

Public Document Pack



To: Councillor Boulton, Chairperson; and Councillors Allan and Bell.

Town House,
ABERDEEN 9 January 2020

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 4 - Town House** on **THURSDAY, 16 JANUARY 2020 at 10.00 am.**

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

2.1 **59 Desswood Place - Erection of Two Storey Extension, Replacement Dormer and Formation of Door to the Rear, Formation of Two Openings in Side Boundary Wall to Form Gated Entrances and Driveway to the Rear - 190884DPP**

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

(Ref Number - 190884)

<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 / Agent (Pages 35 - 50)

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 - 190884

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

2.5 Determination - Reasons for Decision

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

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

3.1 **14 Hilton Walk - Formation of Driveway and Installation of Handrail to Front (Retrospective) - 190487**

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 51 - 66)

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 - 190487

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

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

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

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

Ref Number - 190487

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

3.5 Determination - Reasons for Decision

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

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

Website Address: www.aberdeency.gov.uk

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

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL


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

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

DETERMINATION OF REVIEW

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

“where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
11. In coming to a decision on the review before them, the LRB will require:-
 - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
 - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
 - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
12. In determining the review, the LRB will:-
 - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
 - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions.**
13. The LRB will give clear reasons for its decision. The Committee clerk will confirm these reasons with the LRB, at the end of each case, 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> <p style="margin: 10px 0 0 0;">Report of Handling</p>
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Site Address:	59 Desswood Place, Aberdeen, AB25 2EF,
Application Description:	Erection of two-storey extension, replacement dormer and formation of door to the rear, formation of two openings in side boundary wall to form gated entrances and driveway to the rear
Application Ref:	190884/DPP
Application Type:	Detailed Planning Permission
Application Date:	31 May 2019
Applicant:	Ms Rhona Crichton
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Queen's Cross and Harlaw
Case Officer:	Roy Brown

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The site comprises a late 19th century 1½ storey semi-detached granite-built dwelling with its original front and rear curtilage in a residential area located within the Albyn Place and Rubislaw conservation area.

The dwelling has a northwest facing principal elevation that fronts Desswood Place and adjoins 57 Desswood Place to the northeast. The southwest side elevation directly fronts and bounds Fountainhall Lane East and the site is bounded by the rear curtilage of 85-87 Blenheim Place to the southeast. The application site slopes slightly to the south east.

The dwelling has a dormer and a 1½ original granite annexe to its rear which mirrors that of the adjoining property. A modern extension projects to the southeast and southwest of this annexe; the annexe of the adjacent property has an existing modern single storey extension projecting to its rear.

Relevant Planning History

Planning permission was granted in 2015 for the installation of replacement windows (Ref: P150945) and was completed in December 2015.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the erection of a two-storey rear extension; a replacement dormer and the formation of a door to replace an existing window on the rear elevation of the

original dwelling; the formation of two openings in the south-west granite boundary wall to form pedestrian and vehicular entrances with grey metal gates; the formation of 0.9m high raised timber decking and the formation of a driveway in the form of paving strips in the rear curtilage.

The extension would remove almost the entirety of the original annexe and would comprise two flat roofed elements. The extension would project c.10.9m from the (southeast) rear elevation of the original main dwelling. At ground floor level, there would be a 32.7sqm ground floor 4.3m high flat roofed element which would be finished with buff coloured brick and would have 2.6m high patio doors on its southeast rear elevation. This would project c.3.4m to the southeast and c.2m to the southwest of the two storey 6.6m high flat roofed element which would be finished in anthracite zinc. The two-storey element would project c.7.5m to the (southeast) rear from this elevation. The windows and doors would have grey alu-clad frames.

The raised decking would project 3.4m along the northeast boundary and would cover an area of c. 16.6sqm.

The proposed dormer on the rear elevation of the dwelling would match the design of the dormer that it would replace. It would be located 600mm to the southwest on the roofslope of the existing dormer.

The application has been amended since its initial submission so that anthracite zinc and buff render are instead proposed as finishing materials in the extension rather than Corten steel and grey/blue brick, grey metal gates are proposed in the southwest boundary wall openings rather than Corten steel and the width of the vehicular access opening would be 3.5m rather than 4m.

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=PSD7ZNBZGI400>

Untitled Planning Response Document (*Tinto Architecture Ltd*) – Details the applicants' aims for the extension, the design history of the proposal and the extensive correspondence between the agent and the Planning Authority.

Design Statement (*Tinto Architecture Ltd*) – Details the history of the site, the existing building, the design development of the extension and the materials proposed.

CONSULTATIONS

Aberdeen City Council Roads Development Management – No roads concerns following the submission of details of the proposed driveway.

Queen's Cross and Harlaw Community Council – No response received.

REPRESENTATIONS

1 neutral letter of representation has been received. The letter can be summarised as:

The design may include preparations for the construction of a roof terrace. A roof terrace and an excessively large extension that projects beyond the footprint of their neighbour's extension would have a significant impact on the privacy and enjoyment of 85 Blenheim Place. On the proviso of written assurances that no roof terrace is planned for and the footprint does not extend beyond the neighbouring extension, they would support the application.

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

Scottish Planning Policy (SPP)

Historic Environment Policy for Scotland (HEPS)

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (ALDP) (2017)

Policy H1 - Residential Areas

Policy D1 - Quality Placemaking by Design

Policy D4 - Historic Environment

Policy D5 - Our Granite Heritage

Supplementary Guidance (SG)

The Householder Development Guide (HDG)

The Repair and Replacement of Windows and Doors

Transport and Accessibility

EVALUATION

Aberdeen City and Shire Strategic Development Plan (SDP)

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Principle of Development

The application site is located in a residential area, under Policy H1 – Residential Areas of the ALDP, and the proposal relates to householder development. Householder 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, in this case the Householder Development Guide (HDG). These issues are assessed in the below evaluation.

Design and Scale of the Proposed Extension and Its Impact to the Conservation Area

Scottish Planning Policy states proposals for development within conservation areas which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area and that proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Policy D4 – Historic Environment of the ALDP states that high quality design that respects the character, appearance and setting of the historic environment will be supported.

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 – Quality Placemaking by Design of the ALDP. 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 HDG, as SG to the ALDP 2017, states that *‘Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale.’* Managing Change in the Historic Environment states that extensions must protect the character and appearance of the building and should be subordinate in scale and form.

Notwithstanding the maximum height of the extension would be lesser than that of the original dwelling by 2.2m, the proposed extension is not of a design, form and scale that is compatible with the original house and the surrounding area. Because of its two-storey flat roofed form and its height which rises above the eaves of the original dwelling by 1.5m and its significant continuous 7.8m length from the rear elevation of the main dwelling, the proposed extension would serve to dominate the original historic 1½ storey gable roofed form and have a dominant impact onto the adjacent lane. Its massing would be accentuated by its consistent height relative to the site sloping to the south. At ground floor level, the 4.2m height and its width, which would extend the full width of the site to immediately bound the lane, would show exaggerated volume of development. The significant c.12.6sqm area of glazing on the southeast elevation would not be of a scale consistent with the proportions of the original building, nor any residential property in the surrounding area and would appear particularly dominant on the rear lane. Because of the significant massing and incompatible form of the proposed extension relative to the original dwelling, the proposed finishing materials, anthracite zinc and buff brick would serve to emphasise the scale of the extension.

Managing Change in the Historic Environment: Extensions states that extensions to historic buildings ‘must protect the character and appearance of the building’ and ‘should be subordinate in scale’. It adds that an extension that would unbalance a symmetrical elevation and threaten the original design concept should be avoided. The rear elevation of the application property and 57 Desswood is visually prominent on Fountainhall Lane. Notwithstanding there are existing unsympathetic extensions at their ground floor levels, from the eaves level above the rear elevations of the pair of semi-detached properties of 57 and 59 Desswood Place retain their original hipped roofed annexes and dormers which are symmetrical in form. The proposed extension would not relate to the form, scale, width and massing of the original rear annexe, the adjacent annexe nor its single storey extension. The proposed extension would appear

incongruous in the existing context of the site, would unbalance the elevation of this pair of properties and would result in almost the entire loss of one of the original rear annexes.

