

Public Document Pack



To: Councillor Boulton, Chairperson; and Councillors Cameron and Reynolds.

Town House,
ABERDEEN 19 August 2020

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely on **WEDNESDAY, 26 AUGUST 2020 at 10.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

In accordance with UK and Scottish Government guidance, meetings of this Committee will be held remotely as required. In these circumstances the meetings will be recorded and thereafter published on the Council's website at the following [link](#)

B U S I N E S S

1.1 Procedure Notice (Pages 5 - 6)

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

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

[Local Development Plan](#)

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

PLANNING ADVISER - GAVIN EVANS

- 2.1 Formation of Dormers to the Front and Back - 6 Hammerfield Avenue Aberdeen - 200295 (Pages 7 - 28)
- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 29 - 48)
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 200295.
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 49 - 50)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 51 - 68)
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 200295.
- 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

PLANNING ADVISER - GAVIN EVANS

- 3.1 Erection of single storey extension to the side - 4 Deemount Road Aberdeen - 200440 (Pages 69 - 96)
- 3.2 Delegated Report, Original Application Form and Decision Notice (Pages 97 - 114)
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 200440.
- 3.3 Planning Policies Referred to in Documents Submitted (Pages 115 - 116)
- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 117 - 128)
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 200440.
- 3.5 Determination - Reasons for Decision

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

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

Website Address: www.aberdeencity.gov.uk

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

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

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

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

DETERMINATION OF REVIEW

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

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

LOCAL REVIEW BODY



200295/DPP– Review against refusal of planning permission
for:

“Formation of dormers to front and rear”

at: 6 Hammerfield Avenue, Aberdeen

Location Plan

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Location Plan



Aerial Photo

GREAT WESTERN ROAD

SOUTH ANDERSON DRIVE

HAMMERFIELD AVENUE

DUTHIE TERRACE

CRANFORD ROAD



Site Photo - Front



Site Photos - Rear



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Front (E) elevation

FINISHES:-

PITCHED ROOF - NATURAL SLATE

FLAT ROOF - SANRAFIL MEMBRANE - GREY

FASCIA - TIMBER - WHITE

RAINWATER GOODS - UPVC - BLACK

HAFFIT - NATURAL SLATE

EXISTING

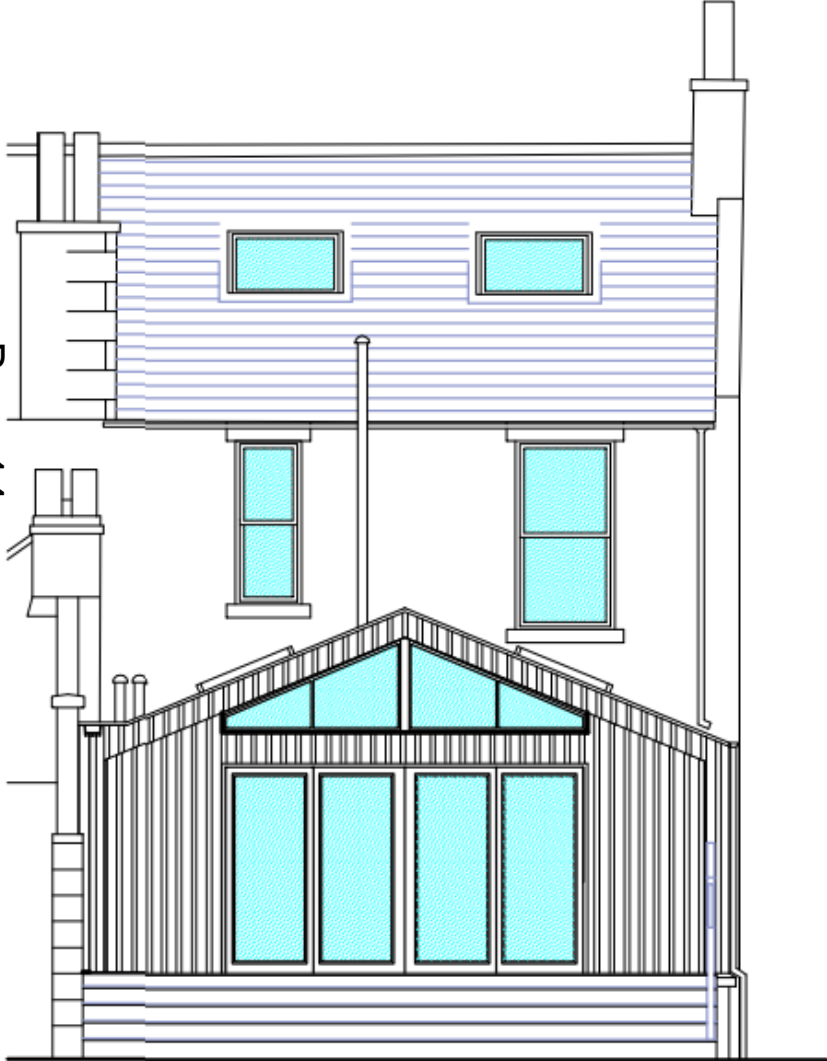
PROPOSED

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Rear (W) elevation

EXISTING



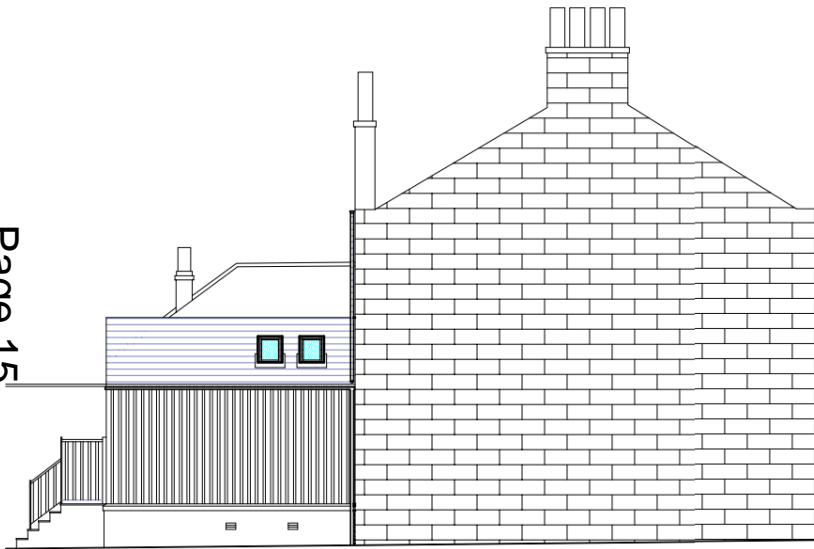
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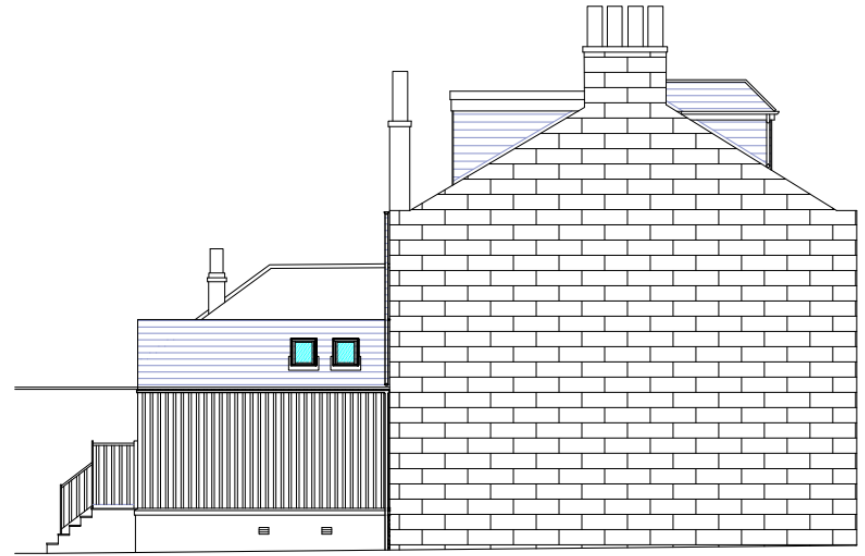
- FINISHES:-
- PITCHED ROOF - NATURAL SLATE
 - FLAT ROOF - SANRAFIL MEMBRANE - GREY
 - FASCIA - TIMBER - WHITE
 - RAINWATER GOODS - UPVC - BLACK
 - HAFIT - NATURAL SLATE

Side (S) elevation

EXISTING



PROPOSED



FINISHES:-

PITCHED ROOF - NATURAL SLATE

FLAT ROOF - SANRAFIL MEMBRANE - GREY

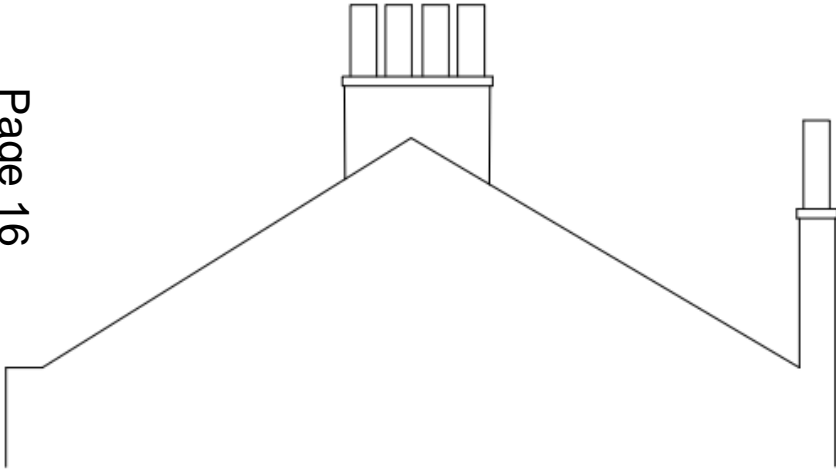
FASCIA - TIMBER - WHITE

RAINWATER GOODS - UPVC - BLACK

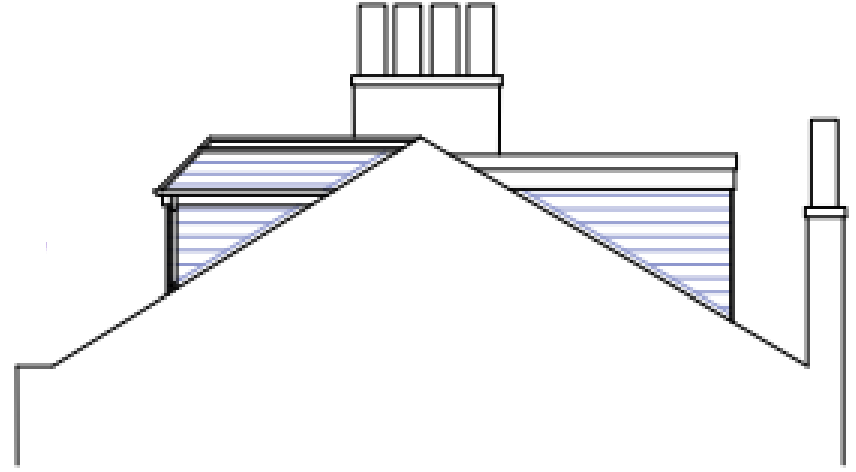
HAFFIT - NATURAL SLATE

Side (N) elevation

EXISTING

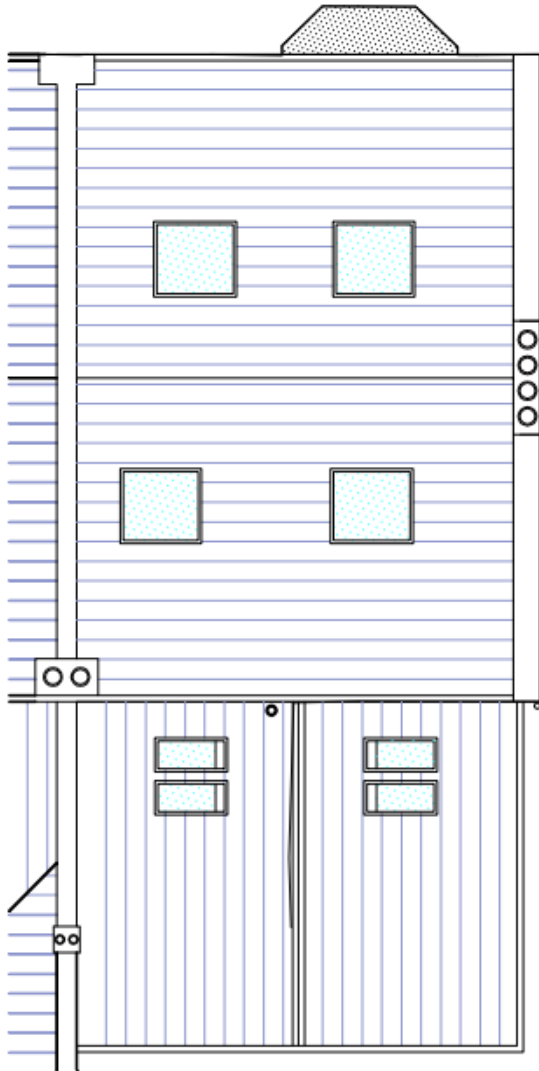


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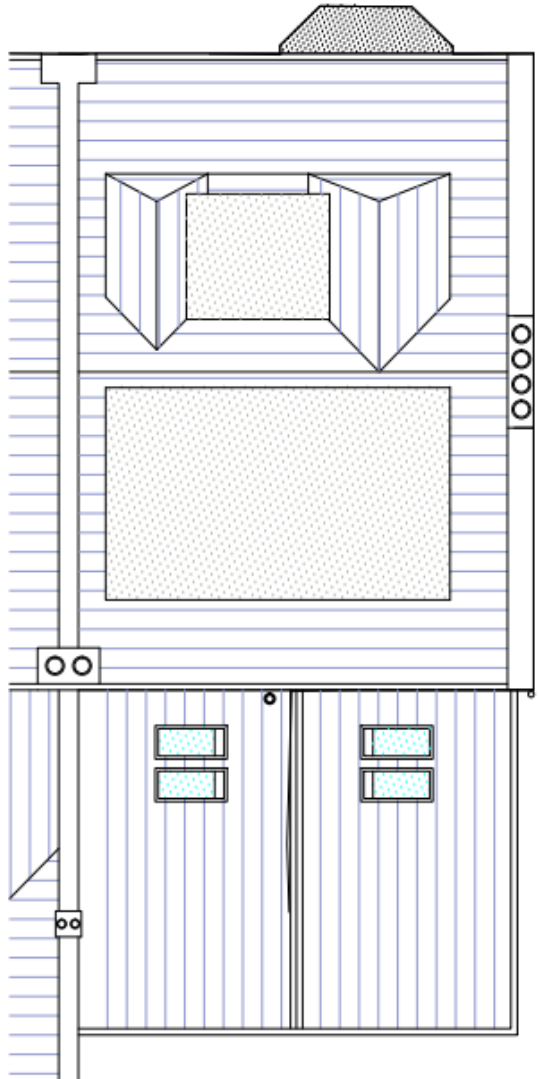


