2. Location Plan
3. Proposed Detailed Elevations
4. Proposed Roof Plan
5. Proposed S – W Elevations
6. Proposed Floor Plans
7. Proposed Roof and Block Plan
8. Garage Planning Statement
9. Garage Design Statement
10. Neighbour Notification List
11. Delegated Report
12. Decision Notice


Policy Documents

13. Aberdeen City and Shire Strategic Development Plan (2014)
14. Aberdeen Local Development Plan (ALDP)
15. Supplementary Guidance: Householder Development Guide
16. Scottish Planning Policy 2014
17. Historic Environment Scotland Policy Statement June 2016
18. Managing Change in the Historic Environment - Setting
19. Managing Change in the Historic Environment – New Design in Historic Settings (2016)
20. Our Place in Time - The Historic Environment Strategy for Scotland
21. Albyn Place and Rubislaw Conservation Area Character Appraisal and Management Plan (2013)

Other Documents

22. Visualisations of approved extension (planning application reference 160875)
23. Aerial view of roofs
24. Structural engineers' letter about wall
25. Plan showing historical analysis



	Strategic Place Planning
	Report of Handling

Site Address:	20 West Mount Street, Aberdeen, AB25 2RJ,
Application Description:	Erection of 1.5 storey rear extension
Application Reference:	180129/DPP
Application Type:	Detailed Planning Permission
Application Date:	8 February 2018
Applicant:	Mr And Mrs Martin Wright
Ward:	Mid Stocket/Rosemount
Community Council:	Rosemount And Mile End
Case Officer:	Jacqui Thain

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application property is a traditional, granite-finished, 1.5 storey, mid-terrace dwellinghouse located on the northern side of West Mount Street and within the Rosemount Conservation Area. There is a single storey offshoot on part of the rear elevation of the property which projects 4.7m along the west-most boundary of the site.

Relevant Planning History

Planning permission (Ref: P150119) was approved in March 2015 for the installation of an enlarged rooflight.

APPLICATION DESCRIPTION

Description of Proposal

It is proposed to build an extension over two storeys on the rear elevation of the dwellinghouse; comprising a kitchen/living area at ground floor level, and bedroom at first floor level. The ground floor of the extension would project 4.7m (the same projection as the existing rear offshoot) and the first-floor element of the proposal would have a 4m projection. The overall height of the extension would be 6m from ground level. Materials would include roughcast, timber linings and a slate roof.

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>

PLANNING POLICY

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires, with respect to any buildings or other land in a conservation area that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy 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)

- Householder Development Guide

Other Material Planning Considerations

- Managing Change in the Historic Environment – Extensions

CONSULTATIONS

ACC - Roads Development Management Team – whilst the extension would result in an increase from 2 to 3 bedrooms, the increase would not warrant an increase in the required number of parking spaces (it is acknowledged that no parking spaces are provided off-street at present). There no objection to the application.

REPRESENTATIONS

One letter of representation (objection) has been received. The matters raised can be summarised as follows: -

- Right to light. The proposals would significantly reduce the natural light available to the objector's dining room, 2 bedrooms, sun room and kitchen. These windows face out on to the proposed extension and due to their proximity and orientation; the proposed extension would have a marked reduction in the quality and duration of natural light entering their living spaces, which would result in a detriment to their quality of life and health; and
- The proposed extension does not consider the guidance given in the BRE publication "Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice" with regard to plan and elevation angles in relation to the existing windows in their property. Had these points been considered then a design with less impact on neighbouring properties could have been produced.

Other matters were discussed that are not material planning considerations and cannot therefore be considered during assessment of the Planning Application i.e. the proposal would lead to increased electricity bills due to the extra artificial lighting required to compensate.

EVAULATION

Principle of Development

The application site is located within a residential area, under Policy H1, and the proposal relates to householder development. Householder development would accord with this policy in principle provided it does not constitute over development, adversely affect the character and amenity of the surrounding area, and it complies with any associated SG, in this case the Householder Development Guide These issues are assessed in the below evaluation.

Layout, Siting and Design

The Householder Development Guide states under section 3.1.4 (General Principles) *“Proposals for extensions....should be architecturally compatible in design and scale with the original house and its surrounding area.....Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale.”* A further general principle is that *“No extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected.”* The Guide also states under section 3.1.5 that *“extensions of more than one storey will normally be refused unless it can be demonstrated that the specific circumstances of the site and the proposal would ensure that there would be no detrimental impact on the character amenity of the area... Single storey extensions (to which part of the application relates) will be restricted to 3m along a mutual boundary.*

The proposal relates to an extension over two storeys which would have a projection of 4m (over two storeys) and 4.7m for the single storey extension (although it is noted this element is located off-the mutual boundary). The proposal would therefore conflict with the aforementioned guidance, unless site specific circumstances would allow a departure. In this instance, the extension, at first floor level, would project 4m along the mutual boundary with 22 West Mount Street and would have an adverse impact on the level of amenity afforded to windows at both ground and first floor level, as well as on the area of garden ground immediately adjacent to it. With a projection of 4.7 metres and set only 0.5 metres off the mutual boundary with 18 West Mount Street, there would also be loss of amenity and some daylight to the ground and first floor, west-facing windows on the extension to No.18, which would be only a short distance from the extension.. The windows would overlook a large expanse of blank wall. The impact would be greater at ground floor level due to the extension being situated close to the boundary. For this reason, the proposal fails to comply with the Householder Development Guide.

The proposal is contrary to the Supplementary Guidance - the extension is a two storey structure to the rear of a one-and a-half storey property; and the projection at both ground and first floor levels is significantly greater than the 3 metres permitted to the rear of terraced dwellings. Although the ground floor element of the extension would be 0.5 metres off of the boundary to the east, that offset does not address the adverse impacts that arise from the projection of the extension. Therefore, the extension also conflicts with Policy D1 of the ALDP, which requires proposals to be designed with due consideration for their context.

When viewed at the rear from neighbouring properties, the proposed extension, due to its 2 storey height and its scale and massing, would not be subservient to the main dwelling which would no longer remain visually dominant. It would overwhelm the rear elevation of the house. It would significant alter and undermine its original form. The first-floor element of the extension would introduce an incongruous structure which would be at odds with the existing 1.5 storey dwelling.

The siting, scale, massing and proportions of the proposal are inappropriate with regard to the main property.

The proposal would also result in a detrimental impact on neighbouring dwellings with regard to amenity, particularly the impact on the dormer to the rear of 22 South Mount Street and on the general residential amenity of the neighbouring properties to the east and west and on the wider area. Although the extension would not be readily visible from West Mount Street and View Terrace, the proposal would be visible to the neighbouring residents, mainly to the west and to the south-facing windows of the flats at Westburn Court immediately to the north.

Impact on Historic Environment

Scottish Planning Policy (SPP), which is the Scottish Government's policy document on planning, states that proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area. For the reasons set out in this report, the proposal neither preserves nor enhances the character of the conservation area and thus is contrary to SPP.

The proposal is for a substantial addition to the rear of this historic property. The scale, design and massing of the proposed extension does not respect the character, appearance and setting of the existing historic property and would be detrimental to its special architectural and historic character which is contrary to Policy D4 of The Aberdeen Local Development Plan which states '*High quality design that respects the character, appearance and setting of the historic environment*'. The proposed new extension obscures almost three quarters of the rear elevation. This substantially alters and detracts from the special historic character of the building and to the overall historic environment.

The proposal would result in an extensive loss of the original fabric of the existing building order to accommodate the first floor element of the extension; a significant proportion of the original roof slope would be lost. At ground floor level, a large expanse of the existing rear wall of the main dwelling would be removed in order to create an open plan kitchen/dining area. These alterations would substantially and irreversibly alter the form and character of the building. It is not intended to re-use the granite within the extension, so the proposal is contrary to Policy D5 which seeks the retention and appropriate re-use of all granite features, structures and buildings. The Policy also states that the demolition of any granite building, structure or feature, partially or completely, will not be granted Planning Permission.

