

Public Document Pack



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

Town House,
ABERDEEN 13 January 2021

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Virtual - Remote Meeting** on **WEDNESDAY, 20 JANUARY 2021 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 **94 Wallacebrae Road - Replacement of Boundary Hedge with a Timber Fence to the Front - 200895** (Pages 7 - 24)
- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 25 - 44)
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 200895.
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 45 - 46)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 47 - 50)
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 200895.
- 2.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer
- 3.1 **57 Blenheim Place - Extension of Dormers to Rear and Installation of Replacement Windows to Rear and Side - 200660** (Pages 51 - 80)
- 3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 81 - 98)
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 200660.
- 3.3 Planning Policies Referred to in Documents Submitted (Pages 99 - 100)
- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 101 - 122)
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 200660.
- 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 Mark Masson on mmasson@aberdeencity.gov.uk / tel 01224 522989

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

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

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

DETERMINATION OF REVIEW

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

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

LOCAL REVIEW BODY



200895/DPP– Review against refusal of planning permission for:


Replacement of boundary hedge with a timber fence to front


94 Wallacebrae Road, Aberdeen

Location Plan

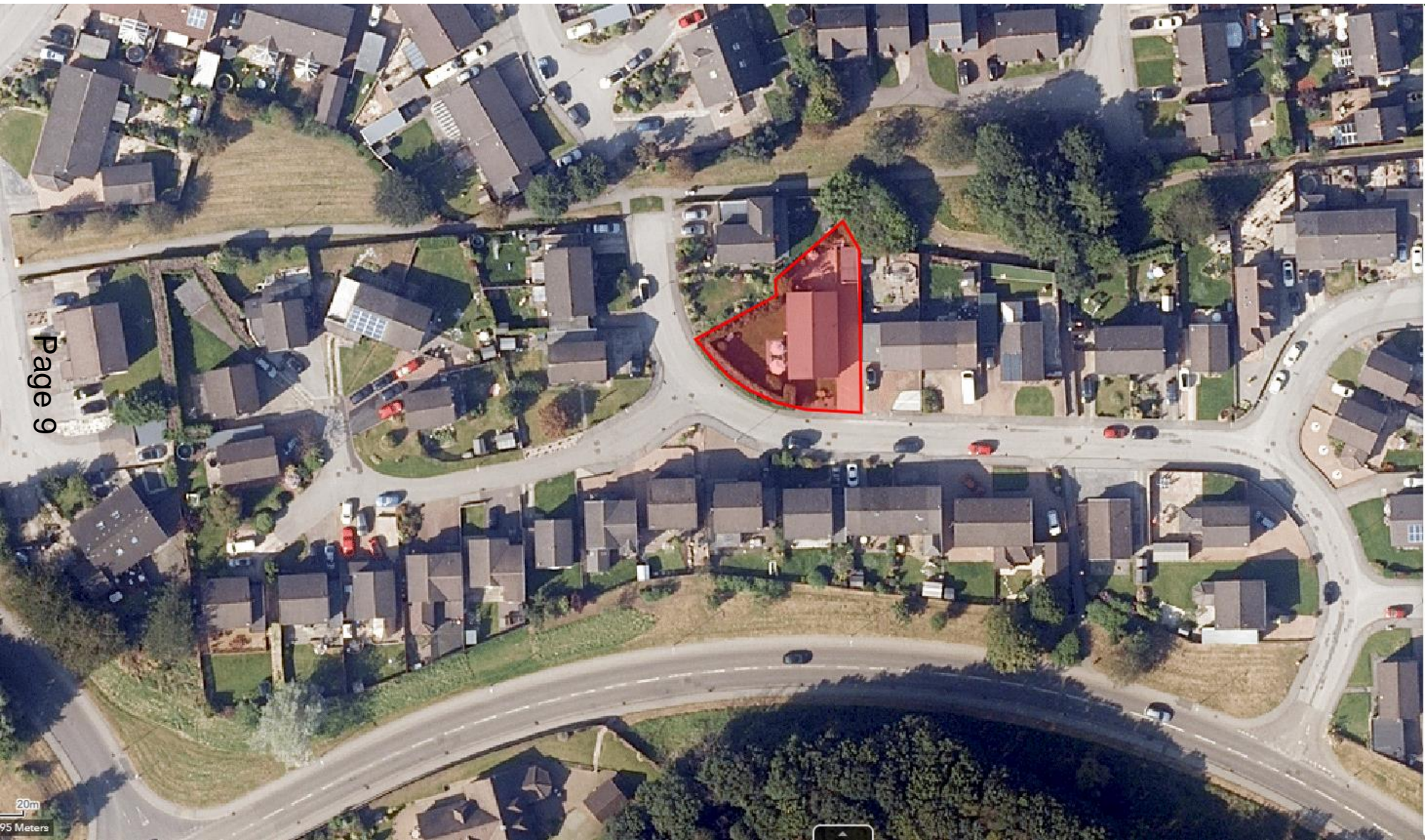


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 LAND REGISTER OF SCOTLAND	Officer's ID / Date 4673 18/1/2001
	ORDNANCE SURVEY NATIONAL GRID REFERENCE
NJ9109NW NJ9109NE NJ9110SW NJ9110SE	

