

Public Document Pack



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

Town House,
ABERDEEN 20 November 2018

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Committee Room 2 - Town House** on **THURSDAY, 29 NOVEMBER 2018 at 11.00 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 1 Woodburn Place - Erection of Carport to Gable - 180643

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 7 - 22)

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:-

(Ref Number:180643)

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

2.3 Planning Policies Referred to in Documents Submitted (Pages 23 - 24)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 25 - 32)

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:-

(Ref Number:180643)

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

2.5 Determination - Reasons for Decision

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

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

3.1 85 Hamilton Place - Installation of Replacement Windows - 180950

3.2 Delegated Report, Original Application Form and Decision Notice (Pages 33 - 48)

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:-

(Ref Number:180950)

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

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

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 51 - 58)

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

(Ref Number:180950)

<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

4.1 27 Whitehall Terrace - Replacement of Windows to Front - 181328

4.2 Delegated Report, Original Application Form and Decision Notice (Pages 59 - 72)

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:-

(Ref Number:181328)

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

4.3 Planning Policies Referred to in Documents Submitted (Pages 73 - 74)

4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 75 - 78)

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:-

(Ref Number:181328)

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

4.5 Determination - Reasons for Decision

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

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

EHRIAs related to reports on this agenda can be viewed [here](#)

To access the Service Updates for this Committee please click [here](#)

Website Address: www.aberdeencity.gov.uk

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

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:	1 Woodburn Place, Aberdeen, AB15 8JS.
Application Description:	Erection of car port to gable
Application Ref:	180643/DPP
Application Type:	Detailed Planning Permission
Application Date:	27 April 2018
Applicant:	Mr Simon & Mrs Tracy Cowie
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Craigiebuckler And Seafield
Case Officer:	Sheila Robertson

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is located on the western side of Woodburn Place, at its junction with Woodburn Gardens, extends to 970sq.m with a current built site ratio of 34% and is occupied by a one-and-a-half storey detached dwelling house of modern design and build. The property has been extensively extended and altered since original, the most recently completed works being a 1.5 storey extension to the southern gable, comprising a double garage with bedroom above. The site is relatively level to the rear (west) of the site, however, the site is elevated to the north of Woodburn Gardens and partially elevated to the west of Woodburn Place. The site is currently demarcated by high lleylandii hedging to the south and east boundaries.

Relevant Planning History

- An application for planning permission (160773) for the erection of a 1.5 extension to the southern gable. This permission has been implemented.
- An application for planning permission (141844) for the erection of a 1.5 storey gable extension, dormer to south elevation and link panel to dormer to west elevation was refused in January 2015. Following an appeal to the Local Review Board, the decision was upheld.
- An application for planning permission (131420) for the erection of an extension to provide garden room (to replace existing conservatory) was approved November 2011.
- An application for planning permission (P110269) to erect a 1.5 storey extension to provide a double garage with master bedroom above, dormer window and dormer infill was approved April 2011. This permission was never implemented and subsequently expired.
- An application for planning permission (P031805) to erect new dormer window, reposition existing front entrance, erect canopy over front door, and change timber boarding to a rendered finish was approved October 2006.

APPLICATION DESCRIPTION

Description of Proposal

The application proposes the erection of a single storey extension extending 7.6m along the side elevation of the recently constructed 1.5 storey extension to the southern gable, set back approximately 600mm from both front and rear elevations, and varying in width between 4.7m to the front elevation tapering to 2m towards the rear elevation as its wall follows the line of the southern boundary, which is 1.1m distant. The roof would be hipped and pitched, 3.9m in height; its roof ridge would sit flush with the sill of the dormer window to the southern elevation. Finishing materials would include Chinese granite to the side and rear elevations and roof tiles to match existing. There would be no wall or door to the principal elevation as the application describes the extensions purpose as 'car port'.

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=P7P5SXBZKZ500>

CONSULTATIONS

None required

REPRESENTATIONS

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

- Overdevelopment of the plot.
- The car port is a significant structure, and is an extension to a recently added extension, which would bring the house closer towards Woodburn Gardens.
- Concerns regarding impact to hedge to southern boundary due to its proximity to the structure.

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)

Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design)

Supplementary Guidance (SG)

Householder Development Guide

EVALUATION

Principle of Development

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

Layout, Siting and Design

The Householder Development Guide states under section 3.1.4 (General Principles) *“Proposals for extensions....should be architecturally compatible in design and scale with the original house and its surrounding area.....Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale.”*

The proposal relates to a single storey extension with a footprint of 28.6sq.m. Whilst the internal dimensions would fail to meet the minimum standards required for parking a vehicle, the description, as provided, by the applicant is irrelevant to determination of the application provided the structure is used for purposes ancillary to the domestic use of the dwelling house and the proposal therefore requires to be assessed in terms of its design, materials and scale relative to that of the dwelling house and plot size. The extension would meet certain criteria contained in the SG, in that it would not double the footprint of the original dwelling house; the increase in site coverage would still maintain a low level of development acceptable within the context of surrounding properties; and more than half of the rear garden ground would remain undeveloped. The extension would also be subservient to the original dwelling house in terms of both scale and height, and its design and finishing materials would integrate well with existing. Overdevelopment of the plot would therefore not be an issue in the determination of this application.