The overall bulk of the proposed extension is inappropriate in relation to the existing one-and-a-half storey terraced property and would have a detrimental impact on the wider historic environment. The ground floor of the extension would cover most of the existing rear elevation of the property and the first floor element above would extend approximately half of the width of the building from the boundary to the existing dormer window. After development, only a small proportion of the rear wall of the original dwelling-house would remain.

Historic Environment Scotland Policy Statement

The extension fails to uphold the principles of Historic Environment Scotland's Policy Statement. HESPS states '*there should be a presumption in favour of preservation of individual historic assets and also the pattern of the wider historic environment; no historic asset should be lost or radically changed without adequate consideration of its significance and of all the means available to manage and conserve it*'. The alteration is inappropriate with regard to scale, design, loss of historic fabric and would detract from the overall character and integrity of the existing property and the amenity of the conservation area. The extension would not be sympathetic to or complement the existing dwelling. The special interest of the property would be eroded and there

would be significant loss to the historic fabric of the dwelling. The proposal would be out of place within the conservation area as a whole.

Historic Environment Scotland Managing Change – Extensions

The extension fails to comply with Managing Change “Extensions” on the following grounds:

- (1) The extension is not subordinate to the main dwelling and would dominate the existing property.
- (2) The proposal does not protect the character and appearance of the dwelling as it obscures almost three quarters of the rear elevation
- (3) The design is not of a high quality utilises inappropriate materials such as roughcast.

Householder Development Guide

Compliance with the SG has been discussed above. The extension does not comply with the Supplementary Guidance (Householder Development Guide) for the following reasons:

- (1) The proposal would be a two-storey extension to the rear of a one-and-a-half storey property. The Supplementary Guidance dictates that extensions of more than one storey will normally be refused where the proposal runs along a mutual boundary, unless it can be demonstrated that there would be no detrimental impact on either the character or amenity of the area. For reasoning detailed previously, the proposal would not be acceptable.
- (2) Projection. The extension would project 4.7m at ground level & 4m at first floor level. The guidance states that extensions to terraced dwellings shall be restricted to 3m in projection along a mutual boundary.
- (3) The proposed extension is not architecturally compatible in design and scale with the original house and within the surrounding area.
- (4) The extension would overwhelm and dominate the original form and appearance of the dwelling and would not be visually subservient in terms of height, mass and scale.
- (5) The amenity of the neighbours, particularly the residents immediately to the east and west, would be adversely affected by the 4.7m ground floor and 4m upper floor projection of the extension.
- (6) The roughcast finish to the gables of the first floor element of the extension would be at odds with the existing traditional, granite-finished property.

Conclusion

Taking deliberation of the above, it is concluded that the proposal would have a damaging effect on the form and context of the application dwelling and would be detrimental to the wider Rosemount Conservation Area. The proposed extension is contrary to Policies H1, D1, D4 & D5 of the Aberdeen Local Development Plan and does not comply with the Council’s Supplementary Guidance “Householder Development Guide.” The alteration also conflicts with Historic Environment Scotland’s Policy Statement and does not conform with HES “Managing Change – Extensions” guidance. In addition, the rear extension would have a detrimental impact on neighbouring residents’ amenity, particularly to the west. Therefore, for the reasons outlined

above, the application cannot be support by the Planning Authority. Full consideration has been given to all matters raised in the letter of objection.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

Due to its height, scale, design and massing, the proposed extension has not been designed with due consideration for its context and would have an unacceptable impact on residential properties in the surrounding area. The proposal would also result in the loss of part of the historic fabric of the building and due to its massing would have an unacceptable impact on the surrounding conservation area. The alteration is a substantial, two storey extension to the rear of a one-and-a-half storey property which would be out of place with and would result in a detrimental impact on the overall character and amenity of the wider conservation area. The proposal therefore fails to comply with Scottish Planning Policy, Historic Environment Scotland's Policy Statement, Policies H1: Residential Areas, D1: Quality Placemaking by Design, D4: Historic Environment and D5: Our Granite Heritage of the Aberdeen Local Development Plan, as well as its associated Supplementary Guidance: Householder Development Guide and Managing Change in the Historic Environment – Extensions. There are no material planning considerations which would warrant approval of consent in this instance.

180129/DPF

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (SCOTLAND) ACT 1997
The Town and Country Planning (Development Management Procedure) (SCOTLAND) REGULATIONS 2008

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR/M ^{rs}	Ref No.	—
Forename	MARTIN	Forename	MARTIN
Surname	WRIANT.	Surname	CAULDR
Company Name	—	Company Name	CAULDR DEKIN
Building No./Name	20 WEST	Building No./Name	66/68
Address Line 1	MOUNT	Address Line 1	ROSEMOUNT
Address Line 2	STREET	Address Line 2	AVENUE
Town/City	ABERDEEN	Town/City	ABERDEEN
Postcode	AB25 2RJ	Postcode	AB25 1SR
Telephone	—	Telephone	01224 633889
Mobile	—	Mobile	07841751490
Fax	—	Fax	01224 633889
Email	—	Email	cauldern@htrmc.com
3. Address or Location of Proposed Development (please include postcode)			
20 WEST MOUNT STREET. ROSEMOUNT ABERDEEN AB			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Describe the Proposed Works			
Please describe accurately the work proposed:			
REAR EXTENSION AT TWO LEVELS			
<div style="float: right; border: 1px solid black; padding: 5px;"> RECEIVED - 2 FEB 2018 ===== </div>			
Have the works already been started or completed Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, please state date of completion, or if not completed, the start date:			
Date started:	<input type="text"/>	Date completed:	<input type="text"/>

If yes, please explain why work has already taken place in advance of making this application.

5. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes No

If yes, please provide details about the advice below:

In what format was the advice given? Meeting Telephone call Letter Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes No

Please provide a description of the advice you were given and who you received the advice from:

Name: J. THAIN Date: NOV - JAN Ref No.:

*SET BACK 500MM OFF BOUNDARY
ENSURE UPPER LEVEL 4M MAX OFF BUILDING REAR*

6. Trees

Are there any trees on or adjacent to the application site? Yes No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

7. Changes to Vehicle Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes No

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

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes No

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangement for continuing or alternative public access.

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

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 reduced number of spaces)

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, etc).

8. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes No

If you have answered yes please provide details:

DECLARATION

I, the applicant / agent certify that this is an application for planning permission and that accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant /agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes No N/A

Signature:



Name:

CAROL DUBLAN

Date:

1st Nov 18

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than myself was owner 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 application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed:

On behalf of:

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

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

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

DECISION NOTICE

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

Calder Design
66/68 Esslemont Avenue
Aberdeen
AB25 1SR

on behalf of **Mr And Mrs Martin Wright**

With reference to your application validly received on 8 February 2018 for the following development:-

Erection of 1.5 storey rear extension at 20 West Mount 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:

Drawing Number	Drawing Type
17/13/03	Site Layout (Proposed)
	Location Plan
17/03/02	Multiple Elevations (Proposed)
17/13/01	Multiple Floor Plans (Proposed)

REASON FOR DECISION

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

Due to its height, scale, design and massing, the proposed extension has not been designed with due consideration for its context and would have an unacceptable impact on residential properties in the surrounding area. The proposal would also result in the loss of part of the historic fabric of the building and due to its massing would have an unacceptable impact on the surrounding conservation area. The alteration is a substantial, two storey extension to the rear of a one-and-a-half storey

property which would be out of place with and would result in a detrimental impact on the overall character and amenity of the wider conservation area. The proposal therefore fails to comply with Scottish Planning Policy, Historic Environment Scotland's Policy Statement, Policies H1: Residential Areas, D1: Quality Placemaking by Design, D4: Historic Environment and D5: Our Granite Heritage of the Aberdeen Local Development Plan, as well as its associated Supplementary Guidance: Householder Development Guide and Managing Change in the Historic Environment - Extensions. There are no material planning considerations which would warrant approval of consent in this instance.

