

Public Document Pack



To: Councillor Boulton, Chairperson (for items 3 and 4); Councillor Jennifer Stewart, Chairperson (for item 2) and Councillors Copland and Donnelly .

Town House,
ABERDEEN 20 February 2019

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Committee Room 2 - Town House** on **WEDNESDAY, 27 FEBRUARY 2019 at 2.00 pm.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

BUSINESS

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 FOR ALL THREE REVIEWS

CHAIRPERSON - COUNCILLOR JENNIFER STEWART

2.1 Erection of 2 storey extension to front - 108A North Deeside Road Aberdeen - 181783

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 7 - 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:-

181783

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

2.3 Planning Policies Referred to in Documents Submitted (Pages 33 - 34)

2.4 Notice of Review with Supporting Information Submitted by Applicant (Pages 35 - 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 181783

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

2.5 Determination - Reasons for Decision

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

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

COUNCILLOR BOULTON TO CHAIR THE NEXT TWO REVIEWS

3.1 Erection of Timber Decking Along Rear Boundary with Associated Steps and Handrails (retrospective) - 18 Home Farm Gardens Bridge of Don - 181431

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 49 - 70)

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:-

181431

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

3.3 Planning Policies Referred to in Documents Submitted (Pages 71 - 72)

3.4 Notice of Review (Pages 73 - 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 181431

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

3.5 Determination - Reasons for Decision

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

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

THIRD REVIEW

4.1 Erection of single storey extension and garage to side and rear - 1 Argyll Crescent Aberdeen - 181557

4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 79 - 100)

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:-

181557

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

4.3 Planning Policies Referred to in Documents Submitted (Pages 101 - 102)

4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 103 - 110)

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 181557

<https://publicaccess.aberdeencity.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

Website Address: www.aberdeencity.gov.uk

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

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:	108A North Deeside Road, Peterculter, Aberdeen, AB14 0QB.
Application Description:	Erection of 2 storey extension to front
Application Ref:	181783/DPP
Application Type:	Detailed Planning Permission
Application Date:	11 October 2018
Applicant:	Mr Rod Nicholson
Ward:	Lower Deeside
Community Council:	Culter
Case Officer:	Roy Brown

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

A 1½ storey detached granite dwelling in a shared curtilage of two residential dwellings in Peterculter. The dwelling has an east facing principal elevation and two modern attached garages and a roof terrace on its south. The dwelling is located in the northwest corner of the rear of the site to the rear number 108 and does not front any public road and is bounded by North Deeside Road to the south from which this site is accessed; Eastleigh Nursing Home to the west; Culter Mills Sports and Recreation Club to the north; and 106 North Deeside Road to the east.

Relevant Planning History

A previous planning application for a two-storey extension was submitted early in 2018 was withdrawn prior to determination (Ref: 181057/DPP).

APPLICATION DESCRIPTION

Description of Proposal

The erection of a 1½ storey gable roofed extension to the front of the dwelling, which projects approximately 8.3m from this elevation. The application has been amended since submission in that the pitch and the ridge height of the roof have been reduced and so that the only glazing at first floor level on the east elevation would be at a high level.

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=PGFNZXBZI2A00>

Supporting Statement (Inspired Design & Development Limited): Describes the background to this planning application and the proposal and the issues which were raised by the Planning Authority, notably the design and scale and impact to neighbouring privacy, that these issues are understood and that the design revisions address them and therefore the proposal complies with Policy H1 and the Householder Development Guide.

Preliminary Bat Roost Assessment (Countrywise): indicates that there are no signs of any bats or bats roosts in the building.

CONSULTATIONS

Aberdeen City Council Roads Development Management – No objection

Aberdeen City Council Flooding and Coastal Protection – No objection as it does not pose a flood risk. There a risk of surface water flooding in the area and it is strongly recommended that permeable materials and rain water harvesting are used where suitable in the design.

Culter Community Council – Objection – Following the submission of the amended plans, no material change has been made to the glazing on the east elevation at ground floor level and it would be expected that the occupants spend more time looking out of a living room rather than a bedroom and therefore the amendments would not improve the outcome for numbers 104 and 106 North Deeside Road, particularly given there is no distant view to draw the eye.

REPRESENTATIONS

Two representations have been received (2 objections). The matters raised can be summarised as follows – loss of privacy as a result of overlooking from the full-height glazing on the upper and lower floors on the east elevation; light pollution in the evening to the rear curtilage of 106 North Deeside Road from the windows on the east elevation; and the principle of an extension is accepted and the size, position and scale are general accepted given the similarity to the previous submission.

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 D1 - Quality Placemaking by Design, H1 - Residential Areas and NE8 – Natural Heritage

Supplementary Guidance (SG)

The Householder Development Guide and Heritage

EVALUATION

Principle of Development

The application site is located in a residential area, under Policy H1 and the proposal relates to householder development. Householder development would accord with this policy in principle if it does not constitute over development, adversely affect the character and amenity of the

surrounding area, and it complies with the Supplementary Guidance. These issues are assessed in the below evaluation.

Design and Scale

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

The proposed finishing materials, particularly its slate roof would be complementary to those of the original dwelling and a gable roof would relate to the original dwelling.

However, the proposed extension would be contrary to the SG: 'Householder Development Guide' in that it would not be subservient in terms of mass and scale to the original dwelling. Even if the existing the garages which are attached to the dwelling are discounted in the calculation, the dwelling and the extension would be more than double the footprint of the original dwellinghouse and if the garages are included, the total footprint of the dwelling as extended would be 2.6 times that of the original dwellinghouse, in conflict with the Supplementary Guidance: 'The Householder Development Guide'. Whilst its ridge and eaves heights would be less than those of the original dwelling, the significant 8.3m projection of the extension from the principal elevation would be disproportionate to the original dwelling and its main gable, which is approximately 8.9m in width. The gable end would be wider than those of the original dwelling. Together these features would result in the extension being of a significant massing which would not be subservient to the original dwelling.

Whilst this extension is a 'front' extension, and thus would be significantly contrary to the Householder Development Guide relating to front extensions, given the nature and orientation of the dwelling and the site whereby the existing building does not have a street facing principal elevation, is located at the northwest corner of the site and therefore could not be extended to its west and north, and currently has the appearance of an ancillary building to 108 North Deeside Road, it is legitimate to not require or enforce strict compliance with the SG. These factors mean that this particular dwelling could accommodate a front extension greater than the limitations specified in the SG, but for the reasons set out in this report, not to the extent proposed.

Although this proposal would not necessarily constitute over development in terms of the amount of ground developed on the site, the existing character of the area is of this dwelling appearing as an ancillary building within the curtilage of the primary granite dwelling in the centre of the site. This proposal would result in 108A having almost the same footprint as 108 North Deeside Road, which would negatively affect the relationship between the two buildings, would appear as significant back land development in the rear curtilage and therefore would be contrary to the pattern of development and the character of the surrounding area.

The design and scale of the proposal would thus conflict with the Householder Development Guide, and policies D1 and H1 of the ALDP.

Amenity

The proposed extension is almost entirely glazed at ground floor level on the east elevation, this glazing serving a habitable room and facing towards the rear curtilage of 106 North Deeside Road. The existing level of boundary treatment by way of the granite boundary wall and the tree would be sufficient in ensuring that the proposed extension would not have a significant adverse impact on the level of privacy and general amenity afforded to this neighbouring property. Overlooking from the rear elevation into easternmost rear window of 108 North Deeside Road would be prevented by its rear annexe. Otherwise, the level of privacy afforded to 108 North Deeside Road and Eastleigh Nursing Home to the west would be unchanged from the level of privacy which

currently exists given the presence of the existing roof terrace on the south elevation of the application property. The proposed extension would have negligible adverse impact to neighbouring amenity in terms of sunlight and background daylight. The proposed extension would therefore not have a significant adverse impact on the level of amenity afforded to the neighbouring properties, in accordance with Policies H1 and D1 of the ALDP, and the SG.

Natural Heritage

The preliminary bat roost assessment found no evidence of bat roosts or bats in the building and no trees would be affected by the proposal. The proposal would therefore not have significant impact on bats or bats habitats, in compliance with Policy NE8 and the Natural Heritage Supplementary Guidance.

Matters Raised in the Letters of Objection

The matters raised in the letters of objection with respect to privacy have been addressed in the above evaluation and are considered by the Planning Authority to have been satisfactorily addressed in the revised proposal. The impact to general amenity from light into the rear curtilage of number 106 would be negligible in the amended proposals given only a minor high-level window at the first floor level on the east elevation is proposed. Planning permission is, however, being refused based on separate reasons in relation to its overall scale and massing.

Matters Raised by Culter Community Council

The matters raised by Culter Community Council in relation to the loss of privacy have been addressed in the above evaluation and it is considered by the Planning Authority that the existing boundary treatment between the application property and numbers 106 and 108 would ensure there would be no loss of privacy. Planning permission is, however, being refused based on separate reasons in relation to its overall scale and massing.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed extension would serve to dominate the original dwelling in terms of scale and massing, in conflict with the Supplementary Guidance: 'The Householder Development Guide' and Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the Aberdeen Local Development Plan, which can be demonstrated by its significant footprint, the width of its gable relative to that of the original dwelling and its significant projection from the principal elevation of the dwelling which would be greater than overall length of the dwelling. The proposal would be more than double the footprint of the original dwelling house, in conflict with the Supplementary Guidance: 'the Householder Development Guide'.

The proposed extension would be contrary to the pattern of development and the character of the surrounding area, in conflict with Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the Aberdeen Local Development Plan given that the extended dwelling would be approximately the same size as the primary 108 North Deeside Road and would have the appearance of being significant back land development whereas the existing character has the appearance of being an ancillary building within the curtilage of number 108.

There are no material considerations that warrant the grant of planning permission in this instance.