However notwithstanding the above, the scale of a development also has to be assessed in terms of its cumulative impact on the original dwelling house, pattern of development within the immediate area and on the visual amenity of the streetscape. The proposal seeks to further extend the southern elevation of the original dwelling house, bringing the property as extended to within 1m of the southern boundary which fronts Woodburn Gardens. The southern elevation of the original dwelling house read as a front elevation forming part of a building line with adjacent properties to the west fronting Woodburn Gardens. Planning application (Ref.141844) which proposed the formation of a 1.5 storey extension to the gable, sitting between 2.3m and 4.9m from the southern boundary, was refused on the basis of its proximity to this boundary which was considered to have a detrimental impact on the streetscape and a negative impact on the property's setting along Woodburn Place. The proposal was subsequently amended and approved under planning application Ref: 160773 and the extension, now constructed, sits between 3m and 5.8m from the boundary. Although the southern gable currently sits slightly forward of the building line in Woodburn Gardens, this slight breach was not considered to be unduly visually intrusive. However the current application now proposes a further addition to this extension bringing the southern elevation in even closer proximity to the boundary than that proposed by application Ref: 141844 and which was refused.

Cumulatively the addition of a further extension would serve to overwhelm and mask the original architectural design of the original dwelling house and result in a very elongated frontage relative to original and to surrounding dwelling houses. The property occupies a prominent location within the streetscape and the position of the extension, set a significant distance forward of the established building line in Woodburn Gardens, would introduce a visually intrusive element to the streetscape. The proposal has therefore not been designed with due consideration for the context of the streetscape, and would be contrary to Policy D1.

Impact on Residential Amenity

All neighbouring properties are sufficiently distant from the proposed extension to ensure no impact in terms of loss of daylight or privacy or undue overshadowing in compliance with Policy H1 (Residential Areas).

Matters raised in Representation

Issues relating to overdevelopment of the site and the proximity of the extension to Woodburn Gardens have already been addressed in the evaluation section of the report. Issues relating to

the condition of the boundary hedging and potential loss as a result of the development are not material considerations, since the hedging is neither protected nor considered to be a valued asset within the landscape.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposal has not been designed with due consideration for its context. Cumulatively, the addition of a further extension to the southern gable would result in an elongated frontage, which would dominate and overwhelm the original dwelling house and result in a property out of character with surrounding properties, contrary to the advice contained in the Supplementary Guidance. By virtue of its prominent location and close proximity to Woodburn Place, this further extension would be visually intrusive and incongruous to the established pattern of development in the surrounding area resulting in an unacceptable impact on the existing residential character and visual amenity of the streetscape and a negative impact on its setting, contrary to Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) and the associated Supplementary Guidance: Householder Development Guide of the Aberdeen Local Development Plan.



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 100094053-001

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)

Construction of new car port

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:	Squire Associates		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andy	Building Name:	
Last Name: *	Farquhar	Building Number:	430
Telephone Number: *	01224 663838	Address 1 (Street): *	Clifton Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	UK
		Postcode: *	AB24 4EJ
Email Address: *	andy@squire-associates.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Simon and Tracy	Building Number:	1
Last Name: *	Cowie	Address 1 (Street): *	Woodburn Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB15 8JS
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

1 WOODBURN PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 8JS

Please identify/describe the location of the site or sites

Northing

805354

Easting

390226

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: Andy Farquhar

On behalf of: Mr Simon and Tracy Cowie

Date: 24/04/2018

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 Andy Farquhar

Declaration Date: 24/04/2018

Payment Details

Cheque: Squire Associates, 183

Created: 24/04/2018 16:43

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Andy Farquhar
Squire Associates
430 Clifton Road
Aberdeen
AB24 4EJ

on behalf of **Mr Simon & Mrs Tracy Cowie**

With reference to your application validly received on 27 April 2018 for the following development:-

**Erection of car port to gable
at 1 Woodburn 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
L(00)04 Rev A	Location Plan
L(00)05 Rev A	Site Layout (Proposed)
L(00)30	Roof Plan (Proposed)
L(00)31	Elevations and Floor Plans
L(00)31	Elevations and Floor Plans

REASON FOR DECISION

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

The proposal has not been designed with due consideration for its context. Cumulatively, the addition of a further extension to the southern gable would result in an elongated frontage, which would dominate and overwhelm the original dwelling

house and result in a property out of character with surrounding properties, contrary to the advice contained in the Supplementary Guidance. By virtue of its prominent location and close proximity to Woodburn Place, this further extension would be visually intrusive and incongruous to the established pattern of development in the surrounding area resulting in an unacceptable impact on the existing residential character and visual amenity of the streetscape and a negative impact on its setting, contrary to Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) and the associated Supplementary Guidance: Householder Development Guide of the Aberdeen Local Development Plan.

Date of Signing 22 June 2018



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

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

None.

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

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

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

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

Notices of review submitted by post should be sent to Strategic Place Planning (address at the top of this decision notice).

SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Comments for Planning Application 180643/DPP

Application Summary

Application Number: 180643/DPP

Address: 1 Woodburn Place Aberdeen AB15 8JS

Proposal: Erection of car port to side

Case Officer: Sheila Robertson

Customer Details

Name: Mr David Gisby

Address: 45 Woodburn Gardens Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object wrt this application as this is an extension to a recently added extension. The car port is a significant structure which brings the house closer to our house which is opposite and as such with little extra change can have a rear door and a garage door added to become part of the building structure and thus increase it's plot building coverage.

This application is an over development of the plot.

I would comment that the existing leylandi boundary, along Woodburn Gardens, is against the proposed garage wall and will require maintenance or may die due to the ground works excavation and car port construction.