Date of Signing 5 June 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 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 180129/DPP

Application Summary

Application Number: 180129/DPP

Address: 20 West Mount Street Aberdeen AB25 2RJ

Proposal: Erection of 1.5 storey rear extension

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 this application is for the erection of a 1.5 storey rear extension. The site is located in the inner city, in controlled parking zone M.

The property currently has 0 off-street parking spaces, and 0 are proposed as part of this application. The extension proposed would result in an increase from 2 to 3 bedrooms - this extra room would not warrant an increase in the required number of parking spaces.

For the above reasons, there are no roads concerns with this application.

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Comments for Planning Application 180129/DPP

Application Summary

Application Number: 180129/DPP

Address: 20 West Mount Street Aberdeen AB25 2RJ

Proposal: Erection of 1.5 storey rear extension

Case Officer: Jacqui Thain

Customer Details

Name: Mr Mark McIlroy

Address: 18 West Mount Street Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to lodge an objection to the proposed extension on the grounds of "right to light".

The proposals will significantly reduce the natural light available to my Dining Room, 2 Bedrooms, Sun Room and Kitchen. These windows face out on to the proposed extension and due to their proximity and orientation, the proposed extension will have a marked reduction in the quality and duration of natural light entering our living spaces, which will result in a detriment to our quality of life, health and will lead to increased electricity bills due to the extra artificial lighting required to compensate.

The proposed extension does not consider the guidance given in the BRE publication "Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice" with regard to plan and elevation angles in relation to the existing windows in our property. Had these points been considered then a design with less impact on neighbouring properties could have been produced.

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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)

H1 - Residential Areas;

D1: Quality Placemaking by Design; and

D4: Historic Environment

D5 - Our Granite Heritage

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

Supplementary Guidance

Householder Development Guide

<https://www.aberdeencity.gov.uk/sites/default/files/2.1.PolicySG.HouseHoldDesignGuide.pdf>

Other Material Considerations

Historic Environment Scotland, Managing Change in the Historic Environment: Extensions

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=0a55e2b8-0549-454c-ac62-a60b00928937>

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NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Agent (if any)

Name

Name

Address

Address

Postcode

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail*

E-mail*

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

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

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

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

Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

I DISPUTE THE CLAIMS MADE BY THE PLANNING AUTHORITY IN THEIR DECISION NOTICE. I THEREFORE FEEL THAT IT IS NECESSARY FOR THESE CLAIMS TO BE REVIEWED INDEPENDENTLY.

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

A SITE INSPECTION CAN BE ARRANGED AT A TIME THAT IS CONVENIENT. ACCESS IS REQUIRED VIA THE APPLICANTS HOME.

Statement

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

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

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

• I HAVE COMPLIED WITH ALL GUIDANCE PROVIDED BY THE PLANNING AUTHORITY DURING THIS PLANNING APPLICATION.

• THE PLANNING AUTHORITY HAVE MIS-LED ME AND MY AGENT REGARDING MY APPLICATION.

• I HAVE INCLUDED MY STATEMENT IN FULL ON A SEPARATE DOCUMENT, WHICH ACCOMPANIES THIS FORM.

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

Yes No

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

(Handwritten mark)

List of documents and evidence

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

- | | |
|--|--|
| <p>① STATEMENT AND LIST OF SUPPORTING DOCUMENTS</p> <p>② APPENDIX 1 - EMAIL FROM SIOBHAN WOLVERSON</p> <p>③ APPENDIX 2 - EMAIL FROM JACQUI THAIN</p> <p>④ APPENDIX 3 - EMAIL FROM JACQUI THAIN</p> <p>⑤ APPENDIX 4 - EMAIL FROM JACQUI THAIN</p> <p>⑥ APPENDIX 5 - EMAIL FROM JACQUI THAIN</p> <p>⑦ APPENDIX 6 - MARTIN CALDER EMAIL TO JACQUI THAIN</p> <p>⑧ APPENDIX 7 - SITE VIEW FROM GARDEN</p> <p>⑨ APPENDIX 8 - SITE VIEW FROM HOUSE</p> <p>⑩ APPENDIX 9 - VIEW FROM INSIDE KITCHEN</p> <p>⑪ APPENDIX 10 - VIEW FROM REAR BEDROOM</p> | <p>⑫ APPENDIX 11 - VIEW FROM REAR BEDROOM</p> <p>⑬ APPENDIX 12 - REAR EXTENSION OF 16 WEST MOUNT STREET.</p> |
|--|--|

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

Checklist

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

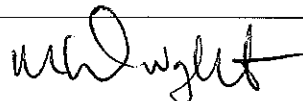
- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

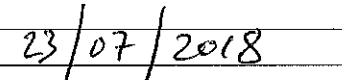
Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date



Statement

I am requesting a review of my application due to the following reasons:

- An initial pre-application query was made in March 2017, a response to which was received on 16th March 2017. It should be noted that 18 West Mount Street was referred to as a 'bad neighbour' due to the proximity of the two storey bay window which directly overlooks number 20 and therefore affords the occupants of number 20 no privacy whatsoever in the garden area, and kitchen. One of the major reasons for the application was to help address the issue of privacy to the benefit of both properties. This has been completely overlooked by the planning authority in their assessment of the application.
- Towards the end of 2017/early 2018, further pre-applications took place at which stage the requirements for the upper level was highlighted to the authority. During the pre-application period, two separate site visits were carried out by the planning officer to fully assess the present situation in respect of number 18, and the merits of the proposal. Numerous meetings, conversations, and emails were exchanged between appointed officer and applicants' agent, none of which cited any of the reasons now given for refusal. At this stage, specific instructions were given regarding the width, height, and projection of the proposed extension; all of which were taken into account when the application was formalised. During these discussions, no major concern was raised with the principle of a 1.5 storey element of the application.
- The application was validated on 8th February 2018, and consultation period was from 8th February to 1st March 2018. No comments were received from the conservation section during this period. During this period, numerous discussions between architect and case officer took place which related to minor adjustments in respect to the proposal. It should be noted that two extensions of time were agreed with the authority with respect to the decision deadline, the last of which was on 25th April 2018. At a meeting on the 25th April it was confirmed by the case officer that the conservation section were yet to comment on the application, and an internal meeting was arranged for the 1st of May in this respect. The applicant / agent received notification on the 2nd May that the application would not be supported by the local authority. This is contrary to all discussions that had taken place upto this point over the previous 6 months.
- Reasons cited for refusal by planning authority relate primarily to conservation (disruption of portion of roof and part of rear granite wall). Material down-takings (slates and granite stones) can be re-used in the new structure as specified in 'our granite heritage' policy document. No opportunity given to applicant or agent in discussing these conditions.
- The report of handling issued by Strategic Place Planning describes the application as 'Erection of 1.5 storey rear extension', yet within the report it is referred to as a 2 storey extension. The design was evolved to diminish the height of the extension in order to ensure that the ridge was well below the ridge of the main roof and internally the ceiling height was reduced to form lie-

ins to both sides, again assisting in diminishing the overall height and scale of the proposal. The overall design and scale of the proposal will ensure that the profile of the property is not significantly diminished or subservient. The proposed scale is also relatively consistent with other properties in the terrace.