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100126304-002

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

Description of Proposal

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

Extension to dwelling

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:	Inspired Design & Development Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Gary	Building Name:	
Last Name: *	Black	Building Number:	27
Telephone Number: *	01569 764183	Address 1 (Street): *	Evan Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Stonehaven
Fax Number:		Country: *	Scotland
		Postcode: *	AB39 2EQ
Email Address: *	iddapplications@gmail.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	c/o Agent
First Name: *	Rod	Building Number:	27
Last Name: *	Nicholson	Address 1 (Street): *	Evan Street
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Stonehaven
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	AB39 2EQ
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

108A NORTH DEESIDE ROAD

Address 2:

PETERCULTER

Address 3:

ABERDEEN

Address 4:

Address 5:

Town/City/Settlement:

PETERCULTER

Post Code:

AB14 0QB

Please identify/describe the location of the site or sites

Northing

800673

Easting

384206

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)

An original application was made, the design was deemed to be out of context due to its modern form. A more traditional form has been designed which was put to the planner for comment prior to this application. No objections to it were received.

Title:

Mr

Other title:

First Name:

Roy

Last Name:

Brown

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.

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: Gary Black

On behalf of: Mr Rod Nicholson

Date: 11/10/2018

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 Gary Black

Declaration Date: 11/10/2018

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Gary Black
Inspired Design & Development Ltd
27 Evan Street
Stonehaven
Scotland
AB39 2EQ

on behalf of **Mr Rod Nicholson**

With reference to your application validly received on 11 October 2018 for the following development:-

**Erection of 1 1/2 storey extension to front
at 108A North Deeside Road, Peterculter**

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
P01 REV B	Location Plan
P02 REV H	Elevations and Floor Plans (Proposed)

REASON FOR DECISION

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

The proposed extension would serve to dominate the original dwelling in terms of scale and massing, in conflict with the Supplementary Guidance: 'The Householder Development Guide' and Policies D1 - Quality Placemaking by Design and H1 - Residential Areas of the Aberdeen Local Development Plan, which can be demonstrated by its significant footprint, the width of its gable relative to that of the

original dwelling and its significant projection from the principal elevation of the dwelling which would be greater than overall length of the dwelling. The proposal would be more than double the footprint of the original dwelling house, in conflict with the Supplementary Guidance: 'the Householder Development Guide'.

The proposed extension would be contrary to the pattern of development and the character of the surrounding area, in conflict with Policies D1 - Quality Placemaking by Design and H1 - Residential Areas of the Aberdeen Local Development Plan given that the extended dwelling would be approximately the same size as the primary 108 North Deeside Road and would have the appearance of being significant back land development whereas the existing character has the appearance of being an ancillary building within the curtilage of number 108.

There are no material considerations that warrant the grant of planning permission in this instance.

Date of Signing 25 January 2019



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

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

None.

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

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

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

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

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

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

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

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

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Consultee Comments for Planning Application 181783/DPP

Application Summary

Application Number: 181783/DPP

Address: 108A North Deeside Road Peterculter Aberdeen AB14 0QB

Proposal: Erection of 2 storey extension to side

Case Officer: Roy Brown

Consultee Details

Name: Mr Michael Cowie

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

Email: micowie@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note this application for the erection of 2 storey extension to side at 108A North Deeside Road, Peterculter, Aberdeen AB14 0QB.

I note that the proposed increases the number of associated bedrooms from 2 to 3, which as per as per ACC guidance requires the same number of associated parking provision. As the site proposes to retain the same parking provision of existing driveway and 2 number single garages this is accepted.

I can therefore confirm that Roads Development Management have no objection to this application.

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MEMO



ABERDEEN
CITY COUNCIL

To	R Brown Planning & Infrastructure	Date	19/10/18
		Your Ref.	181783
		Our Ref.	
From	Flooding		
Email	pa.flooding@aberdeencity.gov.uk		
Dial	01224 53 2387		
Fax			

Flooding
Operations and Protective Services
Aberdeen City Council
Business Hub 11,
2nd Floor West,
Marischal College
Broad Street
Aberdeen AB10 1AB

Planning application no.181783

ACC Flood Team have no objections to make on this application as it does not pose a flood risk. We would like to make the applicant aware that there a risk of surface water flooding in the area. We would strongly recommend the use of permeable materials and rain water harvesting where suitable in the design.

Regards
Katy Joy Goodall - Flooding & Coastal

Rob Polkinghorne

Chief Operating Officer

Operations and Protective Services

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Thu 24/01/2019 15:48

Andy Roberts <planning@cultercc.org.uk>

Re: 181783 108a North Deeside Road –representation from Culter Community Council

To  Roy Brown

To Be Uploaded / set as public

 Follow up. Start by 24 January 2019. Due by 24 January 2019.

Roy,

Thankyou for bringing the amendment to our notice.

The applicant has reduced the extensive area of glazing on the east facade at first-floor level. They have not, however, made any material change to the ground floor - and it is reasonable to expect that the occupants will spend more time looking out from the main living space than from a bedroom, so in reality, leaving the ground floor unchanged is not improving the outcome for Nos 106 and 104 North Deeside Road to any noticeable extent.

The applicant has explained that they sought to reduce overlooking of No 108, and this was the reason for moving the primary area of glazing to the east facade. There remains the significant point that with its main windows facing south, the occupants' gaze would be drawn across the valley - between the houses at No 106 and No 108. With the main windows looking east, there is no distant view to draw the eye, and the impact on the neighbours will hence be greater.

As the applicant has chosen not to address the key part of the change we suggested, our objection stands.

Andy Roberts *Planning Liaison Officer*

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From: Andy Roberts
Sent: Mon, 5 Nov 2018 10:05:08 +0000
To: PI
Cc: Roy Brown;M.Tauqeer Malik;Marie Boulton;Philip Bell;David Wakefield;Lavina Massie;Ann Wakefield;Val Muir;Doug MacGregor;Christopher Watson;Bob Farthing;Judith Dack;Nicola Window;Stuart McMain;Julia Crighton
Subject: 181783 108a North Deeside Road –representation from Culter Community Council

Culter Community Council, following feedback from our community, objects to the proposal submitted.

The neighbours accept the principle of an extension to No 108a North Deeside Road, and accept the size and scale of the proposed extension. The issue is that the proposal has floor-to-ceiling glazing on almost the entire eastern facade. This glazing serves the principal rooms of the enlarged building – the main living area downstairs, and the master bedroom upstairs – so whenever the occupants look out, their gaze will be drawn to the back of the house at No 106 and the gardens of No 106 and No 104.

The applicant's earlier submission (181057) may have been unsatisfactory in other ways, but its main windows faced south, which would draw the occupants' gaze across the valley and between the houses at No 106 and No 108.

Should the applicant be prepared to adjust the proposal such that the main windows once again face south, with just minor windows on the eastern facade, our residents would be content with that and Culter Community Council would also withdraw this objection.

For and on behalf of Culter Community Council,

Andy Roberts *Planning Liaison Officer*

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From: [REDACTED]
Sent: 21 Oct 2018 19:30:26 +0100
To: PI
Cc: planning@cultercc.org.uk
Subject: Objection to Planning Application No 181783/DPP

Dear Sirs

I would like to express my objection to the revised planning application at 108a North Deeside Road, Peterculter. I have no objection to the footprint of the extension but I do object to the fact that all of the east elevation is now to be ground to ceiling windows over two floors which will overlook my garden and the back of my house. These windows are the largest for the principal living areas and would be the most used. In addition to being overlooked during the day, my garden and the back of my house will be flooded with light in the evening.

Mr Nicolson had already lodged application 181057/DPP and, despite feeling that the proposed extension is not really in keeping with the history of the house, I found that acceptable as there was only one small window on the east elevation. I also discussed this with Mr Nicolson's brother, the owner of 108 North Deeside Road which shares the demise with 108a, and he showed me the approximate area of the extension, and he gave his assurance that there would only be the small window looking eastwards.

Having lived here very happily since 1991, this is extremely disappointing and upsetting. The front of 108 has already been completely flattened with the removal of a number of trees that must have been over 70 years old and although I'm not against change or modernisation, I've now lost all privacy at the front, and now the same will potentially be happening at the back of my home. Wherever I am in my garden, I will now be overlooked.

I can arrange to be at home at any time if you are available to come out to the house so that you can get a better idea of how this will impact on me.

I respectfully ask that you give my objection your consideration.

Yours faithfully
Evelyn Pendlebury
106 North Deeside Road
Peterculter, AB14 0QB
Tel: [REDACTED]

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Comments for Planning Application 181783/DPP

Application Summary

Application Number: 181783/DPP

Address: 108A North Deeside Road Peterculter Aberdeen AB14 0QB

Proposal: Erection of 2 storey extension to side

Case Officer: Roy Brown

Customer Details

Name: Mr Jonathan Strachan

Address: 104 North Deeside Road Peterculter Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We accept in principle an extension to No 108a North Deeside Road, and generally accept the size, position and scale of the proposed extension since it is similar to the previous application.

One significant change in this application is the proposal for floor-to-ceiling glazing on almost the entire eastern side of the building for their main living areas both down and up stairs. Their view will be directly on to our private garden area at 104.

We therefore object to the application in its current form on the basis of loss of privacy.

We have already had recent development of the property to the other (east) side of us (No 102) causing some loss of privacy and therefore do not wish for this to occur to the west also.

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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;

D2: Landscape;

CI1: Digital Infrastructure;

NE5: Trees and Woodlands;

NE6: Flooding, Drainage and Water Quality;

R6: Waste management requirements for new development;

R7: Low and Zero Carbon building, and water efficiency; and

T2: Managing the Transport Impact of Development;

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

Supplementary Guidance

Householder Development Guide

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

Resources for New Development

<https://www.aberdeencity.gov.uk/sites/default/files/7.1.PolicySG.ResourcesForNewDevelopmentTC.P.4.8.9.12.13.pdf>

The Sub-division and Redevelopment of Residential Curtilages

<https://www.aberdeencity.gov.uk/sites/default/files/2.2.PolicySG.ResiCurtilages.pdf>

Trees and Woodlands

<https://www.aberdeencity.gov.uk/sites/default/files/6.2.PolicySG.TreesWoodlands.pdf>



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 100126304-003

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Rod"/>	Building Number:	<input type="text" value="108A"/>
Last Name: *	<input type="text" value="Nicholson"/>	Address 1 (Street): *	<input type="text" value="North Deeside Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Peterculter"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB14 0QB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

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="108A NORTH DEESIDE ROAD"/>
Address 2:	<input type="text" value="PETERCULTER"/>
Address 3:	<input type="text" value="ABERDEEN"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PETERCULTER"/>
Post Code:	<input type="text" value="AB14 0QB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="800673"/>	Easting	<input type="text" value="384206"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Erection of 1 1/2 storey extension

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 Refer to Local Review Body Appeal Statement. Procedure to be review of documents and site visit is welcomed.
Correspondence to be via Inspired Design & Development Ltd (Agent)

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)

Local Review Body Appeal Statement (01 Feb 2019) Planning Supporting Statement (15 Jan 2019) Drawing 064/2018 P01B
Drawing 064/2018 P02H 181783/DPP Decision Notice

Application Details

Please provide details of the application and decision.