Roof Plan

EXISTING

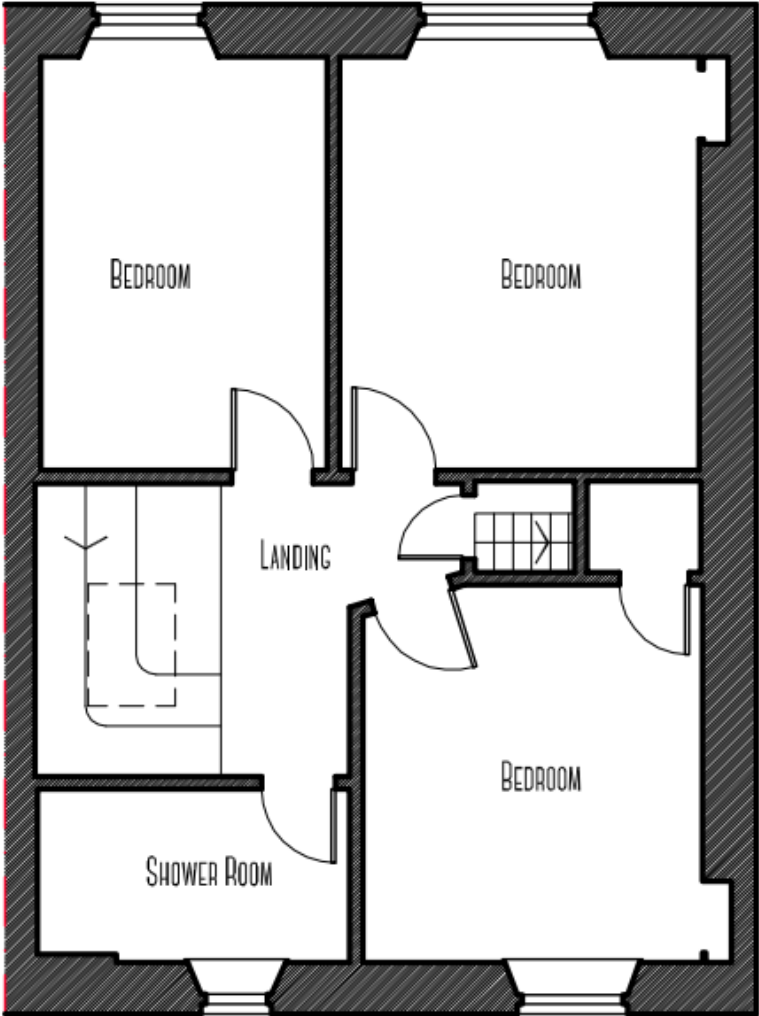


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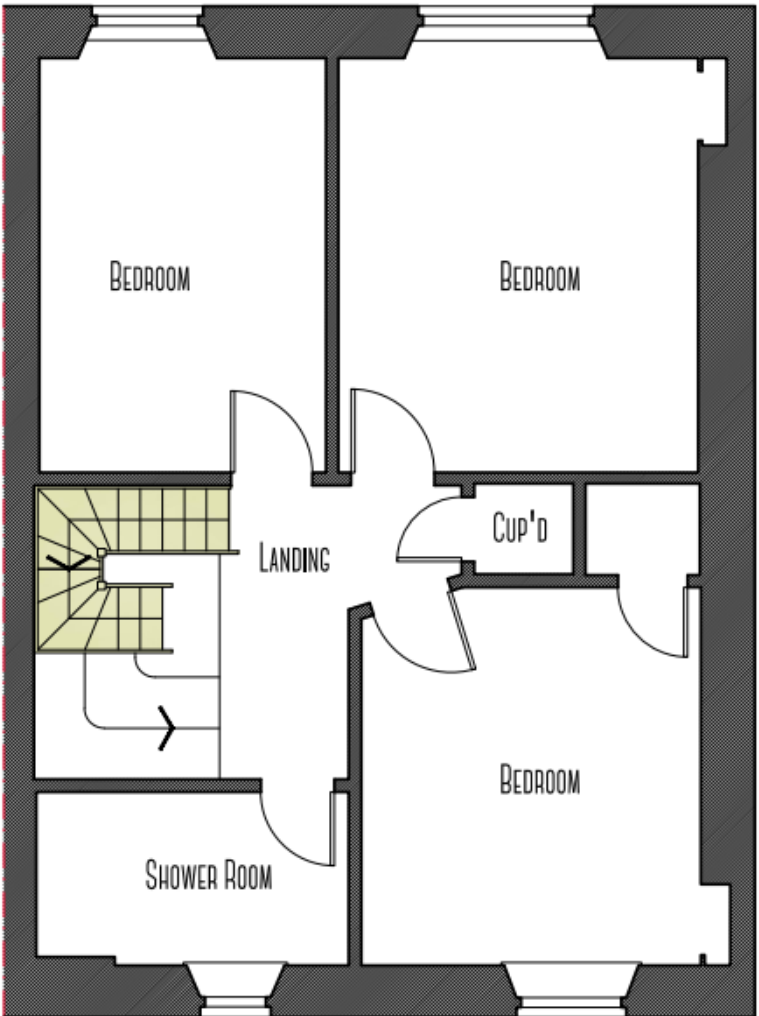


First Floor Plan

EXISTING

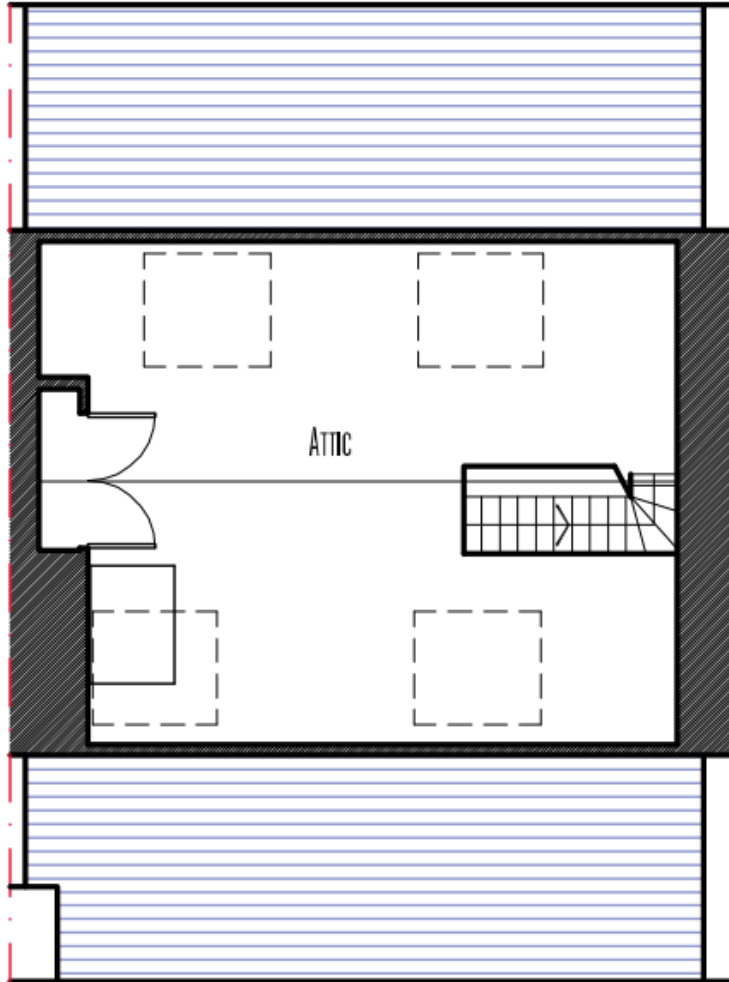


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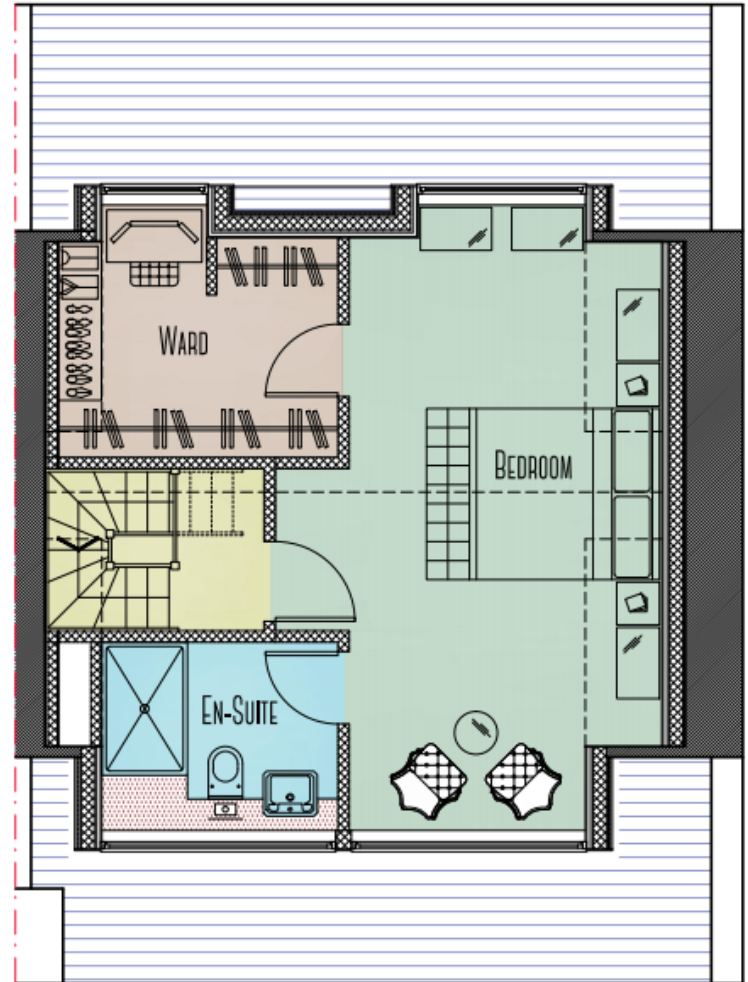


Second Floor Plan

EXISTING

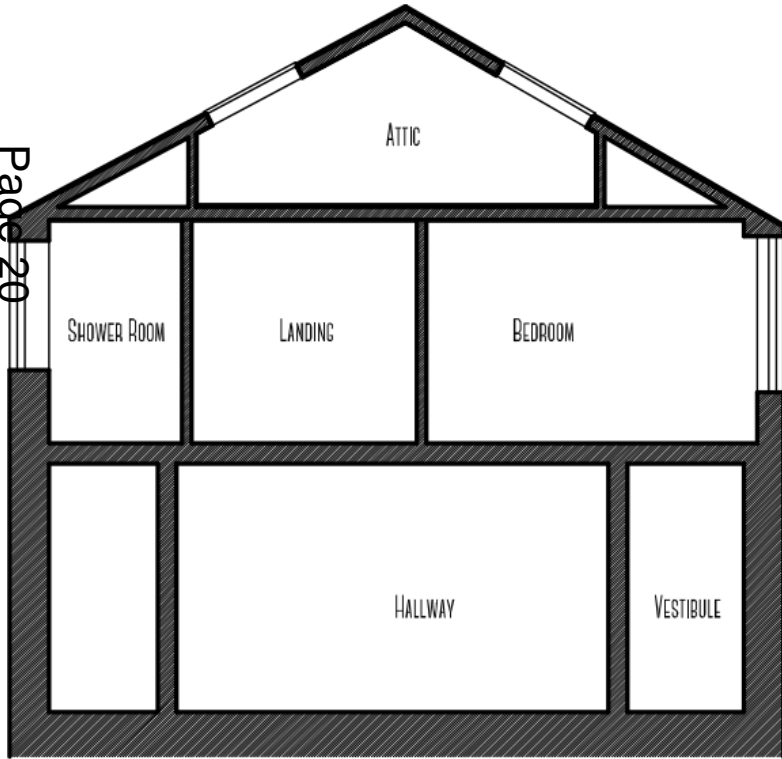


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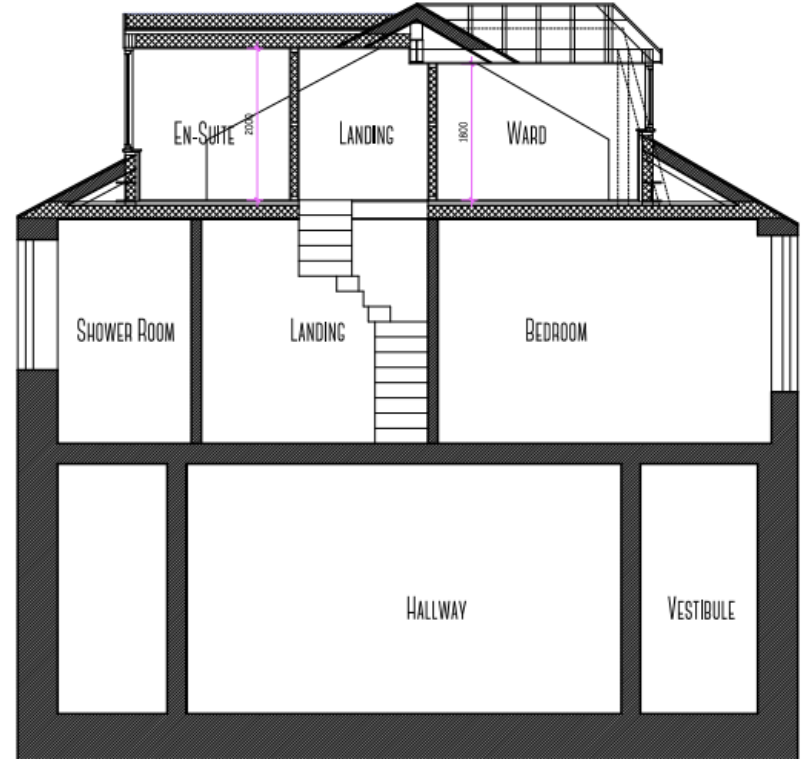


Section

EXISTING



PROPOSED



Reasons for Decision

- The proposed linked panelled box dormer on the principal elevation would adversely affect the architectural integrity of the original dwelling by way of its design, siting and proportions
- Box-style dormer is unsympathetic to the historic character of the building
- Sited uncomfortably high on the slope of the roof, unbalancing its appearance particularly when seen alongside the unaltered property at no.4
- Resultant adverse impact on character and amenity of the streetscape, which features few alterations to original roof forms
- Conflict with Householder Development Guide
- Risk of unwelcome precedent if approval encouraged similar unsympathetic alterations, to the detriment of the character and amenity of the area
- Conflict with policies D1, H1 of ALDP and policies of the emerging Proposed ALDP

Policy H1 (Residential Areas)

Policy H1 - Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new development and householder development will be approved in principle if it:

- 1 does not constitute over development;
- 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. Open space is defined in the Aberdeen Open Space Audit 2010; and
- 4 complies with Supplementary Guidance.

- Is this overdevelopment?
- Would it have an *'unacceptable impact on the character and amenity'* of the area?
- Would it result in the loss of open space?
- Does it comply with Supplementary Guidance?

Householder Development Guidance

General Principles

- Proposals 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”*.
 - No existing extensions, dormers or other alterations which were approved prior to the introduction of this supplementary guidance will be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document.
- New dormers should *“respect scale of the building and should not dominate, overwhelm or unbalance the original roof”*;
- In terraces or blocks of properties of uniform design where there are no existing dormers, the construction of new dormers will not be supported on the front or other prominent elevations (e.g. fronting onto a road);
 - On individual properties or in terraces where there are existing well-designed dormers and where there is adequate roof space, the construction of new dormers which match those existing may be acceptable. Additional dormers will not be permitted however, if this results in the roof appearing overcrowded. These dormers should be closely modelled in their detail and position on the roof, on the existing good examples. They will normally be aligned with windows below;

Householder Development Guidance

Older properties of a traditional character – Front elevations

- On the public elevations of older properties the Council will seek a traditional, historically accurate style of dormer. In addition, all new dormers will have to be of an appropriate scale, i.e. a substantial area of the original roof must remain untouched and clearly visible around and between dormers.
- Box dormer extensions will not normally be acceptable on the front elevations;
- The aggregate area of all dormers and/or dormer extensions should not dominate the original roof slope. New dormers should align with existing dormers and lower windows and doors;

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The front face of dormers will normally be fully glazed and aprons below the window will not be permitted unless below a traditional three faceted piended dormer;

Dormers should not normally rise directly off the wallhead.

- The position of the dormer on the roof is very important. Dormers which are positioned too high on the roof give the roof an unbalanced appearance;
- The outer cheek of an end dormer should be positioned at least 700mm in from the face of the gable wall or 1000mm from the verge. Where there is tabling on top of the gable, the cheek should be at least 400mm in from the inside face of the tabling.
- The ridge of any new dormer should be at least 300mm below the ridge of the roof of the original building. If it is considered acceptable for the dormer ridge to be higher than this, it should not nevertheless, breach the ridge or disturb the ridge tile or flashing.

Householder Development Guidance

Dormer Windows – Older properties of a traditional character: Rear elevations

- The aggregate area of all dormers should not dominate the original roof slope;
- Dormer hafts should be a minimum of 400mm in from the inside face of the gable tabling;
- The front face of dormer extensions should be a minimum of 400mm back from the front edge of the roof, but not so far back that the dormer appears to be pushed unnaturally up the roof slope;
- Flat roofs on box dormers should be a reasonable distance below the ridge;
- Windows should be located at both ends of box dormers;
- A small apron may be permitted below a rear window; and
- Solid panels between windows in box dormers may be permitted but should not dominate the dormer elevation.

Policy D1 (Quality Placemaking by Design)

Policy D1 - Quality Placemaking by Design

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Places that are distinctive and designed with a real understanding of context will sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities;

- **distinctive**
- **welcoming**
- **safe and pleasant**
- **easy to move around**
- **adaptable**
- **resource efficient**

How a development meets these qualities must be demonstrated in a design strategy whose scope and content will be appropriate with the scale and/or importance of the proposal.

- Does the proposal represent a high standard of design and have strong and distinctive sense of place?

Points for Consideration:

Zoning: Does the proposal comply with the tests set out in policy H1 (Residential Areas)?

Design: Is the proposal of sufficient design quality (D1) - *having regard for factors such as scale, siting, footprint, proportions relative to original, materials, colour etc?*

Does it accord with the principles set out for both dormer windows and rooflights in the 'Householder Development Guide'?


