

Public Document Pack



To: Councillor Jennifer Stewart, Chairperson; and Councillors Cameron and Avril MacKenzie.

Town House,
ABERDEEN 23 October 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 5 - Town House** on **TUESDAY, 30 OCTOBER 2018 at 9.30 am.**

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 **39 Cults Avenue - Erection of 1.5 Storey Extensions to Gable and Rear to Form Straight Gable, Raise Height of Chimney and Formation of Dormer Window to Front - 180951**

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 7 - 20)

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

Reference – 180951

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

2.3 Planning Policies Referred to in Documents Submitted (Pages 21 - 22)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 23 - 38)

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

Reference – 180951

<https://publicaccess.aberdeencity.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 **28 Cadenhead Place - Formation of a Driveway - 180883**

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 39 - 54)

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

Reference – 180883

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

3.3 Planning Policies Referred to in Documents Submitted (Pages 55 - 56)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 57 - 64)

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

Reference – 180883

<https://publicaccess.aberdeency.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.aberdeency.gov.uk

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

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL


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

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

DETERMINATION OF REVIEW

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

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

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	Glyndene, 39 Cults Avenue, Aberdeen, AB15 9RS
Application Description:	Erection of 1.5 storey extensions to gable and rear, form straight gable, raise height of chimney, and formation of dormer window to front
Application Ref:	180951/DPP
Application Type:	Detailed Planning Permission
Application Date:	14 June 2018
Applicant:	Mr Euan Davidson
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Sheila Robertson

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application relates to a 1½ storey semi-detached dwelling house with a fully hipped roof, facing north east across Cults Avenue. The dwelling house has roof lights to both front and rear elevations and a garage has been added to its south eastern gable, which sits some 330mm below the level of the dwelling house, 2.75m in width, 10m in length and projecting 2.3m beyond the original rear building line of the dwelling house. It has a lean to roof 2.4m in height where it is attached to the gable falling to 2m. A single storey pitched roofed extension has been added to the rear, 4m in width and with a 4m projection lining through with the north western elevation. A conservatory has been added to the rear elevation, 3m in projection and infilling the space between the garage and rear extension. The immediate area between Kirk Crescent and Hilltop Avenue features a variety of detached dwelling houses, of similar era and scale; however several have straight gables and dormer windows.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

The existing garage, rear extension and conservatory would be removed, and replaced by 1½ storey extending along the entire length of the SE gable, of identical projection as the existing garage however its roof ridge would be higher than the original garage, tying in with the dwelling house's existing roof profile and ridge height and forming a straight gable. The 1½ storey extension to the rear would be 8.65m in width with a projection of 6.2m. Its SE wall would line through with that of the side extension, however its roof would sit perpendicular to, and match the

roof ridge height of the existing dwelling house. Its rear facing gable would be straight. The existing single storey extension to the rear would be widened to join with the new rear extension, and its hipped roof replaced by altering the slope of the dwelling house's original roof to cover this new extension. Finishing materials would comprise granite to the principal elevation, to match the existing frontage, and render and roof tiles to match existing. The original hipped roof profile of the NW gable would be altered to form a straight gable, and a box dormer is also proposed to the front elevation, however its design and finishing materials have been amended since original submission, following advice from the Planning Service.

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=PA7O4OBZMCL00>

CONSULTATIONS

None required.

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.

Aberdeen Local Development Plan (ALDP)

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking by Design)

Supplementary Guidance and Technical Advice Notes

- The Householder Development Guide

EVALUATION

Principle of Development

The application site is located within a residential area, under Policy H1 (Residential Areas) of the ALDP and the application relates to householder development. The proposal would comply with this policy in principle if it does not constitute over-development; the character and amenity of the surrounding area is not adversely affected; and it complies with associated SG. These issues are assessed in the evaluation below.

Layout, Siting and Design

The proposal complies with certain criteria contained in the Householder Development Guide for the following reasons: The original dwelling house had a footprint of 92sq.m. Subsequent rear extensions and the addition of the garage have resulted in an increase in the footprint to 156sq.m. The proposal would further increase the footprint to 188sq.m, marginally above the 100% maximum increase permitted on the original dwelling house however it would result in an acceptable level of built site coverage within the curtilage, and which at 30% would be relatively

low and consistent with the level of development within neighbouring plots. Overdevelopment of the plot would therefore not be an issue as the resultant scale of the extension would be acceptable in relation to both the scale of the existing dwelling house and within the wider area. The scale of the new development would neither be readily apparent from a public viewpoint nor impact on the established pattern of development.