TITLE NUMBER
ABN45531
70m 
Survey Scale
1/1250

Location – Aerial Photo



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20m
95 Meters

Photo 1



Photo 2

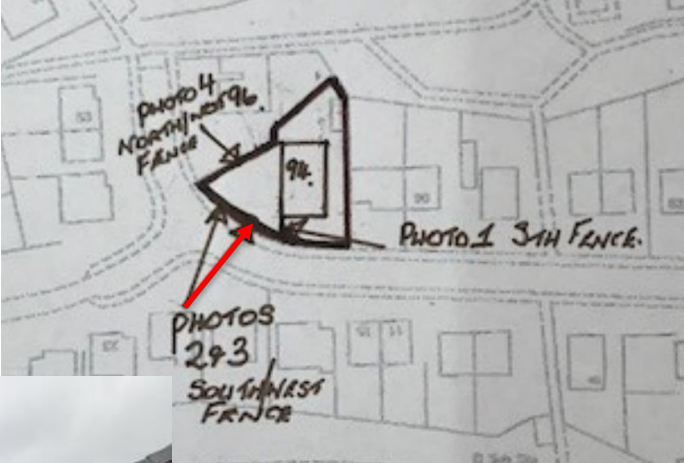


Photo 3

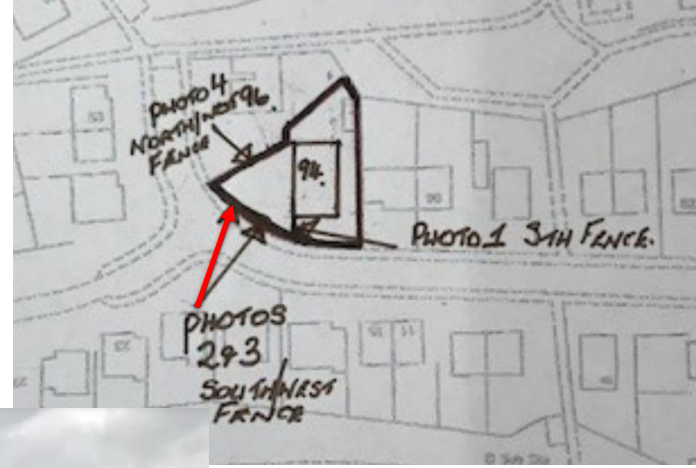
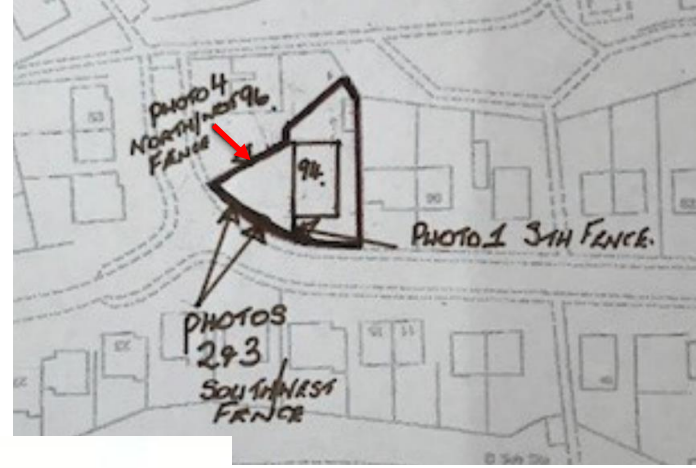
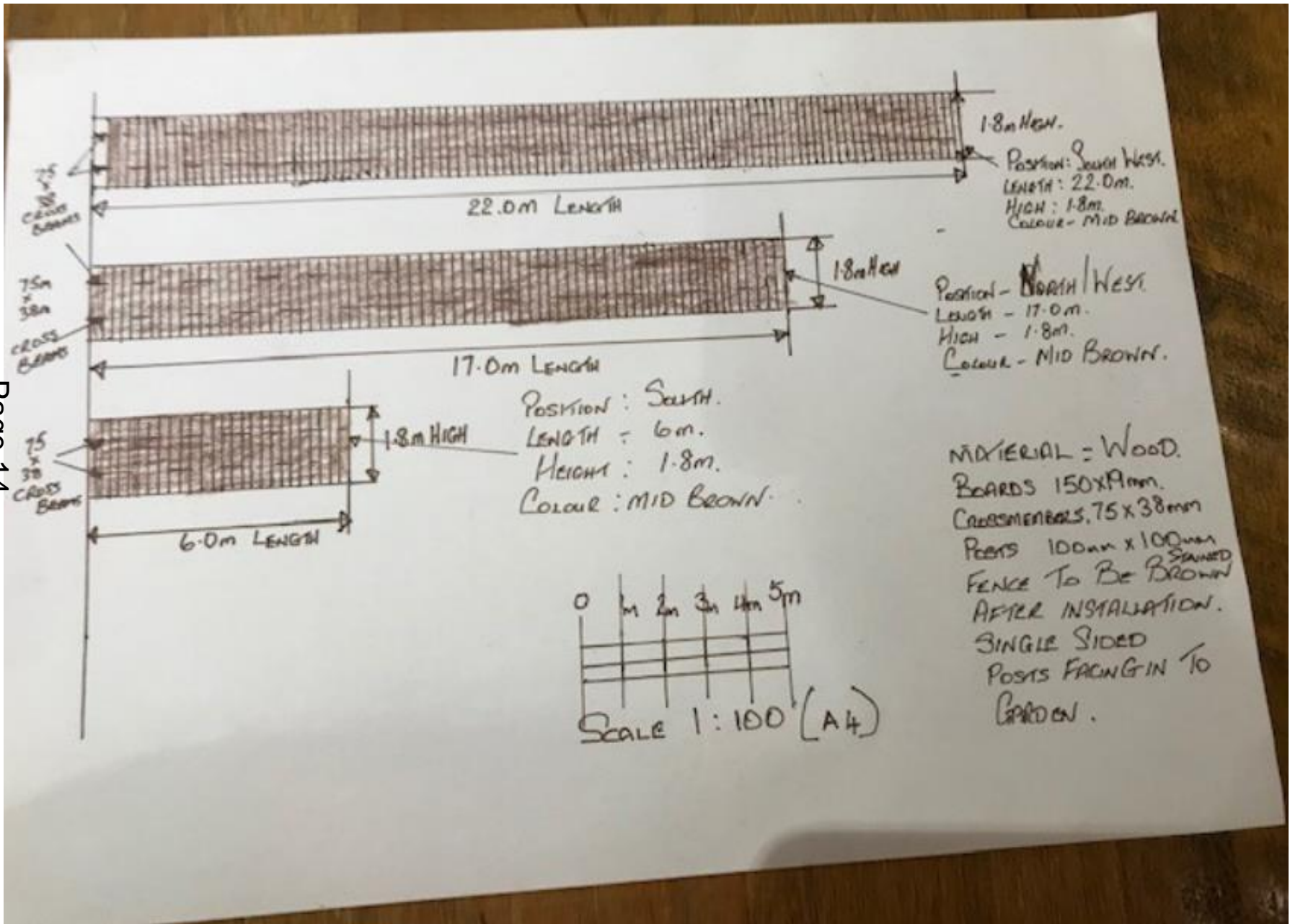