The Albyn Place and Rubislaw Conservation Area Character Appraisal notes that the back lanes in the area allow for very long views through this part of the conservation area. It notes that the loss of the original pattern of development and back land development due to poorly designed extensions is a weakness to the conservation area. There are no rear extensions comparable to the design and volume as the proposed extension in the surrounding area. The design and volume of the proposed extension would be incongruous to the existing pattern of development in the rear curtilage of residential properties in the surrounding area within the conservation area. The proposed extension would serve to dominate and be detrimental to the long view up Fountainhall Lane.

It is considered that the proposed extension would not necessarily constitute over-development of the site in terms of footprint. It would comply with the HDG in that it would not result in the footprint of the dwelling being doubled as the extended dwelling would have a footprint c.35% larger than that of the original dwelling and less than 50% of the rear garden ground would be covered by development as c.26% would be covered (if the proposed decking and hard surface is discounted), in compliance with the HDG. The single storey element of the extension would project 3.5m along the boundary shared with the adjoining property from the rear elevation of the original annexe, which would be within the maximum projection of 4m required to comply with the HDG. Nevertheless, by way of its design, height, massing and scale, the proposed extension would not in any way reflect or relate to the character of the area. The proposed design approach, volume and levels represent an extension that is overly dominant from the public rear lane and would be visible from Desswood Place. The proposed extension would not be architecturally compatible in design and scale with the original house and would appear significant in terms of its scale and massing from the public rear lane, which is the rear aspect of the properties on Fountainhall Road and Blenheim Place. The proposal would be to the significantly detrimental to the character and appearance of the conservation area, in conflict with the national and local policies and guidance relating to design and the historic environment.

Furthermore, the grant of planning permission for such a proposal could set an unwelcome precedent for extensions in the surrounding area, and indeed the overall conservation area, for two storey extensions to 1½ storey granite dwellings in prominent public locations. Such a precedent would have a significant adverse impact on the character and appearance of the conservation area, in conflict the national and local policies and guidance relating to design and the historic environment.

It must be stated that the principle of introducing an extension to the rear elevation of this building to replace the existing substantially altered ground floor extension is welcome, as is the use of a modern design approach and materials. However, any new addition should respect the existing building by respecting the scale of original building and be sympathetic to the surrounding historic context. In this instance the proposed extension has not achieved this. It must be noted that there are likely amendments which could mitigate the scale and massing of the extension and impact to the character and appearance of the conservation area whilst being of contemporary form, design and materials without significantly impeding the sought internal spaces. Suggested amendments were communicated by the Planning Authority to step down the height of the single storey extension, reduce its width, and reduce the length and scale of the upper storey element. The submitted plans to only alter the finishing materials, however, were instead submitted for determination.

Residential Amenity

The HDG states that decking should not result in an adverse impact upon the amenity of adjacent dwellings, including both internal accommodation and external private amenity space. In this

instance, due to its siting and height, the raised decking at its full height would project c.2.4m along the northeast boundary shared with the adjoining property. It would have a floor level of c.0.9m adjacent to the original 2.1m high boundary wall shared with 57 Desswood Place, which would mean there would only be approximately 1.2m high boundary treatment between the properties from the decking. Given the low height of the boundary treatment relative to the raised decking and the very close proximity of the glazing in the rear extension at 57 Desswood Place, the decking would result in direct overlooking into all of the southeast facing windows of the internal accommodation, which serves the habitable family room of 57 Desswood Place, which would be significantly overbearing and detrimental to the privacy, and amenity afforded to that property. Additional higher boundary treatment would not result in the decking being acceptable because there is a drop in site levels between the two properties, and thus the erection of higher boundary treatment could be overbearing to and negatively affect the level of sunlight afforded to the rear curtilage of this property. Higher boundary treatment would also be inconsistent with the height of the surrounding original boundary treatment, which contributes to the character and appearance of the conservation area.

The proposed decking would also be immediately adjacent to the rear curtilage to 57 Desswood Place and therefore which would be significantly more overbearing than any overlooking from neighbouring windows. The proposed decking would thus result in a significant adverse impact upon the amenity of an adjacent dwelling, including both internal accommodation and external private amenity space, in direct conflict with the HDG and Policies D1 and H1 of the ALDP.

The 45-degree rule sunlight and daylight calculations in the HDG show that the extension would not adversely affect the level of daylight afforded to any of the habitable rooms of neighbouring properties. The single storey element would overshadow approximately 2% of the rear garden of 57 Desswood Place. Nevertheless, given the minor area of affected garden ground this would have negligible impact to the level of residential amenity afforded to the neighbouring property. The proposal would not significantly adversely affect residential amenity with respect to sunlight and daylight, in accordance with policies D1 and H1 of the ALDP; and the SG.

Design and Scale – Proposed Doorway on the Rear Elevation

The proposed door in the rear elevation of the dwelling would replace an existing uPVC window which was installed in 2015 (Ref: P150945), and the principle of its replacement would be acceptable in principle. The Replacement of Windows and Doors SG states that new doorways should only be considered where they can be incorporated into the existing architecture and designed and detailed in a way that is compatible with the existing historic fabric. The formation of the patio door opening would result in a negligible loss of 0.16 cubic metres of granite, and thus presents no significant conflict with Policy D5 – Our Granite Heritage of the ALDP, and would retain the original width, surrounds and proportions of the window. The proposed door would be of a higher quality of material, alu-clad, than the uPVC framed window it would replace. The proposed patio door would thus be compatible with the existing historic fabric and would not have an adverse impact on the character and appearance of the conservation area.

Design and Scale – Proposed Dormer on the Rear Elevation

The design of the proposed replacement dormer would exactly replicate that of the original dormer and thus would respect the original building in terms of its hipped roofed design, it would not dominate the roofslope and it would have a fully glazed front face. The existing window would be re-used and thus it would be a like-for-like change. It would be located c.400mm from the inside face of the tabling, in accordance with the HDG. The dormer would therefore have negligible impact to the architectural integrity of the original dwelling and the character and appearance of the conservation area. It would, however, have an awkward relationship immediately abutting the second storey of the proposed extension.

The Proposed Gates in the Southwest Boundary and Driveway

The proposed vehicular access gate would accord with the Supplementary Guidance: 'Transport and Accessibility' in that it would be 3.5m in width. Notwithstanding the proposal would introduce an opening on a substantial uninterrupted length of granite boundary wall, given the proposed opening would be located at end of the garden adjacent to another opening and the opening width would be kept to a minimum to facilitate one vehicle the proposed opening would be acceptable if the granite was reused on the site, in accordance with Policy D5 – Our Granite Heritage of the ALDP. The proposed driveway would accord with the 'Transport and Accessibility' SG in that it would be permeable, not formed of loose chippings and of a length and width compatible with the SG. Given the existing pedestrian gate in the granite boundary wall would be blocked up with granite, the same length of granite boundary wall would be retained. The proposed opening would have negligible impact on the character and appearance of the conservation area. The proposed gates would be the same height as the original granite boundary wall, would retain the sense of enclosure and boundary treatment. Given there is a variety of materials in the gates and garage doors on the lane, the use of metal for the gates would have negligible impact to the character and appearance of the conservation area.

Matters Raised in the Supporting Statement

It is noted that the applicant has sought to create a large useable family area with kitchen/dining/living space with a direct link to rear garden, allow light into the extension and increase the amount of useable floor space to create full height rooms. Whilst this is not a material planning consideration and does not in itself provide justification for development which would conflict with the relevant national and local planning policies and guidance, there are likely to be alternative designs which could achieve what is being sought without having a detrimental impact to the character and appearance of the conservation area.

The Matter Raised in the Letter of Representation

The submitted plans show that the proposed extension would not project beyond the rear elevation of the extension of the adjoining property, 57 Desswood Place. Had planning permission been granted for the extension, the development would need to be constructed in accordance with the approved plans in order to be authorised.