The scale, design and dimensions of the proposed dormer to the principal elevation, as amended, would be fully compliant with the advice contained in the Householder Development Guidance, being of an acceptable scale and position within the roof, with sufficient unaltered areas of roof space visible around the dormer to prevent visual clutter; it would be extensively glazed with windows positioned to the extremities; and finishing materials (slate) would integrate with the existing roof. The surrounding area features many properties, which have added/extended dormers to their principle elevations. Therefore, the proposed dormer would have minimal impact to current visual amenity of the streetscape.

Although it could be argued that the cumulative impact of the proposed extensions and roof alterations would result in the proposed works overwhelming and masking the original architectural design of the dwelling house, contrary to the guidance contained in the HDG, the proposed extensions would respect the existing eaves and roof ridge height, and when considered in the context of surrounding properties, which exhibit a wide variety of house styles and scale and where no particular architectural style predominates, then the proposal can be considered to have minimal additional impact on the current visual amenity of the streetscape and would represent an acceptable form of development given its locale. It is therefore considered that the proposed extension would make an acceptable contribution to its setting, due consideration having been paid to its siting, scale, massing and finishing materials in compliance with the aims of Policy D1 (Quality Placemaking by Design).

Impact on Residential Amenity

Notwithstanding the above, general principles contained in the HDG require that no extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected. Significant adverse impact on privacy, daylight and general amenity will count against a development proposal. Policy H1 (Residential Areas) of the ALDP also requires that existing residential amenity be retained.

The adjacent dwelling house to the immediate south east, 37 Cults Avenue, sits on a slightly lower level than the application dwelling house and the properties are 2.26m apart. The facing gable of this neighbouring dwelling house has a window both at ground and upper floor levels, serving bedrooms, and which are the only source of daylight to these rooms. The lower bedroom currently faces the side elevation of the applicants existing garage, and when calculations based on the 25° Method, a technique contained in the BRE Information Paper on 'Site Layout Planning for Daylight' are applied to this window, based on the height of the existing garage, they show no impact to this window's level of daylight receipt. However, when the same calculation is applied to this window based on the height of the rear element of the new extension, calculations indicate a substantial loss of daylight receipt to this window, of an unacceptable level. The upper bedroom window would be unaffected. There is also a kitchen window at ground floor level facing the proposed extension however it is not considered to be a habitable room for the purpose of these calculations. Other residential amenity issues such as additional overshadowing and loss of privacy are shown to have no impact to any neighbouring property. The proposal nevertheless fails to meet Policy H1 (Residential Areas) due to an unacceptable loss of amenity to 37 Cults Avenue by reason of loss of daylight to a habitable room, and there are no material considerations that would warrant approval of this application, contrary to policy. Proposed amendments put forward by the Planning Service to lessen the impact to 37 Cults Avenue to within an acceptable level, by setting the rear element of the 1½ storey extension further from the mutual boundary,

have not been accepted by the applicant, who wishes the application to be determined as submitted.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

Although the proposal is considered to meet certain criteria contained in the Householder Development Guide relating to scale, materials and design, and would have minimal visual impact on the streetscape, the proposal would have an adverse impact on the residential amenity currently enjoyed by 37 Cults Avenue, by reason of an unacceptable loss of daylight to a ground floor window serving a habitable room, and would therefore be contrary to Policy H1 (Residential Areas) of the Aberdeen Local Plan in addition to the general principles contained in the Supplementary Guidance: Householder Development Guide. There are no material planning considerations which would warrant approval of consent 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 100124643-001

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)

Demolish Existing Garage at the side & single storey conservatory at rear. Erect new 1.5 Storey extension to rear & straighten eaves on existing house, and build in new dormer window to front.

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:	Katrina Denholm Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Katrina	Building Name:	
Last Name: *	Denholm	Building Number:	8
Telephone Number: *	07988637703	Address 1 (Street): *	Scotsmill Avenue
Extension Number:		Address 2:	Blackburn
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	UK
		Postcode: *	AB21 0HR
Email Address: *	Katrina.Denholm@gmail.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Euan	Building Number:	39
Last Name: *	Davidson	Address 1 (Street): *	Cults Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Aberdeen City
Mobile Number:		Postcode: *	AB15 9RS
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

GLYNDENE

Address 2:

39 CULTS AVENUE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 9RS

Please identify/describe the location of the site or sites

Northing

803145

Easting

388897

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: Katrina Denholm

On behalf of: Mr Euan Davidson

Date: 12/06/2018

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: Mrs Katrina Denholm

Declaration Date: 12/06/2018

Payment Details

Online payment: ABSP00002898
Payment date: 12/06/2018 13:54:00

Created: 12/06/2018 13:54

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Katrina Denholm
Katrina Denholm Architect
8 Scotsmill Avenue
Blackburn
Aberdeen
UK
AB21 0HR

on behalf of **Mr Euan Davidson**

With reference to your application validly received on 14 June 2018 for the following development:-

Erection of 1.5 storey extensions to gable and rear, form straight gable, raise height of chimney, and formation of dormer window to front at Glydene, 39 Cults Avenue

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

<u>Drawing Number</u>	<u>Drawing Type</u>
KHD-A1026-P-01-001 Rev A	Location Plan
KHD-A1026-P-01-004	Ground Floor Plan (Proposed)
KHD-A1026-P-01-005	First Floor Plan (Proposed)
KHD-A1026-P-01-006 Rev c	Multiple Elevations (Proposed)

REASON FOR DECISION

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

Although the proposal is considered to meet certain criteria contained in the Householder Development Guide relating to scale, materials and design, and would have minimal visual impact on the streetscape, the proposal would have an adverse impact on the residential amenity currently enjoyed by 37 Cults Avenue, by reason of an unacceptable loss of daylight to a ground floor window serving a habitable room, and would therefore be contrary to Policy H1 (Residential Areas) of the Aberdeen Local Plan in addition to the general principles contained in the Supplementary Guidance: Householder Development Guide. There are no material planning considerations which would warrant approval of consent in this instance.

Date of Signing 17 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.

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>

Aberdeen City and Shire Strategic Development Plan (SDP)

<http://www.aberdeencityandshire-sdpa.gov.uk/nmsruntime/saveasdialog.aspx?IID=1111&SID=90>

Aberdeen Local Development Plan (ALDP)

H1 - Residential Areas;

D1: Quality Placemaking by Design; and

<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>

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

Thank you for completing this application form:

ONLINE REFERENCE 100136371-001

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="Glyndene"/>
First Name: *	<input type="text" value="Euan"/>	Building Number:	<input type="text" value="39"/>
Last Name: *	<input type="text" value="Davidson"/>	Address 1 (Street): *	<input type="text" value="Cults Avenue"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 9RS"/>
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="GLYNDENE"/>
Address 2:	<input type="text" value="39 CULTS AVENUE"/>
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 9RS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="803145"/>	Easting	<input type="text" value="388897"/>
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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 1.5 storey extensions to gable and rear, form straight gable, raise height of chimney, and formation of dormer window to front.

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 paper apart

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)

Please see list at appendix one of the paper apart.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

180951/DPP

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

12/06/2018

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

17/08/2018

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: Miss Pippa Robertson

Declaration Date: 07/09/2018

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**39 CULTS AVENUE
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 180951/DPP

PAPER APART



1 Introduction

1.1 Planning application reference 180951/DPP was submitted to Aberdeen City Council on 12 June 2018, seeking the “Erection of 1.5 storey extensions to gable and rear, form straight gable, raise height of chimney, and formation of dormer window to front” at Glyndene, 39 Cults Avenue.

1.2 The application was refused on 17 August 2018, with the Decision Notice [Document 11] citing one reason for refusal, that being that:

“Although the proposal is considered to meet certain criteria contained in the Householder Development Guide relating to scale, materials and design, and would have minimal visual impact on the streetscape, the proposal would have an adverse impact on the residential amenity currently enjoyed by 37 Cults Avenue by reason of an unacceptable loss of daylight to a ground floor window serving a habitable room, and would therefore be contrary to Policy H1 (Residential Areas) of the Aberdeen Local Plan in addition to the general principles contained in the Supplementary Guidance: Householder Development Guide. There are no material planning considerations which would warrant approval of consent in this instance.”

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

- supports the achievement of the vision and aims of the Strategic Development Plan in relation to 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 and D1;
- complies with the requirements of Supplementary Guidance: Householder Development Guide; and
- is supported by the policy principles of Scottish Planning Policy.

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

1.5 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. For the



reasons given in this paper apart, read in conjunction with those documents, it is submitted that the review should be allowed, and the application granted.

2 Policy context

2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the application requires to be assessed against the Aberdeen City and Shire Strategic Development Plan (SDP) (2014) and the Aberdeen Local Development Plan (LDP) (2017). Policies of particular relevance to this application are set out below, 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.

