

# Public Document Pack



To: Councillor Boulton, Chairperson; and Councillors Macdonald and Nicoll.

Town House,  
ABERDEEN 26 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 **WEDNESDAY, 3 OCTOBER 2018 at 2.00 pm.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

### **B U S I N E S S**

1.1 Procedure Notice (Pages 5 - 6)

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

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

[Local Development Plan](#)

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

### **PLANNING ADVISER - GAVIN EVANS**

2.1 20 West Mount Street - Erection of 1.5 Storey Rear Extension - 180129

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (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 – 180129

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

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

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 27 - 34)

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.aberdeency.gov.uk/online-applications/search.do?action=simple&searchType=Application>

2.5 Determination - Reasons for Decision

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

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

3.1 68 Burns Road - Installation of Replacement Windows to Front and Rear - 181046

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 35 - 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 – 181046

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

3.3 Planning Policies Referred to in Documents Submitted (Pages 49 - 50)

3.4 Notice of Review Submitted by Applicant / Agent (Pages 51 - 54)

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 - 181046

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

3.5 Determination - Reasons for Decision

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

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

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

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

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## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

### PROCEDURE NOTE

#### GENERAL


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

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

#### DETERMINATION OF REVIEW

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

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

 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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<b>Site Address:</b>	20 West Mount Street, Aberdeen, AB25 2RJ,
<b>Application Description:</b>	Erection of 1.5 storey rear extension
<b>Application Reference:</b>	180129/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	8 February 2018
<b>Applicant:</b>	Mr And Mrs Martin Wright
<b>Ward:</b>	Mid Stocket/Rosemount
<b>Community Council:</b>	Rosemount And Mile End
<b>Case Officer:</b>	Jacqui Thain

## **RECOMMENDATION**

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Refuse

## **APPLICATION BACKGROUND**

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### **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**

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### **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**

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### **Legislative Requirements**

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

### **National Planning Policy 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**

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**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**

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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**

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### **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**

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Refuse

## **REASON FOR RECOMMENDATION**

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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 <sup>rs</sup>	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

RECEIVED  
- 2 FEB 2018

Have the works already been started or completed Yes  No

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

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:  Date:  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:

WR/1/1/17

Date:

1<sup>st</sup> Feb 18

### 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:

<b>Drawing Number</b>	<b>Drawing Type</b>
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](http://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:

Yes  No

\* 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:

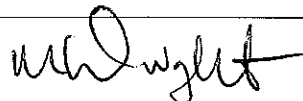
- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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.

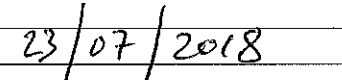
**Declaration**

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 16<sup>th</sup> 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 8<sup>th</sup> February 2018, and consultation period was from 8<sup>th</sup> February to 1<sup>st</sup> 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 25<sup>th</sup> April 2018. At a meeting on the 25<sup>th</sup> 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 1<sup>st</sup> of May in this respect. The applicant / agent received notification on the 2<sup>nd</sup> 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 16<sup>th</sup> 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 16<sup>th</sup> March 2017

Appendix 2\_Email from Jacqui Thain 6<sup>th</sup> December 2017

Appendix 3\_Email from Jacqui Thain 24<sup>th</sup> January 2018

Appendix 4\_Email from Jacqui Thain 25<sup>th</sup> April 2018

Appendix 5\_Email from Jacqui Thain 2<sup>nd</sup> May 2018

Appendix 6\_Martin Calder email to Jacqui Thain 8<sup>th</sup> 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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 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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<b>Site Address:</b>	68 Burns Road, Aberdeen, AB15 4NS,
<b>Application Description:</b>	Installation of replacement windows to front and rear
<b>Application Ref:</b>	181046/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	2 July 2018
<b>Applicant:</b>	Mr & Mrs Reed
<b>Ward:</b>	Hazlehead/Ashley/Queens Cross
<b>Community Council:</b>	Ashley And Broomhill
<b>Case Officer:</b>	Roy Brown

## **RECOMMENDATION**

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Refuse

## **APPLICATION BACKGROUND**

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### **Site Description**

An early twentieth century mid-terraced two storey granite dwelling in a residential area, and its associated front and rear curtilage. The dwelling has a southwest facing principal elevation fronting Burns Road and the northeast (rear) boundary of the site bounds Forbesfield Lane. The dwelling has a three-bay window at ground floor level which has one-over-one timber framed sash and case windows which have modern framed secondary glazing fixed to the outer frames of these windows. There is no glazing in the lower sash of the central window of the bay and it is currently boarded up.