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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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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 100094053-003

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:	<input type="text" value="Squire Associates"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Andy"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Farquhar"/>	Building Number:	<input type="text" value="430"/>
Telephone Number: *	<input type="text" value="01224 663838"/>	Address 1 (Street): *	<input type="text" value="Clifton Road"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="AB24 4EJ"/>
Email Address: *	<input type="text" value="andy@squire-associates.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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr and Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Simon"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Cowie"/>	Address 1 (Street): *	<input type="text" value="Woodburn 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="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 8JS"/>
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="1 WOODBURN 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="AB15 8JS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805354"/>	Easting	<input type="text" value="390226"/>
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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 car port to gable

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.

Neither our clients nor ourselves feel the decision made is correct and do not feel that the proposed carport is detrimental to the look or style of the existing house and has little or no impact on surrounding houses etc. The proposed car port will barely be seen from outwith the site. Further details are submitted in the supporting statement attached.

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)

Photos of existing boundary screening. Original drawings submitted with Planning Application. Supporting Statement.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

180643/DPP

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

24/04/2018

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

22/06/2018

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Andy Farquhar

Declaration Date: 21/09/2018

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Planning Supporting Statement

Project **Planning Application for proposed new car port extension
1 Woodburn Place, Aberdeen, AB15 8JS**

Client **Mr. & Mrs. Simon Cowie**

1. Introduction

The application proposes a small car port extension to the Southmost elevation of the existing house.

2. Site

The property is a house at 1 Woodburn Place Aberdeen which is located on the South Westmost corner of the junction of Woodburn Place and Woodburn Gardens.

The house fronts onto Woodburn Place with access to the site by means of a driveway entered off of Woodburn Place.

The house is situated in a well established residential area. It is a storey-and-a-half type dwelling house which has been extended to the South side of the original house and also to the rear over the last few years.

The walls of the house are a mix of dressed granite and blockwork with a granite chip finish. The roofs are pitched and have a clay roof tile covering. The windows have all been replaced with white upvc type windows.

The site is very private and is enclosed on both the Eastmost (front) and Southmost (side) with leylandii trees and the driveway/access is secured by a large electrically operated gate.

3. Design Approach and Solution

The clients brief was to provide a carport extension to the South side of the house adjacent to the existing garage using what is effectively a dead area of ground. The clients are wanting a covered area for one of their cars and an area that they can put their unsightly refuse bins.

The building has been designed and shaped to fit into the rather awkward shaped garden space at the South side of the exiting house.

The proposed building has been designed with pitched/hipped roofs to try and match in with the remainder of the house. The client proposed to build the walls with dressed granite to match the frontage of the existing house.

The Carport is to be 1.5metres back from the boundary of the site and the eaves height has been kept low at 2.325metres above ground level so that the pitched roof over the carport comes in below the existing first floor dormer.

(cont'd)


4. Conclusion

The footprint of the dwelling including the proposed car port is only 24% of the total site area therefore does not constitute overdevelopment and would not be out of keeping with the plot ratios of neighbouring properties.

The proposed extension is relatively minor and sympathetic to the main dwelling and would not give rise to domination of the dwelling. The overall size of the house is in proportion to the site and as already stated does not constitute over development.

A large majority of neighbouring properties take up the full width of their plots therefore what is proposed is not out of character.

The small scale of the proposed extension would have minimal visual impact on the locality and given irrespective of the fact that it would be lower than the existing perimeter Leylandii screening would not actually be visible from adjacent streets.

 <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:	85 Hamilton Place, Aberdeen, AB15 5BU.
Application Description:	Installation of replacement windows
Application Ref:	180950/DPP
Application Type:	Detailed Planning Permission
Application Date:	14 June 2018
Applicant:	Mrs Alex Faulds
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Rosemount And Mile End
Case Officer:	Alex Ferguson

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application property comprises a two and a half storey traditional granite detached building on the southern side of Hamilton Place. The building's western gable end fronts onto an adjacent unnamed rear lane which predominantly serves garages to the rear of properties on Blenheim Place and Fountainhall Road, as well as the application property itself. The upper floor and roof level of the building's rear elevation are visible from the adjacent lane. The building lies within the Albyn Place/Rubislaw Conservation Area.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

The installation of replacement windows on the building's rear (south) elevation. It is proposed to replace four windows on the rear elevation (two each at ground and first floor level) and six in the rear dormer at roof level. Existing windows are timber two-over-two sliding sash & case units and the replacement units would also be two-over-two sliding sash & case units, but they would be double glazed, with PVCu frames. No sectional detail has been provided of the astragals so it is unknown whether these would be traditional 'through' astragals or if they would take some other form (i.e. sandwich or plant-on).

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PA7O4IBZMCI00>

CONSULTATIONS

None.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)
- Historic Environment Scotland Policy Statement (HESPS)
- HES – Managing Change in the Historic Environment: Windows

Aberdeen Local Development Plan (2017)

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

Supplementary Guidance (SG) and Technical Advice Notes

- Repair or Replacement of Windows & Doors
- Albyn Place/Rubislaw Conservation Area Character Appraisal

EVALUATION

Principle of Development

The principle of replacing the existing windows in the building is acceptable, subject to ensuring that the new windows would be of an appropriate design, such that the character and appearance of the area would be preserved.

The replacement of the existing windows would not constitute over development, result in the loss of any open space, nor harm amenity – all in accordance with elements of Policy H1 (Residential Areas) of the ALDP. However, further assessment is required in order to ensure that the windows would be compliant with all relevant supplementary guidance and that they would adequately preserve the character of the area.