1. Does the proposal comply with the Development Plan when considered as a whole?

2. Do other material considerations (e.g. Proposed ALDP, SDP) weigh in favour of approval or refusal?

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	6 Hammerfield Avenue, Aberdeen, AB10 7FX,
Application Description:	Formation of dormers to front and rear
Application Ref:	200295/DPP
Application Type:	Detailed Planning Permission
Application Date:	4 March 2020
Applicant:	Mr R Gibb
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Braeside And Mannofield
Case Officer:	Roy Brown

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a late 19th century two-storey semi-detached dwelling and its front and rear curtilage in a residential area. The dwelling has a northeast facing principal elevation that fronts Hammerfield Avenue and adjoins 4 Hammerfield Avenue to its northwest. 8 Hammerfield Avenue is located to the southeast; and the rear curtilage of properties fronting Duthie Terrace are located beyond the southwest rear boundary of the site.

Hammerfield Avenue is characterised by late 19th century granite-built dwelling houses, the majority of which do not have dormers; and later 1½ storey and 2 storey properties which have purpose-built designed dormers and wall head gables. The scale and form of the application property and 4 Hammerfield Avenue, as a pair of semi-detached properties, are particularly prominent on the southwest side of Hammerfield Avenue from the north relative to the other properties on this side of Hammerfield Avenue because of the slope of the road and the closest properties to the southeast are lower in terms of height. Neither the principal elevation of 4 or 6 Hammerfield Avenue has a dormer on the principal elevation and notwithstanding rooflights, the roof form of the pair is unaltered.

The application property has a shallower pitched slate roof relative to many of the surrounding two storey granite properties. The application site is bounded by the Great Western Road Conservation Area to its immediate northeast.

Relevant Planning History

Planning permission was granted for the erection of a single storey extension to the rear of the dwelling in September 2016 (Ref: 161027/DPP). The permission has been implemented and has been completed.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the erection of a 'linked panel' dormer to the front of the dwelling and a 'box' dormer to the rear of the dwelling.

The front dormer would have two pitched slate roof sections with windows on the front face, and these would be joined by a solid panel. It would be c.5.7m in width; rise 2m in height above the roofslope to the ridge of the dwelling; set c.400mm from the tabling along the mutual boundary; and c.1200mm in from the tabling of the gable. It would be set c.1.9m back from the wallhead of the building.

The rear dormer would measure c.5.8m in width; rise c.1.9m in height above the roofslope; set 400mm from the tabling along the mutual boundary; and c.1200mm in from the tabling of the gable. Its front face would be glazed. It would be set c.1.4m back from the wallhead of the building.

The fascia panels of both dormers would be finished in timber and the dormer haffits would be finished in slate. The framing materials of the windows in the dormers have not been specified.

The application has been revised since submission in that the front dormer has been revised to be of a linked panel box dormer design with two pitched roof ends joined by a flat roofed central section, as opposed to a flat roofed 'box' dormer.

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=Q6O19OBZGCF00>

CONSULTATIONS

Roads Development Management – No objection, as it is considered that Hammerfield Avenue can adequately cope with the increased parking demand of one space.

Braeside And Mannofield 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 may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether –

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

Aberdeen Local Development Plan (ALDP)

Policy D1 - Quality Placemaking by Design

Policy H1 - Residential Areas

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be, and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. The foregoing can only be assessed on a case by case basis. The following policies of the Proposed ALDP are of relevance in the assessment of this planning application:

Policy D1 - Quality Placemaking

Policy D2 - Amenity

Policy H1 - Residential Areas

Supplementary Guidance (SG)

The Householder Development Guide (HDG)

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).

The proposal would not necessarily constitute over-development given the built footprint of the site would be unaffected and there would not be a significant increase in the intensity of use of the site.

The other 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.

Proposed Front Dormer

The HDG states that *'box dormer extensions will not normally be acceptable on the front elevations'* and that *'on the public elevations of older properties the Council will seek a traditional, historically accurate style of dormer.'* In conflict with the HDG, the proposed linked panelled box design is not historically accurate to the historic architectural character of the original dwelling in terms of its elongated horizontal form and linking panel that has a solid front face.

The HDG states that new dormers should respect the scale of the building and they should not dominate, overwhelm or unbalance the original roof. The HDG states that a substantial area of the original roof must remain untouched and clearly visible around and between dormers. It states, with respect to dormers on the front elevations of older properties, that *'the position of the dormer on the roof is very important. Dormers which are positioned too high on the roof give the roof an unbalanced appearance'* and the *'ridge of any new dormer should be at least 300mm below the ridge of the roof of the original building.'*

In this instance, the proposed dormer would be uncomfortably high on the roofslope in that the dormer would be c.1.2m above the wallhead measured vertically and, because the roof ridge of the pitched roof sections of the dormers would be flush and the in-between solid panel at 160mm below the roof ridge of the original dwelling, rather than the minimum of 300mm, which is advised in the HDG. The dormer would leave too significant an area below to the edge of the roof, and too insignificant an area above the dormer, and would thus have the appearance of being too high on the roofslope. This design would not be sympathetic to the traditional proportions and architectural style of roof extensions on granite buildings, whereby it would be expected that dormers would be positioned centrally in terms of its height on the roof. This would result in the roofslope having an unbalanced appearance, clearly in conflict with the HDG. The unbalance of the roofslope would be emphasised further because the adjacent property, 4 Hammerfield Avenue, has not been altered to have a roof extension.

The front dormer would, however, comply with the HDG in that they would be at least 400mm from the inside of the tabling, it would not be built off the party wall and it would be more than 700mm from the gable end. Nevertheless, the unbalanced appearance and dominance of the dormer on the roofslope would adversely affect the architectural integrity of the original building and the established character and visual amenity of the streetscape of Hammerfield Avenue, which is

visible from the Great Western Road Conservation Area.

The prevailing character of the streetscape in terms of the original two storey late 19th century dwellings is such that very few of the surrounding properties have unsympathetically designed dormers, and the majority were unlikely to have been designed to, and have never been altered to facilitate dormer extensions on their principal elevations. Where dormers do exist on the streetscape, almost all of those exist on 1½ storey properties which would have been part of their original design. The anomalies on the two-storey granite-built properties which do exist, do not define the established pattern of development and prevailing character of Hammerfield Avenue and the surrounding area.

The three anomalies on the streetscape on the two-storey granite-built properties which do exist include the two front dormers on 5-9 Hammerfield Avenue to the northeast of the property and the dormer on the front of 48 Hammerfield Avenue approximately 130m to the southeast of the property. There are no planning records relating to any of these dormers. Planning permission was also granted in 2015 (Ref: P150607) and 2010 (Ref: P091607) for the erection of a linked panelled dormer on the front of 46 Hammerfield Avenue, although neither of these were implemented and they have since expired. Notwithstanding every planning application is assessed on its own merits against current policies and guidance, the HDG states that no existing dormers *'which were approved prior to the introduction of this supplementary guidance will be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document.'* Given these examples pre-date the adoption of the current HDG in 2017, the existing dormers and previous decisions cannot be used to justify this proposal. It must be highlighted that there are clear differences between the application property and the other properties in the surrounding area. The proposed dormer would detract from the character of the streetscape, as it would sit uncomfortably high on the roofslope and be an inadequate distance below the ridge and would serve to unbalance the roof which would serve to overwhelm the original roof form. Furthermore, as 4 Hammerfield Avenue would remain unaltered, the siting and location of the dormer would look significantly unbalanced on the roofslope of the pair of semi-detached properties. Therefore, notwithstanding every application is assessed on its own merits, the few isolated examples of dormers on the two-storey granite-built dwellings are anomalies. They do not constitute the prevailing character of the surrounding area whereby the vast majority of the two-storey granite-built dwellings retain their unaltered original roof forms. They would in no way justify the proposed dormer, which would be architecturally incompatible in its design, scale and proportions with this particular building and its context on the streetscape, would adversely impact on the prevailing character and visual amenity of the surrounding area, and would conflict with currently adopted design planning policies and guidance.

By way of its design, proportions and siting, the proposed front dormer would not be architecturally compatible with the principal elevation of the property and the architectural integrity of the original building. It would adversely affect the character of the streetscape of Hammerfield Avenue and would thus adversely affect the character and visual amenity of the surrounding area. The grant of planning permission could set a precedent for the erection of box dormers on the principal elevations of similar shallow pitched roofed properties that are of similar unsympathetic design, proportions and siting. The proposed front dormer would therefore conflict with the aims of Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the adopted Aberdeen Local Development Plan 2017; and the Householder Development Guide Supplementary Guidance.

Proposed Rear Dormer

The HDG states that the guidelines for older properties may be relaxed on the non-public rear side of a property but should nevertheless comply with the 'minimum requirements'. In compliance with these, the rear dormer would not dominate the original roofslope, the dormer haffits would be more than 400mm from the inside face of the tabling; its windows would be located on the ends of the dormer as it would have a fully glazed front face; and the dormer would not have an apron.

The rear dormer would also conflict with the HDG in that it would be less than 300mm below roof ridge as it would only be c.250mm below the roof ridge. It too would be set uncomfortably high on roofslope which would have an unbalanced appearance, in conflict with the HDG. Notwithstanding this conflict with the HDG, the rear dormer would be located on the non-public secondary elevation of the property which has already been significantly altered by way of the rear extension. Unlike the front dormer, the siting of the dormer on the roof would have negligible impact on the character of any street scene, and thus it would have negligible impact to the character and visual amenity of the surrounding area. Notwithstanding the conflict with the Supplementary Guidance: 'The Householder Development Guide', the rear dormer would not be considered to conflict with the aims of Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the adopted Aberdeen Local Development Plan 2017.

Finishing Materials of Dormer Window Frames

It is recognised that the finishing materials of the window frames in the dormers has not been specified. Had the recommendation been for approval, it would have been subject to a condition requiring finalised details of these materials to be approved in writing by the Planning Authority, in order for those to be compatible with the architectural character of the original building and the character of the surrounding area.

Amenity

The proposal would not adversely affect the level of sunlight and daylight afforded to the adjacent properties and the proposed dormers would have a negligible impact on residential amenity in terms of privacy, given the front dormer would overlook a public road, and the rear dormers would overlook the rear curtilage of the site, the same as the existing windows on this elevation, as opposed to overlooking down into neighbouring properties. The proposal would not adversely affect residential amenity in terms of sunlight, daylight and privacy, in accordance with Policies H1 and D1 of the ALDP, and the SG.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is unacceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

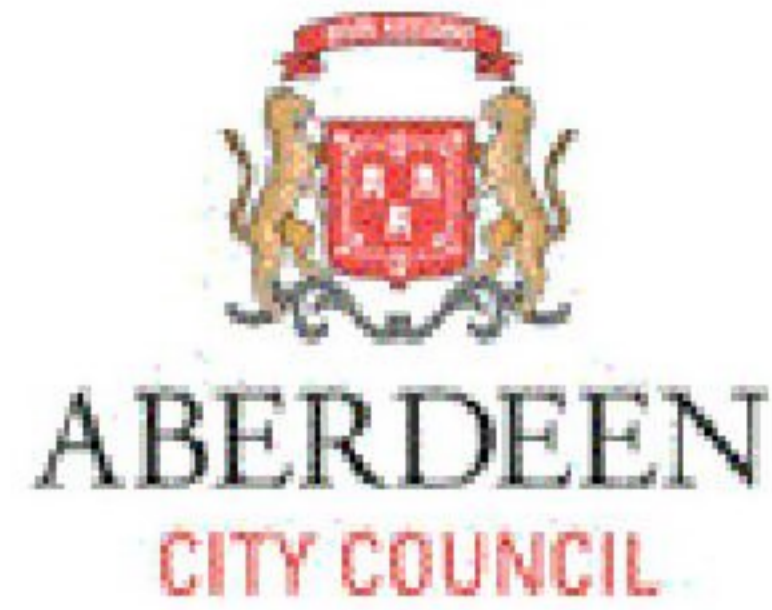
The proposed linked panelled box dormer on the principal elevation would adversely affect the architectural integrity of the original dwelling by way of its design, siting and proportions. In conflict with the Supplementary Guidance: 'The Householder Development Guide', the box dormer design would be unsympathetic to the historic character of the original building and it would be sited uncomfortably high on the roofslope, which would unbalance the roofslope. The unbalanced appearance of the roof would be exacerbated because 4 Hammerfield Avenue would remain unaltered from its original form. The proposed dormer would detract from the architectural integrity of the original dwelling and the prevailing character and visual amenity of the streetscape of Hammerfield Avenue whereby the vast majority of the two-storey granite-built dwellings retain their original unaltered roof forms. The proposed front dormer would therefore adversely affect the character and visual amenity of the surrounding area.

The grant of planning permission could set a precedent for similarly unsympathetically designed dormers on the principal elevations of shallow pitched roofed properties in the surrounding area,

which could further adversely affect the character and visual amenity of the surrounding area.

As a result of the proposed front dormer, the proposal would therefore conflict with Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: ‘The Householder Development Guide’; and Policies D1 – Quality Placemaking, D2 - Amenity and H1 – Residential Areas of the Proposed Aberdeen Local Development Plan 2020. There are no material planning considerations that warrant the grant of planning permission in this instance.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100240479-001

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)

dormer windows to front and rear

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:	Ken Mathieson Architectural Design Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stuart	Building Name:	Mansard House
Last Name: *	Mathieson	Building Number:	15
Telephone Number: *	01224 710357	Address 1 (Street): *	Oldmeldrum Road
Extension Number:		Address 2:	Bucksburn
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB21 9AD
Email Address: *	stuart@kenmathieson.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: *	R	Building Number:	6
Last Name: *	Gibb	Address 1 (Street): *	Hammerfield Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB10 7FX
Fax Number:			
Email Address: *	stuart@kenmathieson.com		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

6 HAMMERFIELD AVENUE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 7FX

Please identify/describe the location of the site or sites

Northing

804569

Easting

391952

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: Stuart Mathieson

On behalf of: Mr R Gibb

Date: 04/03/2020

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 Stuart Mathieson

Declaration Date: 04/03/2020

Payment Details

Cheque: Applicant to pay direct, 0

Created: 04/03/2020 10:44

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Stuart Mathieson
Ken Mathieson Architectural Design Ltd
Mansard House
15 Oldmeldrum Road
Bucksburn
Aberdeen
AB21 9AD

on behalf of **Mr R Gibb**

With reference to your application validly received on 4 March 2020 for the following development:-

Formation of dormers to front and rear at 6 Hammerfield Avenue, Aberdeen

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

<u>Drawing Number</u>	<u>Drawing Type</u>
200295/1	Location Plan
RG P01 B	Elevations, Sections and Floor Plans (Proposed)

REASON FOR DECISION

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

The proposed linked panelled box dormer on the principal elevation would adversely affect the architectural integrity of the original dwelling by way of its design, siting and proportions. In conflict with the Supplementary Guidance: 'The Householder

Development Guide', the box dormer design would be unsympathetic to the historic character of the original building and it would be sited uncomfortably high on the roof slope, which would unbalance the roof slope. The unbalanced appearance of the roof would be exacerbated because 4 Hammerfield Avenue would remain unaltered from its original form. The proposed dormer would detract from the architectural integrity of the original dwelling and the prevailing character and visual amenity of the streetscape of Hammerfield Avenue whereby the vast majority of the two-storey granite-built dwellings retain their original unaltered roof forms. The proposed front dormer would therefore adversely affect the character and visual amenity of the surrounding area.

The grant of planning permission could set a precedent for similarly unsympathetically designed dormers on the principal elevations of shallow pitched roofed properties in the surrounding area, which could further adversely affect the character and visual amenity of the surrounding area.

As a result of the proposed front dormer, the proposal would therefore conflict with Policies D1 - Quality Placemaking by Design and H1 - Residential Areas of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'The Householder Development Guide'; and Policies D1 - Quality Placemaking, D2 - Amenity and H1 - Residential Areas of the Proposed Aberdeen Local Development Plan 2020. There are no material planning considerations that warrant the grant of planning permission in this instance.

Date of Signing 8 June 2020



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 200295/DPP

Application Summary

Application Number: 200295/DPP

Address: 6 Hammerfield Avenue Aberdeen AB10 7FX

Proposal: Formation of dormers to front and rear

Case Officer: Roy Brown

Consultee Details

Name: Mr Michael Cowie

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

Email: micowie@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for the formation of dormers to front and rear at 6 Hammerfield Avenue, Aberdeen AB10 7FX.

Its noted this proposal increases the number of associated bedrooms from 3 to 4, which as per ACC guidance increases the associated required parking provision from 2 to 3 spaces. However, it is noted that currently the site is not served by any associated off-street parking and is compensated by utilising on-street provision, therefore it is proposed that the increased parking requirement is to be on-street also.

It is considered that Hammerfield Avenue can adequately cope with the increased parking requirement of 1 space and therefore Roads Development Management have no objections to this application.