### **Relevant Planning History**

None

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

The replacement of the three ground floor windows in the bay of the principal elevation with one-over-one uPVC sash and case windows, the replacement of a uPVC fixed/casement window on the rear annexe with a uPVC fixed/casement window of different framing proportions, and the replacement of a traditional rear rooflight with a conservation style rooflight with a central glazing bar.

### **Supporting Documents**

All drawings and the supporting statement listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PAVII5BZMQY00>

Supporting Statement – Describes the nature of the works and justifies the proposal by highlighting the presence of uPVC windows on the rear of the building and in the surrounding area and describes how this would not have an adverse impact on the appearance of the conservation area.

## **CONSULTATIONS/ REPRESENTATIONS**

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None

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

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

### **National Planning Policy**

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

### **Aberdeen Local Development Plan (2017)**

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

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

The Repair and Replacement of Windows and Doors  
The Householder Development Guide

### **Other Material Considerations**

Managing Change in the Historic Environment: Windows  
Great Western Road Conservation Area Character Appraisal

## **EVALUATION**

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### **Principle of Development**

The application site is located in a residential area, under Policy H1 – Residential Areas of the ALDP and the proposal relates to householder development. Householder developments will comply with this policy in principle provided it does not constitute overdevelopment, adversely affect the character and amenity of the surrounding area and complies with the SG. Given this proposal would not enlarge the dwelling and would have no impact on the intensity of the use on the site, it would not constitute overdevelopment. The other issues are assessed in the below evaluation.

### **Principle of Replacement Rather than Repair**

The SG 'The Repair and Replacement of Windows and Doors' advises that the replacement of original/historic windows and doors will only be supported where it can be demonstrated to the satisfaction of the Council that they have deteriorated beyond practicable/economic repair. In this instance, the proposal would result in the removal of traditional timber framed sash and case windows. It is recognised that at least one of the windows needs repaired because glazing is missing from the lower sash of the central bay window. However, no justification has been

submitted to demonstrate that the original/traditionally designed timber framed windows have deteriorated beyond practical repair to a degree whereby replacement would be required to satisfy the requirements of the Supplementary Guidance: 'The Repair and Replacement of Windows and Doors'. This information was sought by the Planning Authority but has not provided.

### **Proposed Replacement Windows on the Principal Elevation**

The Supplementary Guidance: 'The Repair and Replacement of Windows and Doors' advises that windows which replace those of a historic design should replicate their design exactly in terms of materials, proportions, profiles and dimensions of frames and glazing bars/ astragals and method of opening and details. Managing Change in the Historic Environment: Windows' advises that generally, replacement windows should seek to match the original windows in design, form, fixing, method of opening and materials. In replacing sash windows, materials other than timber, e.g. uPVC, will rarely be acceptable.

It is recognised that the windows on the principal elevation would partially accord with the Supplementary Guidance in that no visible trickle ventilators are proposed, they would have a one-over-one sash and case opening method and profile.

However, the traditional framing material, timber, would be replaced by an inappropriate modern material, uPVC, which would directly conflict with both the SG: 'The Repair and Replacement of Windows and Doors', which states that on the public elevations of buildings in conservation areas, the introduction of new uPVC windows as a replacement material is not acceptable, this stance is also reflected in Historic Environment Scotland's Managing Change in the Historic Environment: Windows.

Given their prominent public location on the principal elevations and the contribution that traditional timber framed windows make to both the character of the original building and the surrounding area, the replacement windows would be detrimental to the character and appearance of Great Western Road Conservation Area. Whilst the submitted Supporting Statement highlights that there are uPVC windows in the surrounding area, and this is noted, there are many surviving examples of timber framed sash and case windows and there are no planning records whereby traditional timber sash and case windows have been replaced with uPVC sash and case windows on the surrounding traditional granite buildings under current policies and guidance. The Great Western Road Conservation Area Character Appraisal highlights that uPVC windows are a weakness of the conservation area. The grant of planning permission for the proposed modern uPVC windows would set an unwelcome precedent for similar development and the loss of traditional features, which would cumulatively be detrimental to the character and appearance of the conservation area.