- One objection to the application was received from the occupant of 18 West Mount Street, and stated 'right to light' as the basis for the objection. It should be noted that this individual has since sold the property at number 18. It should also be noted that I have received words of support from occupants of other properties in the terrace, as there are none of the concerns felt as those raised by the planning authority in their decision notice.
- Failure by the planning authority to recognise precedent set by large rear extensions to neighbouring properties (namely, 24, 18, and 16 West Mount Street). Note: rear extension to 18 West Mount Street already acknowledged as a 'bad neighbour development' by the planning authority in email dated 16th March 2017.
- Planning authority document 'householder development guide' for the Rosemount Conservation Area states on page 11 in relation to extensions to terraced dwellings: "Extensions of more than one storey will normally be refused where the proposal runs along a mutual boundary unless it can be demonstrated that the specific circumstances of the site and the proposal would ensure that there would be no detrimental impact on either the character or amenity of the area". My agent and I have gone to every length possible in order to ensure that the proposal set forth satisfies this guideline. My proposal ensures that there would be no detrimental impact to either the character or amenity of the area.
- Of the extensions to the rear of the terrace, the majority of which are finished with roughcast walls, a major point of concern in respect to this application. Number 16, and number 18 have full two storey extensions to the property, again this was a major concern in respect to this application.
- Failure by the planning authority to adhere to self-imposed deadlines, and failure to meet deadline extensions set by mutual consent.
- Failure by the planning authority to communicate clearly and consistently with applicant and agent in matters relating to the application.
- I have made great efforts to approach this process in good faith and cooperate with the planning authority's advice throughout a very lengthy period of pre-application discussions. My architect and I have also taken time and consulted with neighbours on various occasions in order to ensure that no neighbouring property will be adversely affected by the proposal, and to ensure that the design is within the permitted guidelines as set forth by the planning authority.
- I disagree with the decision to refuse this application, and believe that the decision should be reviewed independently.
- I enclose copies all of the correspondence which I and/or my agent have received throughout this process, along with some photographs of the site and neighbouring properties.

- List of supporting documents:

Appendix 1_Email from Siobhan Wolverson 16th March 2017

Appendix 2_Email from Jacqui Thain 6th December 2017

Appendix 3_Email from Jacqui Thain 24th January 2018

Appendix 4_Email from Jacqui Thain 25th April 2018

Appendix 5_Email from Jacqui Thain 2nd May 2018

Appendix 6_Martin Calder email to Jacqui Thain 8th May 2018

Appendix 7_site view from garden (photograph)

Appendix 8_site view from house (photograph)


Appendix 9_view from inside kitchen (photograph)

Appendix 10_view from rear bedroom (photograph)

Appendix 11_view from rear bedroom (photograph)

Appendix 12_rear extension to 16 West Mount Street (photograph)

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

Site Address:	42A Seaforth Road - Aberdeen - AB24 5PU.
Application Description:	Erection of residential development of eight two bedroom flats and associated car parking and amenity space
Application Reference:	180352/DPP
Application Type	Detailed Planning Permission
Application Date:	9 March 2018
Applicant:	Alexander Duthie & Sons Ltd
Ward:	George Street/Harbour
Community Council	Castlehill And Pittodrie
Case Officer:	Gavin Clark

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

This application relates to a single storey 'warehouse' building located on the southern side of Seaforth Road, at its junction with Urquhart Lane. The building is constructed of exposed aggregate synthetic blockwork with a metal sheet dual pitched roof the ridgeline running north-south, such that a full gable presents itself to Seaforth Road; the footprint covers much of the site. It is currently vacant but has most recently been used as a storage shed for a plumbing business. The surrounding area is designated as residential and contains a mix of housing styles from 2 storey, four in a block flats, to more dense 3 and 4 storey flatted developments of both traditional and modern design.

Relevant Planning History

Planning permission (Ref: 170871/DPP) was refused under delegated powers in October 2017 for an almost identical proposal. The 3-month window for seeking that decision to be reviewed by the Local Review Body (LRB) expired on the 11th January 2018. The reasons for refusal were as follows: *1. The proposed building, due to its architectural design, height, scale and massing has not been designed with due consideration for its context. The proposal would therefore be contrary to the requirements of Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan. 2. The proposed building, which would be set over four storeys, with a flat roof and extend to 11.3m (and 11.9m on its eastern side) in height when viewed against the two storey hipped roof properties to the west (5.4m to gutter and 9.2m to apex), would introduce an incongruous relationship between the two buildings in terms of overall massing and form when viewed in the surrounding streetscene. The proposal would therefore be contrary to the requirements of Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.*

Planning permission (Ref: P151615) was refused in December 2015 for a similar proposal for 8 2-bed flats with associated car parking. The reason for refusal was: *The proposed site layout is dominated by car parking and an access road and therefore fails to incorporate a usable and high quality sitting out area for residents. The use of Juliet balconies does not constitute an alternative sitting out area and therefore the application is contrary to Adopted Local Development Plan Policy D2: Design and Amenity. The lack of external amenity provision and associated landscaping or soft boundary treatment indicates that the site is being overdeveloped and would therefore have an adverse impact on the character of the wider area, contrary to Adopted Local Development Plan Policies D1: Architecture and Placemaking, H1: Residential Areas and Proposed Local Development Plan Policies D1: Quality Placemaking by Design and H1: Residential Areas.* This decision was upheld by the Local Review Body (LRB) on the 3rd March 2016.

An application for planning permission in principle (Ref: P130891) for the erection of 10 flats on site was withdrawn in October 2013.

APPLICATION DESCRIPTION

Description of Proposal

The erection of eight flats set over four storeys. The application site extends to approximately 636 sqm, with a proposed footprint for the flatted building of approximately 176 sqm. Six car parking spaces would be included within the southern/ rear part of the site (including one disabled), as would a motorcycle parking space, all with access taken from Urquhart Lane – a one-way street only accessible by vehicles from the south via Urquhart Road. An area of landscaped amenity space would also be provided to the rear, with cycle lockers and bin storage facilities located adjoining or adjacent to the eastern elevation, which faces Urquhart Lane. A section of the boundary wall would be reduced to 1m in height to provide visibility splays.

Materials proposed include: a dark grey sarnafil roof, buff synthetic stone to the ground floor and string courses, a cream/ beige smooth render mid floors and boundary walls with a concrete cope and grey cladding panels to the 3rd floor. The proposal would also include the installation of grey PVCu windows and black steel railings. Juliet balconies/railings to fuller height windows proposed on the north, east and southern elevations.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P5BZ4XBZJPR00>

- *Design Statement: David Gauld Architect Ltd:* provides a general appraisal of the site, key issues and the proposed design solution.
- *Planning Statement: Halliday, Fraser, Munro: February 2018:* provides an introduction to the proposal details of the site, details of the development, a detailed planning history, planning context and overall conclusion.

CONSULTATIONS

ACC - Roads Development Management Team – initially objected to the application due to the shortfall in parking provision within the site, and concerns in relation to congestion in streets in the surrounding area. This objection was removed following agreement by the applicant to provide contribution towards half of a car club car (with the other half to be paid by the car club) and associated works required to provide this space. Their response will be discussed in greater detail in the evaluation section of this report.

ACC - Environmental Health – have no objection to the proposed development. Were permission granted they have suggested an informative in relation to working hours (with regards to demolition and construction operations).

Developer Obligations Team – no response has been received, as the proposal is almost identical to that previously refused it is assumed that developer obligations would be similar to those of the previous application.

ACC - Flooding and Coastal Protection – have no objections to the proposed development, as the proposal does not create a flood risk. They have recommended the use of permeable materials and rain water harvesting within the design.

ACC - Waste Strategy Team – have advised of the waste requirements for the proposed development. Were consent to be granted, this would be added as an informative.

REPRESENTATIONS

Two letters of representation (objection) have been received. The matters raised highlight that the proposed development would be out of keeping with the surrounding area, would be too high and would impact on the amount of light afforded to properties in the surrounding area. The objectors also highlight the previous site history (and the fact that the development is broadly similar to that which was previously refused) and concerns in relation to parking capacity in streets in the surrounding area.

Concerns are also raised with regards to the number of flats (and those which are unsold) in the surrounding area. This is not material to the determination of the application and will not be discussed again in this report.

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.