What is the application reference number? *

181783/DPP

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

11/10/2018

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

25/01/2019

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Unaccompanied site visits are possible. Entry to the domestic garden ground is restricted by gated entrances. Notice to the Applicant will allow the gates to be opened for anyone wishing to carry out an unaccompanied site visit.

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 Gary Black

Declaration Date: 04/02/2019

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Date: 01 February 2019

Subject: 064/2018: 108A North Deeside Road: Local Review Body Appeal Statement

Introduction

This statement is written by Inspired Design and Development Ltd (herein referred to as “IDD”), on behalf of the applicant, Mr Rod Nicholson of 108A North Deeside Road, Peterculter (herein referred to as “the Client”). We write this statement to address the Planning Authorities reasoning for the refusal of application 181783/DPP, for the extension of 108A North Deeside Road, Peterculter.



Figure 1 - 108A North Deeside Road

The Client hopes to extend this property in order to achieve the living space required by their family. The extension of the property is proposed on 1 ½ storeys and offers additional living, bedroom and sanitary accommodation, including internal alteration to the existing dwelling.

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We request that the Local Review Body consider the decision and it's appropriateness in this case.

Reason for Decision

The Reason for the decision was that the extension would “serve to dominate the original dwelling in terms of scaling and mass... which can be demonstrated by its significant footprint, the width of its gable relative to that of the original dwelling and its significant projection from the principle elevation”. In addition, it states that “the proposal would be more than double the footprint of the original dwelling”

Regarding the surroundings, the proposals were refused on the grounds that it “would be contrary to the pattern of development and the character of the surrounding area”

The policies which the Planning Authority refer to in their reasoning are Policy D1 – Quality Placemaking and Design, H1 – Residential Areas of the Local Development Plan, Supplementary Guidance: The Householder Development Guide.

Appeal Statement

In this case we believe the reasoning for decision to be incorrect and feel that the proposals, as submitted meet the requirements of the relevant policies and supplementary guidance.

The details of the proposals can be seen in drawings:

- P01(B) Existing Dwelling and Location Information 11/09/2018
- P02(H) Proposed Extension to Dwelling 17/12/2018

In this case there has been no objection to the proposals by neighbours, and objection by the community council has been withdrawn after design amendment which they understood to achieve a quality and compatible piece of architecture.

Serve to Dominate

The Planning Authority believed the extension served to dominate the original dwelling. In this case we believe this to be an inaccurate reflection of the proposals.

Originally, IDD submitted application 181057/DPP on behalf of the Client. This proposal was objected to by the local authority on grounds of overlooking to 108 North Deeside Road and an inappropriate design and as such was withdrawn so that a more traditional design could be achieved which prevented overlooking.

The revised proposal was submitted, Application 181783/DPP, with a more traditional design which was in-keeping with the original building and the neighbouring and nearby buildings, as this was a theme of the original objection. The local authority raised new concerns with overlooking, this time to the East as opposed to towards 108 North Deeside Road, and dominance. As such the Client elected to carry out further design amendments to remove any overlooking issues and to reduce the scaling and mass of the extension. The changes were welcomed by both the Planning Authority, although not referenced in the decision notice, as well as the Peterculter Community Council, who withdrew their objection. In addition, the design alterations achieved a clear and definitive change in ridge height between the original and the

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new, this was also welcomed by the Planning Authority however again, no reference is made to this within the decision notice.

The reduction in scale of the dwelling and the traditional appearance achieves a high standard of design, sought after by Policy D1 and the Householder Development Guide. The design is of a scale which shows a clear and definitive break between the original and the new and does not serve to overwhelm the original, achieving the subservience required of the Householder Development Guide.

The decision notice raised the width of the gable as a major concern, however during the design revision process, which the Planning Authority were always wholly part of, the width of the gable was never raised as a material concern. After appraisal of the development's context, the designed gable is 7.2m wide and narrower than the nearby and neighbouring dwellings which have gables of 10m and 9m. Therefore, in this case the traditional vernacular of the area has been continued by good quality and appropriate gable design which also supports the existing strong and distinctive sense of place through the use of quality materials situated to create contrast between traditional and modern.



Figure 2 - 108 North Deeside Road with 10m wide gable.

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The decision notice also refers to the area which is being developed stating that the development area is “more than double the footprint of the original dwelling house”. In this case, the Planning Authority have failed to take into account the entirety of the original building, which as purchased by the Client has a total footprint area of 97m². In this case, the extension footprint area is 60m² resulting in a total footprint area of 157m². Therefore, the addition is 62%, and substantially less than the 100% permissible.

Scottish Government Guidance on Householder Permitted Development Rights allows the extension of a property in its rear curtilage, if the site coverage will not be more than 50% of the rear curtilage. In this case, the rear curtilage is calculated as 358m² and the 60m² site coverage constitutes only 16%. Therefore, although due to other parameters permitted development would not apply, this proves that the proposals do not constitute over development nor the loss of valuable garden ground, meeting the requirement of policy H1.



Figure 3 – Garden Ground

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Figure 4 - Visualisation of scale of extension in comparison to garden ground.

Contrary to the Pattern of Development

The pattern of development in the area, and along the North Deeside Road, includes well established modern dwellings along the roadside, and substantial development in the rear garden grounds of many dwellings.

The design is respectful of the context and the styles of the area in that it is architecturally compatible to the original dwelling and it does not have an unacceptable impact on the character and amenity of the surrounding area or the neighbours, who have not raised any objections to the proposals. Furthermore, it reflects the modern styles implemented throughout North Deeside Road and via the careful selection of traditional materials such as stone and slate, has carefully been designed to represent the traditional vernacular of the area also.

Policy D1 lists six essential qualities of good design and in this case, these have been achieved. The proposals show a distinctive and quality piece of architecture which will help to enhance the attractiveness of the setting. The proposals have been designed to be welcoming, with a large glazed entrance framed with traditional vernacular stonework. It's setting ensures that the garden ground is safe and private, whilst

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the fenestrations can be designed using the 'secure by design' standards to ensure the house remains a safe and pleasant for the Client and his family. The design has ensured that the main entrance remains readily accessible from the parking provisions, therefore the dwelling remains accessible. Moreover with large open plan spaces on the ground floor the proposals would be easy to move around. The structural design can be such that load bearing walls within the extension are minimised or eradicated allowing easy adaptation of the of the building in the future, a requirement of Policy D1. Furthermore, the use of traditional locally sources stonework and cladding systems make the building more resource efficient. The insulation standards which are required to be met will also make the building more thermally efficient, resulting in more efficient use of fuels.

The reasons for objection suggest that the appearance of the dwelling would not be subservient to 108 North Deeside Road. In this case we believe this to be an inaccurate reflection given that the properties are entirely separate dwellings with more than 8m separation between them. A greater separation than that between 108 and 106, which is approximately 6m. 108A is not ancillary to the 108 and should not be treated as being ancillary. The dwelling sits behind 108 and the extension to the dwelling would be wholly hidden by 108, therefore the impact from any public vantage points would be negligible. In order to appreciate the scale of the dwelling, it would be necessary to enter the garden ground of 108A.

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Figure 5 - Visibility of 108A from public vantage points

The decision suggests that in being contrary to the pattern of development, it is contrary to Policy H1. This policy requires that:

- It is not over development: This is demonstrated by only 16% coverage of rear garden ground.

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- It does not have an unacceptable impact on neighbours: This is demonstrated by there now being no overlooking of neighbours nor is there any reduction in neighbours amenity ground or private space.
- Does not result in loss of valuable open space: This is achieved as the development is in private domestic garden ground which does not constitute any open space defined in the Aberdeen Open Space Audit 2010.
- It complies with supplementary guidance: This is demonstrated by the good quality architecture which is compatible to its site and its setting, using an appropriate mix of traditional and modern materials which reflect the vernacular of its setting.

Therefore, given the previous evidence of the requirements of Policy D1 and the six essential qualities of design, and this evidence that Policy H1 is adhered to, we have proven compliance with the requirements of the Planning Authority and this serves to eliminate any objection under these policies which the Planning Authority may have.

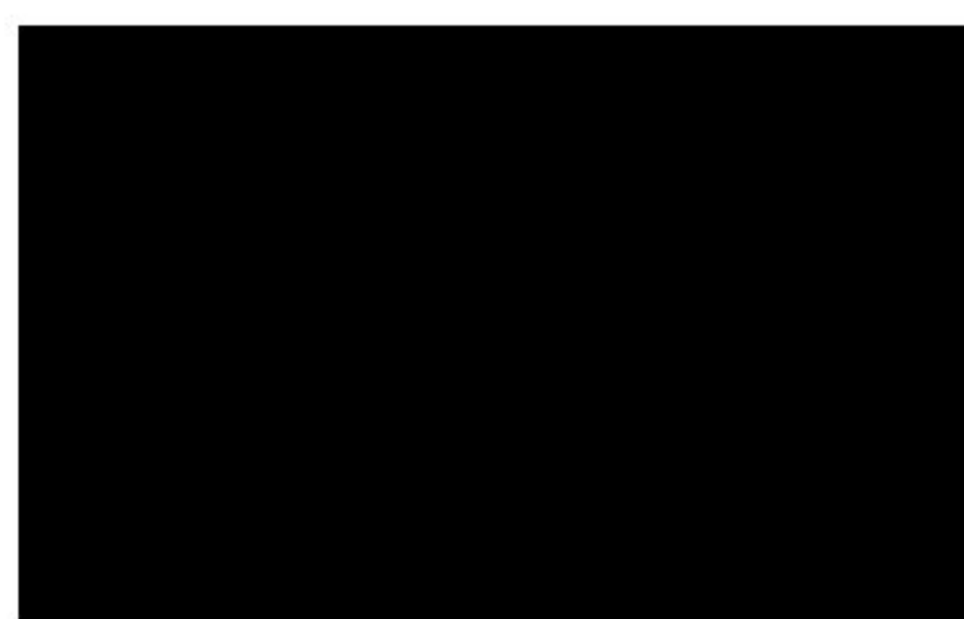
Conclusion

In conclusion, this development offers the opportunity for the Client to extend their property to achieve the living space required by their family. The design is a good quality piece of architecture, compatible with the site and its setting. The appraisal of context has resulted in a design which reflects the traditional vernacular of the area, whilst also referencing the modern materials in use nearby. There is no objection by the Community Council nor is there any objection by the neighbours. The requirements of Policy D1 – Quality Placemaking by Design, Policy H1 – Residential Areas and Supplementary Guidance: The Householder Development Guide have been achieved. As such, in this case, the reason for the decision of application 181783/DPP appears to be inaccurate and is nonreflective of the proposals submitted.