It is additionally unclear how much of the outer frames of the windows would be recessed into the masonry. Notwithstanding the materials, the dimensions of the sash frames and the detailing of the windows, particularly the bottom rail, would not be consistent with those of historic timber framed sash and case windows, in conflict with the Supplementary Guidance: 'The Repair and Replacement of Windows and Doors'.

The proposed uPVC windows would thus be contrary to the aims of the Great Western Road Conservation Area Character Appraisal, and therefore contrary to the relevant national and local planning policies and guidance relating to the historic environment.

In terms of Policy H1 – Residential Areas of the ALDP, the proposal would not constitute over development, however, as the replacement windows would adversely affect the character and amenity of the surrounding area, the proposal would be contrary to this policy.

### **Proposed Replacement Window on the Northeast (Rear) Elevation**

Given the existing window is of a modern uPVC casement design, it is on a secondary elevation on the rear annexe rather than the main dwelling and it is not readily publicly visible given its ground floor siting, the replacement of this window with a slightly different uPVC casement design would have negligible impact on the architectural integrity of the original dwelling and the character and appearance of the conservation area. It would thus not conflict with to the relevant national and local planning policies and guidance relating to the historic environment and design. However, as the replacement windows on the principal elevation would be unacceptable, the application is being refused in any case for separate reasons.

### **Proposed Replacement Rooflight on the Northeast (Rear) Elevation**

The proposed rooflight would result in the removal of traditional rooflight, which is contrary to Managing Change in the Historic Environment: Roofs. However, given its siting to the rear, and the acceptable design of the replacement whereby it would be of a similar 'conservation' type with a central glazing bar and thus would comply with the Supplementary Guidance: 'The Householder Development Guide'. The proposed replacement rooflight would therefore be acceptable. However, as the replacement windows on the principal elevation would be unacceptable, the application is being refused in any case for separate reasons.

## **RECOMMENDATION**

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Refuse

## **REASON FOR RECOMMENDATION**

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No justification has been submitted to demonstrate that the timber framed sash and case windows in the bay window of the principal elevation have deteriorated beyond practicable/economic repair. The proposed modern uPVC sash and case windows on the prominent principal elevation would adversely affect the historic architectural integrity of the original building and the historic character and appearance of the surrounding Great Western Road Conservation Area and could set a precedent for similar development in the surrounding area which could cumulatively have a negative impact on the character of the surrounding area. The proposed windows would therefore conflict with the principles of Scottish Planning Policy; Historic Environment Scotland Policy Statement; as well as Policies H1 - Residential Areas, D4 - Historic Environment and D1 - Quality Placemaking by Design of the Aberdeen Local Development Plan; the Supplementary Guidance: 'The Repair and Replacement of Windows and Doors'; the aims of the *Great Western Road Conservation Area Character Appraisal*; and *Managing Change in the Historic Environment: Windows*'. There are no material planning considerations that warrant approval of planning permission in this instance.



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE            100126144-001

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

## Description of Proposal

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

Proposed windows and skylight replacement. Windows to be replaced in white upvc, skylight to be replaced with a velux window.

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:	Job Worth Doing Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Daniel	Building Name:	
Last Name: *	Foyster	Building Number:	5
Telephone Number: *	01603892120	Address 1 (Street): *	Twickenham Road
Extension Number:		Address 2:	Fifers Lane Industrial Estate
Mobile Number:		Town/City: *	Norwich
Fax Number:		Country: *	England
		Postcode: *	NR6 6NG
Email Address: *	daniel.foyster@jobworthdoing.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	
First Name: *	.	Building Number:	68
Last Name: *	Reed	Address 1 (Street): *	Burns Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB15 4NS
Fax Number:			
Email Address: *			



## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

68 BURNS ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 4NS

Please identify/describe the location of the site or sites

Northing

805020

Easting

392123

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Trees

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

Yes  No

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

## Access and Parking

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

Yes  No

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

## Planning Service Employee/Elected Member Interest

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

Yes  No

## Certificates and Notices

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

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

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

Yes  No

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

Yes  No

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Daniel Foyster

On behalf of: Mr & Mrs . Reed

Date: 25/06/2018

Please tick here to certify this Certificate. \*

## Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

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

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

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

## Declare – For Householder Application

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

Declaration Name: Mr Daniel Foyster

Declaration Date: 25/06/2018

**Payment Details**

Cheque: install base ltd, 000000

Created: 25/06/2018 10:41

## **DECISION NOTICE**

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

### **Detailed Planning Permission**

Daniel Foyster  
Job Worth Doing Ltd  
5 Twickenham Road  
Fifers Lane Industrial Estate  
Norwich  
NR6 6NG

on behalf of **Mr & Mrs Reed**

With reference to your application validly received on 2 July 2018 for the following development:-