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Aberdeen Local Development Plan (ALDP)

- H1: Residential Areas;
- D1: Quality Placemaking by Design;

Supplementary Guidance

Householder Development Guide

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

Other Material Considerations

Aberdeen City and Shire Strategic Development Plan (2020) (SDP)

Proposed Aberdeen Local Development Plan (2020)

<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan/aberdeen-local-development-plan-review#3678>

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

Thank you for completing this application form:

ONLINE REFERENCE 100240479-003

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ken Mathieson Architectural Design Ltd		
Ref. Number:	RG	You must enter a Building Name or Number, or both: *	
First Name: *	Stuart	Building Name:	Mansard House
Last Name: *	Mathieson	Building Number:	15
Telephone Number: *	01224 710357	Address 1 (Street): *	Oldmeldrum Road
Extension Number:		Address 2:	Bucksburn
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB21 9AD
Email Address: *	stuart@kenmathieson.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="R"/>	Building Number:	<input type="text" value="6"/>
Last Name: *	<input type="text" value="Gibb"/>	Address 1 (Street): *	<input type="text" value="Hammerfield Avenue"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="07738876688"/>	Postcode: *	<input type="text" value="AB10 7FX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="stuart@kenmathieson.com"/>		

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="6 HAMMERFIELD AVENUE"/>
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="AB10 7FX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="804569"/>	Easting	<input type="text" value="391952"/>
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Description of Proposal

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

Formation of dormers to front and rear

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.

See accompanying statement for full details

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)

Supporting Statement, Refusal Notice, Report of Handling, drawings RG-P01-B, RG-P02-A, Site Plan

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

200295/DPP

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

04/03/2020

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

08/06/2020

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

Once on site the body will see that there are already a lot of dormer windows within the surrounding area similar to our proposals

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 Stuart Mathieson

Declaration Date: 23/07/2020

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Mr & Mrs R. Gibb

6 Hammerfield Avenue, Aberdeen, AB10 7FX

**Request for review of refusal of planning application
200295/DPP for the formation of dormers to front and rear.**

Statement to accompany the Notice of Review.

1) Introduction

This Notice of Review has been prepared by Ken Mathieson Architectural Design on behalf of Mr R. Gibb to support the request for review under the terms of section 43A(8) of the Town and Country Planning (Scotland) Act 1997 and Regulation 9 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, against the refusal by Aberdeen City Council to grant detailed planning permission for the formation dormers to the front and rear of the dwellinghouse at 6 Hammerfield Avenue.

The current owners are a young family with 2 growing children. The proposed works will allow the owners to adapt their property to meet changing family circumstances and modern living requirements such as working from home.

Prior to preparing the application an extensive search was made of the Council's website which revealed similar dormers, notably at 46 Hammerfield Avenue, to that which our client wishes to form had been approved. It was also noted that dormers of various styles have been approved at other addresses within the surrounding area. Our proposal will reflect the properties at no.5 and 7 Hammerfield Avenue directly opposite both of which have dormers facing Hammerfield Avenue serving their attic rooms. In addition to considering the character of the area careful regard was given to the provisions of the Aberdeen City Local Development Plan 2017 and the Supplementary Guidance: Householder Development Guide.

The photograph below shows the view of no 5 & 7 Hammerfield Avenue, directly opposite the application property no 6. Note also the rear box dormers and the large mansard extension to the properties behind which are clearly visible from Hammerfield Avenue in the vicinity of the application site.



2) Site Description

The application site, 6 Hammerfield Avenue, Aberdeen is located at the western, Mannofield end of Great Western Road. It lies out with the historic Great Western Road conservation area and is not a Listed Building.

The property is a semi-detached, granite villa over 2-storeys. The ground floor with principal rooms, bedrooms and bathroom on the first floor and a storage attic room accessed via an existing stair. The attic is currently served by velux rooflights.

Hammerfield Avenue has a great many styles of buildings and with dormers of differing styles throughout. The building containing 6 Hammerfield Avenue sits adjacent to a singularly unattractive commercial building at the Mannofield Shopping Centre. The Centre includes a two storey, flat roofed, roughcast finished building facing Hammerfield Avenue. In front of that building is a car parking area which is entirely open to the street whilst at the back of the pavement there is a large telecommunications mast and associated cabin. Altogether it is a very poor piece of urban design.

It is unfortunate that the Appointed Officer's Report of Handling fails to make any reference to the Shopping Centre and as such it is felt that the Report fails to describe the site correctly.

3) Proposal

Detailed planning permission is sought for the formation of dormer windows to the front and rear elevations. This allows the attic space to be converted to a master bedroom with an en suite bathroom and for one of the three existing bedrooms on the first floor to be used as a home office to reflect the new ways of working.

The dormer to the front elevation was initially designed as a simple box dormer of a similar design to the existing dormer at 6 Hammerfield Avenue, opposite the application property with the windows to be sized to match existing window widths in the lower floors and positioned directly above these. A sloping pitched roof finished in natural slate to match the existing was proposed to link the windows

In order to meet the requirements of the Planning Officer the initial design was amended by reducing the ceiling height within the proposed bedroom to keep the roof away from the existing ridge line and introducing pitched slate roofs above the windows to reflect those which exist at 7 Hammerfield Avenue.. The windows are to sit uniformly above the first floor windows ensuring proportions are maintained.

We stand by our design submission having listened carefully to the concerns of the Planning Officer to the original proposal and met these with the revisions to the proposal. We reduced the ceiling height over the front elevation to allow for a natural slate pitched roof to be created over the windows,

As previously stated the proposals were prepared following an assessment of the character of the area and taking careful consideration of the requirements of the Local Development Plan and relevant Supplementary Guidance: Householder Development Guide. The scale, size, materials, configuration and position on the roof of the dormer have all been carefully considered and are appropriate to the use intended. The roof level alterations are sympathetic to the architectural style and character of the building and to those buildings of the immediate and wider context of the West End of Aberdeen.

4) Processing of Application

The application, dated 4th March 2020, was registered as valid on 5th March 2020 under planning application ref no: 200295/DPP and was refused under delegated powers by the Appointed Officer on Monday 8th June 2020. We were very surprised to receive the refusal notice as we had agreed a request made by the Planning Officer for an extension of time for the consideration of the application by the Council but the application was determined prior to our responding to the further points raised by the Officer and before the extended time had elapsed.

The application was refused by the Appointed Officer despite this formal request being made by the Planning Officer himself in an email dated Friday 5th June 2020 to extend the determination time to Tuesday 9th June.

There were no objections received from neighbours through the neighbour notification process and nor were there any representations from any Amenity Society.

Similarly there was no comment made by the Braeside and Mannofield Community Council whilst other consultees raised no objection to the proposed development.

5) Response to Grounds of Refusal and Assessment of Proposal by the Appointed Officer

Development Plan

It is agreed that the Report of Handling correctly identifies the Development Plan position in that the proposal does not raise any matters of strategic significance and that it is the Aberdeen City Local Development Plan 2017 which is the primary document against which the application should be considered and in particular the following policies:

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

Together with the Supplementary Guidance: Householder Development Guide which forms part of the Development Plan.

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. In relation to this particular application the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan.

6) Response to Report of Handling and Reasons for Refusal

The decision notice gives the following reasons for refusal:

The proposed linked panelled box dormer on the principal elevation would adversely affect the architectural integrity of the original dwelling by way of its design, siting and proportions. In conflict with the Supplementary Guidance: 'The Householder Development Guide', the box dormer design would be unsympathetic to the historic character of the original building and it would be sited uncomfortably high on the roof slope, which would unbalance the roof slope. The unbalanced appearance of the roof would be exacerbated because 4 Hammerfield Avenue would remain unaltered from its original form. The proposed dormer would detract from the architectural integrity of the original dwelling and the prevailing character and visual amenity of the streetscape of Hammerfield Avenue whereby the vast majority of the two-storey granite-built dwellings retain their original unaltered roof forms. The proposed front dormer would therefore adversely affect the character and visual amenity of the surrounding area.

A copy of the decision notice is produced as appendix 1.

It should be noted that the decision notice refers only to the design of the front dormer window being unacceptable. The rear dormer has not been mentioned in the reasons for refusal which reflects the Report of Handling's assessment that the rear dormer is a satisfactory alteration to the property

Correspondence

After the application was lodged there was a series of e-mails between our practice, the applicant and the case officer. Key dates and times of the emails received from the Planning Officer are noted below:

- Thursday 05/03/20 @ 11:58am – application receipt (Administration)

- Tuesday 14/04/20 @ 11:27am – request for photographs within 5 working days as unable to take site visit
 - ***Photos sent to Planning via email on 21/04/20 (within 5 working days)***
- Friday 24/04/20 @ 11:37am – request for photographs which had already been sent to him on 21/04/20
- Thursday 30/04/20 @ 11:42pm – request for an extension of time by Planner and first set of Planner's observations. (**Beginning of Discussions**).
- Tuesday 26/05/20 @ 16:57pm – reply to our email dated 10/05/20
- Thursday 28/05/20 @ 16:33pm – reply to our email dated 27/05/20
- Thursday 04/06/20 @ 16:58pm - reply to our email dated 27/05/20
- Friday 05/06/20 @ 17:02pm – request for an extension of time to Tuesday 9th June 20 by Planner
- Monday 08/06/20 @ 14:26pm – refusal notice (**Administration**)
- Monday 08/06/20 @ 16:29pm – reply to our 2no emails dated 08/06/20

The emails above show a pattern of how the Planning Officer, when replying to any queries regarding the design or planning policy, waited until late in the day to correspond. We tried on a number of occasions to telephone the Officer to discuss the contents of the various emails but frustratingly none of our calls were answered. This culminated in the application being refused whilst we were still trying to gain information from the Planning Officer and to reply to some of his concerns.

In his email of 30 April 2020 the Planning Officer indicated that the front dormer should be removed from the application and that an application which included solely the rear dormer would be supported. In practical terms this would mean that the proposed accommodation would not be achievable. This does not appear to have been recognized or understood by the Planning Officer.

Response by Planning Officer to Original Submission

In expressing the view that the front dormer is not acceptable the Planning Officer made the following observations:

'Relevant Policies and Guidance

The application is assessed against Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the Aberdeen Local Development Plan 2017; the associated Supplementary Guidance (SG): 'The Householder Development Guide' and Policies D1 – Quality Placemaking and H1 – Residential Areas of the proposed Aberdeen Local Development Plan 2020.

Policy H1 requires development to not adversely affect the character and amenity of the surrounding area.

The qualities of successful placemaking referred to in Policy D1 requires development to reflect local styles and urban form and respond to the site context and is designed with due consideration to siting, scale, massing, colour, orientation, details, footprint, proportions and materials.

The Supplementary Guidance (SG): 'The Householder Development Guide' states that 'new dormers or roof extensions should respect the scale of the building and they should not dominate, overwhelm or unbalance the original roof'.

With respect to front dormers on the front elevations of older properties of a traditional character it states:

- *'Box dormer extensions will not normally be acceptable on the front elevations;'*

- *'The position of the dormer on the roof is very important. Dormers which are positioned too high on the roof give the roof an unbalanced appearance;'*
- *'The ridge of any new dormer should be at least 300mm below the ridge of the roof of the original building.'*

Comments

The proposed flat roofed dormer on the principal elevation would be an inappropriate modern intervention that would not correspond with the historic architectural character of the original dwelling or the prevailing character and local urban form of the surrounding streetscape, whereby there are few examples of dormers on the principal elevations of properties. The design of the proposed dormer would conflict with the SG, which states that box dormer extensions will not normally be acceptable on front elevations.

The proposed front dormer would also conflict with the SG in that it would be located unusually high on the roofslope and an inadequate distance below the ridge, which would result in an unbalanced appearance.

It is recognised that there are two box dormers in the semi-detached properties opposite the application site. There are, however, no planning records of applications for these dormers so these are examples of dormers which have been erected long before the introduction of the SG. The SG states that:

- *'no existing dormers ... which were approved prior to the introduction of this supplementary guidance will be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document.'*
- *'The removal of inappropriate earlier dormers and roof extensions, and their replacement with architecturally and historically accurate dormers will be actively encouraged.'*

These nearby dormers cannot be used to justify the proposed front box dormer. They are instead examples of dormers which the SG would seek to be removed and replaced with historically accurate dormers, to enhance the character and visual amenity of the area.

The proposed front dormer would therefore not be considered to be architecturally compatible with the original dwelling and the surrounding area. In its submitted form, the proposal would therefore be considered to conflict with Policies D1 and H1 of the Aberdeen Local Development Plan and the Supplementary Guidance: 'The Householder Development Guide'.

Response to Planning Officer's email

In order to address these points the plans were amended and submitted under cover of our email dated 10 May 2020. We also responded to the points made by the Planning Officer in regard to planning policy and design matters. For the sake of clarity our response is reproduced below.

"We have heard your concerns and have revised our proposals for application ref: 200295/DPP to address your comments. We have reduced the ceiling height over the front elevation to allow for a natural slate pitched roof to be created over the windows, which are to sit uniformly above the first floor windows ensuring symmetry is maintained.

In your previous email you mentioned that you could not find the Planning approval for the front dormer windows to the properties opposite (no's 5 & 7). Although these are not in the Planning Register they exist and they set out the context and character of the Street. They are not isolated in their appearance but just a continuation of the numerous dormer windows which have been created within the surrounding area. Our proposals will not stand out or

cause any disturbance to the streetscape but will sympathetically blend in with the surrounding properties.

We have researched the Planning register for front dormer windows given approval in Hammerfield Avenue and have redesigned our proposals to take into account approval P091607 - 20/08/2010 - Sylvester Campbell & P150607 - 05-06-2015 - Linda Spears.

These front dormers have been approved under the relevant house holder design guide and set a precedent for our proposals. On reading the delegated report for P150607 - Linda Spears recognizes "there are several examples of front dormers on this street" and "the precedent for front dormers is apparent on this street" We feel strongly that our revised proposal meets the same requirements as set out in the final paragraph of Linda's evaluation: "The proposed front dormer is visible from the street however integrates well with the existing dwelling house, would not result in visual clutter on the roof and would have no impact on either the architectural consistency of the existing dwelling house or on the visual quality of the streetscape as the proposed dormer is not considered to be out of character with the surrounding area."

We trust our amended dormer which has been changed to address your initial concerns and mirrors with the previously approved dormer windows by your colleagues Sylvester & Linda, can be looked at favourably and put forward with your recommendation for approval.

However should you have any queries please do not hesitate to contact me.

EVALUATION

It is agreed that the principle of a dormer extension is in accordance with Policy H1 Householder Development and would accord with this policy if it does not constitute over development, adversely affect the character and amenity of the surrounding area, and it complies with the Supplementary Guidance namely the Householder Development Guide (HDG).

It is agreed that the proposal would not constitute over-development given the built footprint of the site would be unaffected and there would not be a significant increase in the intensity of use of the site. Therefore the issues are related to those solely of design and amenity.

The Planning Officer has referred to the statement in the Supplementary Guidance that applications approved before the adoption of the Guidance should not be treated as a precedent justifying approval of a new application. We do not believe there has been any significant change to the requirements of the Guidance since applications were approved at 46 Hammerfield Avenue P091607 - 20/08/2010 & P150607 - 05-06-2015. We have asked the Planning Officer for a copy of the earlier guidance or to explain to us what the changes have been. All we have received is a sweeping generalisation which does not provide any proper information or evidence to justify the Planning Officer's assertion of a change in policy. These existing dormers along Hammerfield Avenue form part of the existing character of the street, irrespective of their approval date as indeed do those across the street at nos. 5 and 7 also. The application is not proposing the first dormers in a street but rather proposing to add to the street as it exists at present in a natural and sympathetic way which will benefit the surrounding area. This will allow the property to be adapted to meet the changing needs of the applicant's family in a sustainable location close to facilities and to public transport.

The statement that the proposed dormer would unbalance the semi-detached properties effectively means that no householder would be allowed to be the first to install dormer windows on the front elevation of a semi detached property. The Planning Department should be fully aware that properties are altered at different times. It would be unrealistic to

expect any alterations to semi-detached or even terraced properties to be undertaken simultaneously. Dormer windows are an efficient way to provide additional living accommodation both in terms of land use and the potential to improve the energy performance of the house. They are a feature throughout the City and there are examples in Hammerfield Place of a front dormer on one half of a semi detached block or on a mid terrace house. This is part of the existing character of the area.

Front dormers extensions which have been approved under house holder design guide do indeed set a precedent for our proposals. On reading the delegated report for P150607 - Linda Spears recognizes *"there are several examples of front dormers on this street"* and *"the precedent for front dormers is apparent on this street"* we feel strongly that our revised proposal meets the same requirements as set out in the final paragraph of Ms Spears 'evaluation: *"The proposed front dormer is visible from the street however integrates well with the existing dwelling house, would not result in visual clutter on the roof and would have no impact on either the architectural consistency of the existing dwelling house or on the visual quality of the streetscape as the proposed dormer is not considered to be out of character with the surrounding area."*

7) Other Material Considerations

No objections were received to the application either through the neighbour notification process. There is no adverse impact on residential amenity. It is felt that the application raises no other material considerations.