Declaration

On behalf of our Client, IDD ask that in this case the decision notice of application 181783/DPP be reviewed by the Local Review Body. We trust that this supporting statement presents our clients position, should you have any questions, please do not hesitate to contact us on 01569 764183.

Yours sincerely




Mr Ally Steel BSc (Hons) MRICS AaPS

Chartered Building Surveyor
For and on behalf of Inspired Design & Development Ltd

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	18 Home Farm Gardens, Bridge of Don, Aberdeen, Aberdeen City, AB22 8BP
Application Description:	Erection of timber decking along rear boundary with associated steps and handrails (retrospective)
Application Ref:	181431/DPP
Application Type:	Detailed Planning Permission
Application Date:	20 August 2018
Applicant:	Miss Jackie Anderson
Ward:	Bridge of Don
Community Council:	Bridge of Don
Case Officer:	Sheila Robertson

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application relates to a 3 storey, mid terraced 'town house', of recent construction, located to the north side of Home Farm Gardens. The rear garden is level, measures 6m in width and 9.2m in length, and backs onto an area of open space which occupies an elevated position relative to the application property. In common with all terraced properties located to this side of the street, the northern boundary is protected by a retaining gabion wall, a metal cage filled with stones, which is 2.6m in height and 550mm wide, and both side garden boundaries are screened by 1.8m high, vertical timber fencing. There is 1.8m high timber fencing above the retaining wall, to the rear boundary.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

An area of raised timber decking has been erected, sitting above the retaining wall, extending across its full width and with a total projection of 2.1m when measured from the back of the wall. It is accessed via a timber staircase abutting the eastern boundary. The finished floor height of the deck is 2.8m above ground level, and the deck is protected by 900mm high handrails.

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=PD8RVXBZGFV00>

CONSULTATIONS

None

REPRESENTATIONS

4 letters of representation have been received objecting to the decking. The matters raised can be summarised as follows: -

- Loss of privacy as the structure offers views into the rear windows of adjoining properties and views of rear gardens along the length of the terrace.
- Structure is out of character and visually intrusive.
- It could also set a precedent in the local area that will encourage other properties to erect a similar structure.

Other matters raised concerning devaluation of adjoining property values, breach of Title Deeds, and the safety of the structure, are not considered to be material planning considerations and will therefore not form part of this assessment for planning purposes.

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

Supplementary Guidance

Householder Development Guide (HDG)

EVALUATION

Principle of Development

The property is located within a residential area. Policy H1 states that proposals for householder development will be approved in principle if it (a) does not constitute overdevelopment; (b) does not have an unacceptable impact on the character or amenity of the surrounding area ... and (c) complies with Supplementary Guidance contained in the HDG. In principle therefore, a raised terrace can be an acceptable form of development within a residential area, however, this is subject to it being of an acceptable form, design and appearance, and not having an adverse impact on neighbouring amenity. Policy D1 (Quality Placemaking by Design) of the ALDP states that new development must be designed with due consideration to its context. These issues are discussed below:

Siting, layout and design

The HDG contains guidance relating to the formation of decking which states that there is a presumption against the formation of decking to any prominent elevation where such works would adversely affect the visual amenity of the street scene.

The floor of the deck would sit atop a retaining wall and project 1.2m beyond the top of the wall, while the staircase would extend a total of 5m from the rear boundary fence. The elevated position and dimensions of the structure would represent a very prominent and visually overbearing presence, given the short depth of the rear garden and the proximity of neighbouring properties, and would be readily visible from the rear gardens of most properties within the terrace. As such it would impact negatively on the established pattern of development by introducing a visually disruptive intervention at odds with the prevailing character. The proposal has therefore not been designed in consideration of its context and makes no positive contribution to the wider residential area. On this basis, the proposal fails to comply with Policy D1 (Quality Placemaking by Design).

Impact on Residential Amenity

The HDG also confirms that such a structure should not result in an adverse impact upon the amenity of neighbouring dwellings, including both internal accommodation and external private garden space. Significant adverse impact on privacy and general residential amenity will count against a proposal. The floor of the deck sits approximately 1m above the height of the side boundary fences, thereby permitting direct views back into the rear windows of both adjoining dwelling houses and overlooking of their private rear garden space, in addition to wider views over the private rear garden space of many further properties within the terrace. For these reasons, the raised deck would have an unacceptable impact to the privacy and amenity of neighbouring properties and therefore fails to comply with the Householder Development Guide and with Policy H1 (Residential Areas).

Matters Raised in the Representation

The matter of privacy and overlooking has been dealt with in the evaluation above. In regard to setting a precedent, were this development to be approved, it is acknowledged that this may risk setting a precedent for similar proposals, both individually and cumulatively eroding the amenity afforded to residents. It should be noted, however, that every proposal is thoroughly assessed on its own merits on a site-specific basis.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The raised deck as erected, represents a visually prominent and intrusive structure, out of character with the surrounding area that does not take into consideration its immediate context and relationship with neighbouring dwellings, and therefore makes no positive contribution to the wider residential area, contrary to Policy D1 (Quality Placemaking by Design). As a result of its height and dimensions, it has an adverse impact on residential amenity by reason of an unacceptable loss of privacy to the immediately adjacent dwelling houses, as it offers direct views into their rear windows and overlooks their private amenity spaces, as well as offering wider views over the rear gardens of several further properties within the terrace. The raised decking therefore fails to comply with the Supplementary Guidance: Householder Development Guide and with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan. There are no material planning considerations which would warrant approval of consent in this instance.

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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 100130064-001

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)

Erection of timber decking along rear boundary feu with associated steps and handrails

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

No Yes - Started Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

27/07/2018

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

Applicant did not appreciate that planning approval would be required for the timber structure.

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="Miss"/>	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="Jackie"/>	Building Number:	<input type="text" value="18"/>
Last Name: *	<input type="text" value="Anderson"/>	Address 1 (Street): *	<input type="text" value="Home Farm Gardens"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Bridge of don"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	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="Ab22 8ue"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

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="18 HOME FARM GARDENS"/>
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="AB22 8BP"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="810241"/>	Easting	<input type="text" value="392996"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Miss Jackie Anderson

On behalf of:

Date: 30/07/2018

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: Miss Jackie Anderson

Declaration Date: 31/07/2018

Payment Details

Online payment: ABSP00003131
Payment date: 10/08/2018 11:23:00

Created: 10/08/2018 11:23

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Miss Jackie Anderson
18 Home Farm Gardens
Bridge Of Don
Aberdeen
AB22 8UE

With reference to your application validly received on 20 August 2018 for the following development:-

**Erection of timber decking along rear boundary with associated steps and handrails (retrospective)
at 18 Home Farm Gardens, Bridge Of Don**

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

<u>Drawing Number</u>	<u>Drawing Type</u>
	Site Layout (Proposed)
	Elevations and Floor Plans
Rev A	Location Plan

REASON FOR DECISION

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

The raised deck as erected, represents a visually prominent and intrusive structure, out of character with the surrounding area that does not take into consideration its immediate context and relationship with neighbouring dwellings, and therefore makes no positive contribution to the wider residential area, contrary to Policy D1 (Quality Placemaking by Design). As a result of its height and dimensions, it has an

adverse impact on residential amenity by reason of an unacceptable loss of privacy to the immediately adjacent dwelling houses, as it offers direct views into their rear windows and overlooks their private amenity spaces, as well as offering wider views over the rear gardens of several further properties within the terrace. The raised decking therefore fails to comply with the Supplementary Guidance: Householder Development Guide and with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan. There are no material planning considerations which would warrant approval of consent in this instance.

Date of Signing 19 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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Comments for Planning Application 181431/DPP

Application Summary

Application Number: 181431/DPP

Address: 18 Home Farm Gardens Bridge Of Don Aberdeen Aberdeen City AB22 8BP

Proposal: Erection of timber decking along rear boundary with associated steps and handrails (retrospective)

Case Officer: Sheila Robertson

Customer Details

Name: Mr Cameron Morrison

Address: 20 Home Farm Gardens Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We are writing to you to register our dismay at the structure that has been erected in the back garden of 18 Home Farm Gardens, Aberdeen, AB22 8BP.

Firstly we would like to take exception to the comment within the application that states 'applicant did not appreciate that planning approval would be required for the timber structure'. Number 18 were approached on 3 separate occasions by ourselves and by other neighbouring residents enquiring if planning permission was required. Number 18 have shared with us that they have building experience and they had consulted with building developer work colleagues on the structure. Their following actions made it evident that this structure was going up regardless. At no point was permission sought from us. We are aware that retrospective planning permission is harder to be refused.

The following are our main concerns:

1. Breach of privacy.

- Number 18 can see over our fence into all of our garden from an elevated position.
- They can easily see straight into our kitchen/living area and through to our hall and stairs and ground floor bedroom.

This has us feeling very uncomfortable in our own home and we have been avoiding spending time in our garden to avoid confrontation. Due to the proximity of the decking to our home we have been closing our blinds to ensure privacy.

2. Re-sale Value.

We are extremely concerned that the value of our property may drop significantly due to the structure, and that this could also affect our ability to resell in the future. We certainly would not have bought the property if the structure was already up. Indeed, we have consulted several people (family, friends and work colleagues), all of whom have said it would negatively affect their view of such a property.