Photo 4

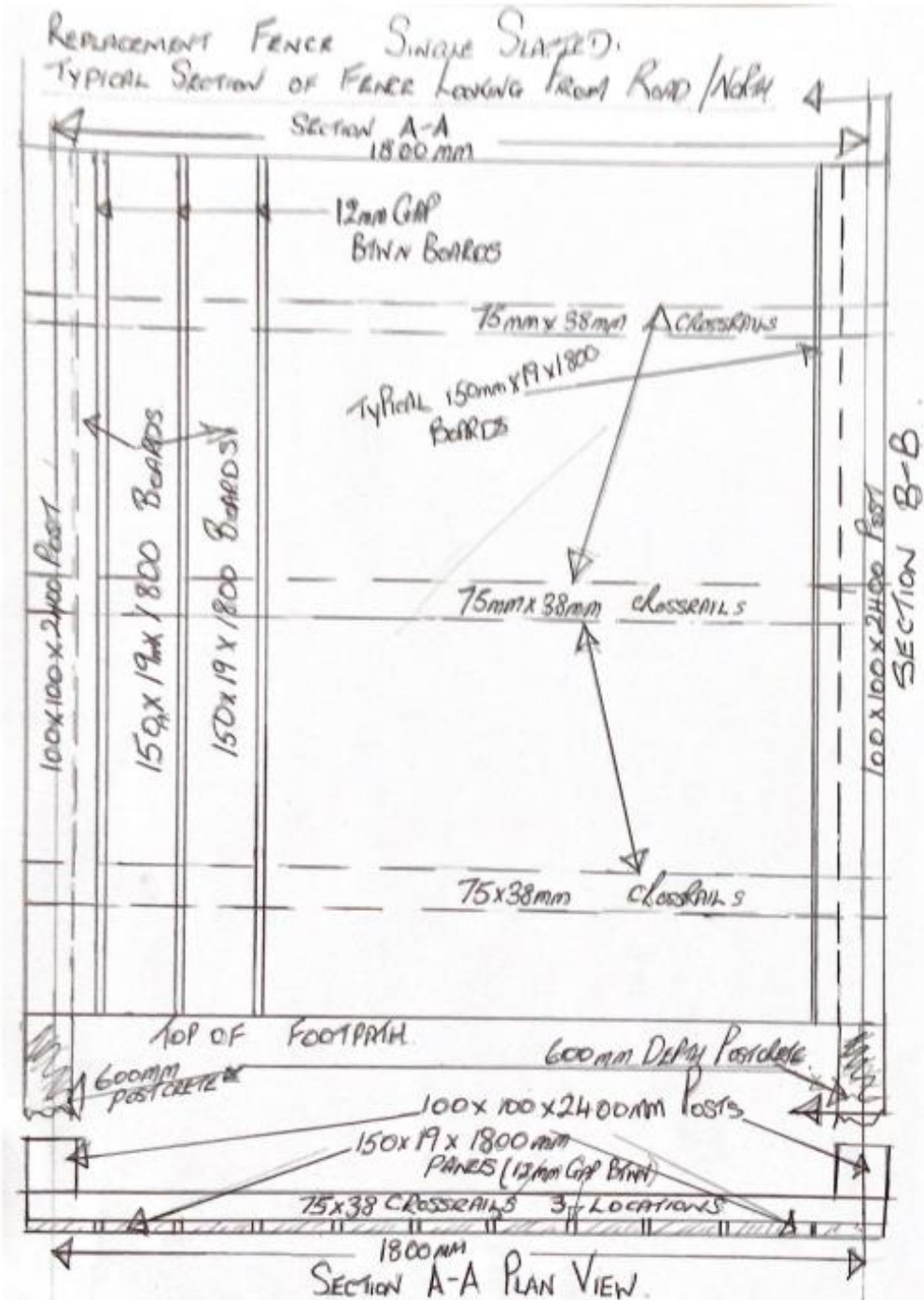


Proposed Elevations

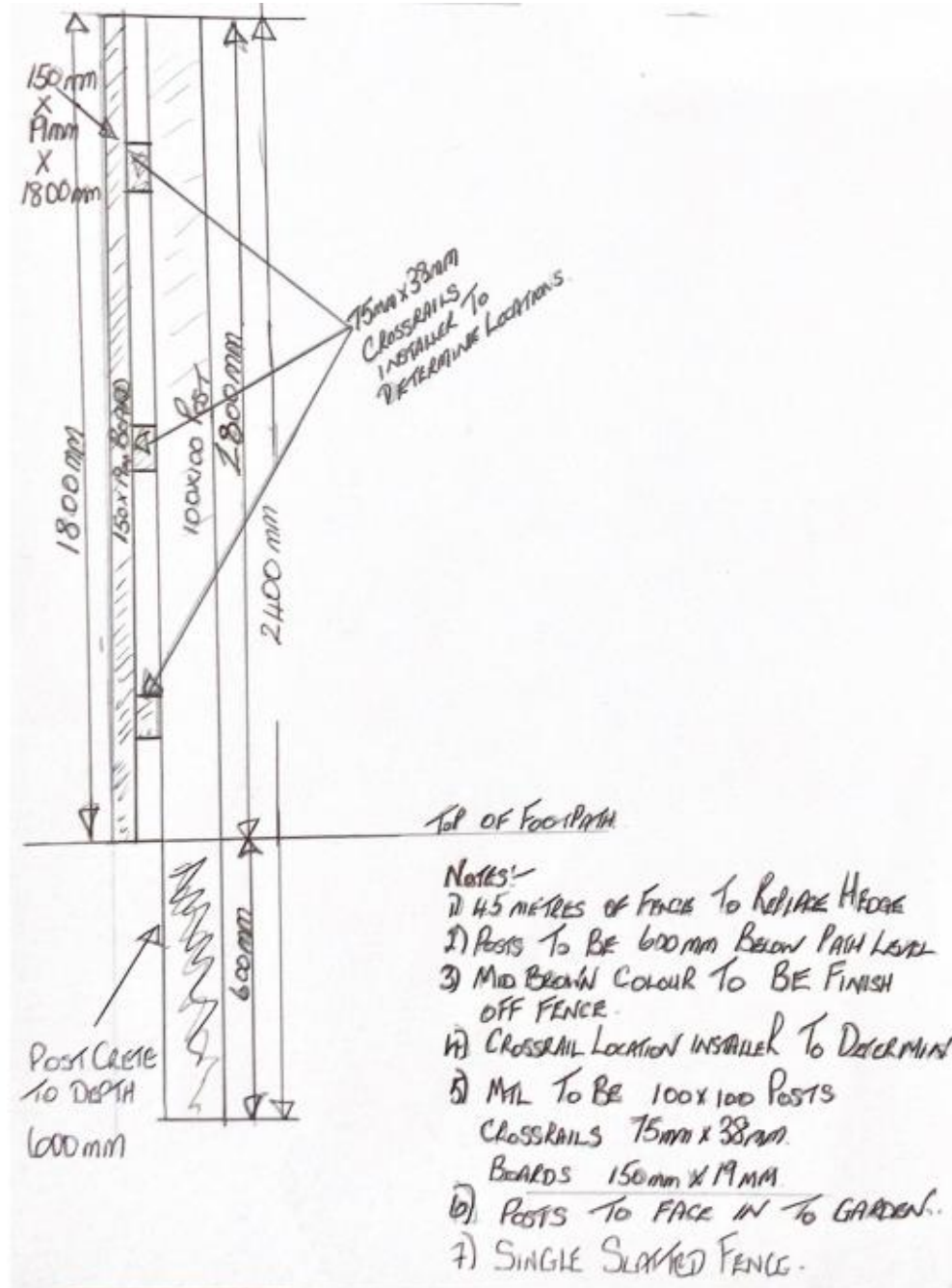
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Proposed Section and Plan