Aberdeen City and Shire Strategic Development Plan (SDP) (2014) [Document 13]

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

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

2.3 To achieve this vision, the Plan's objectives include one relating to sustainable communities, the focus of which is on making the area a more attractive place for residents and businesses to move to.

2.4 In adapting an existing building to make it suitable for modern family use, the development proposed in terms of this application clearly contributes to making the area more attractive for residents, and should therefore be supported in line with the vision and objectives of the SDP.

Aberdeen Local Development Plan (ALDP) 2017 [Document 14]

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

- Policy H1 – Residential Areas
- Policy D1 – Quality Placemaking by Design
- Supplementary Guidance: Householder Development Guide

2.6 These are looked at in detail in the following paragraphs in respect of the reasons given for refusal of the application.



2.7 It should, however, be noted that the Delegated Report for the application [Document 12] is clear that the scale, design and dimensions of the proposed dormer to the principal elevation would be fully compliant with the requirements of the Householder Development Guide and would have minimal impact on the amenity of the streetscape. It also states that, given the wide variety of house styles and scale of houses in the area, with no particular architectural form predominating, and due consideration having been paid to the siting, scale, massing and finishing materials of the proposed extension, it complies with the aims of Policy D1 – Quality Placemaking by Design. This aspect of the case officer’s decision is not therefore contested.

3 Reasons for refusal

3.1 The Decision Notice is also clear that the proposed development meets *“certain criteria contained in the Householder Development Guide relating to scale, materials and design, and would have minimal visual impact on the streetscape.”* At the same time, the single reason for refusal can be broken down into two elements:

- *“the proposal would have an adverse impact on the residential amenity currently enjoyed by 37 Cults Avenue by reason of an unacceptable loss of daylight to a ground floor window serving a habitable room, and would therefore be contrary to Policy H1 (Residential Areas) of the Aberdeen Local Plan in addition to the general principles contained in the Supplementary Guidance: Householder Development Guide.”* and
- *“There are no material planning considerations which would warrant approval of consent in this instance.”*

These relate solely to the proposed extension element of the application, and the case officer did not raise any concerns with those aspects relating to raising the height of the chimney or the formation of the dormer window (for which revised plans were considered acceptable).

3.2 Each of these two elements of the reason for refusal will be considered against the ALDP below, in doing which it must be recognised that the ALDP states that:

“It is important to remember that development proposals will be assessed against a number of policies within the Local Development Plan so it must be carefully considered as a whole. Reference should also be made to appropriate Supplementary Guidance as well as national policy and the Strategic Development Plan.”



As such, an application should not be refused merely because it fails to comply with one aspect of a policy or supplementary guidance if it is supported by the Development Plan as a whole.

The proposal would have an adverse impact on the residential amenity currently enjoyed by 37 Cults Avenue by reason of an unacceptable loss of daylight to a ground floor window serving a habitable room, and would therefore be contrary to Policy H1 (Residential Areas) of the Aberdeen Local Plan in addition to the general principles contained in the Supplementary Guidance: Householder Development Guide

- 3.3 The proposed extension has been designed to reflect the existing built form in the surrounding area, including that of the neighbouring property at 37 Cults Avenue, which includes a rear extension which extends further into the back garden of the property than that proposed by way of this application.
- 3.4 Consideration was taken of the potential impact of the proposed development on the immediate neighbours with the gable wall being no closer to the boundary with number 37 than the existing garage. Along the length of this boundary, the proposed new extension would then extend 4.2 metres further to the rear than the existing garage. However, as outlined above, this would not extend as far to the rear as the existing extension at number 37 does, in addition to which the window on the facing ground floor gable at number 37 is to a north facing annex bedroom, currently used as storage.
- 3.5 The **Council's Supplementary Guidance: Householder Development Guide** [Document 15] makes it clear that guidelines for assessing the potential impact of a development on the daylight and sunlight of existing development "*...can only reasonably be applied to those buildings which themselves are good neighbours, standing a reasonable distance from the boundary.... Existing windows which do not meet these criteria cannot normally expect the full level of protection ...*". In this case, because of the very close proximity of the extension built at number 37 to the boundary with number 39 (approximately 1.13 metres), it does not constitute a good neighbour.
- 3.6 The daylight calculations submitted with the application show that the proposed development will have some impact in terms of the level of daylight received through the ground floor window of number 37. However, as stated above, that window is on a north facing gable which does not constitute a good neighbour. As such, according to the Council's own guidelines, it should be afforded only limited protection.