3. Aesthetics.

- The colour of the structure does not match any of the surrounding woodwork and is of an intrusive size - we deem it an eyesore.
- The structure is not in keeping with the designs of neighbouring houses, nor the development.
- During certain times of the day the structure casts a shadow into our garden.

4. Title Deeds and Permissions.

- On review of our title deeds, Number 18 appear to be in breach of several clauses, especially since no permission was sought and in any event a structure must not exceed 1.8m which it does as per the submitted drawing. Title deeds can be submitted on request.
- Breaching requirements for Aberdeen City Council Planning Permission.

5. Safety.

- After review of the submitted plans, it appears the structure is fixed to the fence that runs atop the gabion wall. We believe this fence is not designed for such a purpose. My concern is that if the shared back fence is supporting this load in any way it may constitute a safety concern if it was to weaken over time.

Please note we have previously sent a letter for your attention dated 31/07/2018.

We have had to submit via online as advised by the council as we cannot receive notice of application due to an ordinance survey issue. Please note we are an immediate neighbour.

The application should be denied and the structure removed.

Comments for Planning Application 181431/DPP

Application Summary

Application Number: 181431/DPP

Address: 18 Home Farm Gardens Bridge Of Don Aberdeen Aberdeen City AB22 8BP

Proposal: Erection of timber decking along rear boundary with associated steps and handrails (retrospective)

Case Officer: Sheila Robertson

Customer Details

Name: Mr Jamie Presly

Address: 16 Home Farm Gardens Bridge of Don

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to strongly object and contest the erection of this decking.

In addition to required application for planning permission being ignored by the Property, the erection of the decking is in blatant breach of the Property's Title Deeds. Given the proximity of the houses within this (Cala) development, it is clear from our own Title Deeds that Miss Anderson is in breach of the burdens contained within the Title Deeds which clearly prohibit this type of construction without explicit written consent from us (as their neighbours) and in any event must not exceed 1.8m in height. Our written consent to the construction in its current form was never sought and the decking clearly exceeds 1.8m in height.

Not only is this a breach of legally binding document and council planning rules, this decking is a complete invasion of our privacy and our neighbours around us. Being direct neighbours this decking is acting as viewing platform into our home. This makes us feel very awkward in our own home and extremely reluctant to use our own back garden as there is absolutely zero privacy now with a view platform above, it looks directly into every single room at the back of our house. Besides from the privacy that we have now completely lost, the fact that the structure looks completely out of place is going to seriously damage our prospect of a resale of the house and will severely damage the resale value. From a safety perspective this decking is acting as an easy access way into the boundary for a row of houses which was well protect before with a 10ft wall.

The manner in which this has been handled is extremely disappointing, retrospective planning permission in this instance has only been sought as upfront planning permission would surely have been categorically denied.

This application should be denied with immediate effect.

Comments for Planning Application 181431/DPP

Application Summary

Application Number: 181431/DPP

Address: 18 Home Farm Gardens Bridge Of Don Aberdeen Aberdeen City AB22 8BP

Proposal: Erection of timber decking along rear boundary with associated steps and handrails (retrospective)

Case Officer: Sheila Robertson

Customer Details

Name: Mr Steve WK Ho

Address: 10 Home Farm Gardens Bridge of Don Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Although the erected structure does not directly impact my property, I am concerned as to the precedent that this retrospective application would set should it be approved

This structure clearly infringes the privacy of the neighboring properties and poses a security vulnerability by providing easy access to the adjacent gardens. In addition, it is likely to devalue the neighboring properties and, to say the least, is unsightly and not in line with the character of the development

Having read the title deeds, it is clear to see the structure would not exist had the correct legal procedure been adhered to

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Comments for Planning Application 181431/DPP

Application Summary

Application Number: 181431/DPP

Address: 18 Home Farm Gardens Bridge Of Don Aberdeen Aberdeen City AB22 8BP

Proposal: Erection of timber decking along rear boundary with associated steps and handrails (retrospective)

Case Officer: Sheila Robertson

Customer Details

Name: Mrs Elaine MacMillan

Address: 14 Home Farm Gardens Bridge of Don Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Although I think the decking itself is a good use of an otherwise disused piece of land, I cannot think why now you are asking for planning permission when the decking is already in place. Knowing that family members and the home owner have good knowledge of the rules and regulations concerning planning permission, I think they have carried out the work knowing that planning permission may not be granted and gone ahead and done it anyway causing unnecessary distress to houses next door to them and making it unlikely that the decking itself will be taken down, so personally what is the point in this process, to me it seems a waste of time. In my opinion it is a total infringement of neighbouring houses' privacy. I cannot imagine what it would be like to feel like someone was able to see into your property at that height. From the decking not only can you see into rooms level with the decking but also that of levels below in neighbouring houses' mines included on both levels, although we were assured that was not the case, we have later learned it is possible. I also think it may also involve a security issue for the whole development if a gate is put onto the back fence which I believe is their intention, in their words as another exit to their property. Unfortunately buying a mid terrace townhouse, everyone knows that this includes one entry, that is what you pay for. This gate would allow anyone from the land behind to enter the development discreetly. From this decking you can see into houses at either side and to a certain degree further along especially depending on the light. I feel people are reluctant to complain because no one likes confrontation but we've all moved into this fabulous development and this has caused real disharmony amongst neighbours. Again, I can understand why they have put it there with regard to the sun being there all day etc. if it's the sun they like, buy a south facing garden, but I feel the way they have gone about it has been a bit underhand and without thought for its effects on neighbouring houses. It is completely unsuitable for this type of house and the size of the garden and I can see why it may be very intimidating for people sitting outdoors.

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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)

D1: Quality Placemaking by Design

H1: Residential Areas

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

Supplementary Guidance

Householder Development Guide

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100150768-001

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="Miss"/>	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="Jackie"/>	Building Number:	<input type="text" value="18"/>
Last Name: *	<input type="text" value="Anderson"/>	Address 1 (Street): *	<input type="text" value="Home Farm Gardens"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Bridge of don"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	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="Ab22 8bp"/>
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:

18 HOME FARM GARDENS

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB22 8BP

Please identify/describe the location of the site or sites

Northing

810275

Easting

392934

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 timber decking along rear boundary with associated steps and handrails

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.

I am looking for this to be reviewed as i think this has been unfairly refused. The decking is within my boundary of my house, and not changes were even considered before refusal of application. The decking in question could be made smaller or changed to suit and accomodate my neighbours but i think straight refusal was unfair on this occasion. I am willing to realign the decking or put up privacy barriers and in return make the decking smaller on the rear boundary.

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)

I have no documents to support this apart from asking that the reviewers talk with me and advise on what could be deemed fit for purpose without removing ALL the erection

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18143/dpp

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

20/08/2018

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

19/10/2018

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

you need to visit the property to look at the erection and advise the possible actions

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

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

Yes No

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

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

this is a town house property and i am mid terrace so no means of seeing the action erection clearly without access to the house itself

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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


Declare – Notice of Review

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

Declaration Name: Miss Jackie Anderson

Declaration Date: 18/01/2019

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	1 Argyll Crescent, Aberdeen, AB25 2HW,
Application Description:	Erection of single storey extension and garage to side and rear
Application Ref:	181557/DPP
Application Type:	Detailed Planning Permission
Application Date:	10 September 2018
Applicant:	Mr And Mrs Alan Caldow
Ward:	Mid Stocket/Rosemount
Community Council:	Rosemount And Mile End
Case Officer:	Sheila Robertson

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application property, which comprises a late 19th Century, 2 storeys, end terraced dwelling, designed by JB Pirie and A Clyne, and is built of pink and grey granite. The property forms part of a Category “B” listed convex terrace of 13 nearly symmetrical dwellings sharing a private drive and gardens to the front elevations, set back from and located at the junction of Westburn Drive and Westburn Road. The curve of the terrace creates rear gardens which are arranged in a radial plan, with segmental private gardens and a communal green to the apex. To the rear of the dwelling, there is a single storey annexe which wraps around part of the western gable, to provide an entrance door to the side, and kitchen to the rear. The annexe is single storey with a hipped pitched roof; advanced to the right of the ground floor; projects approximately 5.3m from the rear building line; and is 6.3m in width including a 1.6m projection to the gable. The site is bound to the east by a neighbouring terraced dwelling, to the south by Westburn Road, to the north by a shared private garden ground area and to the west by a private lane. An access has been formed in the western boundary wall to permit car parking within the rear garden. The site is located within the Rosemount and Westburn Conservation Area.

Relevant Planning History

Two applications for planning permission and listed building consent (982034) and (990486) for replacement windows, internal alterations and a double garage were refused in 1999. An application for Listed Building Consent/Planning Permission (000418) was refused in 2000 for a single garage, extension to dwelling house, alteration to boundary wall, formation of driveway and erection of gates. An application for Listed Building Consent/Planning permission (001148) for a driveway, alterations to boundary wall and erection of gates was approved in 2000. An application for Listed Building Consent/Planning Permission (021614) to erect a garage was refused in 2002. Listed Building Consent (070434) was granted in 2007 for a replacement door. Planning

permission (140817) was granted in 2014 to remove an existing attached shed and replace with 2 free standing sheds to the east and west of the rear extension.

APPLICATION DESCRIPTION

Description of Proposal

Erection of a single storey extension projecting 7m from the rear of the existing annexe, extending across its full width and 1.4m beyond its western gable, giving a total width of 7.5m. It would sit 1.4m off the western boundary wall which is 1.6m in height. The extension would result in a rear annexe with a total projection of 12.3m from the main body of the house. The roof ridge height, eaves and roof profile would replicate those of the existing annexe although the extra width of the extension would require the roof to sit at right angles to the original roof. The extension would incorporate a single garage, to the immediate rear of the existing annexe, utilising the existing access from the lane, thereafter a sun room and utility room linked to the kitchen by a corridor, running along the eastern side of the extension behind the proposed garage, the opening formed from an existing window to the rear of the annexe. The rear wall of the existing annexe would be retained to form the inner wall of the proposed garage. The proposed extension would be constructed of coursed granite and natural slate; to the western elevation is proposed a single timber garage door with timber clad panels above and an external door to the utility room; the proposed north elevation have extensive timber framed glazed doors; and the proposed eastern elevation would have a single window, high level windows with timber cladding below and full height glazing towards the extremity, wrapping around to meet the rear glazed doors.