Proposed Section



Reasons for Decision

Stated in full in decision notice. Key points:

- Contends that the fence's siting, materials, massing and height are incongruous in this location, and highlights its position forward of the front of the house and hard up against the pavement as being visually obtrusive in the streetscene.
- This is considered to have a detrimental impact on the character and amenity of the surrounding residential area, contrary to policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Adopted Aberdeen Local Development Plan, as well as Supplementary Guidance: 'The Householder Development Guide'.
- The potential cumulative erosion of visual amenity if similar subsequent applications were to be approved is highlighted.
- Conflict with corresponding policies from Proposed Aberdeen Local Development Plan also noted
- There are no material planning considerations that would warrant approval of planning permission in this instance.

Applicant's Case for Review

- Contends that this proposal would not set any precedent as the property in question is sited uniquely and is not readily comparable to any others in the surrounding area
- Refers to a suggested alternative as significantly reducing the enclosed garden area
- Highlights the lack of objection from neighbours
- Contends that the existing hedge is much more incongruous in its massing than the proposed fence, and that the proposal offers a preferable outcome

H1: Residential Areas

- Does this proposal represent 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?
(e.g. Householder Development Guide SG)

D1: Quality Placemaking by Design

All dev't 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”*.

Proposals will be assessed against the following six essential qualities:

- Distinctive
- Welcoming
- Safe and pleasant
- Easy to move around
- Adaptable
- Resource-efficient

Householder Development Guidance

General Principles:

- Works should be architecturally compatible in design and scale with the original house and surrounding area
- Materials used should be complementary to the original building
- Alterations 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.
- Proposals should not result in a situation where the amenity of neighbouring properties would be adversely affected (e.g. privacy, daylight, general amenity)
- Approvals pre-dating this guidance do not represent a 'precedent' in the decision-making process

Householder Development Guidance

Fences, Walls and Other Boundary Enclosures

- In all instances, the scale and form of boundary enclosures should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact
- Proposals for boundary enclosures will not be permitted where they would result in an unacceptable impact on the amenity of neighbouring dwellings

Points for Consideration:

Zoning: Do members consider that the proposed works would adversely affect the character or amenity of the area, as set out in policy H1? Do the proposed alterations accord with the relevant SG, also tied to policy H1?

Design: Is the proposal of sufficient design quality (D1), appropriate to its context?


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

2. Do other material considerations weigh for or against the proposal? Are they of sufficient weight to overcome any conflict with the Development Plan? (e.g. Proposed ALDP, matters raised in representations)

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:	94 Wallacebrae Road, Aberdeen, AB22 8YQ
Application Description:	Replacement of boundary hedge with a timber fence to front
Application Ref:	200895/DPP
Application Type:	Detailed Planning Permission
Application Date:	10 August 2020
Applicant:	Mr Michael Clark
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Danestone
Case Officer:	Jemma Tasker

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to a single storey, detached dwellinghouse of modern design occupying a substantial corner plot on the northern side of Wallacebrae Road. The property has south and west elevations fronting Wallacebrae Road. A driveway extends along the eastern boundary of the site, providing off-street parking and access to the front entrance door of the property, located on the side (east) elevation. The site is bound by a substantial Leylandii hedge (c. 2.3m in height) along western and northern boundaries, and a section of the southern boundary.

Relevant Planning History

No relevant planning history.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission (DPP) is sought for the replacement of the boundary hedge with a timber fence along the north-west, south-west and south boundaries of the site. The fence would be 1.8m in height and project 17m along the north-west boundary with No. 96 Wallacebrae Road; 22m along the south-west boundary; and 6m along the south boundary. The fence would be stained mid-brown.

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=QEMRHDBZJFH00>

CONSULTATIONS

ACC - Roads Development Management Team – No objection.

Danestone Community Council – No comments 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 Local Development Plan (2017) (ALDP)

Policy D1 – Quality Placemaking by Design

Policy H1 – Residential Areas

Proposed Aberdeen Local Development Plan (2020) (PALDP)

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. Policies of relevance include:

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy H1 – Residential Areas

Supplementary Guidance

The Householder Development Guide (HDG)

EVALUATION

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 overdevelopment; does not adversely affect the character and amenity of the surrounding area; and it complies with the associated Supplementary Guidance. These issues are assessed in the below evaluation.

Design and Scale

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

The HDG states in relation to fences, walls and other boundary enclosures that in all instances, the scale and form of boundary enclosures should be appropriate to their context and should not detract from the streetscene as a result of inappropriate visual impact. Policy D1 states that quality development will be informed by existing features such as existing boundary walls and other types of boundary enclosures.