No roof terrace is proposed. Such a development would require planning permission, and if an application for such a development was submitted, the roof terrace would be assessed, and neighbours would be notified and able to comment on the application at that time.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed two storey rear extension would be architecturally incongruous by virtue of its design, massing, scale and form with the historic gable roofed form of the original dwelling, the prominent publicly visible rear elevation of the pair of semi-detached properties, and the surrounding area. The proposed extension would be detrimental to the character and appearance of the Albyn Place and Rubislaw Conservation Area. The grant of planning permission could set an unwelcome precedent for extensions in the conservation area of a design and scale that would be incongruous to the character and appearance of the conservation area. The proposed extension would therefore conflict with Scottish Planning Policy; Historic Environment Scotland Policy Statement; Policies D1 – Quality Placemaking by Design, D4 – Historic Environment and H1 – Residential Areas of the Aberdeen Local Development Plan, the Supplementary Guidance: 'The Householder Development Guide'; and Managing Change in the Historic Environment: Extensions.

The proposed raised decking would have a significant adverse impact on the level of privacy, and thus residential amenity afforded to the rear living room and the rear garden of 57 Desswood Place, in conflict with H1 – Residential Areas and Policies D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan; and the Supplementary Guidance: ‘The Householder Development Guide’.

There are no material planning 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 100167451-001

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)

Alterations and rear extension to existing dwelling house. Form new access to the bottom of the site from the rear lane

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:	Tinto Architecture Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ruth	Building Name:	No 3 Millhouse
Last Name: *	Thomson	Building Number:	
Telephone Number: *	01224 821670	Address 1 (Street): *	Grandholm Crescent
Extension Number:		Address 2:	Bridge of Don
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB22 8BB
Email Address: *	ruth@tintoarchitecture.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Rhona	Building Number:	59
Last Name: *	Crichton	Address 1 (Street): *	Desswood Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB25 2EF
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

59 DESSWOOD PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB25 2EF

Please identify/describe the location of the site or sites

Northing

806061

Easting

392397

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)

Meeting with Roy Brown and Ross Wilson to discuss the overall proposal. The main points from the meeting were: - not concerned with the use of modern materials and forms - Concern with the relationship between existing bathroom & bedroom dormers - we have addressed this in the submitted drawings - Bring down the overall height of the first floor element to reduce the overall scale - we have reduced the overall height of the extension by approx. 450mm

Title:

Mr

Other title:

First Name:

Ross

Last Name:

Wilson

Correspondence Reference Number:

Date (dd/mm/yyyy):

07/03/2019

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.

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

0

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

1

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Ruth Thomson

On behalf of: Ms Rhona Crichton

Date: 31/05/2019

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: . Ruth Thomson

Declaration Date: 31/05/2019

Payment Details

Online payment: ABSP00004076
Payment date: 31/05/2019 11:53:00

Created: 31/05/2019 11:54

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Ruth Thomson
Tinto Architecture Ltd
No 3 Millhouse
Grandholm Crescent
Bridge Of Don
Aberdeen
AB22 8BB

on behalf of **Ms Rhona Crichton**

With reference to your application validly received on 31 May 2019 for the following development:-

Erection of two-storey extension, replacement dormer and formation of door to the rear, formation of two openings in side boundary wall to form gated entrances and driveway to the rear at 59 Desswood Place, Aberdeen

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

Drawing Number	Drawing Type
3044-EX(90)001 Rev A	Location Plan
3044-PL(90)001 Rev B	Proposed Site and Roof Plan
3044-PL(00)001 REV C	Proposed South and West Elevations and Floor Plans
3044-PL(05)002 REV B	Proposed Sections and North Elevation
3044-PL(05)001 REV D	Proposed West Elevation and Sections

REASON FOR DECISION

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

The proposed two storey rear extension would be architecturally incongruous by virtue of its design, massing, scale and form with the historic gable roofed form of the original dwelling, the prominent publicly visible rear elevation of the pair of semi-detached properties, and the surrounding area. The proposed extension would be detrimental to the character and appearance of the Albyn Place and Rubislaw Conservation Area. The grant of planning permission could set an unwelcome precedent for extensions in the conservation area of a design and scale that would be incongruous to the character and appearance of the conservation area. The proposed extension would therefore conflict with Scottish Planning Policy; Historic Environment Scotland Policy Statement; Policies D1 - Quality Placemaking by Design, D4 - Historic Environment and H1 - Residential Areas of the Aberdeen Local Development Plan, the Supplementary Guidance: 'The Householder Development Guide'; and Managing Change in the Historic Environment: Extensions.

The proposed raised decking would have a significant adverse impact on the level of privacy, and thus residential amenity afforded to the rear living room and the rear garden of 57 Desswood Place, in conflict with H1 - Residential Areas and Policies D1 - Quality Placemaking by Design of the Aberdeen Local Development Plan; and the Supplementary Guidance: 'The Householder Development Guide'.

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

Date of Signing 23 August 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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Comments for Planning Application 190884/DPP

Application Summary

Application Number: 190884/DPP

Address: 59 Desswood Place Aberdeen AB25 2EF

Proposal: Erection of two storey rear extension and replacement rear dormer; formation of decking and vehicular entrance with access gate o the rear

Case Officer: Roy Brown

Customer Details

Name: Dr Peter Faber

Address: 85 Blenheim Place Aberdeen

Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: To Whom it May Concern,

I have now had the opportunity to review application 190884/DPP and must admit at first sight the proposed building work appears very domineering and will have a negative impact on the enjoyment of my own garden and privacy. Additionally the 3D drawings gives the impression of a building out of character with the area.

Although, not specifically mentioned in the planning application it appears the design may include preparations for the construction of a roof terrace - either at initial build or at a future date. I have subsequently met with the applicants at 59 Deswood Place to discuss the specifics of the application and been re-assured there are no plans for construction of a roof terrace and that the planned building will not extend beyond the foot print of their Deswood Place neighbours' recent extension. A roof terrace and an excessively large extension would have a significant impact on my privacy and enjoyment of my property and hence I would object to the current plans.

On the proviso of written assurances that no roof terrace is planned for and the building foot print does not extend beyond the said extension, I am happy to support the application

Dr Peter Faber

85&87 Blenheim Place

Aberdeen AB25 2DZ

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Consultee Comments for Planning Application 190884/DPP

Application Summary

Application Number: 190884/DPP

Address: 59 Desswood Place Aberdeen AB25 2EF

Proposal: Erection of two storey rear extension and replacement rear dormer; formation of decking and vehicular entrance with access gate o the rear

Case Officer: Roy Brown

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 two storey rear extension and the replacement of a rear dormer, as well as the formation of decking, and a vehicular entrance with an access gate to the rear at 59 Desswood Place. The site is located on the border of the inner/outer city, in controlled parking zone L, but adjacent to areas outwith any controlled parking zone.

The property currently consists of 4 bedrooms and 4 are to remain. As such, there is no change in parking requirements.

The site currently has 0 parking spaces, and 1 is proposed.

There is little information about the opening proposed, with dimensions, the layout of the parking area, the materials used, etc. This is required. It should be noted that the dropped kerb should be formed by ACC at the expense of the applicant, that no loose materials should be used in the first 2m of the driveway, and that no surface water is to drain onto any adopted surface - as such, if the driveway slopes towards the adopted surface a channel drain will be required.

Roads have no issue with the principle of this application, however more information is required as specified above. Upon receipt of this information I will be better placed to provide a comprehensive Roads response.

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From:Scott Lynch
Sent:15 Aug 2019 03:34:23
To:RoyBrown@aberdeencity.gov.uk,
Subject:DPP 190884
Attachments:image001.jpg,

Roy,

I note that you have asked for an updated Roads response, taking into consideration the account that we have no yet heard back from the applicant.

My previous Roads comments were:

“I note that this application is for the erection of a two storey rear extension and the replacement of a rear dormer, as well as the formation of decking, and a vehicular entrance with an access gate to the rear at 59 Desswood Place. The site is located on the border of the inner/outer city, in controlled parking zone L, but adjacent to areas outwith any controlled parking zone.

The property currently consists of 4 bedrooms and 4 are to remain. As such, there is no change in parking requirements.

The site currently has 0 parking spaces, and 1 is proposed.