The original submission proposed replacement of all windows to the main dwelling however this element has been removed from the proposal.

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=PEH7Z0BZ00D00>

CONSULTATIONS

ACC - Roads Development Management Team – Comments received - Object to the proposal on the grounds that the internal length of the garage (5550mm) would not meet the minimum acceptable length of 5700mm, as required by the guidance contained in the Transport and Accessibility Guide. Current off-street parking is provided within the rear garden with the potential to accommodate 2 parked cars. The existing dwelling has 3 bedrooms which require the provision of 2 off-street parking spaces. The development would result in the removal of the existing parking facilities and replacement by a garage of substandard length, which would not count towards the parking provision therefore resulting in the property providing no off-street parking spaces.

Rosemount and Mile End Community Council – No comments received.

REPRESENTATIONS

2 representations have been received (1 objection and 1 neutral). The matters raised can be summarised as follows –

- Seeks confirmation that the existing access from the lane will not be enlarged and that no new entry is to be made in the boundary wall.
- Objects on the basis that the application incorrectly states that there are no trees on or adjacent to the site and that the SG: Trees and Woodlands states that all trees within a development site and within 15m of the site must be shown on the plans.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

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

Aberdeen Local Development Plan (ALDP)

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

Other Material Considerations

Supplementary Guidance (SG) - Householder Development Guide and Transport and Accessibility and Historic Environment Scotland Policy Statement Managing Change – Extensions

EVALUATION

Principle of Development

While the principle of extending an existing dwelling is normally acceptable within a residentially zoned area such as this, the proposal must also be assessed in terms of factors such as scale, materials, design, location, setting of the Listed Building and impact on the character and amenity of the area and effect on residential amenity. Development within a Conservation Area should have a neutral or positive effect on its character. These issues are assessed in the evaluation below.

Design and Scale

General principles contained in the HDG expects all development to be architecturally compatible in design and scale with the original house and its surrounding area, and any extension should not serve to overwhelm or dominate the original form or appearance of the dwelling. No extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected. Certain elements of the proposed extension are considered to be acceptable in terms of the HDG as both the resultant increase on the overall footprint and level of site coverage would be within acceptable levels. However, the proposal fails to comply with several of the criteria which promote good design, and retention of the characteristics of the surrounding built environment which contribute towards the character and identity of an area, for the reasons discussed below.

The Statement of Special Interest in the list description asserts '*one of the most unusual features of Argyll Crescent is the planning. The smooth convex curve of the terrace, with private drive and gardens in front encloses the gardens which are arranged in a radial plan, with a segmental drying green at the apex, forming a unique and complete design*'. The rear elevations of the dwellings within the terrace are relatively unaltered since originally built and the majority retain their original rear wash-house annexes. At the rear of Nos 3, 9 and 11 Argyll Crescent modest contemporary extensions, replacing their original off shoots, have been permitted with the maximum projection of 4.5m from the main house. Their projections were specifically designed to minimise the impact on the character of their parent buildings and the wider crescent. Their design is generally of a contemporary style, with flat roofs and granite salvaged from the demolition of the annexes giving a sympathetic complementary addition which contrast clearly as a modern addition to the existing

building. This design approach accords with section 3.5 of the Managing Change in the Historic Environment: Extensions.

The proposed extension, sited at a prominent location at the edge of the conservation area adjoining Westburn Road, is not considered to be subordinate in scale to the footprint and volume of the existing listed building. It would result in a rear annexe that would dominate the rear elevation of the building and substantially impact on views along the rear of the crescent, which is a key feature defining the 'special character' of the listed building and its setting. The proposal would cumulatively result in a rear annexe with a total projection of 12.3m from the rear building line of the dwelling, compared to the 9.8m depth of the dwelling and substantially greater in projection to all other rear annexes within the crescent. The extension would add 55sq.m to the existing footprint, which would cumulatively increase the footprint of the annexe to 88sq.m. compared to the 95sq.m footprint of the main dwelling. The proposed extension therefore does not represent a subservient rear extension and would therefore be contrary to the guidance contained in both the HDG and Managing Change document, which require that any extension should play a subordinate role and should neither dominate the original building as a result of its scale, materials or location.

Whilst located to the side and rear elevations, the proposed extension would be highly visible from the side lane and its form and volume would impact on the special character of the sweep of the terrace visible from this viewpoint. One of the key elements of the crescent is the long segmental rear gardens, the scale of the proposal would fill a large part of the rear garden space, reducing the sense of openness and cut across views of the rear elevation of the terrace, thereby undermining and detracting from the overall unique form of the crescent to the rear. The scale and projection of the proposed extension would dominate the rear elevation of the listed building, and substantially impact on views along the rear of the crescent which would not preserve the pattern of the wider historic environment as required by HESPS (Sections 1.09 b 1.20 d) and Policy D4.

HESPS also requires that new developments are sensitive to historic character and attain high standards in design and construction, while recognising the portfolio of original building materials (Section 1.20 d). The proposal largely follows a traditional construction approach to the extension with limited architectural refinement to a category B listed building, however notwithstanding the consideration on the form and volume of the proposal, the materials specification does not clarify the type of granite to be used (e.g. reclaimed to match the rear elevation of the existing building); the ridge covering (e.g. lead or yellow clay ridge tiles); type of timber cladding and finish and materials for rainwater goods (e.g. cast iron especially on the lane facing elevation).

The proposal would result in poor and inappropriate relationship between the resultant rear extension and the rear elevation of the dwelling due to the extensions' excessive projection and width which would result in a rear annexe that would be out of proportion relative to the dwellings original form and layout and would therefore not protect the character and appearance of the building. The design of the extension, in terms of volume and detail, therefore does not make a positive contribution to the special character of the place and the existing building's rear elevation, fails to take clear design cues from the original architectural design or act as an assertively contrasting addition to the original building. As a result, the proposed extension would negatively impact on the original character and setting of the listed building and the wider conservation area. Policies D1 and D4 of the Aberdeen Local Development Plan require high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas and historic gardens and designed landscapes and it is therefore considered that the proposals do not accord with the Council's policy

Impact on residential character and amenity

Although the proposed extension would not result in any detrimental impact to the nearest neighbouring property, to the immediate east, in terms of loss of day light or overshadowing, nor impact on their current privacy levels, the proposal would result in an elongated structure extending 12.9m beyond that property's rear building line. This neighbouring property sits on a slightly lower elevation, and the boundary line is splayed. The existing annexe is positioned 3.1m from the mutual boundary however at its furthest extremity; the new extension would sit only 1.7m from the mutual boundary. Given that the neighbour has a projecting annexe running along their eastern boundary, the proposed extension would result in a situation whereby the neighbouring property would become 'hemmed in' as a result of the extension's excessive projection in close proximity to the mutual boundary and which would not protect that neighbour's outlook and amenity. Its scale, massing and projection would also introduce an intrusive element into the streetscape leading to an adverse impact and erosion to the character and visual amenity of the surrounding area, thereby negatively affecting residential amenity, contrary to Policy H1.

Parking provision

Although the proposed garage would fail to meet the standards contained in the SG: Transport and Accessibility in terms of internal length, the garage as proposed could still accommodate an average length car, and given the availability of on street parking space within the private lane, it is considered that this is sufficient justification to accept the level of parking to be provided, contrary to the above guidance and despite the comments received from officers in Roads Development Management. This matter itself would not constitute a reason for refusal, given the minimal nature of the shortfall does not raise any specific road safety issues.

Impact on the Conservation Area

Policy D4 of the ALDP states that proposals affecting conservation areas will only be permitted if they comply with SPP which states proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area. For the reasons explained above, the proposed extension has not been designed with due consideration to its context, and would negatively affect the character of the conservation area contrary to the aims of SPP, HESPS and therefore with Policy D4 of the ALDP.

Matter raised in Representation

It is the responsibility of the applicant, or the appointed agent, to ensure that accurate information is provided on the application form. In the case of a Householder application, if an applicant states that there are no trees on or adjacent to the application site and it is subsequently established that there are trees on or close to the site, it is then for the planning authority to consider whether it is necessary to request the applicant to provide further information on the trees. Whilst it is acknowledged that the Trees and Woodland SG states that "*all trees on a development site, and within 15 metres of a site must be shown on the plans...*", in this instance, this information was not requested as it is not considered likely that the construction of the extension would be significantly within the root protection area of any trees within the rear garden or that of neighbouring properties and there would be no material impact on their viability, which the SG seeks to protect.

It is acknowledged that the boundary wall is included in the listing of the property however the plans do not indicate any alterations to the existing western boundary wall. Any such alterations would always require submission of an application for Listed Building Consent and Planning Permission.

Conclusion

The unsympathetic and inappropriate design, projection and width of the proposed extension and its poor relationship to the rear elevation of the existing dwelling and terrace would prevent the proposal from being compatible in terms of design, detail and scale with the original dwelling, contrary to the guidance contained in the HDG. The extension has not been designed with due consideration for its context and would introduce an intrusive element to current visual amenity,

contrary to Policy H1. The proposal therefore fails to preserve and enhance the character, appearance and setting of the listed building within this conservation area and therefore does not accord with the objectives of Scottish Planning Policy (SPP) with regard to preservation of the wider historic environment. No overriding public interest to justify approval of the development, contrary to the objectives of SPP, has been demonstrated or is evident. The proposal is not considered to accord with any of the relevant policies and guidance and the proposal is therefore recommended for refusal on the basis that the extension has not been designed with due consideration to its context, and would negatively affect the historic character of this Listed Building, and the wider Conservation Area, contrary to the aims of SPP, HESPS and therefore with Policies D1 and D4 of the ALDP.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposal fails to comply with the relevant policies of the Aberdeen Local Development Plan, namely Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) in that by reason of its volume, detail, scale and projection, the extension has not been designed with due consideration for the context of its setting. The proposal would have a negative impact on the external appearance of this listed building, by introducing an extension of what is considered to be excessive projection, which would alter the form plan in a negative manner, thereby detracting from the character and integrity of the listed building and the setting of the terrace. Additionally, the proposal would disrupt the rhythm and pattern of development to the rear of this 'B' Listed terrace leading to erosion of the historic character and a negative impact on the wider character of the conservation area. The proposal would fail to protect neighbouring residential amenity contrary to Policy H1 (Residential Areas). The proposal is also contrary to the provisions of Scottish Planning Policy, Historic Environment Scotland Policy Statement, Managing Change in the Historic Environment: Extensions and thereby with Policy D4 (Historic Environment) of the Aberdeen Local Development Plan. On the basis of the above and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations – including the matters raised in representation - that would warrant approval of planning permission in this instance.