Aberdeen Local Development Plan 2017 (ALDP)

Policies D1: Quality Placemaking by Design; D5: Our Granite Heritage; I1: Infrastructure Delivery and Planning Obligations; T2: Managing the Transport Impact of Development; T3: Sustainable and Active Travel; H1: Residential Areas; H5: Affordable Housing NE6: Flooding, Drainage and Water Quality; R6: Waste Management Requirements for New Developments; R7: Low and Zero Carbon Buildings, and Water Efficiency and C11: Digital Infrastructure are relevant to the determination of this application.

Supplementary Guidance (SG)

Planning Obligations; Affordable Housing; Transport and Accessibility and Flooding, Drainage and Water Quality are relevant to the determination of this application.

EVALUATION

It should be noted that the proposed development is almost identical to the previously refused scheme, barring a change in materials, the size, scale and siting of the building remains unaltered.

Principle of Development

The site is located within an identified residential area, covered by Policy H1, which states that the principle of new residential developments will be approved, if they: do not constitute overdevelopment, do not have an unacceptable impact on the character and appearance of the surrounding area; do not result in the loss of open space; and comply with relevant Supplementary Guidance. These matters are discussed below.

Design

The context of Seaforth Road is varied, with a mix of 3 and 4 storey tenements and flatted blocks to the north and east respectively, and a row of 2 storey four-in-a-block flatted properties to the west. In principle this context does potentially allow for a building of three or four storeys on the site, without automatic conflict with the character of the surrounding area.

However, the properties to the west are of two storeys and have a hipped roof gable. As a result, the proposed building, at four storeys in height would stand significantly higher and thus have a poor visual relationship with these adjacent/ closest properties (approx..7.5m) against which the building will be read in the street scene, such that there would be a detrimental visual impact both on the streetscape and also on the amenity of the properties to the west due to over dominance and over-bearance.

The proposal was subject to previous correspondence and applications where the planning authority sought a reduction in the scale of the section of the proposed building closest to those existing two storey properties. This request was to ensure that there would be a more appropriate massing arrangement/ transition between the existing and proposed buildings on the southern side of Seaforth Road.

To explain, the proposed building, being flat roofed, has a 'boxy' form with clear visibility of the upper levels which stand proud of and jar with the adjacent building to the west and appears out of scale and context in the street scene. This is evidenced in the clear visibility of the bulky upper two floors of the western part of the building when read in conjunction with the hipped and pitched roof of the two-storey building to the west, as viewed in an eastwards direction up Seaforth Road, where the building would be read in conjunction with the adjacent property. An equally out of context and awkward relationship between mass and form would be evident when viewed from the south, up Urquhart Lane. This poor relationship of mass is the primary reasoning for making previous requests to reduce the scale of the western part of the proposed building. However, it is also important to note that the differing architectural forms and finishes do not sit particularly comfortably – especially given the sudden change in scale.

In terms of building line, the properties to the east between Urquhart Lane and Park Road are fairly uniform and established in their appearance – being tenemental properties of the same form, scale and built arrangement and all likely built at the same time. That uniformity changes in relation to the properties to the west, between King Street and 42 Seaforth Road (the two-storey adjacent property), where there is a varied building line. To explain, the four blocks to the immediate west comprise two 'end' blocks which sit slightly forward of the two central blocks, forming a grouping of four two storey elements with a clear end and centre, but each with 4-5m deep front gardens enclosed by low railings. Thereafter a more uniform arrangement of four storey tenemental properties, positioned closer to the footway, although with small c.2m deep 'landscaped' buffer areas enclosed by a low wall to the front. These tenemental properties terminate close to the junction of Seaforth Road and King Street, with the rear of similar scaled tenements on King Street immediately adjacent.

It is worth noting that the easternmost/ adjacent two storey property (36-42 Seaforth Road) is slightly offset from its related neighbours in that grouping, reflective of the change in alignment of

Seaforth Road at that point, where there is a slight kink southward. This realignment is also evident in the chamfered front to the existing building on the application site. As such these end two properties do begin to turn from this location towards Park Road, This alignment is not reflected in the proposed building footprint, resulting in a slight 'dog leg' to the general positioning of buildings.

However, it is not considered that the proposal, given the surrounding context, including the properties to the north, which also turn in a similar manner, would impact on the established building line to a degree that would warrant refusal of consent.

Were the design to be amended such that the scale and massing of the building was reduced at its interface with 36-42 Seaforth Road, then the proposal could be acceptable – subject to an appropriate design. However, consideration of such design amendments was rejected by the applicant and the proposal thus stands to be assessed in its current format.

For the aforementioned reasoning the scale and size of development is not considered to be appropriate for the site.

The previous proposal included the use of a stark white render, which has been amended to a cream/ beige smooth render, which would be more appropriate for the surrounding context. Finalised details of this material could be controlled via an appropriately worded planning condition.

Otherwise the use of overhangs to the roof is also not considered to be appropriate for a residential setting and indicate the appearance of a modern office building, rather than a residential block.

Residential Amenity

It is noted that the level of residential amenity which would be afforded to prospective occupants of the proposed flats was raised as a concern at the time of the previous planning application (in 2015/16), as then the rear area would be taken over wholly by car parking, and no garden ground/ amenity space provided for any of the proposed flats.

In this regard the flats now proposed would be dual aspect and the incorporation of large windows would also provide appropriate levels of daylight for any future residents. The flats are also considered to be of an appropriate size and approximately 50% of the rear area would be provided as garden ground.

Over-bearance and over dominance have been discussed elsewhere; where it was deemed that the proposal would have an unacceptable impact on properties to the west. Appropriate window-to-window distances would be provided, and it has been assessed that the proposal would have no significant impact in terms of overshadowing and overlooking.

Parking and Accessibility

In accordance with the Transport and Accessibility Supplementary Planning Guidance, 1.5 parking spaces would be required per flat (providing a total of 12 spaces). The submitted site plan indicates 6 parking spaces (including one disabled), resulting in a shortfall of 6 spaces.

Following discussion with colleagues in Transportation Strategy and Roads Development Management it was agreed that this shortfall could be mitigated by a contribution towards the provision of a car club car and infrastructure associated with this. They initially objected to the application on the basis that insufficient parking would be provided within the curtilage of the site, and concerns with regards to overspill parking in the surrounding area. In response, the applicants have agreed to provide contributions towards the provision of a car-club car (they would pay for

half), with the car club providing the other half. They would also have to provide all infrastructure associated with the provision of this space. Parking restrictions on Urquhart Lane would also need to be amended, as double yellow lines would be required. Officers in the Roads Development Management team initially raised concerns with regards to access to the site and associated visibility splays. An amended plan was submitted, which clarified this matter.

Overall, Roads Development Management has no objections to the application, and subject to an appropriately worded condition in relation to visibility splays and the provision of the car club contributions the proposal would comply with the general principles of Policy T2 and the associated Supplementary Guidance: Transport and Accessibility.

The development is easily accessed by public transport, with bus facilities nearby on King Street to the west and Park Road to the east providing services in and out of the city. The site is also easily accessible on foot from all directions. Additionally, there are cycle routes on Park Road and King Street providing further links into the city centre. The applicant has also proposed cycle lockers for each flat within the development site. As a result of the above the proposal is considered to accord with Policy T3 of the ALDP.

Developer Obligations/ Affordable Housing

It should be noted that no response has been received from the Developer Obligations team, however as the proposal is broadly similar to that of the previous application their previous response has been taken into account. Policies I1 and H5 require appropriate contributions and affordable housing to be provided with developments of more than 5 residential units. Heads of terms were previously sent to the agent requiring contributions of £76,000 towards affordable housing, £2,635 towards secondary education, £11,713 towards community facilities and £2,381 towards the core path network. Confirmation of agreement to the required contributions was previously received and would be incorporated into any future legal agreement – if the current proposal was approved. Subsequently, the proposal would accord with the provisions of the aforementioned policy.

Other Material Considerations

The applicants have submitted a drainage statement and drainage impact assessment, which were assessed by officers in the Flooding team, who are content with the methods of drainage proposed and have no concerns in terms of flood risk. The proposal is therefore considered to accord with Policy NE6.