8) Conclusion

The Planning Department has been inconsistent in dealing with this application in a different manner to other recent applications for similar dormer windows within the street and surrounding area to the detriment of the applicant's interests. See, in particular, Planning Approvals P091607 & P150607.

Previously approved applications have been considered acceptable, to comply with policy and not to have an adverse impact on the character of the street. There has been no satisfactory explanation given as to why a different approach has been adopted in this instance despite repeated requests by ourselves to the Planning Officer prior to his issuing of the determination.

We have demonstrated willingness to compromise with the revised designs addressing the concerns of the Planning Officer.

We believe that the Report of Handling is neither fair nor balanced. Planning is supposed to be an evidence based process and upon request we can provide emails which show this Planning Officer's interpretation of guidance without providing proof of his assumptions even when requested leads to him denying the true character of the varied and altered streetscape and surrounding area.

The application mirrors the properties directly opposite at no 5 & 7 Hammerfield Avenue and has not attracted any objections.

Hammerfield Avenue has a great many styles of buildings and with dormers of differing styles throughout. The proposals in our application will not be out of place or upset the visual street scape of the area and have been designed in such a way as to be sympathetic to the architectural style and character of the building and to those buildings of the immediate and wider context of the West End of Aberdeen.

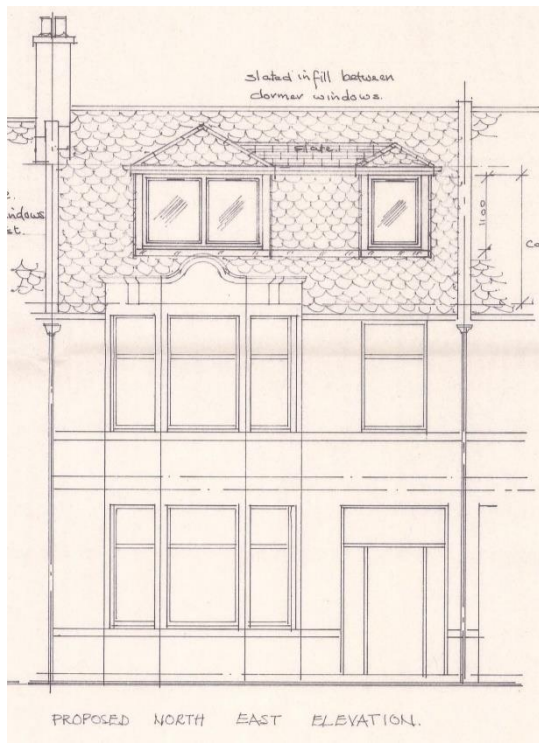
The Local Review Body is accordingly respectfully requested to grant this appeal to allow the applicant to alter his home in a sensitive way in order to meet his changing family and work needs.

Appendix

- Report of Handling
- Planning Refusal Document
- Fig 1 – Comparison to approved dormer at approval P091607
- Fig 2 – Comparison to approved dormer at approval P150607

- Ken Mathieson drawing Ref: RG-P01-B
- Ken Mathieson drawing Ref: RG-P02-A
- Site Plan

FIG 1 –



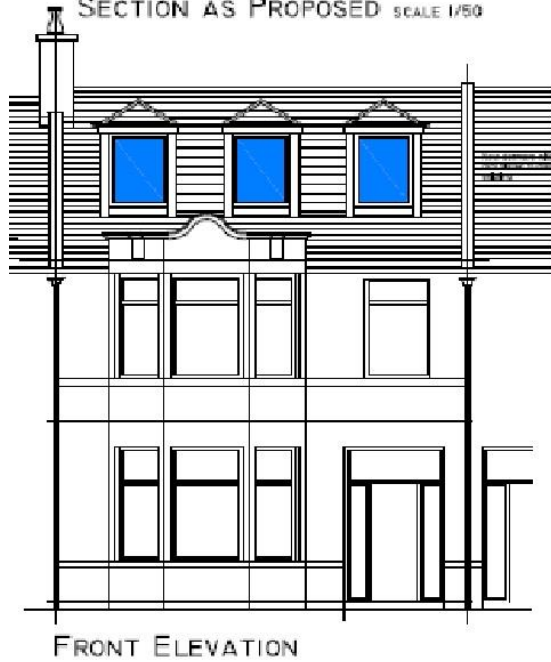
Planning Approved Dormer Ref: P091607 in Hammerfield Avenue



PROPOSED EAST ELEVATION

Our Proposal for 6 Hammerfield Avenue

FIG 2 –
SECTION AS PROPOSED SCALE 1/50



Planning Approved Dormer Ref: P150607 in Hammerfield Avenue



PROPOSED EAST ELEVATION

Our Proposal for 6 Hammerfield Avenue

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LOCAL REVIEW BODY



200440/DPP– Review against refusal of planning permission for:

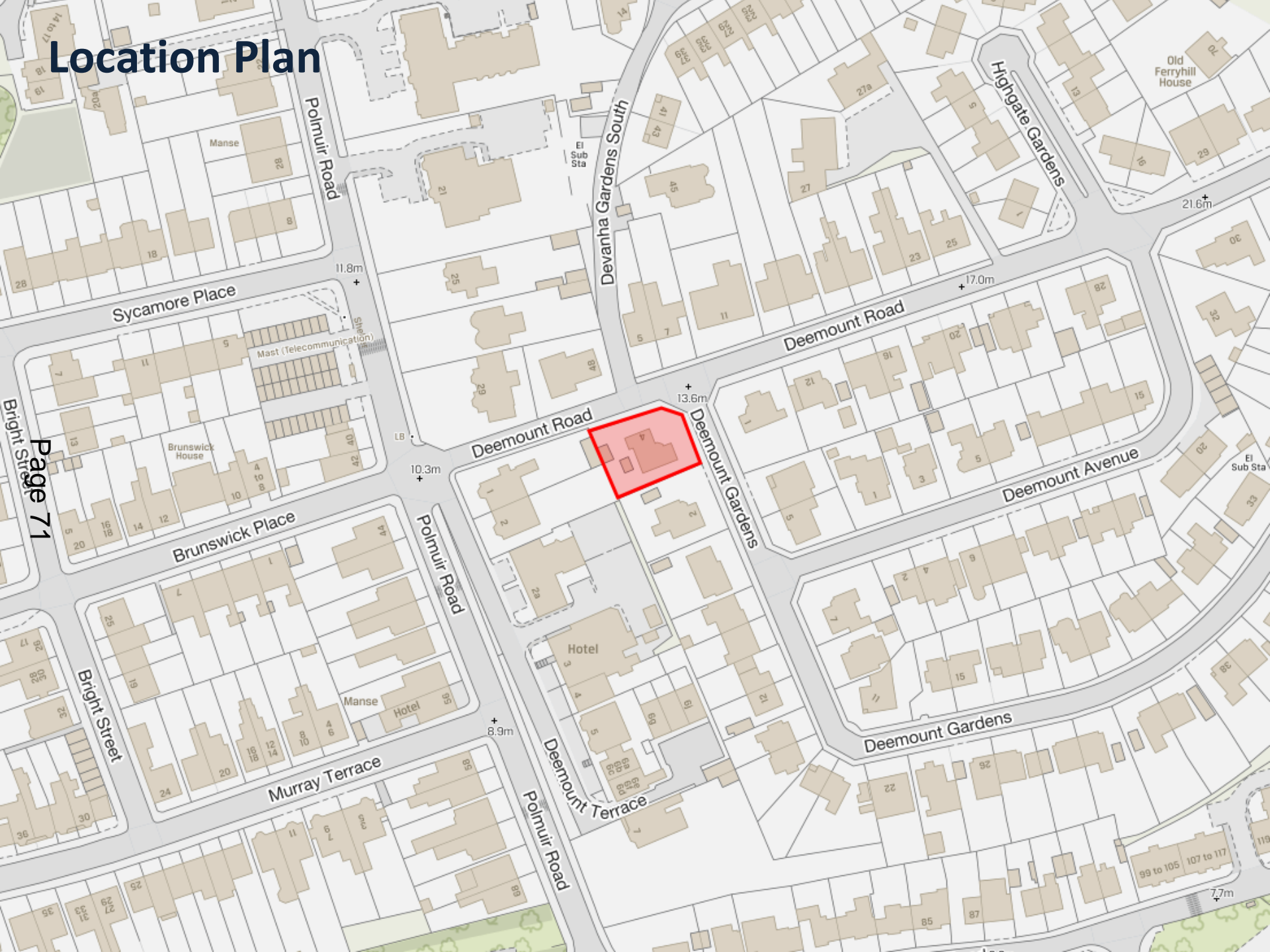
“Erection of single storey extension to side”