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	M ^{rs} MRS	Ref No.	—
Forename	ALAN	Forename	MARTIN
Surname	CALDOW	Surname	CALDER
Company Name	—	Company Name	CALDER DESIGN
Building No./Name	1	Building No./Name	19
Address Line 1	ARHYLL	Address Line 1	BEECHGIRNE
Address Line 2	CREBLIST	Address Line 2	TERRACE
Town/City	ABERDEEN	Town/City	ABERDEEN
Postcode	AB 25 2HW	Postcode	AB 15 5DR
Telephone	—	Telephone	01224 633489
Mobile	—	Mobile	07 841 751490
Fax	—	Fax	ALT 01224 641859
Email	—	Email	calderm@bt.com
3. Address or Location of Proposed Development (please include postcode)			
1 ARHYLL CREBLIST ABERDEEN AB 25 2HW			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Describe the Proposed Works			
Please describe accurately the work proposed:			
EXTENSION TO REAR & SIDE OF PROPERTY TO FORM GARAGE & SUNROOM/UTILITY.			
Have the works already been started or completed Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, please state date of completion, or if not completed, the start date:			
Date started:	<input style="width: 150px; height: 20px;" type="text"/>	Date completed:	<input style="width: 150px; height: 20px;" type="text"/>

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

5. Pre-Application Discussion

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

If yes, please provide details about the advice below:

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

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

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

Name: Date: Ref No.:

INITIALLY ADVISED BY EMAIL THAT NO APPLICATION WOULD BE ACCEPTABLE HOWEVER AFTER DISCUSSIONS & MEETING AT VERY RESTRICTED AREA WAS SUGGESTED CLIENT & I BOTH FEEL FULL APPLICATION IS APPROPRIATE

6. Trees

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

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

7. Changes to Vehicle Access and Parking

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

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

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

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

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

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

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

8. Planning Service Employee/Elected Member Interest

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

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

If you have answered yes please provide details:

DECLARATION

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

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

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

Signature: [REDACTED] Name: CARDOR DUBIAN Date: 28th AUG 18

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

LAND OWNERSHIP CERTIFICATES

Planning (Listed Buildings and Conservation Areas)

(Scotland) Act 1997

The Town and Country Planning (Listed Buildings and Buildings in Conservation Areas)

(Scotland) Regulations 1987

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

CERTIFICATE A

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

I hereby certify that -

- (1) No person other than myself was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed:

[Redacted Signature]

On behalf of:

CAUDON V. [Redacted]

Date:

25th Aug 18

CERTIFICATE B

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

I hereby certify that -

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

Name	Address	Date of Service of Notice

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

or

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

SIGNED

ON BEHALF OF

DATE.

DECISION NOTICE

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

Martin Calder
Calder Design
19 Beechgrove Terrace
Aberdeen
AB15 5DR

on behalf of **Mr And Mrs Alan Caldow**

With reference to your application validly received on 10 September 2018 for the following development:-

**Erection of single storey extension and garage to side and rear
at 1 Argyll Crescent, Aberdeen**

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

<u>Drawing Number</u>	<u>Drawing Type</u>
18/07/02	Elevations and Floor Plans
18/07/03	East Elevation (Proposed)
	Location Plan

REASON FOR DECISION

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

The proposal fails to comply with the relevant policies of the Aberdeen Local Development Plan, namely Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) in that by reason of its volume, detail, scale and projection, the extension has not been designed with due consideration for the context of its setting. The proposal would have a negative impact on the external appearance of this listed

building, by introducing an extension of what is considered to be excessive projection, which would alter the form plan in a negative manner, thereby detracting from the character and integrity of the listed building and the setting of the terrace. Additionally, the proposal would disrupt the rhythm and pattern of development to the rear of this 'B' Listed terrace leading to erosion of the historic character and a negative impact on the wider character of the conservation area. The proposal would fail to protect neighbouring residential amenity contrary to Policy H1 (Residential Areas). The proposal is also contrary to the provisions of Scottish Planning Policy, Historic Environment Scotland Policy Statement, Managing Change in the Historic Environment: Extensions and thereby with Policy D4 (Historic Environment) of the Aberdeen Local Development Plan. On the basis of the above and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations - including the matters raised in representation - that would warrant approval of planning permission in this instance.

Date of Signing 16 November 2018



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

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

None.

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

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

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

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

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

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

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

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Consultee Comments for Planning Application 181557/DPP

Application Summary

Application Number: 181557/DPP

Address: 1 Argyll Crescent Aberdeen AB25 2HW

Proposal: Erection of single storey extension and garage to side and rear

Case Officer: Sheila Robertson

Consultee Details

Name: Mr scott lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: slynch@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note that this application is for the erection of a single storey extension and garage to the side and rear of 1 Argyll Crescent, Aberdeen. The site is located in the outer city, in controlled parking Z.

There is currently insufficient information to assess the application. The "existing ground floor plan" says "proposed" on the drawing. The "proposed ground floor plan" is identical to the existing one, except it is lacking the word proposed. I'm unsure as to the extent of the extension and what it is to contain. Are there any bedrooms to be added, as this will alter the parking requirement? I also note that the application form states that there is currently 1 parking space as existing, and as a result of the application there will be a single garage space. Does this mean that the garage is to replace the existing parking space, or will it be in addition to this? Can the existing parking be denoted on the existing drawing, and the proposed parking clearly demarcated on the proposed drawing?

The application also states that it is for a garage, but there does not appear to be a garage shown on the site plan. I also note a large gravel area to the front, as well as a gravel area to the rear - are these for parking?

Upon receipt of the information requested I will be better placed to provide a comprehensive roads response.

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Hi Sheila,

Given that it's currently 3 bedroom (not sure why he's mentioning that it *can* be a 4 bed?) there is a requirement of 2 spaces. GIS suggests the rear parking area is somewhere between 9-11m. If it's 10 or above this would be 2 spaces, but if it's 9 it would be one. I'm prepared to give the applicant the benefit of the doubt and say that the rear is currently only 1 usable space, so provided that the proposed garage is fit for purpose (in line with our standards) then there will be no net detriment, and this will therefore be permissible from a roads perspective. For that reason, the garage dimensions should be increased to align with our standards. If scale is an issue, I doubt an extra 10cm would make much of a difference from a massing perspective, whereas those extra 10cm could mean the difference between being able to park, or not.

Scott

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Comments for Planning Application 181557/DPP

Application Summary

Application Number: 181557/DPP

Address: 1 Argyll Crescent Aberdeen AB25 2HW

Proposal: Erection of single storey extension and garage to side and rear

Case Officer: Sheila Robertson

Customer Details

Name: Mr Stephen Whyte

Address: 7 Argyll Crescent Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment:As you are aware the boundary wall is part of the B listing for Argyll Crescent.

Can you confirm that the entry off the lane into No1 Argyll Crescent will not in any way be enlarged and that no new entry is to be made in the boundary wall?

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Comments for Planning Application 181557/DPP

Application Summary

Application Number: 181557/DPP

Address: 1 Argyll Crescent Aberdeen AB25 2HW

Proposal: Erection of single storey extension and garage to side and rear

Case Officer: Sheila Robertson

Customer Details

Name: Ms kirstin morgan

Address: ferryhill Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to raise an objection to this application on the grounds that the application states there are no trees on or adjacent to the site - which is not correct.

SG: Trees & Woodland (a material consideration in the determination of planning applications) states:

7.1 Householder Applications

All trees present on a development site and within 15 metres of the site must be shown on the plans. The tree species, position of the trunk, diameter of the trunk and canopy spread must also be indicated on the plans.

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National Planning Policy

Scottish Planning Policy (SPP)

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

Historic Environment Scotland Policy Statement (HESPS)

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

Aberdeen Local Development Plan (ALDP)

H1: Residential Areas;

D1: Quality Placemaking by Design;

D4: Historic Environment

Supplementary Guidance

Householder Development Guide

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

Transport and Accessibility

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

Other Material Considerations

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

Historic Environment Scotland 'Managing Change' publication: Extensions

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

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NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 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	<input type="text" value="Mr"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="Alan"/>	Forename	<input type="text" value="Martin"/>
Surname	<input type="text" value="Caldow"/>	Surname	<input type="text" value="Calder"/>
Company Name	<input type="text"/>	Company Name	<input type="text" value="Calder Design"/>
Building No./Name	<input type="text" value="1"/>	Building No./Name	<input type="text" value="19"/>
Address Line 1	<input type="text" value="Argyll Crescent"/>	Address Line 1	<input type="text" value="Beechgrove Terrace"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="Aberdeen"/>	Town/City	<input type="text" value="Aberdeen"/>
Postcode	<input type="text" value="AB25 2HW"/>	Postcode	<input type="text" value="AB15 5DR"/>
Telephone	<input style="background-color: black; color: black; display: inline-block; width: 100px; height: 15px; vertical-align: middle;" type="text"/>	Telephone	<input type="text"/>
Mobile	<input style="background-color: black; color: black; display: inline-block; width: 100px; height: 15px; vertical-align: middle;" type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input style="background-color: black; color: black; display: inline-block; width: 100px; height: 15px; vertical-align: middle;" type="text"/>	Email	<input type="text" value="caldermartin@hotmail.com"/>
3. Application Details			
Planning authority	<input type="text" value="Aberdeen City Council"/>		
Planning authority's application reference number	<input type="text" value="181557/DPP"/>		
Site address	<div style="border: 1px solid black; padding: 10px; display: flex; justify-content: space-between;"> <div style="width: 70%;"> <p>1, Argyll Crescent Aberdeen AB25 2HW</p> </div> <div style="width: 25%; text-align: center;"> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p style="margin: 0;">RECEIVED</p> <p style="margin: 0;">28 JAN 2019</p> </div> </div> </div>		
Description of proposed development	<input type="text" value="Erection of single storey extension and garage to side and rear at 1, Argyll Crescent, Aberdeen"/>		

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.