The proposal would see the loss of an element of granite, through alterations and a reduction in height of the granite boundary wall along Urquhart Lane. It is considered that a suitably worded planning condition could be applied requiring details for the re-use of materials on site, perhaps for internal boundary treatments or bin stores, which would ensure compliance with Policy D5.

The proposal has been assessed by officers in Waste Management, who have raised no objection. Waste facilities and pick-ups would be provided from the eastern elevation, facing Urquhart Lane. Space for 1 general waste container, 1 recycling container and one food waste container for each flat is required. As this has been shown and could be provided/ controlled via a suitable condition, the proposal would accord with Policy R6.

An appropriate condition could be added to ensure compliance with Policy R7. It is also expected that the proposal would have access to modern, up-to-date high-speed communications infrastructure, in accordance with Policy CI1; again, this matter could be controlled via an appropriately worded planning condition to ensure compliance with the aforementioned policy.

Matters Raised in Letters of Representation

The matters raised in relation to scale/ design/ overshadowing, amenity space, site history and parking have been addressed elsewhere in this report.

Equalities Impact Assessment

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

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. The proposed building, due to its architectural design, height, scale and massing has not been designed with due consideration for its context. The proposal would therefore be contrary to the requirements of Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.
2. The proposed building, which would be set over four storeys, with a flat roof and extend to 11.3m (and 11.9m on its eastern side) in height when viewed against the two storey hipped roof properties to the west (5.4m to gutter and 9.2m to apex), would introduce an incongruous relationship between the two buildings in terms of overall massing and form when viewed in the surrounding street scene. The proposal would therefore be contrary to the requirements of Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

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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 100086356-001

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.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed Residential Development of Eight Two Bedroom Flats with Associated Car Parking and Amenity Space

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

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:	David Gauld Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	
Last Name: *	Gauld	Building Number:	6
Telephone Number: *	07791383378	Address 1 (Street): *	Whitehouse Way
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Gorebridge
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH23 4FP
Email Address: *	dgauldltd@gmail.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	2
Last Name: *		Address 1 (Street): *	St Andrew Street
Company/Organisation	Alexander Duthie & Sons Ltd	Address 2:	
Telephone Number: *	01779472628	Town/City: *	Peterhead
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB42 1DS
Fax Number:			
Email Address: *	Richard@aduthie.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

42A SEAFORTH ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB24 5PU

Please identify/describe the location of the site or sites

Northing

807262

Easting

394526

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

636.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Derelict Storage Shed

Access and Parking

Are you proposing a new 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 propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

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

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)? *

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, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

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.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Communal Bins situated on Urquhart Lane

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

8

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

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: David Gauld

On behalf of: Alexander Duthie & Sons Ltd

Date: 05/03/2018

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

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) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Design Statement, Supporting Statement, Vehicular Movement Plan and Drainage Plan

Provide copies of the following documents if applicable:

- | | | |
|--|---|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr David Gauld

Declaration Date: 05/03/2018

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

David Gauld Architect
6 Whitehouse Way
Gorebridge
United Kingdom
EH23 4FP

on behalf of **Alexander Duthie & Sons Ltd**

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

Erection of residential development of eight two bedroom flats and associated car parking and amenity space at 42A Seaforth Road, Aberdeen

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

Drawing Number	Drawing Type
180352-01	Location Plan
180352-02A	Site Layout (Proposed)
180352-03	Ground Floor Plan (Proposed)
180352-04	First Floor Plan (Proposed)
180352-05	Second Floor Plan (Proposed)
180352-06	Third Floor Plan (Proposed)
180352-07	North and East Elevations (Proposed)
180352-08	South and West Elevations (Proposed)
180352-09	Typical Roof Detail
102A	Drainage Plan
100B	Vehicular Movement Plan

REASON FOR DECISION

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

1. The proposed building, due to its architectural design, height, scale and massing has not been designed with due consideration for its context. The proposal would therefore be contrary to the requirements of Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.
2. The proposed building, which would be set over four storeys, with a flat roof and extend to 11.3m (and 11.9m on its eastern side) in height when viewed against the two storey hipped roof properties to the west (5.4m to gutter and 9.2m to apex), would introduce an incongruous relationship between the two buildings in terms of overall massing and form when viewed in the surrounding street scene. The proposal would therefore be contrary to the requirements of Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

Date of Signing 3 May 2018

A handwritten signature in black ink that reads "Daniel Lewis". The signature is written in a cursive, slightly slanted style.

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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Comments for Planning Application 180352/DPP

Application Summary

Application Number: 180352/DPP

Address: 42A Seaforth Road Aberdeen AB24 5PU

Proposal: Erection of residential development of eight two bedroom flats and associated car parking and amenity space

Case Officer: Gavin Clark

Customer Details

Name: Mr Lachlan Rhodes

Address: 47E Seaforth Road Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application for a 4 storey flat-roofed building with a white exterior is totally out of keeping with the surrounding area, it is too high and would badly affect the light of the buildings nearby.

Original plan in 2013 was for 10 flats, reduced to 8 in applications in 2015, 17 and 18 - and previously the planners suggested that a 3 storey building with 5 flats would be more relevant.

That the developers regard the latter as "economically non-viable" does not represent a valid reason for granting permission for 8 flats.

This is already a heavily populated area with an excess of 2 bed flats. Some are still in development, and many old and new remain on the market unsold. Previous comments from the Planning Committee have highlighted the fact that the area is already over-developed.

6 car parking spaces for 8 flats would result in a further increase in parking on the roads nearby, when already there is little capacity.

This application does not comply with the Local Development Plan.

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Comments for Planning Application 180352/DPP

Application Summary

Application Number: 180352/DPP

Address: 42A Seaforth Road Aberdeen AB24 5PU

Proposal: Erection of residential development of eight two bedroom flats and associated car parking and amenity space

Case Officer: Gavin Clark

Customer Details

Name: Mrs Caroline Rhodes

Address: 49F Seaforth Road Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this planning application for a number of reasons.

There seems to be almost no change in the planning application from the one that was submitted in July 2017 and subsequently refused. The only apparent difference is that the cycle lockers have been moved to behind the bin store. The stated amenity area, which was so important in the rejection of the application remains the same at 49.5%.

The proposed development is almost twice the height of the neighbouring building and twice the height of the industrial building that it would like to replace. It will completely overshadow the buildings across the road and block out a lot of the light. This would deprive those who dwell in these buildings of their natural light which is so important for well being and mental health. It would be more reasonable to replace the industrial building with one of two storeys with a pitched roof.

The majority of taller buildings on Seaforth Road are either opposite the cemetery or at a lower elevation close to King Street. The photographs and plans do not give a true representation of the situation on the ground.

Parking and traffic. Urquhart Lane has cars parked all down one side of the road the majority of time and the other side has double yellow lines. Seaforth Road also has many cars parked down it day and night. On street parking is already an issue and providing 8 flats with only 6 car parking spaces will likely add to this problem.

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Consultee Comments for Planning Application 180352/DPP

Application Summary

Application Number: 180352/DPP

Address: 42A Seaforth Road Aberdeen AB24 5PU

Proposal: Erection of residential development of eight two bedroom flats and associated car parking and amenity space

Case Officer: Gavin Clark

Consultee Details

Name: Mr Mark Nicholl

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

Email: mnicholl@aberdeencity.gov.uk

On Behalf Of: ACC - Environmental Health

Comments

COMMENTS

In relation to environmental noise control, this Service has no objections to the proposal. This Service would however advise that demolition and construction operations creating noise which is audible at the nearest sensitive receptor should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

I trust this information is of help.

Kind regards,

Responding Officer: Mark Nicholl Environmental Health Officer.

Date: 11-04-18

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MEMO



ABERDEEN
CITY COUNCIL

To	G Clark Planning & Infrastructure	Date	15/03/18
		Your Ref.	180352
		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.180352

ACC Flood Team have no comments or objections to make on this application as it does not pose any flood risk. We would recommend the use of permeable materials where suitable in the design. Also we would recommend the use of rain water harvesting where suitable in the design.