4 Deemount Road Aberdeen, Aberdeen

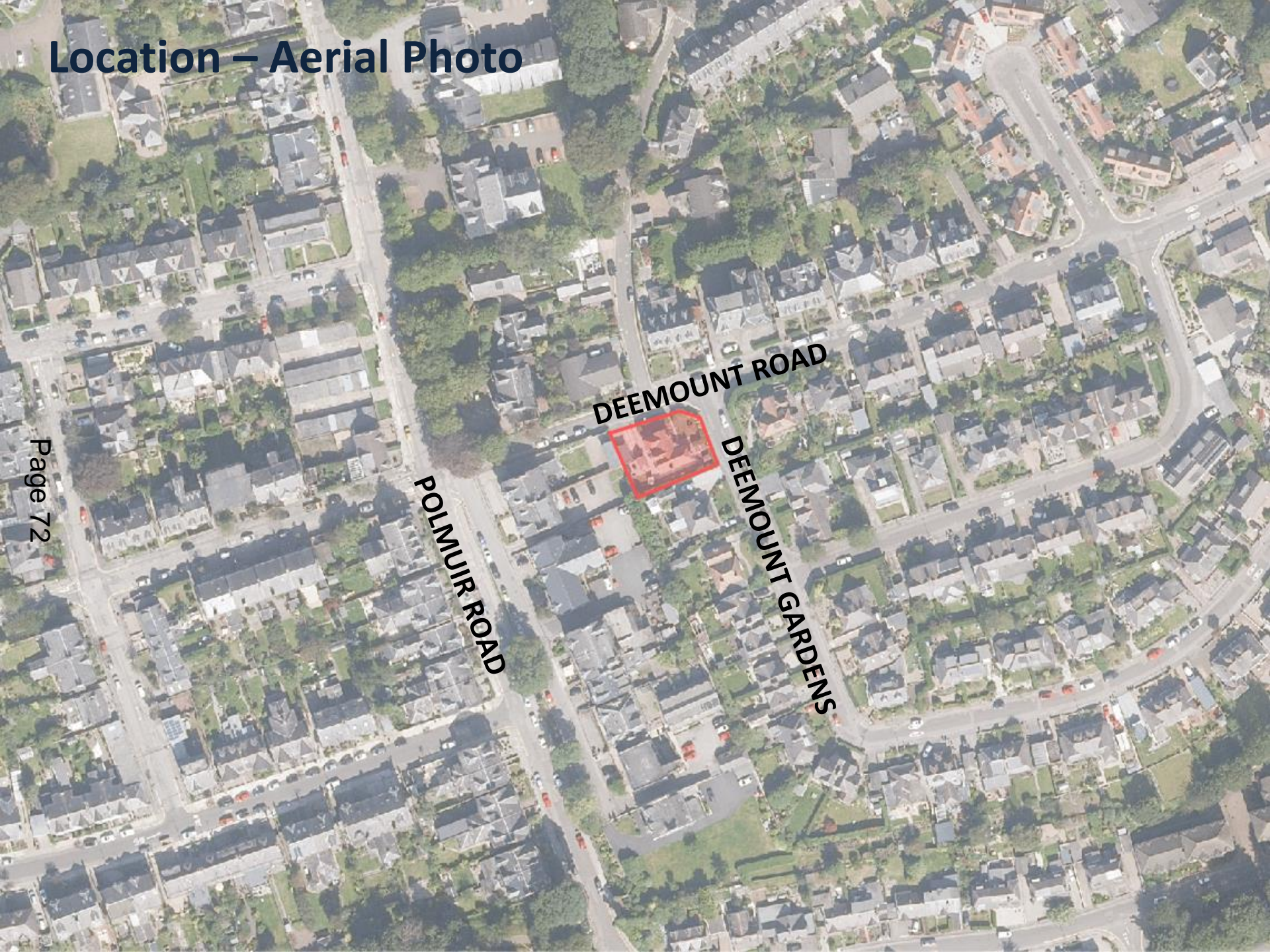
Location Plan



Location Plan



Location – Aerial Photo



DEEMOUNT ROAD

POLMUIR ROAD

DEEMOUNT GARDENS

Site Photos



Site Photos

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Site Photos

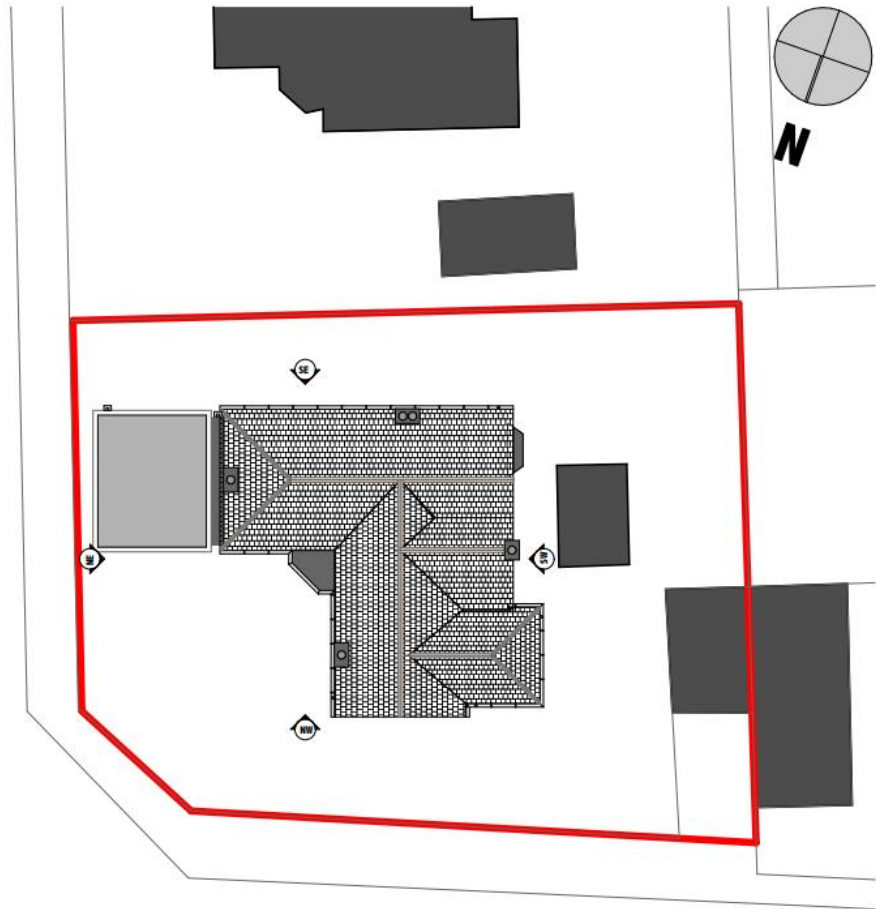


Site Plan

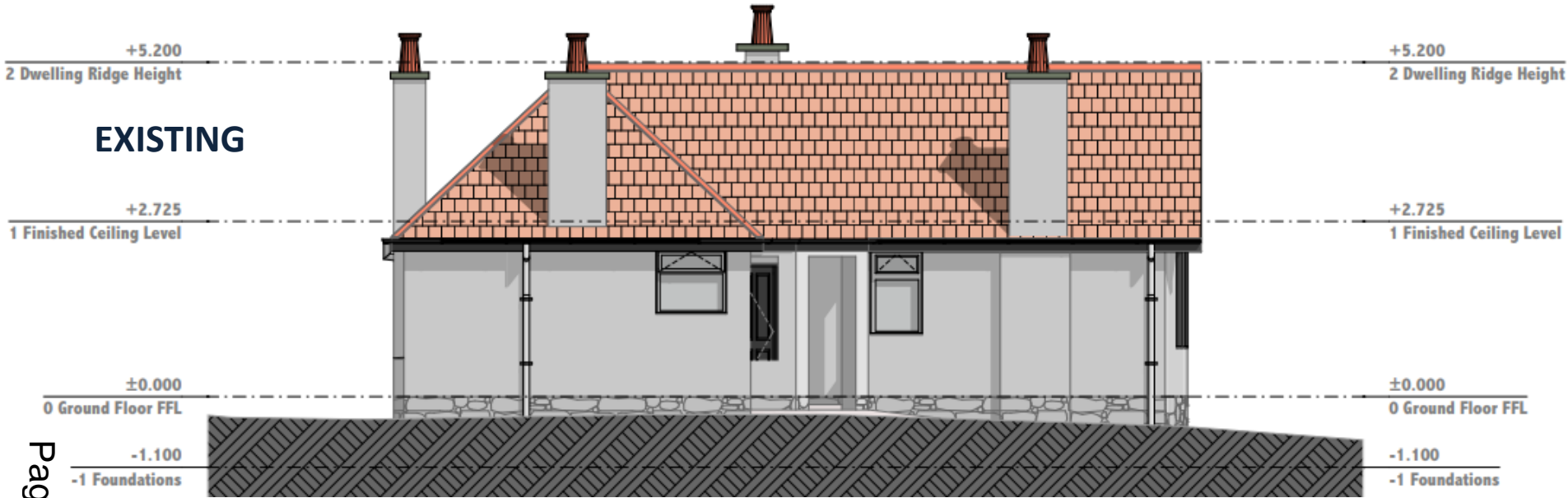
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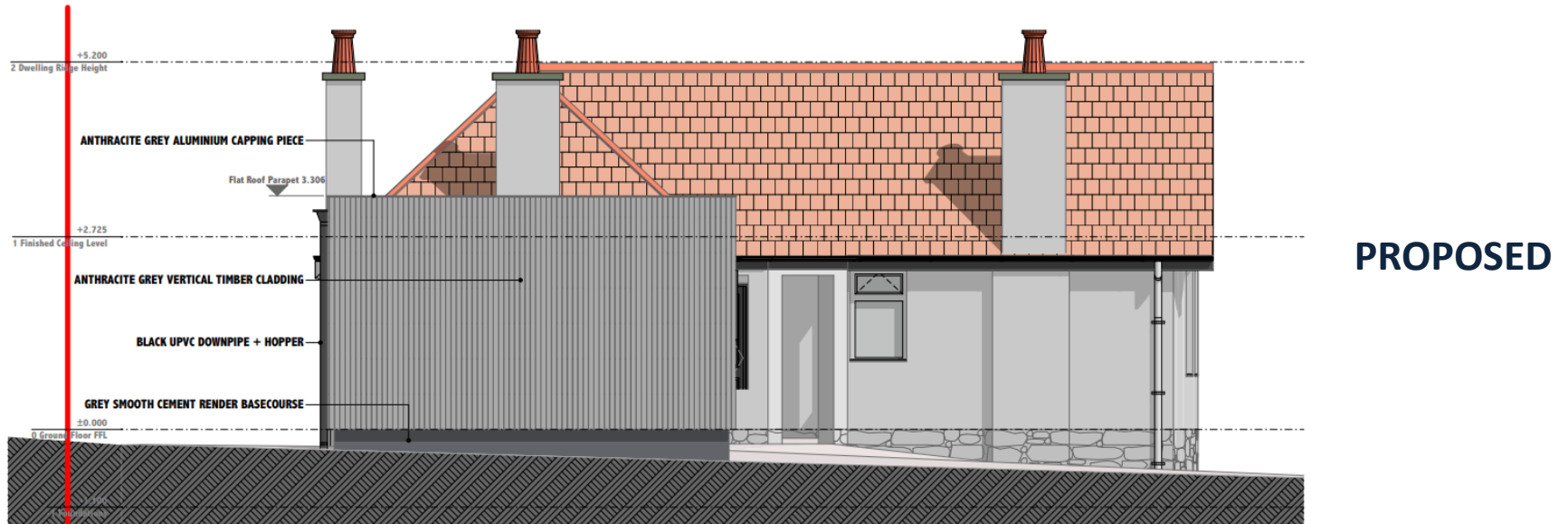
PROPOSED



NE Elevation – to Deemount Gardens

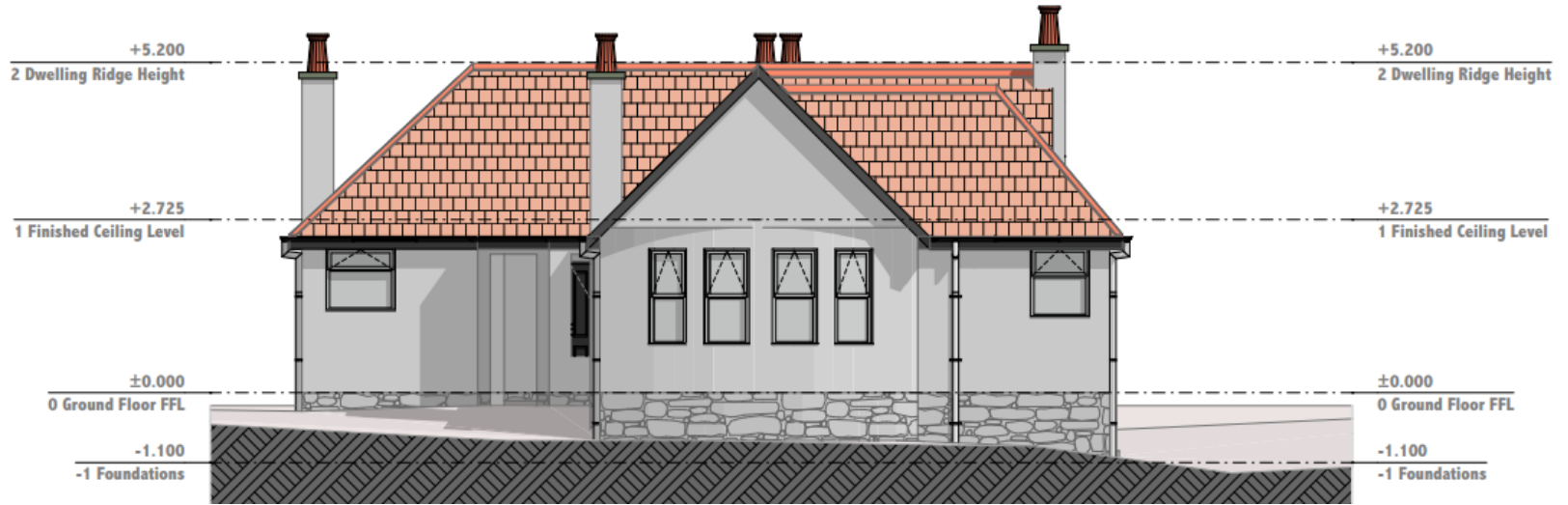


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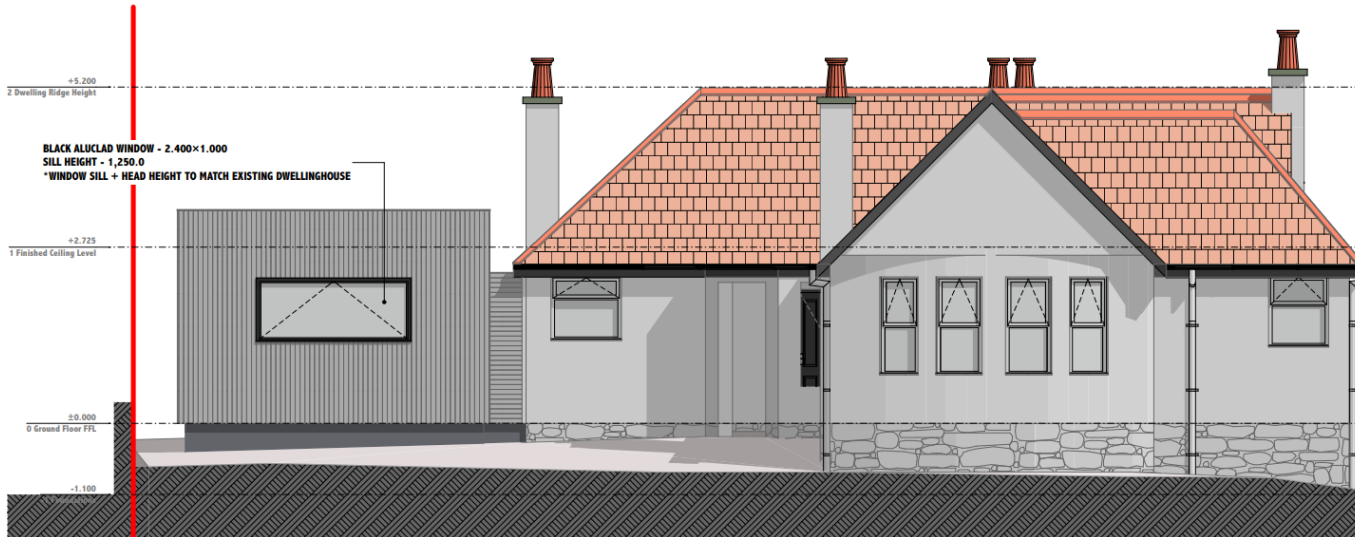
NW Elevation – to Deemount Road

EXISTING

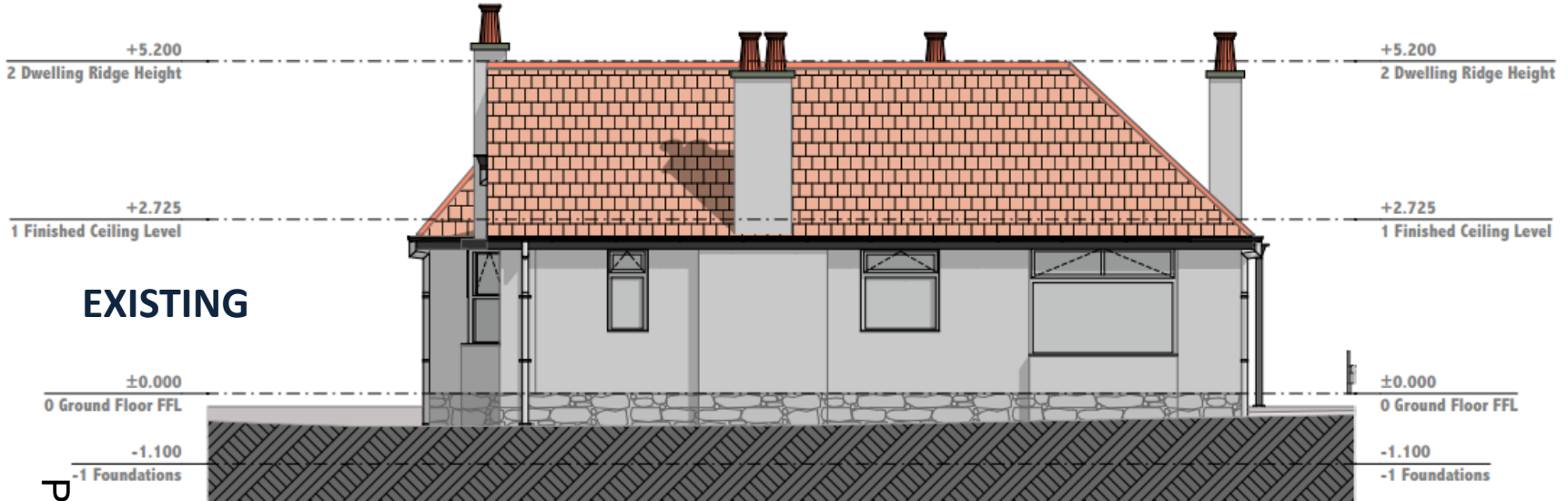


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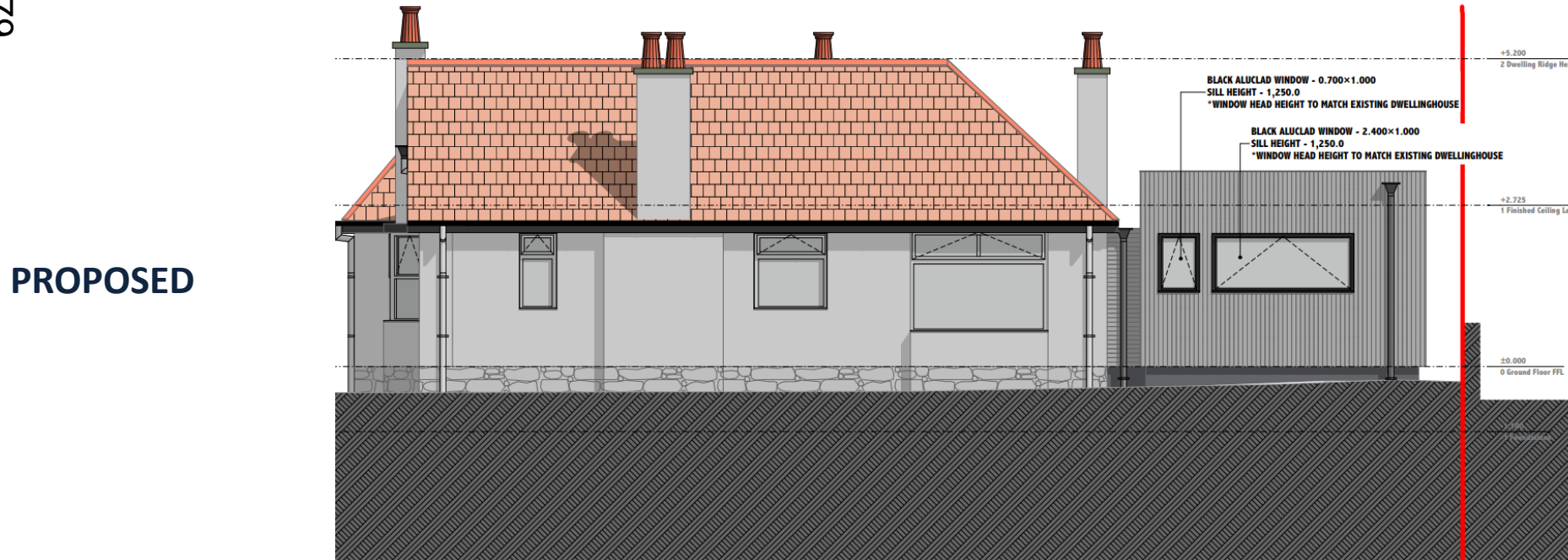
PROPOSED



SE Elevation



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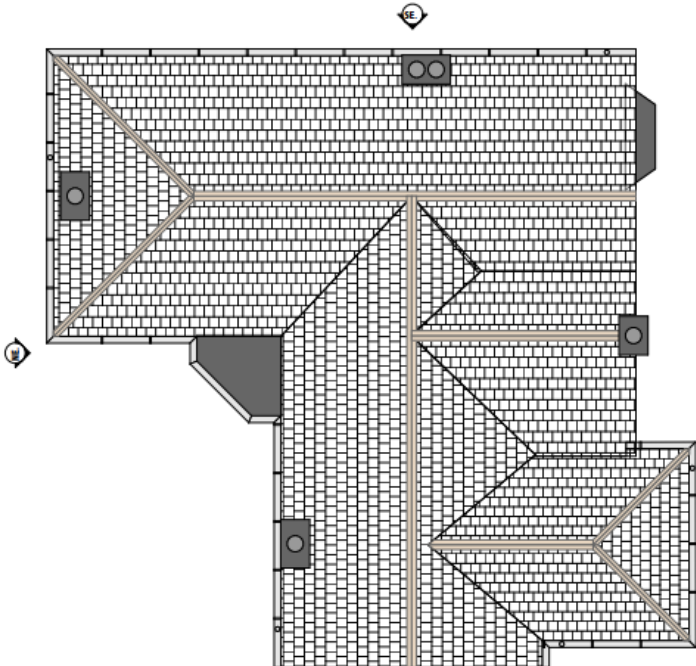