Given that the existing boundary enclosure is a hedge – which does not require planning permission – this does not establish the principle of a high boundary enclosure in this location. The existing boundary treatment, while of a larger scale, is compatible with the form of boundary treatment in the surrounding residential area; which is characterised by hedges, low boundary walls or railings, or nothing at all – all contributing to the visual amenity of the streetscape.

The siting and height of the fence in this location is incongruous with the original dwelling and the surrounding area. Forward of the principal elevation of the dwelling, 1.8m in height and directly adjacent to the public footpath, the fence would be at odds with the character of the surrounding area as detailed in the preceding paragraph. The timber fence would be an intrusion in a very prominent location which is highly visible from many different points along Wallacebrae Road due to the nature of the cul-de-sac roads in the surrounding area. It would create a noticeable, hard feature within the street scene – spanning some 28m along the south and south-west boundaries – with a significant adverse impact on the visual amenity of the surrounding area due to the absence of similar boundary treatments on such public boundaries.

While it is acknowledged that the application property is different from many along Wallacebrae Road in that a large proportion of the private garden area sits to the side of the dwelling, fronting the road, it is considered that the proposed fence would form an obtrusive and visually detrimental presence to the street by virtue of its materials, height, location and massing.

The proposal has not been designed with due consideration for its context given that the context of the area is generally open front gardens, soft landscaping edges formed by low walls, vegetation and open areas of green space and therefore, fails to accord with Policies D1 and H1 of the ALDP, and the Supplementary Guidance.

Precedent

Precedent can be a legitimate planning consideration, in particular where the potential for cumulative impacts could arise. There are no examples of planning permission being granted for fences or walls of a similar height to the front or side of properties under current policies and guidance in the surrounding area. If granted planning permission, this proposal could set an unwelcome precedent for similar boundary enclosures to the front and side of dwellings, which cumulatively would be significantly detrimental to the character and visual amenity of the surrounding area.

Impact on Residential Amenity

No development should result in a situation where amenity is “borrowed” from neighbouring properties or there is an impingement on the amenity enjoyed by others. The proposed fence would have no significant adverse impact on residential amenity of neighbouring properties in terms of privacy, sunlight and background daylight, in accordance with Policies H1 and D1 of the ALDP, and the Supplementary Guidance.

Proposed Aberdeen Local Development Plan (2020) (PALDP)

In relation to this particular application, the Policies D1, D2 and H1 in the Proposed Aberdeen Local

Development Plan 2020 (PALDP) substantively reiterate those in the Adopted Local Development Plan and the proposal is not acceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The fence is incongruous in material, siting, massing and height to the character of the original building and the surrounding area. Because of its massing, height, siting forward of the principal and side elevations of the property and hard up against the site boundary, the fence is out of keeping with that of the locale by virtue of its presence and obtrusiveness within the streetscene and would have a detrimental impact on the character and amenity of the residential area in which it is located. Furthermore, it is considered that approval of the application would set an undesirable precedent for similar applications being granted under current policy and guidance which would further erode the visual amenity of the surrounding area. The proposal therefore conflicts with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Adopted Aberdeen Local Development Plan; Policies D1 (Quality Placemaking) and H1 (Residential Areas) of the Proposed Aberdeen Local Development Plan; and with the associated Supplementary Guidance: 'The Householder Development Guide'. There are no material planning considerations that would warrant approval of planning permission in this instance.



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100275911-002

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

Type of Application

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

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

Description of Proposal

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

Removal of boundary hedge and replace it with a wooden fence roughly 1.8m high.

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Wallacebrae Road"/>
First Name: *	<input type="text" value="Michael"/>	Building Number:	<input type="text" value="94"/>
Last Name: *	<input type="text" value="Clark"/>	Address 1 (Street): *	<input type="text" value="94 Wallacebrae Road"/>
Company/Organisation	<input type="text" value="N/A"/>	Address 2:	<input type="text" value="Danestone"/>
Telephone Number: *	<input type="text" value="07843493814"/>	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="Ab228yq"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="Mike.clark.94@hotmail.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="94 WALLACEBRAE 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="AB22 8YQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="810040"/>	Easting	<input type="text" value="391605"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

You have explained below that you wish to construct a 1.8 high fence. Following on from the above, this would require an application for planning permission. Should such an application be submitted it would be assessed against guidance which states that 'the scale and form of boundary enclosures should be appropriate to their context and should not detract from the streetscene as a result of inappropriate visual impact'.

Title:

Ms

Other title:

First Name:

Jemma

Last Name:

Tasker

Correspondence Reference Number:

41806

Date (dd/mm/yyyy):

09/07/2020

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

Site Area

Please state the site area:

47.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Garden hedge/fence on boundary for privacy.

Access and Parking

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

Yes No

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

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

Yes No

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

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

3

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

3

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

Water Supply and Drainage Arrangements

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

Yes No

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

N/A

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mr Michael Clark

On behalf of:

Date: 05/08/2020

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Michael Clark

Declaration Date: 05/08/2020

Payment Details

Online payment: ABSP00005433
Payment date: 05/08/2020 19:09:00

Created: 05/08/2020 19:09

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Mr Michael Clark
94 Wallacebrae Road
Aberdeen
AB22 8YQ

With reference to your application validly received on 10 August 2020 for the following development:-

**Replacement of boundary hedge with a timber fence to front
at 94 Wallacebrae 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
200895/01	Location Plan
200895/02	Other Elevation (Proposed)
200895/03	Other Drawing or Plan

REASON FOR DECISION

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

The fence is incongruous in material, siting, massing and height to the character of the original building and the surrounding area. Because of its massing, height, siting forward of the principal and side elevations of the property and hard up against the site boundary, the fence is out of keeping with that of the locale by virtue of its presence and obtrusiveness within the streetscene and would have a detrimental impact on the character and amenity of the residential area in which it is located. Furthermore, it is considered that approval of the application would set an

undesirable precedent for similar applications being granted under current policy and guidance which would further erode the visual amenity of the surrounding area. The proposal therefore conflicts with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Adopted Aberdeen Local Development Plan; Policies D1 (Quality Placemaking) and H1 (Residential Areas) of the Proposed Aberdeen Local Development Plan; and with the associated Supplementary Guidance: 'The Householder Development Guide'. There are no material planning considerations that would warrant approval of planning permission in this instance.