- 3.7 It should also be noted that the Supplementary Guidance states that *“The results of the relevant daylighting assessment will be a material consideration in the determination of an application, and **should not be viewed in isolation as the sole determining factor...**”* (emphasis added). In this instance the application has been refused solely on the grounds of the outcome of the daylight assessment and the perceived impact that will have on the amenity of number 37 Cults Avenue. Such a decision is not therefore in accordance with the Supplementary Guidance. That is particularly so since the Guidance also states that *“Where the 25 degree approach is not satisfied, it will be for the planning authority to make a judgement on the degree of impact upon an adjacent dwelling.”* Given that the impact is in respect of only one room (the case officer accepted that there was no such impact on the upper bedroom window) and, very importantly, the neighbours who both own and live at number 37 did not object to the application, it is entirely unreasonable for the application to have been refused for this reason alone.
- 3.8 In terms of the statement in the Decision Notice that the proposed development would be contrary to Policy H1 – Residential Areas, that Policy supports proposals for householder development in principle subject to a number of criteria. These are each considered below:
1. Does not constitute overdevelopment – the proposed house footprint would comprise 30.5% of the total plot area, and as such is well within the 50% plot coverage stipulated in the Supplementary Guidance as being the maximum permitted.
 2. Does not have an unacceptable impact on the character and amenity of the surrounding area – as stated previously, the dormer and extension have been designed to be consistent with the existing area and the case officer has raised no concerns with it in this respect.
 3. Does not result in the loss of valuable and valued areas of open space – the proposed development is entirely within private garden ground and therefore has no impact on any area of valued open space.
 4. Complies with Supplementary Guidance – as set out above, the proposed development complies with the terms of the Supplementary Guidance, including that aspect relating to the application of the 25 degree method which allows for some flexibility, and which stresses that it should not be used as the sole determining factor in the determination of an application.



3.9 Given the above, it is clear that the application does in fact comply with Policy H1 and should therefore be approved as being in accordance with the Development Plan.

3.10 The Decision Notice also makes reference to the general principles contained in the Supplementary Guidance. There are five such principles, each of which is considered below:

1. Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and surrounding area –as stated previously, the dormer and extension have been designed to be consistent with the existing area and the case officer has raised no concerns with it in this respect.
2. No extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected – this matter is addressed in detail in paragraphs 3.3 - 3.7 above.
3. No existing extensions, dormers or alterations which were approved prior to the introduction of this supplementary guidance will be considered to provide justification for a development proposal which would otherwise fail to comply with the guidance – this is not applicable to this application.
4. The built footprint of the dwelling house as extended should not exceed twice that of the original dwelling – the total built footprint of the house, including the proposed extension would be 42% greater than the existing footprint.
5. No more than 50% of the front or rear curtilage shall be covered by development – only 30.5% of the plot area would be developed.

3.11 Again, it is clear that the application does in fact comply with the general principles for householder development and as such the application should be approved.

There are no material planning considerations which would warrant approval of consent in this instance

3.12 As stated previously, all planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. As has been demonstrated above, this application clearly complies with the development plan and therefore requires to be approved.



3.13 In addition, Scottish Planning Policy (SPP) [Document 16] is a material consideration which lends support to the proposed development. SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. As a statement of Ministers' priorities, the content of SPP is a material consideration that carries significant weight in the determination of planning applications.

3.14 SPP includes a presumption in favour of development that contributes to sustainable development, as well as requiring planning to direct the right development to the right place. Those principles include the need to make efficient use of existing capacities of land, supporting delivery of accessible housing and considering the re-use or re-development of brownfield land before new development takes place on greenfield sites. The development proposed in this application is consistent with those principles in ensuring that an existing housing site can be adapted to cater for the changing needs of a growing family, within an existing settlement, without the need for them to move to a new house on a greenfield site in a less sustainable location.

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 to 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 and D1;
- complies with the requirements of Supplementary Guidance: Householder Development Guide in terms of dimensions and style; and
- is supported by the policy principles of Scottish Planning Policy.