**Installation of replacement windows to front and rear  
at 68 Burns Road, Aberdeen**

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

<b>Drawing Number</b>	<b>Drawing Type</b>
181046/1	Location Plan
181046/2	East Elevation (Proposed)
181046/3	West Elevation (Proposed)
181046/4	Window Cross Section
181046/5	Rooflight Cross Section

#### **REASON FOR DECISION**

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

No justification has been submitted to demonstrate that the timber framed sash and case windows in the bay window of the principal elevation have deteriorated beyond

practicable/economic repair. The proposed modern uPVC sash and case windows on the prominent principal elevation would adversely affect the historic architectural integrity of the original building and the historic character and appearance of the surrounding Great Western Road Conservation Area and could set a precedent for similar development in the surrounding area which could cumulatively have a negative impact on the character of the surrounding area. The proposed windows would therefore conflict with the principles of Scottish Planning Policy; Historic Environment Scotland Policy Statement; as well as Policies H1 - Residential Areas, D4 - Historic Environment and D1 - Quality Placemaking by Design of the Aberdeen Local Development Plan; the Supplementary Guidance: 'The Repair and Replacement of Windows and Doors'; the aims of the Great Western Road Conservation Area Character Appraisal; and Managing Change in the Historic Environment: Windows'. There are no material planning considerations that warrant approval of planning permission in this instance.

**Date of Signing** 31 August 2018



**Daniel Lewis**  
Development Management Manager

### **IMPORTANT INFORMATION RELATED TO THIS DECISION**

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

None.

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

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

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

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months

from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at [www.eplanning.scot](http://www.eplanning.scot).

Notices of review submitted by post should be sent to 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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## **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>

Repair and Replacement of Windows and Doors

<https://www.aberdeencity.gov.uk/sites/default/files/1.1.PolicySG.WindowsDoors.pdf>

## **Other Material Considerations**

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

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=3425bb51-8a55-4f99-b7aa-a60b009fbca2>

Great Western Road Conservation Area Character Appraisal

[https://www.aberdeencity.gov.uk/sites/default/files/2013\\_Con\\_Appraisal\\_7\\_GWR.pdf](https://www.aberdeencity.gov.uk/sites/default/files/2013_Con_Appraisal_7_GWR.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            100136910-001

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

## 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="68 Burns Road"/>
First Name: *	<input type="text" value="Matthew"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Reid"/>	Address 1 (Street): *	<input type="text" value="68 Burns Road"/>
Company/Organisation	<input type="text" value="Mr"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	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 4NS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

68 BURNS ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 4NS

Please identify/describe the location of the site or sites

Northing

805020

Easting

392123

## 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)

Application Reference Number 181046/DPP. Planning permission refused with primary reason given as no justification to demonstrate that we cannot retain the existing timber sash and case windows. I spoke to our case manager about this months ago and explained that site visit would be required to survey. Our windows do not open, the main single pane of glass is completely shattered, presenting a significant safety risk to my children. Secondary glazing has been fitted in the past and is aged.

## 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.

Existing timber frames are beyond economical repair. Main single pane window panel completely shattered and we were extremely lucky my daughter was not badly injured. Boarded up shattered window panel, and therefore security issue. Bay windows do not open and therefore safety issue. Remaining single pane windows present a safety risk to my children based on what has happened to the main panel. Most windows on our street are the type that we are looking to have fitted. Approaching winter!

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)

I discussed all issues over the phone with our assigned case manager, who assured me he would arrange a site visit on return from vacation to validate my concerns. I never heard anything else from him and seems this decision has been made without proper familiarisation at site. My daughter was extremely lucky that she was not seriously hurt when this window shattered when she leaned onto it and the remaining panes present a danger I am not comfortable with and would appreciate understanding.

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)

Can provide photographs, but would suggest site survey would be appropriate. Applicable forms were submitted with original planning application.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

181046/DPP

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

25/06/2018

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

31/08/2018

## Review Procedure

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

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

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

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

Yes  No

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

Yes  No

## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

## Declare – Notice of Review

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

Declaration Name: Mr Matthew Reid

Declaration Date: 12/09/2018