Date of Signing 6 October 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 200895/DPP

Application Summary

Application Number: 200895/DPP

Address: 94 Wallacebrae Road Aberdeen AB22 8YQ

Proposal: Replacement of boundary hedge with a timber fence to front

Case Officer: Jemma Tasker

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 replacement of boundary hedge with a timber fence to front at 94 Wallacebrae Road, Aberdeen AB22 8YQ.

It is noted that the proposed fence shall follow the existing hedge line and would in fact increase visibility based on current overgrowth of the existing hedge, while also only serving a small number of properties (3no.) round the corner of this bend on Wallacebrae Road.

It is requested that the proposed fence be offset by a minimum 300mm from the back edge kerb of the adopted footpath. It is confirmed that the fence can be no higher than 1.8m as proposed.

It is confirmed that should the applicant provide the requested buffer that Roads Development Management have no objections to this application.

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From: Michael Cowie

Sent: 16 September 2020 16:34

To: Jemma Tasker

Subject:RE: Consultee Comments for Planning Application 200895/DPP

Hi Jemma,

Having a re-think about this but seems harsh to request such offset, this really stems from actually building offsets etc because inevitably they roofs etc would overhang the adopted footway which would not be allowed and alternatively if there was no footpath the offset would be sought in order to avoid vehicles hitting them when manoeuvring.

Apologies if this causes any inconvenience.

Regards,

Michael

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Aberdeen Local Development Plan (ALDP)

- Policy H1 – Residential Areas
- Policy 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

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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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 100275911-004

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

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Wallacebrae Road"/>
First Name: *	<input type="text" value="Michael"/>	Building Number:	<input type="text" value="94"/>
Last Name: *	<input type="text" value="Clark"/>	Address 1 (Street): *	<input type="text" value="94 Wallacebrae Road"/>
Company/Organisation	<input type="text" value="N/A"/>	Address 2:	<input type="text" value="Danestone"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="Ab228yq"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

94 WALLACEBRAE ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB22 8YQ

Please identify/describe the location of the site or sites

Northing

810040

Easting

391605

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)

This is in reference to 200895/DPP - Removal of boundary hedge.

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.

- We are not setting a precedence, our home is situated uniquely and isn't comparable to any others within the scheme - The proposed resolution would only be 6 meters less than our proposal and would mean significant loss to our garden - We have absolutely no objections to our proposal from our neighbours - Our existing hedge is a far more incongruous mass than the proposed fence, offering a far more preferable outcome

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)

All documents have been submitted within the existing proposal.

Application Details

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

200895/DPP

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

10/08/2020

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

06/10/2020

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

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 Michael Clark

Declaration Date: 05/12/2020

LOCAL REVIEW BODY



200660/DPP– Review against refusal of planning permission for:

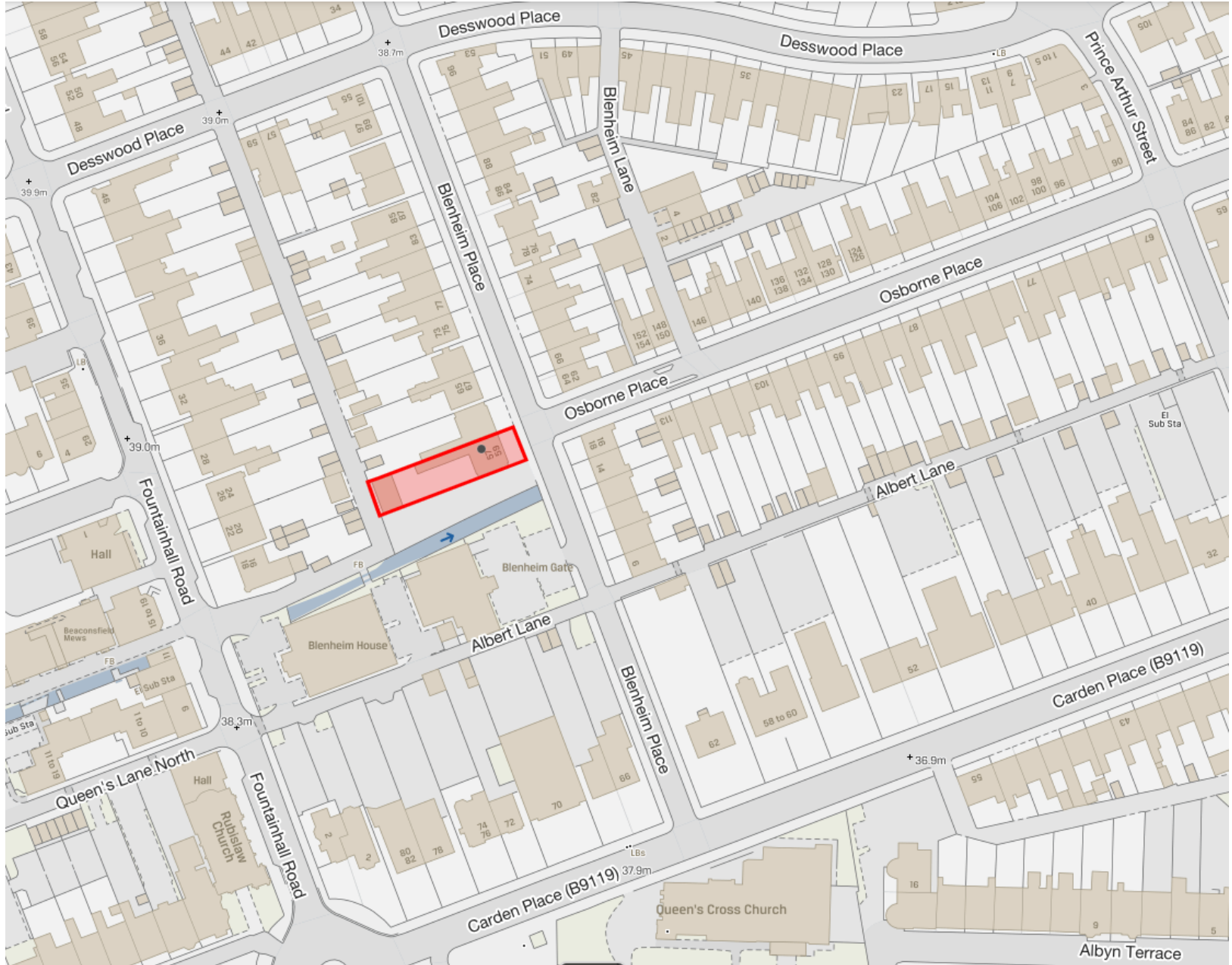
Extension of dormers to rear and installation of replacement windows
to rear and side