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 1 – List of Documents

Planning Application Documents


1. Application Form
2. Proposed First Floor Plan
3. Proposed Ground Floor Plan
4. Existing Elevations
5. Existing Floor Plans
6. (a) Proposed Elevations Rev A
(b) Proposed Elevations Rev C
7. Location Plan, Existing and Proposed Site Plan
8. Neighbour Notification List
9. Daylight Calculations 1
10. Daylight Calculations 2
11. Decision Notice
12. Delegated Report

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



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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	28 Cadenhead Place, Aberdeen, AB25 3AH,
Application Description:	Formation of driveway
Application Ref:	180883/DPP
Application Type:	Detailed Planning Permission
Application Date:	5 June 2018
Applicant:	Mrs Susan Steen
Ward:	Mid Stocket/Rosemount
Community Council:	Westburn And Berryden
Case Officer:	Sheila Robertson

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is located on the south eastern side of Cadenhead Place approximately 17m from its junction with Cadenhead Road. The application relates to the ground floor (left) in a 3 storey block containing 6 flats conjoined to an identical building. The garden ground pertaining to the subject flat comprises an area of front garden ground, approximately 13m in width x 7.7m in depth extending eastwards from the communal front entrance path and wrapping around the eastern gable. There is a communal path traversing the front garden, close to the frontage of the building, and running along the gable to give access to the rear garden. The garden ground was, until recently, entirely laid in grass however an area of slabs has been laid to the front and side of the application property, approximately 4m in width and 17m in length and covering 50% of the garden ground.

Cadenhead Place is characterised by similar blocks of flats to both sides of the road and terminates in a hammerhead towards the north east with a terrace of 5 single storey dwelling houses at the far end. With the exception of 3 properties (Nos 2, 4 and the immediately adjacent ground floor property to the NE), none of the front gardens facing Cadenhead Place have driveways and are undeveloped and laid mainly in grass. There is double yellow line parking restrictions to both sides of the area of road to the immediate north east of the application property.

Relevant Planning History

There is no relevant planning history for the application property however the most recent planning records for similar driveways approved at Nos 2 and 4 Cadenhead Place date back to 2001 and 1992, respectively. There is no record of planning permission having been granted for the double

driveway to the immediate property to the north east therefore it was either constructed more than 30 years ago or without the necessary planning permission.

Additionally there is no record of planning permission either having been applied for or granted for the paved area to the application property. Planning permission would be required since the hard surface is not made of porous materials and no provision has been made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.

APPLICATION DESCRIPTION

Description of Proposal

It is proposed to form a parking area within the front garden ground which could accommodate 2 cars, measuring 6m x 6m, and located immediately adjacent to the north east boundary, and 3.3m from the frontage of the building. It would be laid with free draining lock blocks and with a 5m wide footway crossing to Cadenhead Place. No indication has been given as to whether the existing paved area would remain in situ, in addition to the proposed lock blocked area or be removed.

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=P9SP8NBZM2Z00>

CONSULTATIONS

ACC - Roads Development Management (RDM) Team – No objection. Recommend that the driveway should be internally drained with no surface water discharging on to the public road, and that a drainage channel is required to satisfy drainage requirements.

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.

Aberdeen Local Development Plan (2017)

Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and T2 (Managing the Transport Impact of Development)

Supplementary Guidance (SG)

Transport and Accessibility and Householder Development Guide (HDG)

EVALUATION

Principle of Development

The site is located within a residential area where the principle of such residential development is generally accepted, provided it would not have an adverse impact on the character and amenity of

the surrounding area and would comply with the relevant supplementary planning guidance, in this case the Transport and Accessibility Guide. Any proposal should also be acceptable in terms of factors such as road safety. The above issues are assessed below:

Road Safety Considerations

The RDM Team have raised no concerns regarding the proposals impact on public safety, provided suitable drainage arrangements for surface water run-off are made. The driveway would satisfy the standard design specifications contained in the Supplementary Guidance for 'Transport and Accessibility' for the following reasons: the length of the driveway would be the minimum of 5m in length; it would not inhibit visibility; and it would not be located within 15m of a road junction.

Design and Scale of Driveway

Policy H1 (Residential Areas) states that proposals for householder development will be approved in principle if they do not have an unacceptable impact on the character and amenity of the surrounding area. The scale of the proposed driveway would remove 35% of the original landscaped garden ground to the front of the flat, and this loss would significantly alter the uninterrupted expanse of green space to the front of this building and that of adjacent properties, and which is considered to significantly contribute to the visual character and appearance of the streetscape and wider area. When the existing paved area is included, then the loss of tended garden ground would rise to well over 50%. Additionally, given the added presence of up to 2 cars parked within the front garden, the proposal would neither respect the existing landscaped context of this street nor contribute to quality placemaking as required by Policy D1 (Quality Placemaking by Design) as the proposal would be detrimental to the visual amenity and character of the streetscape, contrary to the aims of Policy H1. Notwithstanding there are other material planning considerations which act against the proposals and are set out below.