Impact on the character of the area and the character and appearance of the conservation area

Historic Environment Scotland's 'Managing Change in the Historic Environment: Windows' document provides national planning guidance on the repair and replacement of windows in the historic environment and notes that:

'Windows make a substantial contribution to the character, authenticity and physical integrity of most historic buildings and also to the character and interest of historic streets and places. They are an important element of a building's design. The size, shape and positioning of the openings are significant, as are the form and design of the framing, astragals and glazing.'

The Managing Change guidance further notes that:

'Generally, replacement windows should seek to match the original windows in design, form, fixing, method of opening and materials. In replacing sash windows, materials other than timber, e.g. uPVC, will rarely be acceptable. Softwood is traditionally used, now often treated to improve durability.'

The Council's supplementary guidance on The Repair and Replacement of Windows and Doors provides guidance on what types of window unit are likely to be appropriate in certain situations. In this regard, the SG states that:

'On listed buildings and public elevations of conservation areas, the introduction of new PVCu windows as a replacement material is not acceptable.'

Whilst it is acknowledged that the two windows proposed to be replaced at ground floor level of the building's rear elevation are not visible from a public viewpoint, the windows above at first floor level and in the roof-level dormer, are visible from the adjacent rear lane and are thus considered to be on a 'public' elevation.

As the existing windows are timber-framed, with traditional designs and proportions *and* located on a public elevation, the proposal to replace them with PVCu units is therefore contrary to the Council's SG.

Original or historic timber windows of a traditional sliding sash & case design are prevalent in the Albyn Place/Rubislaw Conservation Area and they are considered to contribute toward the character and appearance of the conservation area. The Council's Albyn Place/Rubislaw Conservation Area Character Appraisal (CACA) specifically notes the removal of timber sash & case windows and their replacement with inappropriately designed, thick-framed PVCu windows as a negative factor and a weakness affecting the character and appearance of the conservation area.

Although the applicant has made an effort to ensure that the new PVCu framed windows would match the design and proportions of the existing timber units as closely as possible, it is noted that a traditional thickness of double-glazed unit (24mm) is proposed. Whilst no sectional drawing or details of the astragals for the new windows have been provided, it is understood that replicating the thickness of the existing, relatively slim traditional timber astragals would not be achievable as a 'through-astragal' and that any new astragals would most likely be of a sandwich or plant-on design, neither of which are considered acceptable, in accordance with Paragraph 4.11 (Astragals) of the SG, which states:

Astragals must be of timber and carry through the sash to separate completely each pane of glass.

Astragals applied to the surface of the glass (planted astragals) or sandwiched between the glass of double glazed units are not acceptable. Where there is a complete change of window the internal profile of the astragals must match the existing. If there is no historic precedent astragals should be appropriate to the period and detail of the building.

In addition to the likely use of inappropriate astragals in the new windows, it is also noted that the bottom rail of the lower sash of the new windows would have a height of just 48mm. This is 27mm below the minimum 75mm guideline height for bottom rails for new PVCu sliding sash & case windows specified in the SG (Paragraph 4.7), where their installation is considered to be acceptable.

Therefore, as well as the introduction of PVCu as the frame material, there are also issues with the design and proportions of the proposed window units and it is considered that as a result, the new windows would have neither a traditional framing material, nor traditional proportions and that the unsympathetic PVCu windows, which would be clearly visible from the adjacent lane, would have a detrimental impact on the visual character of the area, contrary to Policies D1 and H1 and also on the character and appearance of the wider conservation area, contrary to SPP, HESPS, HES's 'Managing Change' guidance on windows and Policy D4 of the ALDP, as well as the SG on The Repair and Replacement of Windows and Doors.

Other material considerations

It is acknowledged that the neighbouring property which occupies the other half of the semi-detached building (No. 87) already has some PVCu window units on its side and rear elevations. However, those units, being of a casement design with sandwich astragals and no step between upper and lower sash, are unsympathetic and detract from the character and appearance of the building and the conservation area as a whole. The only record of any planning permission for the neighbouring property at No. 87 is from 2006. It is unclear if the PVCu windows were approved in that consent (060255) for the 'conversion of store and washroom to extend living accommodation' but even if they were, that consent significantly pre-dates the introduction of the current supplementary guidance on The Repair and Replacement of Windows and Doors, which was adopted in May 2017.

The approval of similar unsympathetic windows, contrary to the Council's supplementary guidance, could set a precedent which could make it difficult for the Council to refuse similar application in future and could lead to further incremental erosion of the character and appearance of the conservation area.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The replacement windows would be PVCu-framed and although of the same design and opening method as the existing units, would not fully replicate the proportions of the existing windows. The unsympathetic windows would be installed on a publicly visible elevation and it is considered that they would be inappropriate for the context and would thus have a detrimental impact on the character of the surrounding area and on the character and appearance of the wider conservation area, contrary to Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D4 (Historic Environment) of the Aberdeen Local Development Plan, as well as the general principles of Scottish Planning Policy, Historic Environment Scotland Policy Statement, Historic Environment Scotland's 'Managing Change in the Historic Environment: Windows' guidance document and the Council's supplementary guidance on The Repair and Replacement of Windows and Doors.