57 Blenheim Place, Aberdeen

Location Plan



Location Plan - GIS



Location – Aerial Photo

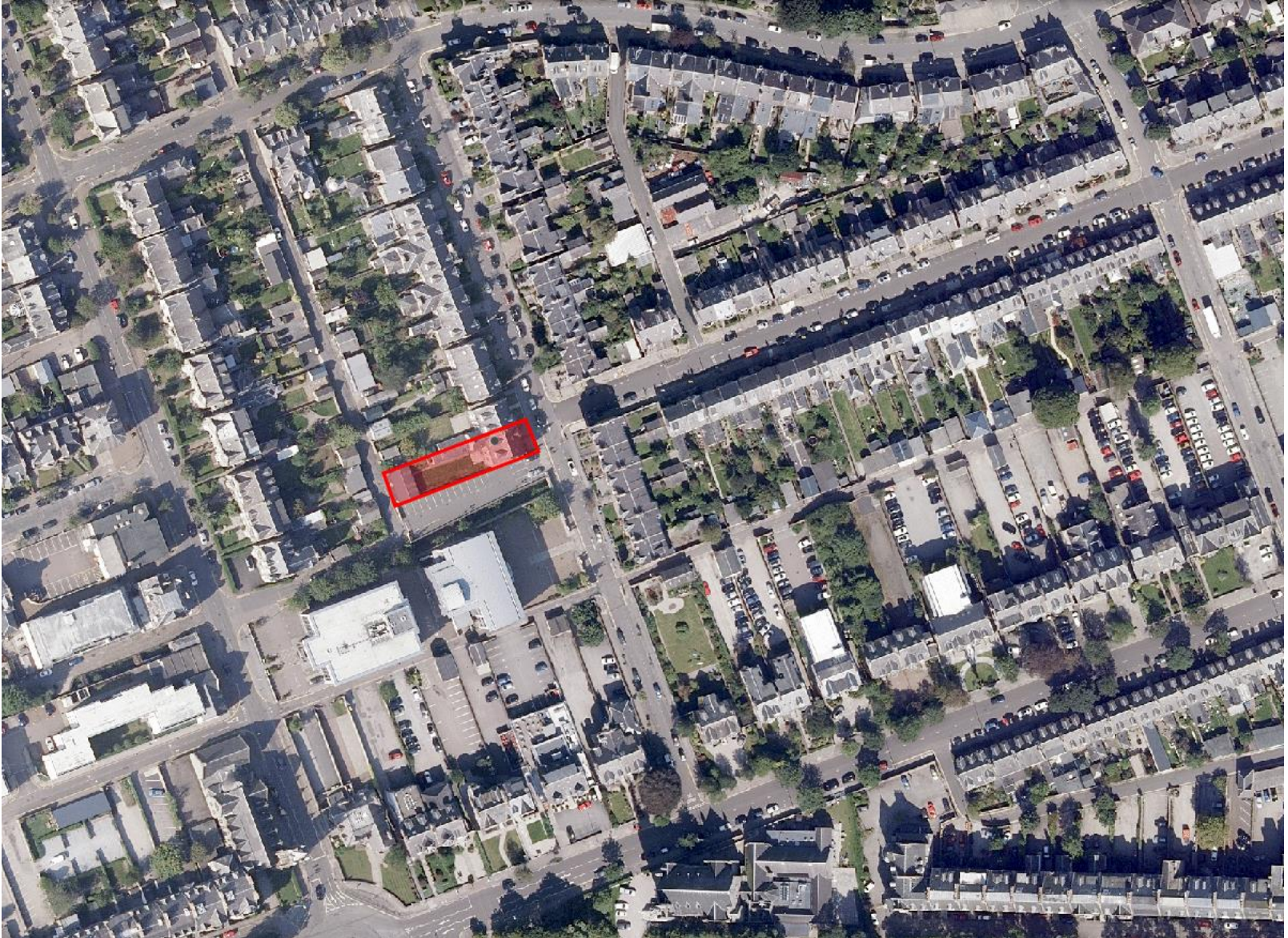


Photo: Front

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Photo: Rear



Photo: Side