There is little information about the opening proposed, with dimensions, the layout of the parking area, the materials used, etc. This is required. It should be noted that the dropped kerb should be formed by ACC at the expense of the applicant, that no loose materials should be used in the first 2m of the driveway, and that no surface water is to drain onto any adopted surface - as such, if the driveway slopes towards the adopted surface a channel drain will be required.

Roads have no issue with the principle of this application, however more information is required as specified above. Upon receipt of this information I will be better placed to provide a comprehensive Roads response.”

Whilst Roads would possibly have no issue with further information, further information has not been provided and, as such, we would not be in a position to give our approval for the scheme. As it stands Roads would refuse this application. Should further information come in to support the application I will gladly take a look at it and adjust my response accordingly.

Thanks,



Scott Lynch MEng CEng MIMechE | Senior Engineer
Aberdeen City Council | Roads Development | Strategic Place Planning | Place
Marischal College | Ground Floor North | Aberdeen | AB10 1AB

Direct Dial: 01224 522292

www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

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From:Scott Lynch
Sent:20 Aug 2019 03:38:42
To:RoyBrown@aberdeencity.gov.uk,
Subject:190884 - 59 Desswood Place
Attachments:image001.jpg,

Roy,

I note that this application is for the erection of a two storey rear extension and the replacement of a rear dormer, as well as the formation of decking, and a vehicular entrance with an access gate to the rear at 59 Desswood Place. The site is located on the border of the inner/outer city, in controlled parking zone L, but adjacent to areas outwith any controlled parking zone.

The property currently consists of 4 bedrooms and 4 are to remain. As such, there is no change in parking requirements.

The site currently has 0 parking spaces, and 1 is proposed.

A 3.5m wide opening is proposed in the wall, forming an access to the driveway. Parking is to be on two strips of paving, with grass being otherwise retained. This proposal meets our drainage and materials requirements.

There are no outstanding Roads concerns with this application.

Thanks,



Scott Lynch MEng CEng MIMechE | Senior Engineer
Aberdeen City Council | Roads Development | Strategic Place Planning | Place
Marischal College | Ground Floor North | Aberdeen | AB10 1AB

Direct Dial: 01224 522292

www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

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National Planning Policy

Scottish Planning Policy (SPP)

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

Historic Environment Policy for Scotland (HEPS)

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=1bcfa7b1-28fb-4d4b-b1e6-aa2500f942e7>

Aberdeen Local Development Plan (ALDP)

H1: Residential Areas;

D1: Quality Placemaking by Design;

D4: Historic Environment

D5: Our Granite Heritage

Supplementary Guidance

Householder Development Guide

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

The Repair and Replacement of Windows and Doors

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

Transport and Accessibility

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

Other Material Considerations

Albyn Place and Rubislaw Conservation Area Character Appraisal

https://www.aberdeencity.gov.uk/sites/default/files/2013_Con_Appraisal_3_Albyn.pdf

Historic Environment Scotland 'Managing Change in the Historic Environment' guidance notes on:

- Extensions

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

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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 100167451-004

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="Ms"/>	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="Rhona"/>	Building Number:	<input type="text" value="59"/>
Last Name: *	<input type="text" value="Crichton"/>	Address 1 (Street): *	<input type="text" value="Desswood Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB25 2EF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="ruth.thomson@tinto.co.uk"/>		

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="59 DESSWOOD PLACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB25 2EF"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806061"/>	Easting	<input type="text" value="392397"/>
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Description of Proposal

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

Erection of two-storey extension, replacement dormer and formation of door to the rear, formation of two openings in side boundary wall to form gated entrances and driveway to the rear at 59 Desswood Place.

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 the attached Notice of Review outlining our reasons for appeal

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)

Notice of Review PL(00)001C - Proposed Plans & Elevations PL(05)001D - Proposed Sections PL(05)002B - Proposed Sections PL(90)001B - Proposed Site Plan

Application Details

Please provide details of the application and decision.

What is the application reference number? *

190884/DPP

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

31/05/2019

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

23/08/2019

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

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

Please select a further procedure *

Holding one or more hearing sessions on specific matters

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

Fundamentaaly required to address the concerns raised in the Notice of Review (attached as a Supporting Document)

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: . Ruth Thomson

Declaration Date: 21/11/2019

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NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicants:

Agent (if any):

Name: *Ms Rhona Crichton*
Address: *59 Desswood Place
Aberdeen
AB25 2EF*

Name: *Tinto Architecture Ltd*
Address: *Unit 3 - Millhouse
Grandholm Crescent
Bridge of Don, Aberdeen
AB22 8BB*

Contact Tel:

Contact Tel: *01224 821 670*

Email:

Email:

ruth@tintoarchitecture.com / ross@tintoarchitecture.com

Confirm that all contact should be through this representative: *Yes*

Do you agree to correspondence regarding your review being sent by email: *Yes*

Planning Authority:

Aberdeen City Council

Planning Authority Application number:

190884/DPP

Site Address:

As per Applicant address

Description of proposed development:

Formation of new extension to rear of the existing dwelling house, and associated internal alterations. Formation of 2 new gated entrances to the rear.

Date of Application:

31/05/2019

Date of decision:

23/08/2019

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

Nature of Application: *Application for Planning Permission (inc. householder development)*

Reasons for seeking review: *Refusal of Application by appointed officer*

Review Procedure:

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

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

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

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

We believe that decision regarding the rear extension should be subject of the above procedure.

Site Inspection:

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

- | | |
|--|-----|
| 1. Can the site be viewed entirely from public land? | Yes |
| 2. Is it possible to access the site safely, without barriers to entry? | Yes |

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. 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.

Introduction:

The Planning Department has stated as their reason for refusal of this application that:

“The proposed two storey rear extension would be architecturally incongruous by virtue of its design, massing, scale and form with the historic gabled roofed form of the original dwelling, the prominent publicly visible rear elevation of the pair of semi-detached properties, and the surrounding area. The proposed extension would be detrimental to the character and appearance of the Albyn Place and Rubislaw Conservation Area. The grant of planning permission could set an unwelcome precedent for extensions in the conservation area of a design and scale that would be incongruous to the character and appearance of the conservation area. The proposed extension would therefore conflict with Scottish Planning Policy; Historic Environment Scotland Policy Statement; Policies D1 – Quality Placemaking by Design, D4 – Historic Environment and H1 – Residential Areas of the Aberdeen Local Development Plan, the Supplementary Guidance: ‘The Householder Development Guide’; and Managing Change in the Historic Environment: Extensions.”

“The proposed raised decking would have significant adverse impact on the level of privacy, and thus residential amenity afforded to the rear living room and the rear garden of 57 Desswood Place, in conflict with H1 – Residential Areas and Policies D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan; and the Supplementary Guidance: ‘The Householder Development Guide’.

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

This decision statement was preceded by the following:

“Based on continuing the same ground floor level for the extension to that of the existing house, we cannot currently envisage any entirely new first floor extension that would preserve the character of the conservation area. Any such first floor extension would appear incongruous to the existing house. On that basis, only a ground floor extension would be acceptable.

With regard to the materials to be used for external finishes, a zinc cladding and/or bricks are potentially acceptable. However, until such time as the size and shape of the extension are bottomed out, any further discussion on the precise details of the external finishes is probably premature. That said, we are open to the use of contemporary materials. A new extension does not need to be finished granite, for example.”

In this report however, we will demonstrate that this conclusion has been determined by the use of semantic terminology which is different to that seen in the relevant Policy and Guidance and is informed as a result of personal design preference. The semantic 'confusion' is in fact, fundamentally contrary to the Policies and Guidance cited in this decision, and personal preference, whilst potentially unavoidable, should not be seen as a defining factor in determining an application. It is these factors therefore, that we will look to address specifically.

Initial Client Brief / Requirements:

We were approached to create a useable family space with kitchen, dining and living space with a direct link to the rear garden. A previous rear extension circa. 1970/80s disjointed the flow of the home and created small, awkward and difficult to use spaces that had no connection to the external garden area. At first floor level the rear bedroom and bathroom have minimal floor area with full height useable space – making it a difficult space to use.