SW Elevation – no change



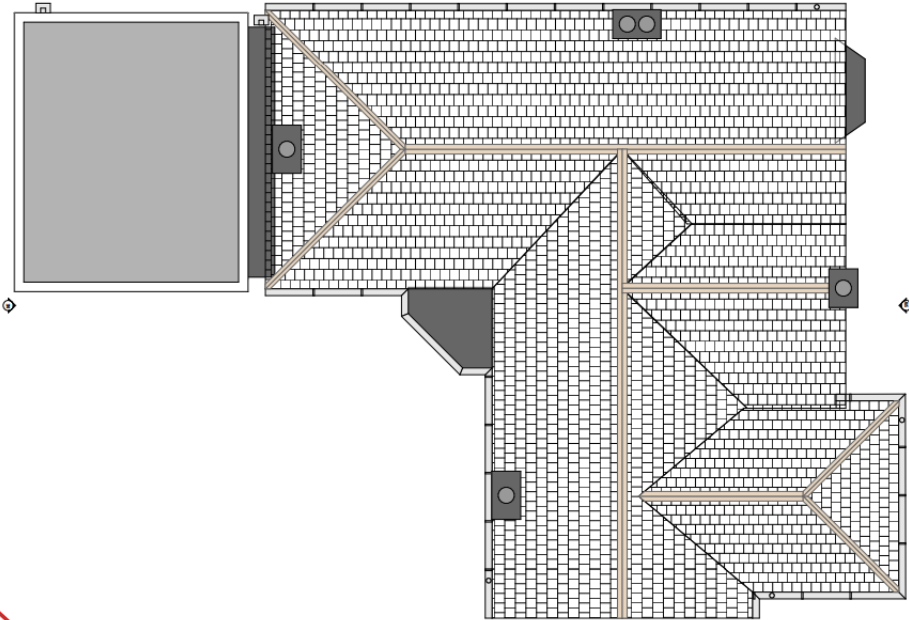
Roof Plan

EXISTING

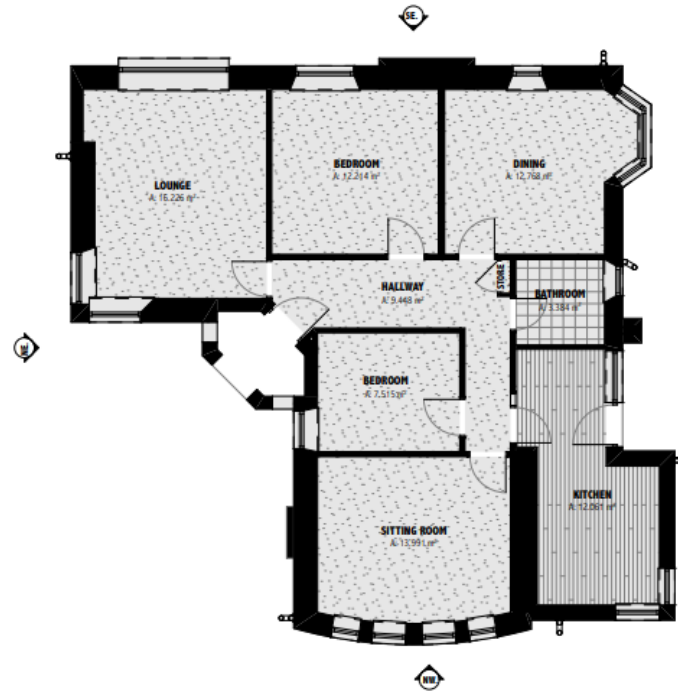


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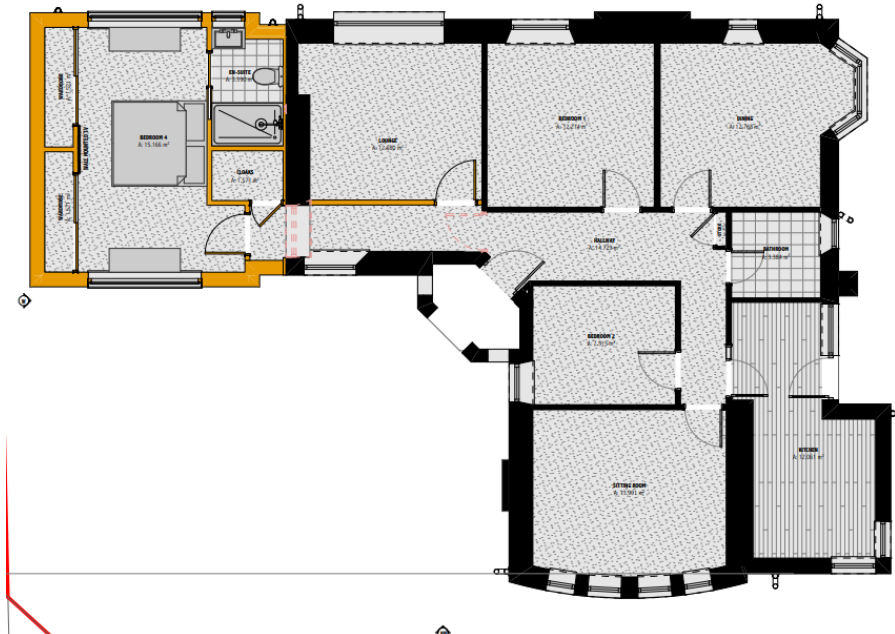
PROPOSED



Ground Floor Plan



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Visualisations



Visualisations



Visualisations



Visualisations



Photomontage – Deemount Gardens



Photomontage

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Photomontage



Reasons for Decision

- The proposal would not respect the character and appearance of the existing dwellinghouse, as well as the character and appearance of other dwellinghouses in the immediate surrounding area. Siting, projection, disproportioned contemporary form, large window openings and finishes are cited as contributing factors.
- Impact exacerbated by extension's siting forward of the building line to Deemount Gardens and its prominent location at junction of Deemount Road and Deemount Gardens
- Fails to comply with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) as well as Householder Development Guide SG
- Highlights that existing hedging may be removed without planning permission, so cannot be relied upon in mitigating visual impact.

Policy H1 (Residential Areas)

Policy H1 - Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new development and householder development will be approved in principle if it:

- 1 does not constitute over development;
- 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. Open space is defined in the Aberdeen Open Space Audit 2010; and
- 4 complies with Supplementary Guidance.

- Is this overdevelopment?
- Would it have an *'unacceptable impact on the character and amenity'* of the area?
- Would it result in the loss of open space?
- Does it comply with Supplementary Guidance?

Householder Development Guidance

- General Principles –
 - Should be '**architecturally compatible in design and scale with the original house and its surrounding area**'.
 - Should not '**dominate or overwhelm**' the original house and should '**remain visually subservient**'.
 - Should not result in adverse impact on '**privacy, daylight, amenity**'
- Footprint of dwelling as extended should not exceed **twice that of original house**
- **No more than 50% of front or rear curtilage** may be covered (anything less than that considered on its merits)
- Approvals pre-dating the guidance (2017) do not represent a '**precedent**'

Householder Development Guidance

Front Extensions

- Will only be considered acceptable in situations where they would not impact negatively on the character and amenity of the original dwelling and surrounding area.
- In all cases the established building line will be respected
- Should be of a scale and design which is complementary to, and consistent with, the original dwelling. Modest porches will generally be acceptable, but these should not incorporate additional rooms (e.g. toilet, shower room) and should not detract from the design of the original building or the character of the street.
- In all cases, careful consideration will be given to :
 - impact on adjacent property;
 - visual impact; and
 - the extent of any building line and the position of the adjacent buildings generally
- Given the wide variety of house types across the city and the existence of 'dual-frontage' dwellings, it will be for the planning authority to determine which elevation forms the principal elevation of a dwelling for the purposes of this guidance.
- Any front porch extension should incorporate a substantial proportion of glazing, in order to minimise its massing and effect on the streetscape

Policy D1 (Quality Placemaking by Design)

Policy D1 - Quality Placemaking by Design

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Places that are distinctive and designed with a real understanding of context will sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities;

- **distinctive**
- **welcoming**
- **safe and pleasant**
- **easy to move around**
- **adaptable**
- **resource efficient**

How a development meets these qualities must be demonstrated in a design strategy whose scope and content will be appropriate with the scale and/or importance of the proposal.

- Does the proposal represent a high standard of design and have strong and distinctive sense of place?

Points for Consideration:

Zoning: Does the proposal comply with the tests set out in policy H1 (Residential Areas), including impact on character and amenity of the area?

Design: Is the proposal of sufficient design quality (D1) - *having regard for factors such as scale, siting, footprint, proportions relative to original, materials, colour etc?*

Does it accord with the general principles and more specific guidance relating to front extensions set out in the 'Householder Development Guide'?


1. Does the proposal comply with the Development Plan when considered as a whole?

2. Are there any material considerations that outweigh the Development Plan in this instance?

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
---------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------

Site Address:	4 Deemount Road, Aberdeen, AB11 7TJ,
Application Description:	Erection of single storey extension to side
Application Ref:	200440/DPP
Application Type:	Detailed Planning Permission
Application Date:	15 April 2020
Applicant:	Mr Ross Jolly
Ward:	Torry/Ferryhill
Community Council:	Ferryhill and Ruthrieston
Case Officer:	Jamie Leadbeater

RECOMMENDATION

Refusal

APPLICATION BACKGROUND

Site Description

The application site is the residential curtilage of a detached bungalow set upon an L-shape footprint with two distinct frontages on the corner of Deemount Road and Deemount Gardens in Ferryhill.

One frontage has a hipped roof and projects towards Deemount Gardens and the other frontage is dominated by a traditional gable containing a subtle curved bay window which overlooks Deemount Road. The application property is finished in a white render with red roof tiles to a roof incorporating three chimney stacks and white framed casement windows are located throughout the dwellinghouse. A porch is located on the front elevation at the juncture of the L-shape footprint.

Garden space exists to the front, sides and rear of the property, the latter of which contains a small detached outbuilding and separate garage which takes access off Deemount Road. A mature hedge runs along the southern, eastern and northern boundaries of the site.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought for the erection of a contemporary single storey box extension to the front of the dwellinghouse, fronting Deemount Gardens.

The extension would project c.5.4m outwards from the existing front elevation at a width of c.5.8m

with a maximum eaves height of c.3.7m. A small linking structure to be incorporated into the extension would have an eaves height of c. 2.6m. Externally, the extension would be finished in a grey vertical timber cladding with a grey smooth cement render basecourse. Large rectangular windows would be positioned in the north and south facing elevations of the extension.

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=Q87FP9BZH8E00> .

- Design Statement
- Street view photomontages

CONSULTATIONS

ACC Contaminated Land (Environmental Health) – Part of the site is located on a former gravel pit dating back to 1925. However, the risk of uncovering contamination, if the site is excavated for the extension, is low and therefore there would be no need for a condition if consent is granted.

Ferryhill and Ruthrieston 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.

The Strategic Development Plan 2014 is 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 may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The

Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether –

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

Aberdeen Local Development Plan (2017)

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

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. The following policies in the Proposed Plan are considered relevant to this proposal:

- D1 – Quality Placemaking
- D2 – Amenity
- H1 – Residential Areas

Supplementary Guidance (SG)

- Householder Development Guide

EVALUATION

Principle of Development

The site falls within a "Residential Area" designation on the ALDP Proposals Map to which Policy H1 in the Aberdeen Local Development Plan (ALDP) applies. Policy H1 supports new residential development within such areas providing it satisfies the following criteria:

- 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 open space; and,
- 4) Complies with supplementary guidance (the Householder Development Guide in this case).

Overdevelopment

Guidance over what constitutes "overdevelopment" is taken from General Principles 4 and 5 under Section 3.1.4 in the Householder Development Guide SG which states that the built footprint of a dwellinghouse, as extended, should not exceed twice that of the original dwelling and no more than 50% of the front or rear curtilage of a dwelling should be covered by development.

Upon undertaking a measurement, the proposed extension would ensure over 50% of the front

curtilage would remain undeveloped - and the size of the extension would not result in the original house being more than doubled in footprint. Therefore, the proposal would not constitute overdevelopment.

Impact on Character and Amenity (including design appraisal)

Character and Public Amenity

The site sits at the junction/corner of Deemount Road and Deemount Gardens, and by virtue of its L-shape footprint has a dual frontage with one hipped gable fronting on to Deemount Gardens and a traditional pitched gable overlooking Deemount Road. As the proposed extension would sit forward of the hipped gable, it is considered a 'front extension' to the existing dwellinghouse. To this end, the proposal shall be assessed against the guidance on "front extension" to dwellinghouses in the Householder Development Guide SG to assist in determining whether the proposed development would have an acceptable impact on the character and amenity of the surrounding area or not.

Section 3.1.5 in the Householder Development Guide sets guidance for front extensions to dwellinghouses. It states "*Front extensions of any type should be of a scale and design which is complementary to, and consistent with, the original dwelling...In all cases, careful consideration will be given to (i) the impact on adjacent property; (ii) visual impact; and (iii) the extent of any building line and the position of the adjacent buildings generally*". The overarching requirement is that front extensions will only be considered acceptable in situations where they would not negatively impact on the character and amenity of the original dwelling and the surrounding area, including in all cases the established building line of a street should be respected. Porches and bay windows would be typically allowed, both features would need to incorporate substantial glazing and be proportionate in scale and design to the existing building.

There is a very clear building line along the western side of Deemount Gardens with the frontage of dwellinghouses set very similar distances back from the road. The proposed extension would breach that established pattern by proposing to extend the frontage of the dwellinghouse close to the edge of the road, unduly increasing the visual prominence of the property on both adjoining public thoroughfares. Subsequently, it is considered the proposed extension poses a significant tension with this long-established characteristic of the Deemount Gardens streetscene, making the application property out-of-keeping with those in the surrounding area, even when setting aside design variations in house types. Neighbouring dwellinghouses along both neighbouring streets incorporate pitched and hipped roof styles as well as other features such as mock-Tudor gables and bay windows, as well as side extensions which largely mirror the aforementioned design characteristic. Subsequently, modern contemporary extensions which project forward of the principle elevation of dwellinghouses does not accord with this context. whereas the proposed siting and design scheme of the extension conflicts this carefully This distinctive and significant impact is not best conveyed through the submitted photomontages and would be most overtly obvious from the street itself.

In an effort to demonstrate the design approach, the applicant has submitted a Design Statement. The purpose of the proposed extension is to create an additional bedroom with built-in wardrobes and en-suite bathroom, which is beyond the prescribed allowances of porches and bay windows set out in the SG. The Design Statement seeks to demonstrate an extension of the same size could not be feasibly accommodated within other parts of the site, including less visually overt parts of the site such as the rear garden area, but the full prohibiting factors are not clear and therefore the Planning Service is not satisfied the siting of the proposed extension would materially outweigh any adverse harm arising from the proposed development on public visual amenity.

Although the proposal incorporates a lower in height 'linking structure' between the existing house

and the primary box element of the extension, the predominate eaves height of the proposed extension would far exceed that of the existing hipped gable and would appear disproportionately large when set against the existing dwellinghouse, thus not creating a sympathetic visual relationship with the existing house from the street. This would be particularly obvious from Deemount Road at its junction with Deemount Gardens. It is acknowledged that the applicant has shown some examples of similar house extension designs in the submitted Design Statement but these carry little merit in demonstrating how such an extension could be an effective solution in this context as these extensions are all located to the rear of buildings, all of which are two storey in height and are of a different architectural style, and with a variety of materials in harmony with the host building. Not only would the eaves height and form of the extension be out of keeping with the existing building, features such as the window opening would be of a size which are not proportionate to those contained within the envelope of the existing building.

Whilst in principle the proposed finishing materials are considered to be of a reasonable quality, they would not visually complement the existing dwellinghouse, i.e. the finishes would not create an appealing contrast between the existing and proposed elements of the application property. This visual impact is made more pronounced by the fact that the application property sits at an elevated, prominent location on a corner site at the junction between Deemount Road and Deemount Gardens. Although the submitted photomontages seek to demonstrate this impact may be softened by the presence of the existing hedging along the site boundary, the Planning Authority has no control over the hedging's retention i.e. it could be removed without the need for planning permission. In addition, there is a strong likelihood the hedge would need to be removed, at least in part, to allow construction of the extension, if it were approved. Subsequently, the concept of the existing hedging disguising the extension from view carries no merit. Moreover, even if the hedging were to be retained, it would not lessen the visual impact of the extension's eye-catching massing and unsympathetic design sufficiently to allay concerns that the development would not pose a threat to public visual amenity in the immediate surrounding area.

Overall, it is considered that the proposed extension would be of a scale and design that would not respect the character and appearance of the application property, nor the established pattern of development which heavily characterises the character of the Deemount Gardens streetscape. Subsequently, the proposal would have an unacceptable impact on the character of the surrounding area and therefore would be of significant detriment to public visual amenity.

Residential Amenity

The principle three main considerations for assessing the impact of the proposed development on neighbours' residential amenity in line with the guidance set out in appendices 2 and 3 in the Householder Development Guide SG are: privacy, daylighting and sunlighting (overshadowing).

On the matter of privacy, the proposed siting of the extension and positioning of windows within it would not result in any new overlooking arrangements into neighbouring dwellinghouses' private garden grounds or windows serving habitable rooms, even if the existing hedging along the site boundary was removed – which the Planning Authority would have no control over. For the avoidance of doubt, although the windows on the southern elevation of the extension would look into the front garden area of number 2 Deemount Gardens, this area isn't private. As such, taking into account the aforementioned, the proposal would not give rise to any undue private amenity impacts on neighbouring properties.

Upon applying the 45-degree daylighting calculation set out in Appendix 2 of the Householder Development Guide SG, the proposed single storey front extension would not result in a loss of daylight to the closest neighbouring dwellinghouse (no. 2 Deemount Gardens) due to the fact the site sits at a lower land level from the neighbours and the separation distance between the proposed extension and neighbouring dwellinghouse. Furthermore, given the extension would sit

to the north of the aforementioned neighbour, and even if the existing hedging were removed, it would not give rise to an undue level of overshadowing/loss of sunlight to 2 Deemount Gardens. All other neighbouring properties would be unaffected.