Regards
Katy Joy Goodall - Flooding & Coastal

Bernadette Marjoram
Interim Corporate Director

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MEMO



ABERDEEN
CITY COUNCIL

To	Planning & Infrastructure	Date	03/05/2018
		Our Ref.	DPP 180352
From	Scott Lynch		
Email	SLynch@aberdeencity.gov.uk		
Dial	01224 522292		
Fax			

Strategic Place Planning

Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Aberdeen
AB10 1AB

Tel 03000 200 291
Minicom 01224 522381
DX 529451, Aberdeen 9
www.aberdeencity.gov.uk

Planning Application No. DPP 180352.

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

1 Development Proposal

- 1.1 I note that the application is for the erection of a residential development of eight two-bedroom flats, and associated car parking and amenity space at 42A Seaforth Road.
- 1.2 The current use is as a plumbers store. The current use class and size are not specified, however it appears to be 450m², and class 6 (storage and distribution) seems likely. The current level of parking is stated as 0, however floor plans are not shown, and the building has an integral garage door, suggesting vehicles may park inside. More information on the existing use is required to establish the existing parking situation.
- 1.3 The site is located on the border of the inner and outer city, outwith any controlled parking zone.
- 1.4 Two previous planning applications have been made by the same applicant for this site, both of which were refused for differing reason:
 - DPP 151615;
 - DPP 170871.
- 1.5 This is the second revision of roads comments. New comments will be shown in red for clarity.

2 Walking and Cycling

- 2.1 The site is within a short distance of King Street and, as such, is highly accessible on foot;

- 2.2 There are cycle routes on Park Road and King Street which link into routes leading to the city centre. The applicant has also proposed cycle lockers at the development for each of the flats.

3 Public Transport

- 3.1 The development is within 400m of several bus stops on both sides of King Street, which service regular busses heading both in and out of town.

4 Parking

- 4.1 Aberdeen City Council Supplementary Guidance requires a development of this size to provide 1.5 vehicular parking spaces per flat. Using this guidance yields that this development should have 12 unallocated parking spaces. The applicant is proposing 6 spaces.

- 4.2 A swept path drawing has been provided, however this is dated 2015 and appears to be for earlier iteration of this car park which is comprised of different geometry. An updated swept path should be provided. Additionally, a dimensioned drawing should be provided, highlighting the sizes of parking spaces and confirming that each space has a clear 6m aisle width.

The applicant has confirmed that there is a drafting error on the site plan where the hatched area adjacent to the disabled space was shown wrong. An amended plan was provided.

- 4.3 Space 2 appears 0.6m wider than other spaces. This is no issue, but more amenity ground could be provided if this space were reduced to 2.4m in width.

Applicant noted space 2 is wider to allow the swept paths to work. No issue.

- 4.4 The provision of 1 disabled space (as proposed by the applicant) is acceptable, as 1 disabled space should be provided for every 20 regular spaces.

- 4.5 I note that 1 motorcycle space is required, which is what the applicant is proposing.

- 4.6 I note that 1 long-stay cycle parking space is required per flat. As 8 flats are proposed, there is a requirement of 8 long-stay cycle parking spaces, however only 6 cycle lockers are proposed. This represents a shortfall of 2 cycle parking spaces.

Applicant noted that there is disparity between the drawings and one of the submitted documents, and confirmed that there are indeed 8 spaces.

- 4.7 I'm aware that the roads response to previous iterations of this application have intimated that a contribution to the car club would be sufficient in mitigating the shortfall in parking, however I do not feel that this is the case as 1 x £400 contribution is required per flat that doesn't meet it's parking requirement as outlined in the SG. Therefore 8 x £400 would be required as a contribution, which amounts to a total car club contribution of £3,200. As there are no car club spaces within 400m of the development this would need to go towards a new car club car, however the minimum cost for this is ~£13,000. As such, the financial contribution would be insufficient to instate a new car club car.

After much discussion with the applicant, they have confirmed that they would be willing to pay half the costs for a new car club car to be instated (with the car

club paying the other half), as well as the additional lining & signing and TRO costs associated with this. This removes Roads concerns regarding the shortfall of parking and the loss of parking spaces to form the site access / visibility.

- 4.8 I am aware that the surrounding streets are particularly congested in the evening in terms of on-street parking. Given that this property is outwith any controlled parking zone I fear that permitting such a large shortfall in parking will lead to indiscriminate parking in an already-saturated area.
- 4.9 Another detrimental factor is that the proposed site access, its' associated visibility splay and the bin store would all require parking to be removed from Urquhart Lane. As such, the development would not only put more cars onto the surrounding streets, it would also reduce the number of on-street parking by ~3.
- 4.10 For the above reasons I feel that the shortfall proposed is unacceptable. I'm aware that the applicant is restrained in terms of the level of parking that they can provide due to having to provide adequate amenity space. Therefore, I would highlight that if the applicant were to propose fewer flats, there would be a lesser parking requirement, which could help reduce the shortfall.

5 Development Vehicle Access

- 5.1 The site will require a new access from Urquhart Lane. The wall height has been shown as 1m maximum on the plans and is considered to be acceptable in that regard.
- 5.2 The access would be on the inside of the curve of Urquhart Lane, coupled with the fact that cars currently park on the inside of the curve, means that visibility of oncoming traffic would be greatly reduced. Given the width of this lane, traffic should be slow moving, however the applicant would be required to improve the visibility by altering parking restrictions on Urquhart Lane to remove some on-street parking adjacent to the access. This will require the installation of double yellow lines in front of the bin store and the visibility splay of the access. The applicant would be required to contact Vycki Ritson of Traffic Management (01224 522704) in this regard.

6 Travel Plan Framework (Travel Plan/Residential Travel Pack)

- 6.1 As the applicant is proposing a shortfall of parking, implying that they are relying on residents utilising other means of transport, a residential travel pack should be provided, highlighting the information that will be provided to residents in this regard.

7 Drainage Impact Assessment

- 7.1 No contours are shown on the drainage drawing (which is also dated 2015 and shows a previous iteration of the car park geometry). As such, it is not clear how the applicant is proposing to keep surface water off the adopted Urquhart lane?

The applicant has shown a drainage channel across the entrance to the car park in order to prevent water flowing onto Urquhart Lane. This is beneficial.

8 Construction Consent

- 8.1 The access junction layout is to be designed to Aberdeen City Council standards. The development will require to be subject to a Section 56 Roads Construction Consent application and I would urge the applicant to contact Colin Burnet on 01224 522409 to discuss this matter in further detail.

9 Conclusion

- 9.1 **The applicant has adequately addressed all roads concerns – particularly those regarding the shortfall of parking.**

There are no further roads concerns with this application.

Scott Lynch
Senior Engineer
Roads Development Management

Aberdeen City Council – Development Management Consultation Request

From: Gavin Clark	Date: 13 March 2018
Email: gaclark@aberdeencity.gov.uk	Ref: 180352/DPP
Tel.: +44(0) 1224 5222321	Expiry Date: 3 April 2018

Detailed Planning Permission

180352/DPP: Erection of residential development of eight two bedroom flats and associated car parking and amenity space at 42A Seaforth Road Aberdeen AB24 5PU

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=P5BZ4XBZJPR00>

Please select one of the following

No observations/comments.	
Would make the following comments (please specify below).	Y
Would recommend the following conditions are included with any grant of consent.	Y
Would recommend the following comments are taken into consideration in the determination of the application.	Y
Object to the application (please specify reasons below).	

COMMENTS

Waste Services response regarding application 180352: 42a Seaforth rd

As I understand, the development will consist of **8 two bedroom flats**.

I have consulted with colleagues across the waste operations team. I can confirm that Aberdeen City Council intend to provide the following services upon building completion.