Pre Application Discussion:

A pre-application was submitted for the client's preferred scheme on 19th December 2018 and we received a formal response on 15th February 2019 after a long delay. Once the response was received a meeting was held with Roy Brown (Planning), Ross Wilson (Conservation Officer), Ross Anderson (Tinto Architecture), Ruth Thomson (Tinto Architecture) and the clients in attendance.

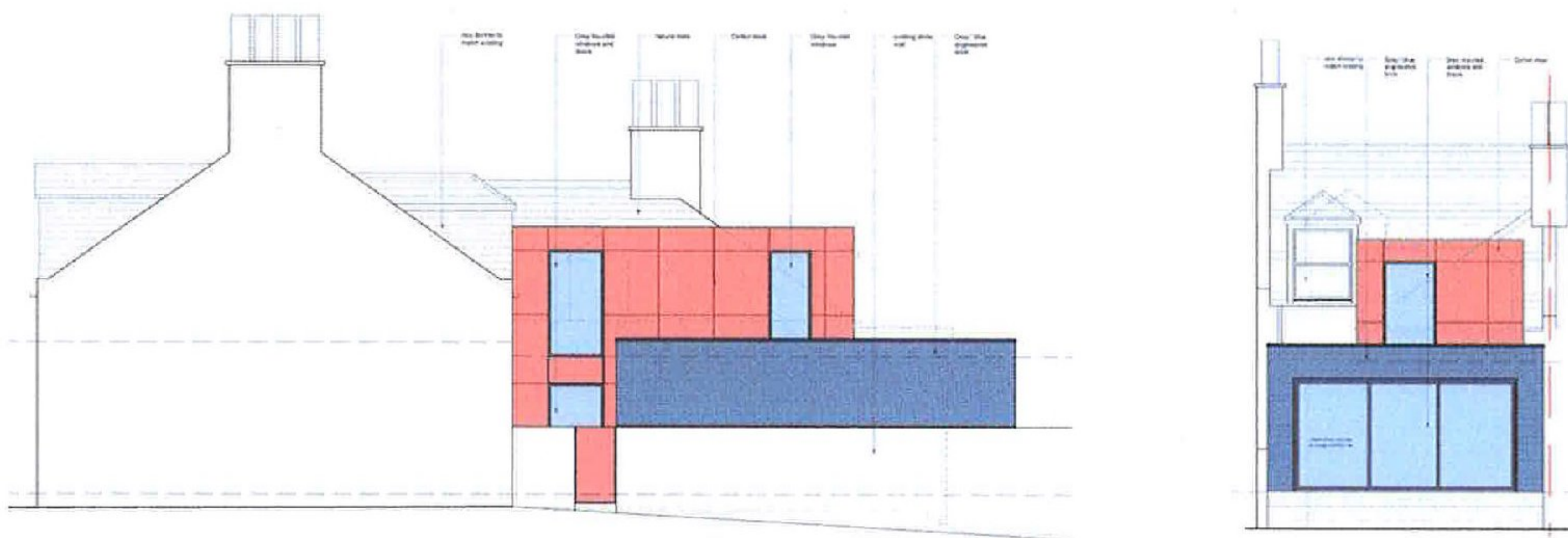


Initial Plans and Elevations (as submitted to pre-app)

The main points discussed and conclusions made during the meeting on 7th March 2018 were:

- Ross Wilson noted they were not concerned with the use of modern materials as they have seen this done well in other domestic projects within the city.
- It was noted that planning likes the choice of materials as long as they are detailed correctly. They like the use of the Corten Steel.
- It is felt that the relationship between the existing first floor dormer windows is awkward and it would be beneficial if this could be addressed and improved within the proposal.
- It was suggested that the strip of granite left between the extension and the original house should be removed to provide a clear line between the old and new materials.
- It would be beneficial if the overall height of the extension could be reduced in scale / height if possible.

After the meeting as outlined above, the design was reviewed by Tinto Architecture to take into account the points made by Roy Brown and Ross Wilson. The overall height of the extension was reduced by 450mm which takes the height of the extension down in line with the height of the existing dormers. This also makes the overall height of the extension subservient to the original property and respectful of the neighbouring property.



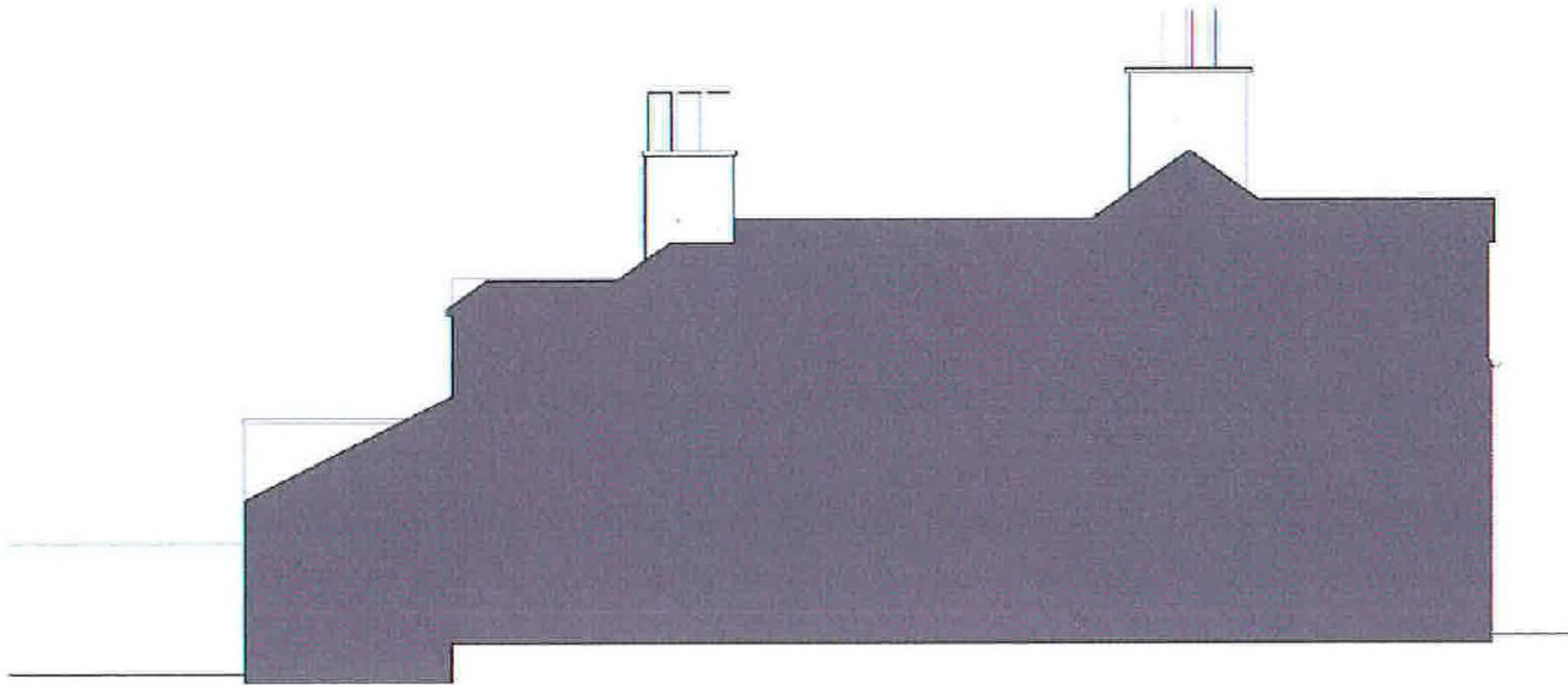
Elevation reducing the height by 450mm

The relationship between the existing dormers has been improved with the extension by relocating the dormer to the rear of the property and therefore removing the 'clash' that is currently on site.

Further Discussion:

An initial response to the planning submission was received from Roy Brown on 16th July 2019:

Confirmation of the east boundary wall elevation was requested. Additional sectional elevation was provided (see below image). As the elevation shows there is minimal impact on the neighbouring property and our proposed extension does not overpower the neighbouring property.