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 100124453-001

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

Type of Application

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

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

Description of Proposal

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

Replace existing rear uPVC windows with new white uPVC sliding sash units

Is this a temporary permission? * Yes No

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

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Derek L Young		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Derek	Building Name:	
Last Name: *	Young	Building Number:	32
Telephone Number: *	01224 647358	Address 1 (Street): *	Meikle Gardens
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Westhill
Fax Number:		Country: *	Aberdeenshire
		Postcode: *	AB32 6WN
Email Address: *	derek-young@btconnect.com		

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: *	Alex	Building Number:	85
Last Name: *	Faulds	Address 1 (Street): *	Hamilton Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB15 5BU
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

85 HAMILTON PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 5BU

Please identify/describe the location of the site or sites

Northing

806236

Easting

392335

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

Proposals to replace like for like should not be problematic.

Title:

Mr

Other title:

First Name:

Andrew

Last Name:

Miller

Correspondence Reference
Number:

Date (dd/mm/yyyy):

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

Site Area

Please state the site area:

1.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Flat

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

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

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

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)? *

0

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

- Yes
 No, using a private water supply
 No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

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

Existing

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Derek Young

On behalf of: Mrs Alex Faulds

Date: 11/06/2018

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. * Yes N/A

A Design Statement or Design and Access Statement. * Yes N/A

A Flood Risk Assessment. * Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * Yes N/A

Drainage/SUDS layout. * Yes N/A

A Transport Assessment or Travel Plan Yes N/A

Contaminated Land Assessment. * Yes N/A

Habitat Survey. * Yes N/A

A Processing Agreement. * Yes N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Derek Young

Declaration Date: 11/06/2018

Payment Details

Departmental Charge Code: V3721393461

Created: 12/06/2018 13:36

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Derek Young
Derek L Young
32 Meikle Gardens
Westhill
Aberdeenshire
AB32 6WN

on behalf of **Mrs Alex Faulds**

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

Installation of replacement windows at 85 Hamilton 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
969-02	Location Plan
969-01P	East Elevation (Proposed) Window Cross Section

REASON FOR DECISION

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

The replacement windows would be PVCu-framed and although of the same design and opening method as the existing units, would not fully replicate the proportions of the existing windows. The unsympathetic windows would be installed on a publicly visible elevation and it is considered that they would be inappropriate for the context and would thus have a detrimental impact on the character of the surrounding area

and on the character and appearance of the wider conservation area, contrary to Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D4 (Historic Environment) of the Aberdeen Local Development Plan, as well as the general principles of Scottish Planning Policy, Historic Environment Scotland Policy Statement, Historic Environment Scotland's 'Managing Change in the Historic Environment: Windows' guidance document and the Council's supplementary guidance on The Repair and Replacement of Windows and Doors.

Date of Signing 30 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>

Historic Environment Scotland Policy Statement (HESPS)

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

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

D4: Historic Environment

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

Supplementary Guidance

Repair and Replacement of Windows and Doors

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

Other Material Considerations

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

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

Albyn Place/Rubislaw Conservation Area Character Appraisal

https://www.aberdeencity.gov.uk/sites/default/files/2013_Con_Appraisal_3_Albyn.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 100137853-001

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

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="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="Alexandera"/>	Building Number:	<input type="text" value="85"/>
Last Name: *	<input type="text" value="Faulds"/>	Address 1 (Street): *	<input type="text" value="Hamilton Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 5BU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

85 HAMILTON PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 5BU

Please identify/describe the location of the site or sites

Northing

806236

Easting

392335

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)

Replacement windows on rear elevation

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 letter attached

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)

Additional section detail

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

Covering letter Plans Decision Notice

Application Details

Please provide details of the application and decision.

What is the application reference number? *

180950/DPP

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

12/06/2018

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

30/08/2018

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: Mrs Karine Suller

Declaration Date: 04/10/2018

**85Hamilton Place
Aberdeen
AB15 5BU**

Local Review Board
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

4th October 2018

Dear Sirs,

Local Review Appeal-Planning Application Ref 180950/DPP – Replacement Windows, 85 Hamilton Place, Aberdeen

I refer to the above planning application which was refused under delegate powers on the 30th August 2018. The reason for refusal was provided as the following: -

“The replacement windows would be PVCu-framed and although of the same design and opening method as the existing units, would not fully replicate the proportions of the existing windows. The unsympathetic windows would be installed on a publicly visible elevation and it is considered that they would be inappropriate for the context and would thus have a detrimental impact on the character of the surrounding area and on the character and appearance of the wider conservation area, contrary to Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D4 (Historic Environment) of the Aberdeen Local Development Plan, as well as the general principles of Scottish Planning Policy, Historic Environment Scotland Policy Statement, Historic Environment Scotland's 'Managing Change in the Historic Environment: Windows' guidance document and the Council's supplementary guidance on The Repair and Replacement of Windows and Doors.”

Therefore, the key issues appear to be

1. Whether the windows are considered to be on a “publicly visible” elevation.
2. Whether the proposed replacement windows fully replicate the proportions of the existing windows.
3. Whether the proposed replacement windows will have a detrimental impact on the character of the surrounding area and on the character and appearance of the wider conservation area and as a consequence do not comply with adopted Aberdeen City planning policies and Scottish Planning Policy.

These matters will be addressed in detail below.