The proposal as detailed is the optimum solution to building an extension and garage to the property with no viable alternatives offered during up front consultation. It is in keeping with the existing character of the Crescent and would not disrupt the rythmn and flow. There was no alternative location for a garage acceptable to the Planning Dept.

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.

See attached documents.

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

Proposal Drawings.
Original Building Drawings from 1889.
Document titled - Right of Appeal Discussion Document
Sample photographs of other garages and extensions in Conservation Areas and on Listed Buildings around Aberdeen.

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: Date:

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

Right of Appeal Discussion Document

Dear Sir/Madam,

Thank you for your recent letters with regard to Application Ref No.s 181556/LBC and 181557/DPP, signed on 16th November, for the erection of a single storey extension and garage to the rear of 1, Argyll Crescent, Aberdeen, AB25 2HW, which state your refusal for planning permission and listed building consent. Based on our various discussions with the Planning Authority this year via Martin Calder the decision did not come as a surprise. However, we are keen to appeal this decision and will lay out our reasons below.

We would first like to highlight that the proposal as submitted is essentially the same concept as provisionally submitted to the Planning Authority by Martin Calder in March 2018. These were submitted given our knowledge that any submission would be sensitive, as the previous owner had failed in his submissions, and was in our view the most logical option to extend our property in a fashion that kept pace with current expectations for a modern living space whilst remaining in keeping with the character of the area. Any modern property with 3 or 4 bedrooms would include a garage and an open aspect on to the private garden areas to provide a high quality comfortable lifestyle with plenty of natural light and suitable space for utility appliances. We fully expected that there would need to be discussion and potentially compromise to obtain planning permission for any extension.

However, it became clear over the subsequent months that there was no appetite to achieve any form of compromise or mutually agreed position acceptable to the Planning Authority. As a result we have reverted to our original proposal which we still believe is the best option and most in keeping with the character of the area and spirit of this property from its original construction. It is probably at first worth detailing some of the feedback we have received over the past 8 months as it in many ways justifies the extension as detailed to be the most in keeping with this property and least impact on the area in general.

The first response by Email, dated 7th March 2018, stated that the current single storey space projecting to the rear of our property should be considered an existing extension and that we would end up with a 96 m² "combined" extension on a 91 m² property. However, the original plans of our property from 1889 show the single storey projection is original to the building. It should also be noted that our property was a single building comprising 2 apartments with a communal bathroom and shared utility space within this single storey projection to the side and rear. The remaining 12 buildings of the Crescent were not built at the same time, they were in fact built of it 2 years later. This property was originally envisaged as a building in it's own right and not built to a set pattern or shape within the concept of an entire Crescent. We clarified this point and confirmed that the original footprint of our building was 137 m² and the extension proposed was only an additional 50 m². The Planning Authority conceded this point and responded on the 14th March 2018 by stating the following; "The Planning Authority would not support the Household and Listed Building Applications for any form of extension to the rear of the existing dwelling". To emphasise their view that this was not subject to further discussion they underlined this position with the following statement; "For the purposes of clarification, the Planning Authority has now set out our position and there will be no more opportunity for negotiation." Our understanding of this was that no extension, regardless of scale, would be approved to the rear of the building. This response could be considered as being prejudicial and unreasonable.

Subsequent to this response we prepared and submitted further concepts via Martin Calder detailing an extension to the side of the existing single storey part of our home for consideration which seemed to receive little positive feedback either and in many ways supported our view that

the original concept was the best option. Much of the feedback we were provided by Email was contradictory and conflicting to the extent that we felt a meeting on site would be the best way to understand the Planning Authority position and advice. This onsite meeting took place on 22nd May 2018 with two representatives of the Planning Authority and unfortunately little progress was made in terms of understanding what would be acceptable. Some of the advice given is noted below to highlight this point.

- Any extension to the side of the existing single storey space would likely cause maintenance issues with the house due to water and damp. We do not disagree.
- We should not modify the form and profile of the original single storey roof, but need to build above the window of the rear lower room without casting a shadow on the garden area of the adjacent property. Given the existing roof comes below this window and we can't avoid cutting through the window of this room without building up we are still unsure of what was expected. Was the intent that we raise and move the apex of the existing roof and build it sideways thereby permanently changing the rear aspect of the building against the original look?
- The Victorian style skylight we proposed to overcome this issue was not considered in keeping with a Victorian house. Suitable modern alternatives were discussed and examples to be provided, but these never arrived.
- We were advised we could not come within 3 ft of the dividing wall thereby reducing the footprint considerably and creating a space where water could gather to create maintenance issues. This is despite the fact that 2 recent extensions to other properties on the Crescent do come right up to the dividing walls.
- None of the existing windows could be opened up wider to create a larger integral living space flowing from the current rear lower bedroom through to the kitchen in the single storey area. This combined with the restrictions in building up to the dividing wall would essentially restrict us to a small single space rather than a large open one in keeping with modern design and lifestyle expectations.
- We also discussed what options this left us to build a separate garage at the bottom of the garden given we would no longer build to the rear of our property. It was stated categorically that no permission would be given for a garage of any form. Principally as this would break the form and character of the wall at the rear of the property adjacent to the common area, but also because we would not be allowed to break through the boundary wall adjacent to the private lane running adjacent to our property. Even if we re-instated the current opening on to a parking area at the rear of our property. When we highlighted that we had previously been informed by Aberdeen Heritage that the previous owner had been offered a compromise position with regard to a garage we have to question what it was. There was no compromise position suggested to us.
- The severe restrictions placed on the possible extension resulted in a net increase to the internal area of only 13sqm .
- We would also like to highlight that the Roads Department currently state there is inadequate provision garage and carparking in this area.

In general the tone of all Emails and discussion was negative and provided no guidance on what compromises could be made. Discussion on an alternative style and location for an extension were restrictive to the point of not being practical or worthwhile and any alternatives for a garage were dismissed immediately.

After some discussion my wife and I agreed that having invested so much time and money in maintaining the property to a high standard that rather than move out we would make a formal application to erect an extension comprising of a garage, utility room and sun lounge that would in our view enhance the building and keep it up to date with modern lifestyle aspirations in the style we originally proposed and in keeping with the overall style and character of the area. This would ensure that it met the requirements of any modern family with the financial means to own and maintain such a property effectively.

This we feel gives a summary of the discussion that has taken place so far and sets the context for the application as made. We will now lay out our specific responses to the reasons given by the Planning Authority for rejecting this application.

In both these letters it states the extension fails to comply with Policies D1 (Quality Placemaking by Design) and D4 (Historic Environment) "by reason of its volume, detail, scale and projection, and that the proposal has not been designed with due consideration for the context of its setting. The proposal would have a negative impact on the external appearance of this listed building by introducing an extension of what is considered to be excessive projection, which would alter the form plan in a negative manner, thereby detracting from the character and integrity of the listed building. Additionally the proposal would disrupt the rhythm and pattern of development to the rear of this "B" Listed terrace leading to erosion of the historic character and a negative impact on the wider character of the conservation area."

The volume, scale and projection of the proposal are driven by the need to place the garage immediately to the rear of the existing single storey area. We have been told explicitly that no consideration would be given to adding a garage at the bottom of the garden as it would require a new opening to be made in the boundary wall. The only opening available to us is therefore the current one. There is no option to add parking to the front areas as it is a common area owned by all the occupants of the Crescent and the private lane to the side is also a shared area providing access to the rear of all the properties on Argyll Crescent, many along Westburn Drive and also the nursery adjacent to the lane. Notwithstanding this the area to the front is of far superior construction, form and appearance in terms of the character of the area and surely no changes to form and shape of this space could be seen to be acceptable. There are several garages further along the lane which we have formerly considered, but each and every one that has become available for purchase is too small to accommodate most large modern cars. A point well understood by the Planning Authority representatives who visited my property. My current main car is 2 cm shorter than the overall length of these garages and the latest model of my 11 year old car is 2 cm longer. It is hard to conceive of a modern 3 or 4 bedroom house that would not include a suitable garage or look to add one on the land available.

With regard to the sun room and utility area these are in our view of a reasonable scale and projection, but more importantly can only reasonably be placed to the rear of the single storey area. The restrictions imposed on layout, form and size for a space to the side make this an impractical option and would likely lead to maintenance issues in the future whilst reducing the sunlight in to the adjacent garden. Building this without a separate garage would leave us no available private parking space.

The detail of the proposed extension is entirely sympathetic to the existing area in terms of material and look. It replicates the rear aspect of the building in a way that any other extension would fail to. It much more accurately reflects the character of the Crescent and our property than any of the other extensions approved and built over the past 4 years. Building either upwards from or to the side of the existing single storey area would alter the rear aspect irrevocably from the original drawings.

It should again be noted that our property was built prior to the remaining 12 properties as a single building in its own right. There are details to the front of the building that differ from the remainder, the rear is different in detail, the shape is square and regular and not of a tapered Crescent style. The single storey area has from construction been larger than any of the others in the area. The other outbuildings along the rest of the Crescent are of varying sizes from new and due to subsequent modification. Few reflect the original footprint with a variety of add on storage and extensions in differing styles and quality. The rhythm and pattern to the rear of the other buildings on the Crescent has historically and recently been broken repeatedly. The original single storey space comprised of 4 separate spaces, a kitchen, scullery, laundry and coal shed, which have been combined in to one kitchen at some point in the past. In many ways the proposed extension is entirely in keeping with this intent; a large space to the rear of the property that includes a utility area and garden access in a modern context. The scale is more modern, but the concept and character are the same with materials in keeping with the original build.

With regard to the character of the area we feel there is limited impact to the broader community given the lane to the side of our property is for private access only and has no through access. It is not an area that is subject to through traffic and the proposed extension is much more in keeping with the character of the Conservation Area than many around Aberdeen including Argyll Place and Queen's Lane for example. The front of the building is of far superior appearance and quality and the rear intended to be utilitarian.

We would also like to highlight that there is clear evidence to show that naturally lit areas away from heavy traffic noise which embrace outdoor space have been shown to improve health and mental well being in a busy world.