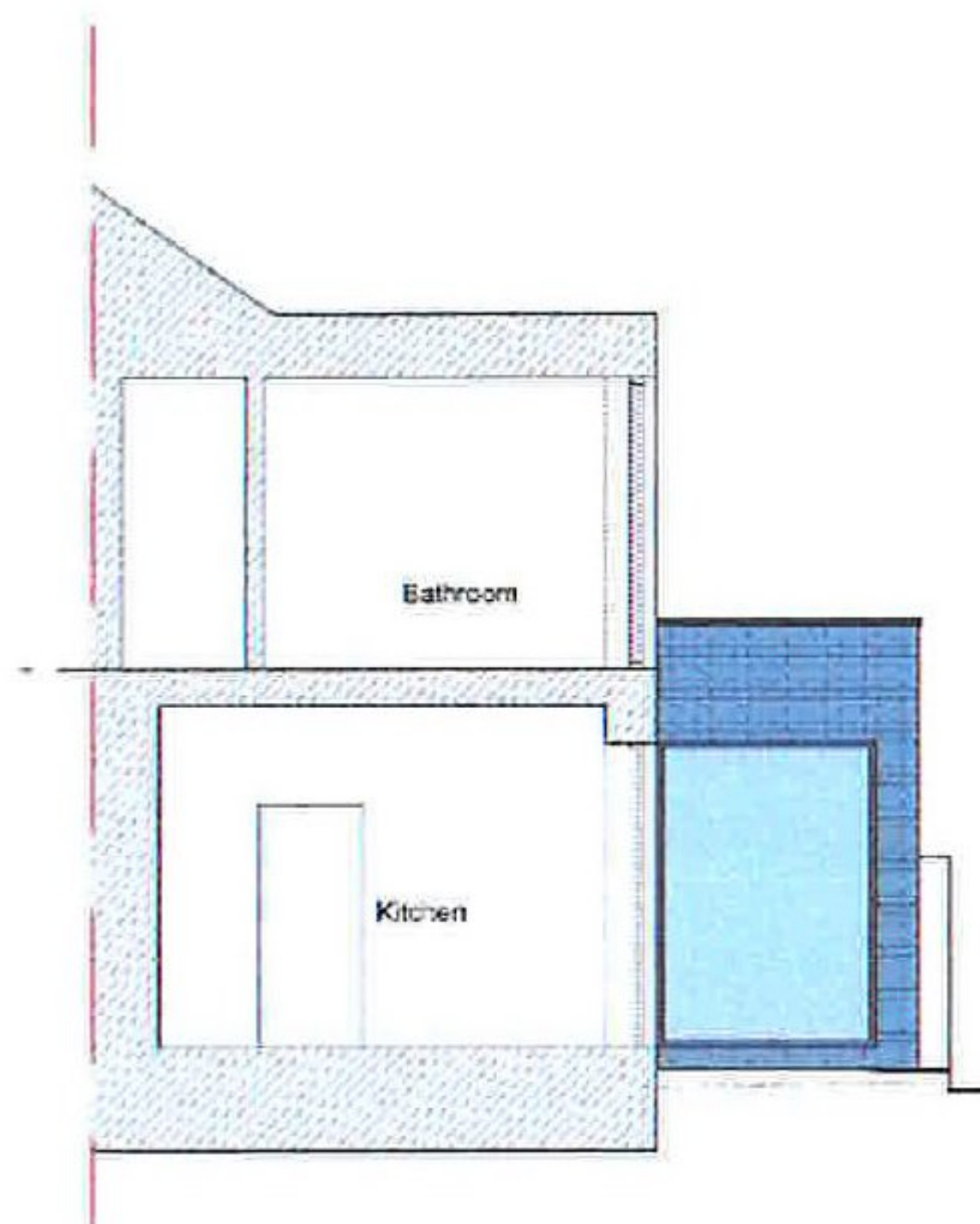


Sectional East Elevation

The proposed bathroom window in elevation would result in the bath being against the window. It was confirmed that this is to be a feature freestanding bath that is to be located in front of the window.

The wall thickness of the existing & proposed seem to be them same. Is the granite wall being retained or demolished? Due to the minimal amount of wall that would be retained we are proposing that the existing wall will be demolished and a new wall constructed in the same location. This also allows a better energy efficiency to be achieved.

A north elevation of the ground floor extension needs to be submitted. Section C-C (see below) was provided.



Section C-C

Further information on the formation of an opening / driveway into the bottom of the garden through the existing boundary wall was requested. The new access formed is to be a maximum width of 3.5m and the access is to be gated. This new entrance is for access to the garden only and is not intended to be used as a formal driveway. The granite removed to form the opening is to be re-used within the garden landscaping.

Because the proposal extends to the edge of the lane its visual impact is pronounced, and because the site slopes south but the finished floor level continues it results in what appears to be an exaggerated height to the extension. The single opening triple sliding doors to the garden, which effectively take up the width of the site, appear as too large in scale and will have a dominance to this section of the lane. The first floor extension is significant in terms of its overall massing. Further, the visual relationship in carrying down the Corten to the ground floor may be softened by re-using granite, or other, but the way it is proposed by carrying down to the ground floor serves to emphasise the bulk. It would serve to dominate the original form and appearance of the dwelling in its two storey flat roofed form on a 1½ storey gable roofed dwelling. The rear elevation would appear unbalanced next to the upper storey of the adjacent annexe.

The height of the extension takes notes from the adjoining extension height and due to the slight slope in the ground we feel that it will sit well within the context. The sliding door into the garden allows for natural light to penetrate into the deep plan of the building, while lightening / softening the south elevation. During our meeting with Roy Brown and Ross Wilson during the pre-app stage it was discussed that having the Corten over both levels would be more legible between old and new. This creates a defined point between the old and the new of the building which was what we discussed during our meeting. As you can see from the proposed east elevation and south elevation the height and length of our extension is taken from the neighbouring property

The existing dormer window to be moved still appears to have a very awkward relationship with the proposed first floor. The existing dormer has been moved so it no longer clashes with the rear extension (as it does currently) so we would argue that we are making the situation here much better than the existing. We require to retain a dormer of this scale to ensure the existing bedroom still complies with building regs.

The Current Proposal:

The proposal which this Notice of Review relates to was submitted following the pre application discussions described to the Planning Authority on 31/05/2019.

Following the pre-application discussions, Tinto Architecture address the main concerns that the Authority had raised during our meeting:

- 1. Reducing the overall height of the extension to relate to neighbouring heights.*
- 2. Address the existing 'clash' between first floor dormers.*
- 3. Ensure that there is a clean 'break' / line between old (existing original dwelling) and new (extension) in terms of materials*

These remaining points were addressed as follows:

- 1. The overall height of the extension was reduced to match the height of the existing dormers and the neighbouring dormers – ensuring that the proposed extension does not dominate the original dwelling and the neighbouring property. As well as the differing material use on each floor, this change helps to break up the apparent mass of the elevation further, and means that there is a clear and distinct change and reduction in the scale of the extension as you move from Ground to First Floor on ALL elevations. The first floor 'extension' is of the same footprint as the existing rear extension and is basically connecting the two existing dormers together to provide more useable space floor space. By retaining the existing line of the first floor it*

conceals the first floor 'extension' from the main street elevation (Desswood Place) and ensuring it is subservient in mass and scale as Policy dictates.

- 2. Currently the first floor dormers to the rear of the property 'clash' with the bedroom window being partly covered by the bathroom dormer. Within the proposal we have addressed this issue and proposed to move the bedroom dormer to remove this clashing element. The bedroom dormer requires to be retained in this form to meet Building Regulations for a useable bedroom space.*
- 3. We revised the split of materials to have an obvious changes between new and old. The materials of the extension have been considered and currently we have proposed a mix of corten steel and a blue brick. We would be happy to discuss materials further as noted within discussions with Roy Brown. It was noted in the pre-app meeting that the materials proposed could be supported by the Authority as long as they are detailed well.*

To revert to the reasons for refusal, the Planning Department has stated that:

"The proposed two storey rear extension would be architecturally incongruous by virtue of its design, massing, scale and form with the historic gabled roofed form of the original dwelling, the prominent publicly visible rear elevation of the pair of semi-detached properties, and the surrounding area. The proposed extension would be detrimental to the character and appearance of the Albyn Place and Rubislaw Conservation Area. The grant of planning permission could set an unwelcome precedent for extensions in the conservation area of a design and scale that would be incongruous to the character and appearance of the conservation area. The proposed extension would therefore conflict with Scottish Planning Policy; Historic Environment Scotland Policy Statement; Policies D1 – Quality Placemaking by Design. D4 – Historic Environment and H1 – Residential Areas of the Aberdeen Local Development Plan, the Supplementary Guidance: 'The Householder Development Guide'; and Managing Change in the Historic Environment: Extensions."