By way of background the building at 85 Hamilton Place comprises a four-storey block, basement, ground, first and attic accommodation. The property comprises a large villa, now subdivided into two properties, with the main or public elevation facing Hamilton Place. The rear of the property overlooks the surrounding rear gardens of properties on Hamilton Place, Blenheim Place and Desswood Place and is only visible from the unnamed narrow service lane which connects Hamilton Place with Desswood Place. My property, and subject of the current appeal, comprises the upper part of the building on the first and attic floors

The current appeal seeks permission for replacement windows on the rear elevation of the ground, first and attic levels, comprising the following

Ground floor- replacement UPVC windows with UPVC sliding sash and case windows

First floor- Replace existing UPVC tilt and turn with new UPVC sliding sash and case.

Attic floor- Replacement of rotten timber windows (not capable of economic repair) with UPVC sliding sash and case.

All proposed replacement windows are conservation style windows and as closely as possible replicate the existing windows including the opening method.

The Supplementary Guidance on The Repair and Replacement of Windows and Doors recommends

“On non-public elevations within conservation areas, the context and setting of the building is required to be assessed to ensure proposals will have no detrimental impact on the character and appearance of the conservation area. Replacement windows should match the historic proportions, profile and dimension of the original windows and avoid heavy frames, but it may be acceptable to have a different material and/or method of opening.”

Therefore, the initial determination must be whether the proposed replacement windows are in fact on a “public elevation”.

The Supplementary Guidance: The Repair and Replacement of Windows and Doors does not provide a definition of “public elevation” nor is there a definition within any Aberdeen City planning advice. As such the determination on whether an elevation is “public” is purely subjective.

In the current circumstance, it is clear from a review of the area that the main/public elevations are the elevations fronting onto the main public road, in relation to my property this is Hamilton Place. The proposed replacement windows are on the rear/non-public elevation of the building. The windows can only viewed from little used and narrow, rear service lane and the rear gardens of the surrounding properties. A significant number of properties which over look this rear lane currently incorporate replacement windows with a range of styles, materials and finishes in evidence, please refer to photos lodged in support

of the appeal. Indeed, there are a significant number of properties which have replacement windows on the principle/public elevation, facing the main street many of which are UPVC replacement windows, some of which are Category A listed buildings.

Therefore, I would submit that the proposed replacement windows are on a non-public elevation.

On non-public elevations, such as the appeal site, the Guidance confirms that the change of framing material from timber to uPVC can be considered acceptable as long as it has no detrimental impact on the character and appearance of the Conservation Area. Replacement windows should match the historic proportions, profile and dimension of the original windows and avoid heavy frames, but it may be acceptable to have a different material and/or method of opening.

As demonstrated by the submitted plans all the proposed replacement windows replicate the design, opening method and proportions of the existing windows. This is confirmed by the Planning Officer who, in the Report of Handling, who confirms that I have made every effort to ensure the windows match the design and proportions of the existing timber units as closely as possible.

The planning officer has however expressed in relation to the bottom rail of the lower sash which would have a height of just 48mm indicating that this is 27mm below the minimum 75mm guideline height. To be clear the dispute relates to a 2.7 cm discrepancy on a windows not viewed from a public place. That said, I have requested my architect make this small amendment and the 75mm guideline height is now confirmed, see plan attached.

Therefore, it is submitted that the proposed replacement windows replicate the design, opening method and proportions of the existing windows.

The Planning Officer in the Delegated report has confirmed that in his opinion

“The principle of replacing the existing windows in the building is acceptable, subject to ensuring that the new windows would be of an appropriate design, such that the character and appearance of the area would be preserved.”

In terms of the advice from the Scottish Government regarding conservation areas contained in Scottish Planning Policy, Paragraph 143 states that

“Proposals for development within conservation areas and proposals out with which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.”

Scottish Historic Environment Policy acknowledges that the protection of the historic environment is not about preventing change but seeking to ensure that where change is proposed, it is appropriate and carefully considered.

In the current circumstances, the proposed replacement uPVC frames as closely as possible match the historic proportions, profile and dimensions of the original windows, only the material is proposed to be altered. It is submitted that the replacement windows are on the rear/non-public elevation of the property, in such locations the Supplementary Guidance does allow a change in materials. As a result of the fact the windows are not on a public elevation and as closely as possible match the existing windows I would submit the proposed replacement windows will not have a detrimental impact on the character or appearance of the Conservation Area.

Finally, the proposed replacement windows, which represent a considerable investment for my family, will help to maintain the fabric of the building which in itself will make a positive contribution to the surrounding area.

In conclusion I would respectfully request you uphold the appeal and grant planning permission.

Your sincerely

Alexandrea Faulds



Strategic Place Planning

Report of Handling

Site Address:	27 Whitehall Terrace, Aberdeen, AB25 2RY.
Application Description:	Replacement windows to front elevation.
Application Ref:	181328/DPP
Application Type:	Detailed Planning Permission
Application Date:	13 August 2018
Applicant:	Mr & Mrs Alexey & Olga Sevastyanov
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Rosemount And Mile End
Case Officer:	Sheila Robertson

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application relates to a one and half storey semi-detached dwelling house, located on the western corner of Whitehall Terrace and Craigie Park and within the Albyn Place/Rubislaw Conservation Area. The dwelling dates from circa the 1920s, and it has been altered in recent years.

Relevant Planning History

An application for planning permission (150159) for the erection of boundary fence and lean-to extension of existing studio was approved in April 2015. An application for change of use (140440) from dwelling house (Class 9) to mixed use of dwelling house and childminding (class 10) for 10 children operating 8am to 6pm, Mon to Friday was approved in April 2014. An application to erect a studio within the rear garden (91/0628) was approved in April 1991.