Loss of Open Space

The site falls within a defined residential curtilage and therefore the proposal would not give rise to the loss of valuable or valued public open space.

Compliance with Supplementary Guidance

Overall, whilst there is an acceptance the proposal would not have an undue detrimental impact on neighbours residential amenity, the proposal would fail to satisfy the guidance on front extension in the SG, which is of greater material importance on the basis that the primary aim is to ensure front extensions are not of undue detriment to public visual amenity. Consequently, the proposal would fail to fully comply with the SG. Coupled with its unacceptable visual impact from Deemount Road and Deemount Gardens, the proposal would fail to comply with Policy H1 in the ALDP. Mindful the requirements of Policy D1 overlap with those in Policy H1, the proposal would also fail to satisfy the relevant expectations of Policy D1 in the ALDP.

Strategic Development Plan implications

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.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan and therefore the proposal is not considered acceptable in terms of both Plans for the reasons previously given.

Conclusion

Overall, whilst the proposed extension is not likely to have any adverse impact on the level of residential amenity currently afford to neighbouring properties, the extension's siting, form and proportions would have an adverse impact on the existing pattern of development and would be overly visually dominant on the streetscene, and the extension would not be designed to complement the architectural style of the existing dwellinghouse. As such, the proposal is considered at odds with Policy H1 and D1 in the Aberdeen Local Development Plan 2017, including the Householder Development Guide's supplementary guidance on extensions to the front of dwellinghouses. Therefore, in the absence of any other overriding material considerations, the application is recommended for refusal.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The application is refused for the following reasons:

1. The proposal extension - by virtue of its siting, projection, disproportioned contemporary form, large window openings and finishes – would not respect the character and appearance of the existing dwellinghouse, as well as the character and appearance of other dwellinghouses in the immediate surrounding area. This impact would be exacerbated by the fact the proposed extension would sit forward of the principle building line on Deemount Gardens and the site sits

at the junction of Deemount Road and Deemount Gardens. As such, the proposed extension would be harmful to public visual amenity and the proposal would fail to comply with the relevant requirements of Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) as well as their attendant supplementary guidance The Householder Development Guide in the Aberdeen Local Development Plan 2017.

2. The proposed extension – by virtue of its siting forward of the front elevation and scale of projection – would breach the established building line along Deemount Gardens which is intrinsic to the street's pattern of development and therefore would be at odds with the street's established character. The existing hedging can be removed without planning permission, and therefore its current existence carries no weight in mitigating this unacceptable visual impact. As such, the proposal would fail to comply with the relevant requirements of Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) as well as their attendant supplementary guidance The Householder Development Guide in the Aberdeen Local Development Plan 2017.

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

Thank you for completing this application form:

ONLINE REFERENCE 100246693-001

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

Description of Proposal

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

Proposed single storey extension to existing detached Dwellinghouse

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

No Yes - Started Yes – Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

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

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Ross	Building Number:	4
Last Name: *	Jolly	Address 1 (Street): *	Deemount Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB11 7TJ
Fax Number:			
Email Address: *	info@aeroserv.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

4 DEEMOUNT ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB11 7TJ

Please identify/describe the location of the site or sites

Northing

804800

Easting

393912

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: Jonathan Cheyne

On behalf of: Mr Ross Jolly

Date: 03/04/2020

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

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

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

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

Declare – For Householder Application

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

Declaration Name: Mr Jonathan Cheyne

Declaration Date: 03/04/2020

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Jonathan Cheyne
MAC Architects
24 Oldmeldrum Road
Newmachar
AB21 0PJ

on behalf of **Mr Ross Jolly**

With reference to your application validly received on 15 April 2020 for the following development:-

**Erection of single storey extension to side
at 4 Deemount Road, Aberdeen**

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

Drawing Number	Drawing Type
390(PA)002	Multiple Floor Plans (Proposed)
390(PA)003	Multiple Elevations (Proposed)
390(PA)001	Location Plan

REASON FOR DECISION

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

1. The proposal extension - by virtue of its siting, projection, disproportioned contemporary form, large window openings and finishes - would not respect the character and appearance of the existing dwellinghouse, as well as the character and appearance of other dwellinghouses in the immediate surrounding area. This impact

would be exacerbated by the fact the proposed extension would sit forward of the principle building line on Deemount Gardens and the site sits at the junction of Deemount Road and Deemount Gardens. As such, the proposed extension would be harmful to public visual amenity and the proposal would fail to comply with the relevant requirements of Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) as well as their attendant supplementary guidance The Householder Development Guide in the Aberdeen Local Development Plan 2017; and,

2. The proposed extension - by virtue of its siting forward of the front elevation and scale of projection - would breach the established building line along Deemount Gardens which is intrinsic to the street's pattern of development and therefore would be at odds with the street's established character. The existing hedging can be removed without planning permission, and therefore its current existence carries no weight in mitigating this unacceptable visual impact. As such, the proposal would fail to comply with the relevant requirements of Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) as well as their attendant supplementary guidance The Householder Development Guide in the Aberdeen Local Development Plan 2017.

Date of Signing 1 July 2020



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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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>

Other Material Considerations

Aberdeen City and Shire Strategic Development Plan (2020) (SDP)

Proposed Aberdeen Local Development Plan (2020)

<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan/aberdeen-local-development-plan-review#3678>

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

Thank you for completing this application form:

ONLINE REFERENCE 100246693-003

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Ross"/>	Building Number:	<input type="text" value="4"/>
Last Name: *	<input type="text" value="Jolly"/>	Address 1 (Street): *	<input type="text" value="Deemount Road"/>
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="AB11 7TJ"/>
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="4 DEEMOUNT ROAD"/>
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="AB11 7TJ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="804800"/>	Easting	<input type="text" value="393912"/>
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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 single storey extension to side at 4 Deemount Road, Aberdeen

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 client supporting document and MAC Architects LRB Design Statement

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)

Mr Ross Jolly - Appeal Statement 4 Deemount Road - LRB Design Statement MAC Architects Planning Drawings

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

200440

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

15/04/2020

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

01/07/2020

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

To appreciate the site constraints and factors in the decision of the proposed extension position - the only viable location as per our LRB document. The site cannot be viewed from street level as the dwelling and garden is elevated and surrounded by fencing and mature hedging. The site visit will highlight the only private garden space available to the clients and why an extension in this location would be detrimental to the site

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

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

Yes No

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

Yes No

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

They will require access to our clients garden areas

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Jonathan Cheyne

Declaration Date: 30/07/2020

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**4 Deemount Road
Aberdeen
AB11 7TJ**

APPEAL STATEMENT

In respect of

**DECISION TO REFUSE CONSENT TO BUILD SINGLE STORY EXTENSION TO SIDE
REF: 200440/DPP**

INTRODUCTION

The applicant seeks permission for the construction of a modest extension to provide an additional bedroom with much needed storage and an additional bathroom (en-suite) to meet the needs of their family. The property currently only has one bathroom (3m²), which isn't suitable in the long term and the proposed extension will include a 3.39m² en suite. The proposed extension will also incorporate much needed storage in the form of a Cloakroom cupboard (1.571m²) and two built in wardrobes (both 2.535.5m²). The property is detached, with front access to Deemount Road via two paths (one leading from back door and one from front door and also a Garage and Driveway with access to Deemount Road).

REASONS PROVIDED FOR REFUSAL

- 1) *The proposal extension – by virtue of its siting, projection, disproportioned contemporary form, large window openings and finishes – would not respect the character and appearance of the existing dwellinghouse, as well as the character and appearance of other dwellinghouses in the immediate surrounding area. This impact would be exacerbated by the fact the proposed extension would sit forward of the principle building line on Deemount Gardens and the site sits at the junction of Deemount Road and Deemount Gardens. As such, the proposed extension would be harmful to public visual amenity and the proposal would fail to comply with the relevant requirements of Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) as well as their attendant supplementary guidance The Householder Development Guide in the Aberdeen Local Development Plan 2017*
- 2) *The proposed extension – by virtue of its siting forward of the front elevation and scale of projection – would breach the established building line along Deemount Gardens which is intrinsic to the streets pattern of development and therefore would be at odds with the streets established character. The existing hedging can be removed without planning permission and therefore its current existence carries no weight in mitigating this unacceptable impact. As such the proposal would fail to comply with the relevant requirements of Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) as well as their attendant supplementary guidance The Householder Development Guide in the Aberdeen Local Development Plan 2017*

The reasons for refusal can be summarised to be the following:

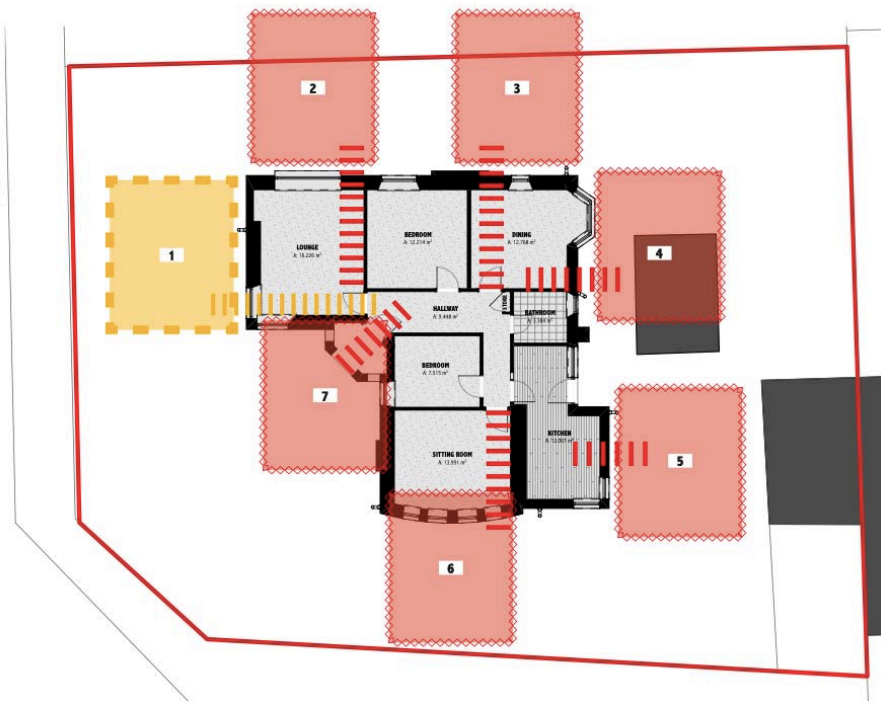
- 1) The extensions location and style is deemed as not suitable or in keeping with the area.
- 2) The planners are concerned about the building line for Deemount Gardens being affected.

To answer the above concerns I would like to highlight the following:

The extension can only realistically be situated on the East side of the property in terms of ensuring a free flowing hallway internally by reducing the size of the current sitting room to continue the existing hallway in to the extension. This would ensure, contrary to the planners suggestions of locating it on either the South, West or North side of the property, that a bedroom would have to be sacrificed to accommodate access to the new bedroom accommodation which defeats the purpose of building the extension in the first place. As illustrated in Graphic 1 below, the flow of the house would continue with the proposed location and result in the existing lounge being transformed in to a similar sized bedroom as the existing two adjacent.

Graphic 1 also illustrates why the proposed footprint for the much needed additional bedroom and bathroom could only be situated to the East of the property without destroying, as suggested by the planners, the existing outhouse which was recently modernised at an expense of £6000 for a home office and building into our back garden which is west facing and is undergoing upgrading with decking and allows the family to watch the children playing from the kitchen and sitting room area. This section of garden receives the sun from early morning to late evening whereas the proposed location of the extension being situated in the East is in darkness and would be a very poor location for the family to enjoy outdoor dining, entertaining or as a play area for the children (as per Graphic 2).

Graphic 1



Graphic 2



These options could have easily been discounted had a site visit taken place by the planning team, which was declined despite governmental advice allowing this to happen. The planner sited that they had enough to base their refusal decision on viewing the property from Deemount Road (the rear of the property is private due to a near 6 foot fence on an elevated section of land from the pavement and there is hedging surrounding the proposed location of the extension at almost 10 ft in height from Deemount Gardens). Repeated requests were refused with my family and I offering to remain in the property at the last attempt to secure a site visit to appreciate the garden and plot.

The location of the proposed extension also is the most cost effective option as the plot is level at this point, whereas the preferred option to the west of the Property would require the plot to be built to a height of at least 1.1 metres to reach the floor level internally (Graphic 3), therefore significantly increasing the cost of a potential build together with the loss of my office for my self employed business and garden area which my family enjoy (Graphic 4):

Graphic 3



Graphic 4



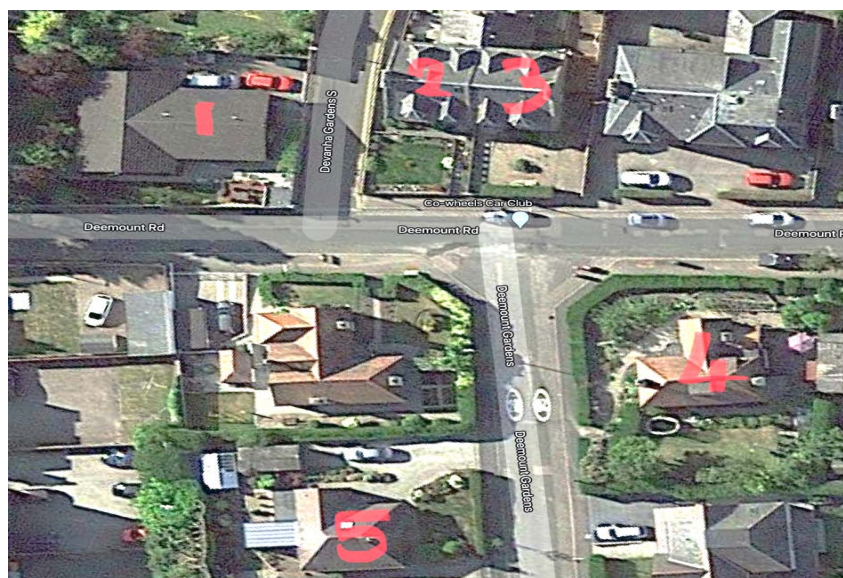
The design whilst modern, will complement the building and this style is witnessed in other historic locations in Aberdeen. The choice of materials would also ensure it would blend in with the current black and white theme of the building as the outer timbers would age to a dark grey by weathering. The windows would be black, which acknowledges the existing new white PVC windows with black painted ingoes on the house. They have also been situated in the drawings at the same height as the existing windows to the front of the property to keep the window line and the visuals intact. The extension would also be built to a highly insulated standard and have high environmental credentials.

Regarding the planners concern over the building line for Deemount Gardens, the road is on a steep hill and from the pavement outside my property you can only see my neighbour's house (2 Deemount Gardens). This property is behind our mutually maintained hedge to the rear of my property and it is also situated far higher than my property and the hedge is on the boundary between the two. There is no plan from either neighbour to remove this mature hedging and it is well maintained by both parties. We also have no plan to remove the hedging to the east of the property on to Deemount Gardens given it provides noise reduction from traffic and also additional privacy. We note the planners fears that they couldn't enforce the hedge being maintained but a fence could be also be put in its place so this comment is seen as

We have sought the views of the neighbours that the erection of the extension would affect visually (none of which raised any concerns during the Neighbour Notification phase of the planning process) and houses are identified by the numbers below in Graphic 5:

- 1) Alison Condie, 48 Devanha Gardens South
- 2) Dorothy Pratt, 3 Deemount Road
- 3) Paul Pratt, 5 Deemount Road
- 4) Chiho Robertson, 1 Deemount Gardens
- 5) Bill Mitchell, 2 Deemount Gardens

Graphic 5



All neighbours outlined above have given their consent to be named in this appeal document in support of our planned extension.

Our neighbour, Chiho Robertson at 1 Deemount Gardens, also advised us that they had received planning permission for a larger extension in 2011 (ref no: 110558) and this property is in similar style to our own. Therefore, we would request that this is also taken in to consideration as part of this appeal process given this street facing extension had been approved.

Conclusion

We feel we have countered the concerns the planners have for this extension and that the evidence provided clearly shows this location is the only economical position where the desperately required additional bedroom and bathroom can go. It also ensures there is no sacrifice of current bedroom space to provide access to the new build which would be against the goal of the project in the first place and the proposed location also allows a continuation of our existing hallway. We feel that these concerns would have easily been eliminated had a site visit been undertaken and would welcome one to show the detailed 3D designs from our architects in line with visualising the build in the proposed plot. Unfortunately, this request was continually declined during the planning application phase even when the lockdown regulations allowed this to be undertaken. It would be impossible to appreciate the factors outlined from above from the street given our property is significantly higher from the pavement level and is also surrounded by new fencing and mature hedging.

FR
Ross Jolly