"The proposed raised decking would have significant adverse impact on the level of privacy, and thus residential amenity afforded to the rear living room and the rear garden of 57 Desswood Place, in conflict with H1 – Residential Areas and Policies D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan; and the Supplementary Guidance: 'The Householder Development Guide'.

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

We believe the below points form a strong argument against the reasons for refusal:

- 1. 'the prominent publicly visible rear elevation' and 'would be detrimental to the character and appearance of the ... Conservation Area' The extension is not prominent from the main street (Desswood Place) and cannot be seen at all from the principal elevation. The extension can be seen from the back lane which currently consists of low grade outbuildings and large scale commercial buildings. There is a wide variety of materials used within the buildings on the lane and many of these are of a low grade whereas the extension we have proposed is to be finished with materials of a high quality. Within the proposal the existing ill considered dry dash rendered extension is to be removed and it will be replaced with an honest legible contemporary intervention to the building. The extension has been designed to retain the historic frontage of the*

existing building and the boundary walls. The material choices have come from materials currently being used within the lane and using them in a highly considered contemporary form. We were advised from Planning at the pre-app stage that they had no concerns with materials proposed.

2. 'the proposed raised decking would have significant adverse impact on the level of privacy' The level of the decked area currently sits at finished floor level to allow for direct access to the garden. Within the discussions we have offered to drop the decked area to a lower level or remove the area completely. In regards to the privacy of the neighbours we have also discussed having an additional area of fencing/screening within this area. It is also worth noting that the neighbours are amenable to the extension and what is currently proposed.
3. 'the grant of planning permission could set an unwelcome precedent for extensions in the conservation area' We have been clearly advised by the Authority that precedent could not be referred to as part of any application therefore do not find this fair to imply this may be used in the future.

Conclusion:

To conclude, we believe that the proposal is in full compliance with the relevant Policy and Guidance cited in the refusal decision of the Planning Department. The extension sits subservient to the existing dwelling and is situated to the rear so is not prominent within the area.

The massing of the extension takes references from the neighbouring properties and the heights of the existing extension and dormer windows. In regards to the argument of the massing the first floor element is no larger than the existing element, in simple terms we are infilling between the existing dormers to provide more useable space internally.

When the policies are read, and this scheme is assessed against them, it is clear that there are no areas with which this does not comply, and therefore there is no reason for it to be refused. To recap the Policy being cited:

Policy H1 states that:

"within existing residential areas...development will be approved in principle if it:

1. Does not constitute overdevelopment
2. Does not have an unacceptable impact on the character and amenity of the surrounding area
3. Does not result in the loss of valuable and valued areas of open space
4. Complies with the Supplementary Guidance

The Supplementary Guidance referred to states that:

for Semi-Detached Dwellings "On properties of 2 or more storeys, two storey extensions may be possible, subject to the design considerations set out in the 'General Principles' section above".

The General Principle which the Planning Department have stated this proposal is in breach of is that:

"Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area".

It is clear however, that, in accordance with the cited Policy and Guidance, the proposal IS architecturally compatible with the existing building, as it sits lower than the existing and in scale to the neighbouring properties.

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

No

List of documents and evidence:

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

Submitted Plans and Elevations.

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

Checklist:

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

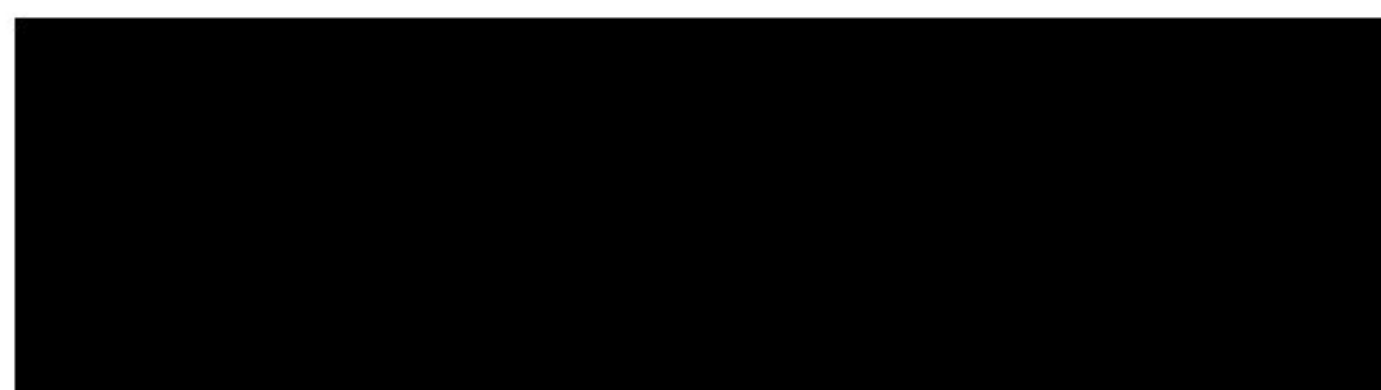
Full completion of all parts of this form	Yes
Statement of your reasons for requiring a review	Yes
All documents, materials and evidence you intend to rely on	Yes

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 agent hereby serve notice on the Planning Authority to review the application as set out on this form and supporting documents.

Signed:



Date: 21-11-19

Print:

Ruth Thomson (MArch)
Architect on behalf of Tinto Architecture Ltd



Strategic Place Planning

Report of Handling

Site Address:	14 Hilton Walk, Aberdeen, AB24 4LJ,
Application Description:	Formation of driveway and installation of handrail to front (retrospective)
Application Ref:	190487/DPP
Application Type:	Detailed Planning Permission
Application Date:	16 April 2019
Applicant:	Mr Eric Brown
Ward:	Hilton/Woodside/Stockethill
Community Council:	Woodside And Hilton
Case Officer:	Roy Brown

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

A 1½ storey mid-terraced dwelling and its front and rear curtilage in a residential area. The dwelling has a northeast facing principal elevation that fronts Hilton Walk. The property adjoins 15 Hilton Walk to the northwest and 13 Hilton Walk to the southeast. The site slopes significantly as the ground level of the dwelling is approximately 2m higher than the ground level of Hilton Walk.

The front curtilage of the dwelling and of 15 Hilton Walk have been substantially excavated to form a lock-blocked driveway and a 2m high retaining wall with safety barriers above. The curtilage was previously soft landscaped with a ground level raised above the road and had a c.1m high northwest boundary wall. Despite the development having been undertaken, it does not have planning permission.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought retrospectively for the formation of the lock-block finished driveway in the front curtilage of the property and the 2m high finished retaining wall with c.1m high steel barriers fixed to it. The driveway is c.5.5m in length and c.2.7m in width.

Despite the plans specifying that the retaining wall is finished in fyfestone, it is finished in render.

This application solely relates to the works at 14 Hilton Walk. Therefore, if planning permission was granted, the works at 15 Hilton Walk would not be included in the permission and that part of the parking area would remain unauthorised.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=POWWWKBZM6R00>

CONSULTATIONS

Aberdeen City Council Roads Development Management – No objection subject to acceptable dimensions, gradient, materials, drainage, gates not opening onto the road, the driveway meeting the road at right angles, and a footway crossing being added adjacent to 15 Hilton Walk.

Woodside and Hilton Community Council – No response received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (ALDP) (2017)

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

Supplementary Guidance (SG)

- Transport and Accessibility

EVALUATION

Aberdeen City and Shire Strategic Development Plan (SDP)

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Principle of Development

The application site is located in a residential area, under Policy H1 of the ALDP, 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, in this case the Householder Development Guide (HDG). 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 of the ALDP. 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. Policy D1 requires development to be assessed against the six essential qualities.