APPLICATION DESCRIPTION

Description of Proposal

Replace windows to the front elevation. Existing brown painted, timber framed, fixed pane/tilt and turn windows would be replaced on a like for like basis but with brown uPVC frames. Surface mounted trickle vents would be applied to the front face of the window frames.

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=PCEZOEBZFN00>

CONSULTATIONS/ REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Policy

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

Aberdeen Local Development Plan 2017

Policies H1: Residential Areas, D1: Quality Placemaking by Design and D4: Historic Environment

Supplementary Guidance (SG)

The Repair and Replacement of Windows and Doors and Householder Development Guide (HDG)

Other Material Planning Considerations

Managing Change in the Historic Environment: Windows and the Albyn Place/Rubislaw Conservation Area Character Appraisal

EVALUATION

Principle of Development

The principle of replacing the existing windows in the building is acceptable, subject to ensuring that the new windows would be compliant with all relevant SG and that they would adequately preserve the character and appearance of the area. These issues are discussed below.

Impact on the character and appearance of the conservation area

The property would have originally been fitted with timber framed windows, possibly of a sash and case style, and the existing windows are non-original timber replacements. While the design of the proposed windows would replicate existing in terms of dimensions and opening mechanism and given that it is not possible to accurately confirm that the original windows would have been of a sash and case style, although they would have been framed with timber, the proposal would likely be acceptable in terms of proportions, profile and opening mechanism. However, the SG contained in The Repair and Replacement of Windows and Doors clearly states that *“on listed buildings and public elevations of unlisted buildings in Conservation Areas, the introduction of uPVC windows as a replacement material is not acceptable.”* Based on this principle, the proposed replacements would fail to comply with the criteria requiring the retention of timber frames to a public elevation. In addition, the proposal includes the incorporation of visible surface mounted trickle vents to each window frame which is never acceptable on public elevations within conservation areas.

It is recognised that there are both traditional sash and case and modern window replacements within the immediate area, framed in a mixture of materials, however none of the modern replacements have been installed under current policy. The HDG states that no extension or alteration approved prior to the introduction of this guidance can be considered to provide justification for a development proposal that would otherwise fail to comply with the current

guidance therefore the proposal falls to be determined on its own merits against the current guidance.

The Albyn Place/Rubislaw Conservation Area Character Appraisal identifies that a weakness of this conservation area is the number of inappropriate window designs and that when replacing windows an opportunity exists to replace windows with those of traditional style, proportions and materials. Unsympathetic development that does not reflect or relate to the character of the Conservation Area is identified as a threat. This proposal would therefore be contrary to the aims of this character appraisal, as a result of loss of a historic material, and approval of this proposal would set an unwelcome precedent for further similar development in the surrounding area, which would be significantly detrimental to the character and appearance of the conservation area.

It is therefore considered that the proposed window replacements have not been designed with due consideration for the property's setting within a conservation area and would adversely affect the architectural integrity of the original building and the historic character and appearance of the Albyn Place/Rubislaw Conservation Area. The proposal therefore contravenes Policy D1 (Quality Placemaking by Design) and the SG: The Repair and Replacement of Windows and Doors, which encourage proposals to be architecturally compatible in design with the existing dwelling. As such the proposal has not taken into consideration the correct use of materials that would complement the original dwelling and the installation of uPVC windows to the principal elevation would result in the loss of a traditional material thereby failing to preserve and enhance the character of both the dwelling house and the wider Conservation area. The new windows would not make a positive contribution to the setting of the conservation area and would therefore be contrary to, and not in compliance with national and local policies and guidance.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed replacement windows would not comply with Policies D1 (Quality Placemaking by Design), D4 (Historic Environment) and H1 (Residential Areas) of the Aberdeen Local Development Plan as the proposal would result in the loss of a traditional material to the principal elevation and, as such, fails to demonstrate due regard for the context whereby the retention and reinstatement of traditional window forms and materials, or suitably sympathetic alternatives, are necessary to maintain and enhance the character of the conservation area. The replacement of existing timber framed windows with modern frames, formed in uPVC and the presence of visible surface mounted trickle vents to the front faces, would have a negative impact on the character and appearance of the conservation area, and would therefore not align with Scottish Planning Policy and Historic Environment Scotland's Policy Statement. Moreover, they do not accord with the Supplementary Guidance: The Replacement of Windows and Doors and Historic Environment Scotland's Managing Change Document: Windows. Approval would risk setting an unwelcome precedent for further unsympathetic window replacements within the conservation area which, if replicated, could lead to significant cumulative erosion of its character and appearance, contrary to the aims of the Albyn Place/Rubislaw Conservation Area Character Appraisal. It is considered that the proposal does not accord with the provisions of the Development Plan and relevant Supplementary Guidance and that there are no material planning considerations that would warrant approval of this application.

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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 100129489-001

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

Description of Proposal

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

Proposed windows replacement to the front of the property of the main house rosewood upvc.