Please note the information provided below by Waste Services is independent of the outcome of the planning application, which is being determined by the planning authority.

The **8 flats** will be provided with:

- **1 x 660l general waste container**
- **1 x 660l mixed recycling container**
- **1 x food waste container for each bin store (each flat will receive a kitchen caddy, bioliners and associated information)**

The following costs will be charged to the developer:

- **Each 660l bin cost £283.60**
- **Each food waste container cost £514.49**

No garden waste will be provided for flat residences as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor.

It is pertinent to note that these services will be provided taking account of the following:

Specific points

Developer to provide **bin store diagram** to ensure it will be sufficient for the 3 bins. Bin dimensions are available in the Supplementary Waste Guidance.

General points

Further information is available in our Supplementary Waste Guidance which has guidance in the commercial section of the document:

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=74584&sID=1439>

4

Developers must contact Aberdeen City Council using the above details a minimum of a month before properties will be occupied. Bins **MUST** be on site prior to residents moving into properties. A **Purchase Order** should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.

In the final stages of completion, a representative from Aberdeen City Council's Waste team will assess the site to ensure that all of our considerations have been implemented

Responding Officer: Hannah Lynch
Date: 15.03.2018
Email: halynch@aberdeencity.gov.uk
Ext: 87627

Please note: Unless agreed with the Case Officer, should no response be received by the expiry date specified above it will be assumed your Service has no comments to make.

Should further information be required, please let the Case Officer know as soon as possible in order for the information to be requested to allow timeous determination of the application.

Aberdeen Local Development Plan (ALDP)

D1: Quality Placemaking by Design;

D5: Our Granite Heritage;

I1: Infrastructure Delivery and Planning Obligations;

T2: Managing the Transport Impact of Development;

T3: Sustainable and Active Travel;

H1: Residential Areas;

H5: Affordable Housing

NE6: Flooding, Drainage and Water Quality;

R6: Waste Management Requirements for New Developments;

R7: Low and Zero Carbon Buildings, and Water Efficiency; and

CI1: Digital Infrastructure

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

Supplementary Guidance

Planning Obligations

https://www.aberdeencity.gov.uk/sites/default/files/Planning%20Obligations_0.pdf

Affordable Housing

<https://www.aberdeencity.gov.uk/sites/default/files/4.2.PolicySG.AffordableHousingTC.P.7.pdf>

Transport and Accessibility

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

Flooding, Drainage and Water Quality

<https://www.aberdeencity.gov.uk/sites/default/files/6.3.PolicySG.Flooding.pdf>

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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 100000795-002

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

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

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="per agent"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="per agent"/>
Company/Organisation	<input type="text" value="Alexander Duthie & Sons Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="per agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="per agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text"/>
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="42A SEAFORTH ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB24 5PU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="807262"/>	Easting	<input type="text" value="394526"/>
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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)

Erection of residential development of eight two bedroom flats and associated car parking and amenity space

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

See submitted covering letter setting out reasons for review.

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)

All planning application drawings associated with application 180352/DPP, supporting statement and letter setting out grounds for appeal.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

180352/DPP

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

09/03/2018

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

03/05/2018

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 *

Holding one or more hearing sessions 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)

A hearing session would allow for a proper examination of the relevant material considerations, including the views of the Local Review Body of March 2016.

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: . Halliday Fraser Munro Planning

Declaration Date: 01/08/2018

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Halliday Fraser Munro

11244/SL

01 August 2018

Development Management
Strategic Place Planning
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sir / Madam,

**180352/DPP: RESIDENTIAL DEVELOPMENT OF EIGHT FLATS AND ASSOCIATED CAR
PARKING AND AMENITY SPACE
42A SEAFORTH ROAD, ABERDEEN
LOCAL REVIEW BODY SUBMISSION
ON BEHALF OF ALEXANDER DUTHIE & SONS LTD**

We refer to the above planning permission 180352/DPP refused by Aberdeen City Council under delegated powers on 9th April 2018.

We now wish to appeal the Officers' Refusal to the Local Review Body as we do not consider that the supporting justifications in favour of the development proposal, the benefits arising from the development, and the previous view of Councillors on the Local Review Body of March 2016 were given adequate weight in the consideration of this application. We also consider that the reasons for refusal are subjective and spurious.

The details relating to previous applications P130891, P151615 and 170871 are set out in the Planning Supporting Statement for application 180352/DPP. In summary however:

- The development proposal has been reduced from ten to eight flats;
- The level of agreed Developer Obligations has been increased;
- A car club space is to be partially funded by the applicants;
- The amount of amenity space within the site has been increased;
- External materials have been altered to suit the requirements of the Planning Service;
- The Planning Service previously accepted the design proposed;
- There have been no objections from neighbours to the west or east of the development site.

When the P151615 application was considered by the Local Review Body in March 2016, Councillors agreed that the design, number of units and principle of the development was

acceptable. Ultimately, however they refused the scheme based on the 'lack' of amenity space (due to the dominance of car parking).

Councillors stated that they would support a revised scheme if the layout was amended to reduce the number of proposed parking spaces and provide an increased amount of 'amenity space'. It was suggested that 'zero parking' is incorporated into a revised scheme, with only a couple of disabled parking spaces on site with the potential for a car charging point and/or a 'car club' space / contribution to a car club. This view was reflected through the amended planning submission 170871.

This application 170871 was however refused by the Council's Planning Service under Delegated Powers. The current application that we seek to be reviewed is for the same proposal as application 170871. We believe this development represents the best option for the site's feasible and deliverable redevelopment. As recognised by the LRB, the site would benefit from redevelopment into residential use, bringing it in line with the surrounding neighbouring residential development and the residential zoning of the site in the 2017 LDP.

We believe that the view of the Council's Local Review Body when they considered the case in March 2016 is a material consideration that has not been given the weight it deserves in the context of the current proposal.

The proposal for eight flats, arranged in a four storey block of contemporary design and finishing, is the minimum level of development that results in the site's redevelopment being financially viable. The applicant is a long-established residential developer with considerable experience in delivering development.

Application 180352/DPP was refused for the following reasons:

1. The proposed building, due to its architectural design, height, scale and massing has not been designed with due consideration for its context. The proposal would therefore be contrary to the requirements of Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

2. The proposed building, which would be set over four storeys, with a flat roof and extend to 11.3m (and 11.9m on its eastern side) in height when viewed against the two storey hipped roof properties to the west (5.4m to gutter and 9.2m to apex), would introduce an incongruous relationship between the two buildings in terms of overall massing and form when viewed in the surrounding street scene. The proposal would therefore be contrary to the requirements of Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

Both reasons for refusal are in a similar vein and refer to the same LDP policies on residential areas and design. We consider that the proposal is fully in line with Policy H1 as it will introduce residential use into an area zoned as such and removes a disused commercial store that detracts from the character and amenity of the area.

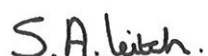
We believe that the perceived conflict with Policy D1 is overstated and entirely subjective. The design of the building was previously supported by the Planning Service and the reasons for refusal regarding an 'incongruous relationship' with the existing properties to the west are overstated. We do not consider that this represents a valid reason for refusal, as it is incorrect, is entirely

subjective, was not raised as an issue through the 151615 application, and does not represent the wishes of the Council's Local Review Body, who were keen to see an approval on the site, following the requested changes to the site plan that were made.

As set out in the Notice of Review Form, we consider that a Hearing Session would be the most appropriate way in which to consider this Review. This would allow the background to the proposals and previous applications and design amendments to be properly taken into account as relevant material considerations.

We trust this is sufficient confirmation to validate and progress this Notice of Review. Please don't hesitate to get in touch should you require any further information. We look forward to hearing from you in early course.

Yours Faithfully,



SCOTT LEITCH
ASSOCIATE PLANNING CONSULTANT
FOR AND ON BEHALF OF HALLIDAY FRASER MUNRO

cc. Appellant

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