Consent for a double driveway in this location would set an unwelcome precedent for similar proposals elsewhere along Cadenhead Place and surrounding streets, which would be difficult to resist and could lead to further detrimental visual impacts on the surrounding area for the reasons detailed above. Although it is accepted that there are a two examples of approved driveways towards the opposite end of the street, these would have been considered on their merits when the context of their assessment may have been quite different and furthermore a general principle of the HDG states that no existing alterations, which were approved prior to the introduction of the current SG, can be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the current guidance. The same principle applies to development carried out without planning permission. As such, the proposal would fail to comply with the SG and the other driveways on the street therefore cannot be used to justify the principle of this proposal.

Impact to residential amenity

The proposal compiles with the standard specifications for a double driveway; notwithstanding this, the installation of such a driveway in this location would have a negative impact on the existing amenity for the residents of the flats, not only in terms of the visual amenity to the wider streetscape but in terms of a reduction in the availability of on-street parking provision. The Transport and Accessibility Guidance contains a presumption against the formation of private parking provision within the garden ground of tenement properties in areas where on street parking availability is limited, as in this case due to the narrow width of the road and the presence of parking restrictions at the hammer head end of the road. The proposed driveway would remove at least one on-street parking space, possibly two, due to the proximity of the double yellow lines to the application property and which would result in the residents of nearby flats being deprived of on-street parking facilities, and being forced to look elsewhere for places to park. There is a particularly high demand for on-street parking on this section of road due to the number of flats, the restricted width of the road and the parking restrictions; therefore any reduction in on-street parking would create further difficulty for nearby residents in finding sufficient parking provision in

the immediate vicinity. It could be argued that there would be little impact upon the level of parking available as one or two on-street spaces are being removed and replaced with two off-street spaces. However, this is not the case as the driveway would only be available for the use of the residents of one property, whereas on-street parking spaces are potentially available to all residents or visitors to the street. This may lead to in-discriminate parking which is considered a road safety hazard. If other properties within the street also constructed driveways in their front gardens, this would be particularly detrimental to those occupants who live in the upper floors of blocks, who usually do not have the benefit of front garden ground in which a driveway could be created and as such have to rely on public on-street parking. This would in turn impact on the residential amenity afforded to neighbours in the surrounding area, and therefore fail to accord with Policy H1 (Residential Areas) of the ALDP.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposal would result in the unacceptable loss of locally available on-street parking, thereby exacerbating an existing on street parking problem, which would be to the detriment of residential amenity of the area and possibly lead to indiscriminate parking to the detriment of road safety. The loss of valued garden ground, and the presence of parked cars within the front garden would have an unacceptable impact on wider visual amenity and the need for a private driveway at the expense of valued on street parking for other residents is not considered justified. The proposal would therefore be unsympathetic to the character and appearance of the existing streetscape, adversely affecting existing residential character and visual amenity, and could set an undesirable precedent for developments of a similar nature which would be difficult to resist and cumulatively further erode the established visual character and residential amenity of the area. The proposal would therefore fail to comply with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan and the Supplementary Guidance: 'The Householder Development Guide' and 'Transport and Accessibility'. There are no material planning considerations which warrant the grant of Planning Permission in this instance.



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100118635-001

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 Driveway to existing garden.

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:	MAC Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Jonathan	Building Name:	
Last Name: *	Cheyne	Building Number:	24
Telephone Number: *	01651 862688	Address 1 (Street): *	Oldmeldrum Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Newmachar
Fax Number:		Country: *	UK
		Postcode: *	AB21 0PJ
Email Address: *	info@mac-architects.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Susan	Building Number:	28
Last Name: *	Steen	Address 1 (Street): *	Cadenhead Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	AB25 3AH
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

28 CADENHEAD PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB25 3AH

Please identify/describe the location of the site or sites

Northing

807586

Easting

392792

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.

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

0

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

2

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

Planning Service Employee/Elected Member Interest

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

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Jonathan Cheyne

On behalf of: Mrs Susan Steen

Date: 04/06/2018

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 Jonathan Cheyne

Declaration Date: 04/06/2018

Payment Details

Cheque: Postal Order, 000011

Created: 04/06/2018 11:15

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Jonathan Cheyne
MAC Architects
24 Oldmeldrum Road
Newmachar
AB21 0PJ

on behalf of **Mrs Susan Steen**

With reference to your application validly received on 5 June 2018 for the following development:-

Formation of driveway at 28 Cadenhead Place, 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
329(PA)001 Rev A	Existing and Proposed Site Plan