Has the work already been started and/ or completed? *

No Yes - Started Yes – Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

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

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	
First Name: *	Alexey & Olga	Building Number:	27
Last Name: *	Sevastyanov	Address 1 (Street): *	Whithall Terrace
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB25 2RY
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

27 WHITEHALL TERRACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB25 2RY

Please identify/describe the location of the site or sites

Northing

806224

Easting

392589

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Daniel Foyster

On behalf of: Mr & Mrs Alexey & Olga Sevastyanov

Date: 25/07/2018

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

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

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

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

Declare – For Householder Application

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

Declaration Name: Mr Daniel Foyster

Declaration Date: 25/07/2018

Payment Details

Cheque: Install Base Limited, 000000

Created: 25/07/2018 09:01

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

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

on behalf of **Mr & Mrs Alexey & Olga Sevastyanov**

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

**Replacement windows to front
at 27 Whitehall Terrace, 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
181328-05	Location Plan
181328-04	North Elevation (Proposed)
181328-03	Other Supporting Statement

REASON FOR DECISION

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

The proposed replacement windows would not comply with Policies D1 (Quality Placemaking by Design), D4 (Historic Environment) and H1 (Residential Areas) of the Aberdeen Local Development Plan as the proposal would result in the loss of a

traditional material to the principal elevation and, as such, fails to demonstrate due regard for the context whereby the retention and reinstatement of traditional window forms and materials, or suitably sympathetic alternatives, are necessary to maintain and enhance the character of the conservation area. The replacement of existing timber framed windows with modern frames, formed in uPVC and the presence of visible surface mounted trickle vents to the front faces, would have a negative impact on the character and appearance of the conservation area, and would therefore not align with Scottish Planning Policy and Historic Environment Scotland's Policy Statement. Moreover, they do not accord with the Supplementary Guidance: The Replacement of Windows and Doors and Historic Environment Scotland's Managing Change Document: Windows. Approval would risk setting an unwelcome precedent for further unsympathetic window replacements within the conservation area which, if replicated, could lead to significant cumulative erosion of its character and appearance, contrary to the aims of the Albyn Place/Rubislaw Conservation Area Character Appraisal. It is considered that the proposal does not accord with the provisions of the Development Plan and relevant Supplementary Guidance and that there are no material planning considerations that would warrant approval of this application.

Date of Signing 1 October 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>

Historic Environment Scotland Policy Statement (HESPS)

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

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

D4: Historic Environment

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

Supplementary Guidance

Repair and Replacement of Windows and Doors

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

Householder Development Guide

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

Other Material Considerations

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

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

Rosemount and Westburn Conservation Area Character Appraisal

https://www.aberdeencity.gov.uk/sites/default/files/2017-11/Rosemount%20and%20Westburn%20Conservation%20Area%20Appraisal_0.pdf

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	Dr	Ref No.	W013777
Forename	Alexey	Forename	Daniel
Surname	Sevastyanov	Surname	Foyster
Company Name		Company Name	Job Worth Doing Ltd
Building No./Name	27	Building No./Name	5
Address Line 1	Whitehall Terrace	Address Line 1	Twickenham Road
Address Line 2		Address Line 2	Fifers Lane Industrial Estate
Town/City	Aberdeen	Town/City	Norwich
Postcode	AB25 2RY	Postcode	NR6 6NG
Telephone		Telephone	01603892120
Mobile		Mobile	
Fax		Fax	
Email		Email	daniel.foyster@jobworthdoing.co.uk
3. Application Details			
Planning authority	Aberdeen City Council		
Planning authority's application reference number	181328/DPP		
Site address	27 Whitehall Terrace, Aberdeen AB25 2RY		
Description of proposed development	Proposed windows replacement to the front of the property of the main house rosewood upvc.		

Date of application

Date of decision (if any)

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

4. Nature of Application

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

5. Reasons for seeking review

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

6. Review procedure

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

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

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

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

7. Site inspection

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

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

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

8. Statement

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

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

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

As it was pointed out in the supporting statement to the initial application, the vast majority of the surrounding properties already featuring UPVC windows, so the proposal for replacing the existing wooden frames at 27 Whitehall Terrace with rosewood UPVC ones will not cause any negative impact to the conservation area. For instance, at Whitehall Terrace, only houses 18, 27 and 36 (out of 38 properties) still have wooden window frames. Moreover, No 27 is a semi-detached house, and rosewood UPVC windows are already installed in the adjacent No 25 (see the attached picture). Therefore installing similar windows at No 27 will only improve the outlook of the entire house by bringing all windows to the same standard. Moreover, modern rosewood UPVC frames look almost identically to wooden ones, and from the point of view of architectural integrity and historic character preservation there is no preference to wood comparing to high quality colored UPVC. As one can see from the attached picture, the currently installed windows at No 25 and 27 look quite differently, and the facade of the house is quite unsympathetic for this reason. So from the aesthetic point of view, installing wooden window frames at No 27 will make the situation even worse as they will certainly be quite different from the existing upvc frames at No 25, and in the nearby future there will be no further opportunity to improve the outlook of the house. Therefore the refusal of the planning permission suggested by handling Case Officer Sheila Robertson and signed by Development Management Manager Daniel Lewis is unreasonable as straightforward application of Policies D1 (Quality Placemaking and Design), D4 (Historic Environment) and H1 (Residential Areas) will make the environment of the conservation area even more unsympathetic. Moreover, as the vast majority of the houses in the surrounding area already have UPVC windows, the decision based on the straightforward application of the above mentioned Policies is discriminative and unfair. Given the reasons outlined above, we hope very much that the application will be properly reconsidered, in a fair way, to the benefit of both the owners of the property and the environment of the conservation area.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

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

9. List of Documents and Evidence

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

1. Existing and Proposed elevations;
2. Proposed window details;
3. Site Plan;
4. Picture of the existing windows;
5. Pictures of typical properties in the surrounding area.

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

10. Checklist

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

Full completion of all parts of this form

Statement of your reasons for requesting a review

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

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

DECLARATION

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

Signature:



Name:

Alexey Sevastyanov

Date:

21.10.2018

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