The driveway and retaining wall have not been designed with due consideration to scale, massing, details and materials. Discounting the unauthorised driveway at 15 Hilton Walk which could be subject to enforcement action, the driveways elsewhere on the southwest side of Hilton Walk generally follow the gradient of the slopes of the site and are located on properties where the gradient is gentler. In this instance, the driveway cuts directly into the slope which, due to the significant slope of the site results in a 2m high retaining wall and its barrier have a total height of almost 3.1m. The significant height of the retaining wall and barrier dominates the principal elevation of the property and is incongruous its surroundings and the overall terrace. The development results in almost the entire loss of the soft landscaping in the front garden. In addition, the design and materials of the barriers are incongruous with its domestic setting.

Despite the plans specifying that the retaining wall is finished in Fyfestone, it is finished in render. The difference in material would not change the recommendation of this application.

In summary, the driveway and retaining wall significantly detract from the visual amenity of the streetscape and the character of the surrounding area, in conflict with Policies D1 and H1 of the ALDP; and the HDG.

In addition, the grant of planning permission would be likely to set a negative precedent for similar proposals in the surrounding area, which if replicated could result in substantial parking areas and

retaining walls in the front curtilage of properties. This would have a significant adverse impact on the character and visual amenity of the street scene.

Road Safety

Notwithstanding the negative impact on the character and visual amenity of the surrounding area, the driveway complies with the Transport and Accessibility SG in that it is more than 5m in length, 3m in width and 15m from a junction. It drains internally, is not finished in loose materials within 2m of the footway and it meets the road at a right angle. Its gradient is less than 1:20. Therefore, the Roads Development Management Team have not objected to the application, and the proposal does not adversely affect road safety.

Residential Amenity

Notwithstanding the negative impact the driveway has on the visual amenity of the surrounding area, the driveway, retaining wall and safety barriers have a negligible impact on the level of residential amenity afforded to neighbouring properties in terms of privacy, sunlight and background daylight, in accordance with Policies H1 and D1 of the ALDP, and the SG.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The driveway, retaining wall and safety barrier dominate the principal elevation of the property and are incongruous with their surroundings and overall terrace, by way of their significant height and scale and the significant loss of the naturally sloping soft landscaped front garden. The proposal therefore adversely affects the character and visual amenity of the surrounding area. Furthermore, the grant of planning permission could set a negative precedent for similar proposals in the surrounding area, which would have a further detrimental impact to the character and amenity of the surrounding area. They therefore conflict with Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the Aberdeen Local Development Plan, and the associated Supplementary Guidance: ‘The Householder Development Guide’. There are no material planning 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 100158587-001

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)

Creation of an off street car parking space

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): *

11/01/2019

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

Client was unaware that permission was required for the development prior to commencing the works

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

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

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Eric	Building Number:	14
Last Name: *	Brown	Address 1 (Street): *	Hilton Walk
Company/Organisation		Address 2:	Hilton
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB24 4LJ
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

14 HILTON WALK

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB24 4LJ

Please identify/describe the location of the site or sites

Northing

808364

Easting

392111

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: Derek Young

On behalf of: Mr Eric Brown

Date: 25/03/2019

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 Derek Young

Declaration Date: 25/03/2019

Payment Details

Cheque: E G Brown & Mrs C A Brown, 001448

Created: 25/03/2019 00:26

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

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

on behalf of **Mr Eric Brown**

With reference to your application validly received on 16 April 2019 for the following development:-

**Formation of driveway and installation of handrail to front (retrospective)
at 14 Hilton Walk, Aberdeen**

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

Drawing Number	Drawing Type
981 - 02	Location Plan
981-01 Rev B	Site Layout and Sections (Proposed)

REASON FOR DECISION

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

The driveway, retaining wall and safety barrier dominate the principal elevation of the property and are incongruous with their surroundings and overall terrace, by way of their significant height and scale and the significant loss of the naturally sloping soft landscaped front garden. The proposal therefore adversely affects the character and visual amenity of the surrounding area. Furthermore, the grant of planning

permission could set a negative precedent for similar proposals in the surrounding area, which would have a further detrimental impact to the character and amenity of the surrounding area. They therefore conflict with Policies D1 - Quality Placemaking by Design and H1 - Residential Areas of the Aberdeen Local Development Plan, and the associated Supplementary Guidance: 'The Householder Development Guide'. There are no material planning considerations that warrant the grant of planning permission in this instance.

Date of Signing 5 September 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 190487/DPP

Application Summary

Application Number: 190487/DPP

Address: 14 Hilton Walk Aberdeen AB24 4LJ

Proposal: Formation of driveway and installation of handrail to front (retrospective)

Case Officer: Roy Brown

Consultee Details

Name: Mr Nathan Thangaraj

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

Email: nthangaraj@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note this application is for the formation of driveway and installation of handrail to front (retrospective) at 14 Hilton Walk, Aberdeen AB24 4LJ. This site is located within outer City and outwith any controlled parking zone.

The driveway should be a minimum of 5 metres long, positioned generally at right angles to the road. The width of the crossing will be 3.0 metres, which constitutes a single crossing. It is recommended that the single crossing to be installed adjacent to 15 Hilton Walk. The driveway should be installed at a gradient that does not exceed 1 in 20.

The driveway should be internally drained, with no surface water discharging onto the public road. Loose material (e.g. stone chippings) must not be used to surface the first 2 metres of driveway adjacent to the footway. Any gates that are erected across the driveway must not open into the public road.

Vehicular access to the site should be by means of a standard footway crossing constructed by a contractor appointed by Aberdeen City Council. You will be responsible for meeting all the costs involved, for which you will be invoiced directly. I would ask that you contact the Road Network Maintenance Unit on (01224) 241500, or email footwaycrossings@aberdeencity.gov.uk in order that a detailed estimate for the footway crossing work is sent to you.

Should all the above be met with regard to the driveway then I can confirm that Roads Development Management would have no objection to this application.

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National Planning Policy

Scottish Planning Policy (SPP)

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

Aberdeen Local Development Plan (ALDP)

H1: Residential Areas;

D1: Quality Placemaking by Design;

Supplementary Guidance

Householder Development Guide

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

Transport and Accessibility

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

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100158587-002

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

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

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<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="Eric"/>	Building Number:	<input type="text" value="14"/>
Last Name: *	<input type="text" value="Brown"/>	Address 1 (Street): *	<input type="text" value="Hilton Walk"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB24 4LJ"/>
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="14 HILTON WALK"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB24 4LJ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="808364"/>	Easting	<input type="text" value="392111"/>
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Description of Proposal

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

Retrospective application for formation of off-street car parking and handrail

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.

Mr Brown is a pensioner who suffers from walking difficulties and now relies on his car. The street suffers from over parking due to the flats built directly across from his house. Now Mr Brown has great difficulty in parking in front of his property, having to park further away causing stress due to his movement restrictions. The off-street parking provision gives him with immediate access to his house and reduces the parking problems on the street.

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)

Revue Body Statement Photo of 9 Cairncry Crescent

Application Details

Please provide details of the application and decision.

What is the application reference number? *

190487/DPP

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

25/03/2019

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

05/09/2019

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

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 Derek Young

Declaration Date: 02/12/2019

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14 Hilton Walk
Aberdeen
AB24 4 LJ

Local Revue Body Statement

Mr Brown is a pensioner who suffers from walking difficulties. He now relies heavily on his car for getting around. Hilton Walk as a street suffers from over parking, this is mainly due the flats built directly across from his house. Now and in the past Mr Brown has great difficulty in parking in front of or near too his property, having to park further away from his front door causes stress due to his movement restrictions.

The off-street parking provision gives him immediate access to his house and helps reduces the parking problems existing on the street.

At the time of construction Mr Brown saw many such developments in the area (Example 9 Cairncry Crescent, photo attached) and was unaware that planning permission was required for such a development.

The house is set somewhat higher than the existing pavement level so presented a steep front garden difficult to maintain especially for Mr Brown with restricted movement.

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