REASON FOR DECISION

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

The proposal would result in the unacceptable loss of locally available on-street parking, thereby exacerbating an existing on street parking problem, which would be to the detriment of residential amenity of the area and possibly lead to indiscriminate parking to the detriment of road safety. The loss of valued garden ground, and the presence of parked cars within the front garden would have an unacceptable impact on wider visual amenity and the need for a private driveway at the expense of valued on street parking for other residents is not considered justified. The proposal would therefore be unsympathetic to the character and appearance of the existing

streetscape, adversely affecting existing residential character and visual amenity, and could set an undesirable precedent for developments of a similar nature which would be difficult to resist and cumulatively further erode the established visual character and residential amenity of the area. The proposal would therefore fail to comply with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan and the Supplementary Guidance: 'The Householder Development Guide' and 'Transport and Accessibility'. There are no material planning considerations which warrant approval of Planning Permission in this instance.

Date of Signing 3 August 2018

A handwritten signature in cursive script that reads "Daniel Lewis".

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 180883/DPP

Application Summary

Application Number: 180883/DPP

Address: 28 Cadenhead Place Aberdeen AB25 3AH

Proposal: Formation of driveway

Case Officer: Sheila Robertson

Consultee Details

Name: Mrs Christine Steel

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

Email: csteel@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note the application is for formation of a driveway at 28 Cadenhead Place.

The proposal will require the installation of a vehicular footway crossing. This should be constructed by Aberdeen City Council. The applicant is responsible for all costs involved and should be advised to contact the Road Network Maintenance Unit at least 6 weeks prior to any works starting on site and arrange for an estimate for the cost of works. The applicant should contact them on Telephone 01224 241500 or email; footwaycrossings@aberdeencity.gov.uk.

The driveway should be internally drained with no surface water discharging onto the public road. The applicant should note that a drainage channel as well as the use of lock block paving is required to satisfy internal drainage requirements.

In addition, the applicant should note that no loose material such as stone chippings should be used to surface the first 2m of the driveway adjacent to the footway.

Roads Development Management have no objections to this application.

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Aberdeen Local Development Plan (ALDP)

H1 - Residential Areas;

D1 - Quality Placemaking by Design; and

Policy T2 - Managing the Transport Impact of Development

<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>

Transport and Accessibility

<https://www.aberdeencity.gov.uk/sites/default/files/5.1.PolicySG.TransportAccessibility.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 100118635-003

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	MAC Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Jonathan	Building Name:	
Last Name: *	Cheyne	Building Number:	24
Telephone Number: *	01651 862688	Address 1 (Street): *	Oldmeldrum Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Newmachar
Fax Number:		Country: *	UK
		Postcode: *	AB21 0PJ
Email Address: *	info@mac-architects.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Susan"/>	Building Number:	<input type="text" value="28"/>
Last Name: *	<input type="text" value="Steen"/>	Address 1 (Street): *	<input type="text" value="Cadenhead Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB25 3AH"/>
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="28 CADENHEAD PLACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB25 3AH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="807586"/>	Easting	<input type="text" value="392792"/>
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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)

Formation of Driveway

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

The appointed planner has failed to consider the details of the planning application appropriately. The proposed driveway will remove 1 parking space from the street however currently the area to the front of the property has cars parking across the kerb impacting pedestrians and any emergency vehicles from entering the road. Our client has a medical condition requiring parking in close proximity to her flat and a dedicated parking space would provide this.

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)

We received a letter from our clients doctor after the application was refused by the planning authority.

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)

329(PA)001 Formation of Driveway - Rev B Doctors Letter Photos of existing parking issues Client statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

180883

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

05/06/2018

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

03/08/2018

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

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To highlight the current issue with the parking access blocking the road and the pedestrians including our clients to access their property.

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 Jonathan Cheyne

Declaration Date: 04/10/2018

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sandy-susan steen

Inbox - Jonny 5 9

Re: 180883 - 28 Cadenhead Place

To: Jonny Cheyne

Re Appeal for Driveway

Good Afternoon,

I would just like to make a statement in our appeal towards our proposed driveway at 28 Cadenhead Place

We have stayed in our house for 30 years now and brought all the family up here.

We like the area very much and don't want to move but as my husband and I are getting older we felt the need

we both have medical problems and it would be extremely helpful to have the car near the house(as at the moment

therefore carrying heavy shopping would be easier, also my husband is not able to cut the grass too often for

front garden would be taken up by slabs and we have a number of two-car family's parking outside- either on

bottom of cul-de-sac. We would only require one space as we just have the one car and at least we would the

Regards,

Susan Steen

Sent from my iPad

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