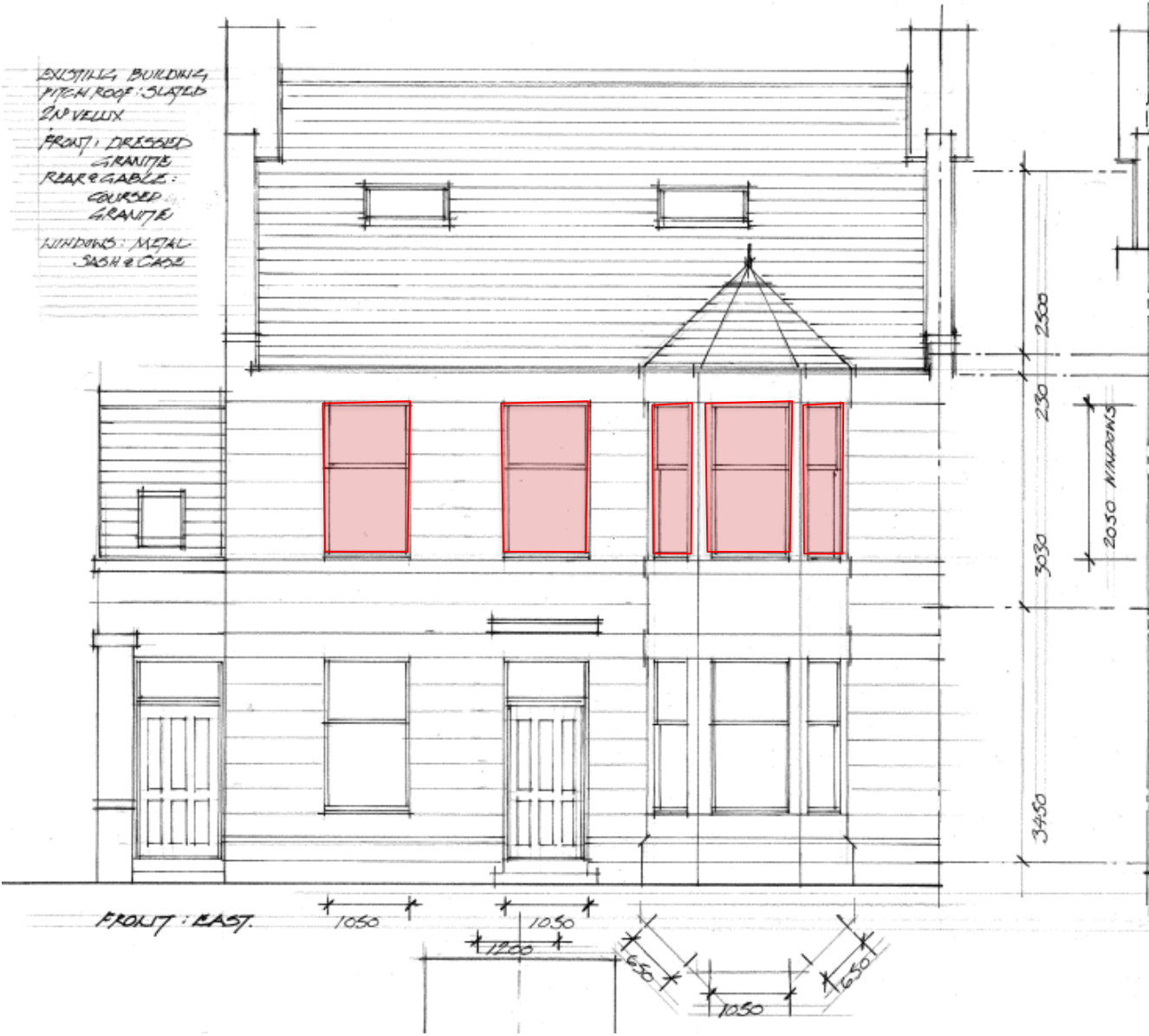


Photo: Side

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Proposed Front Elevation



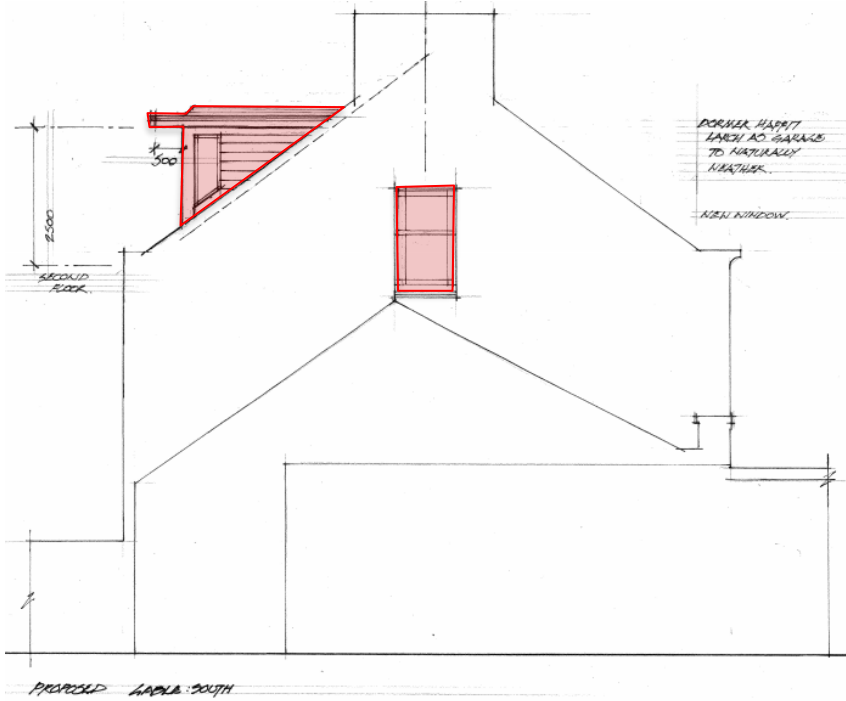
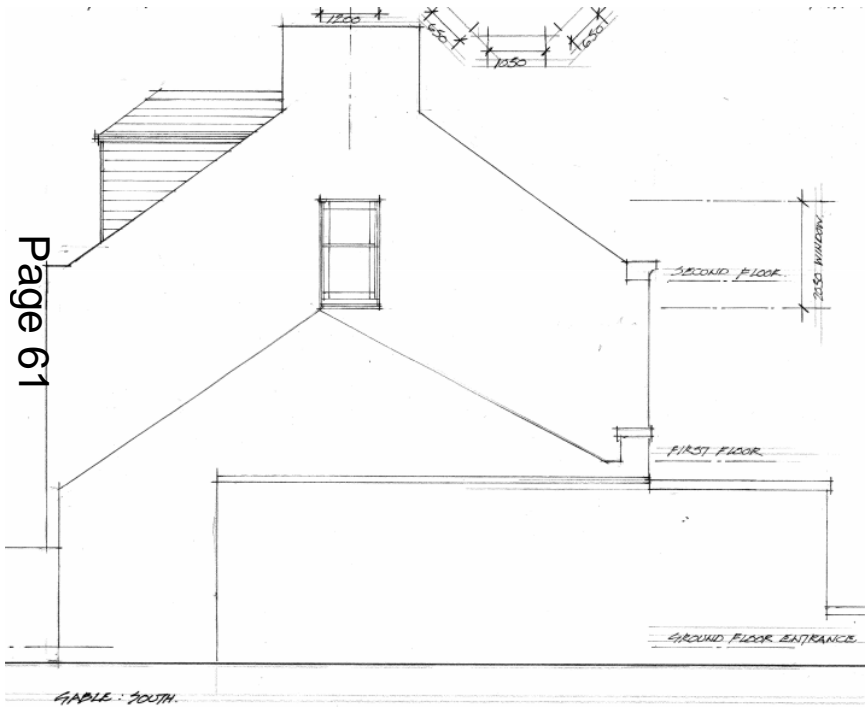
Existing & Proposed Rear Elevation

Page 60



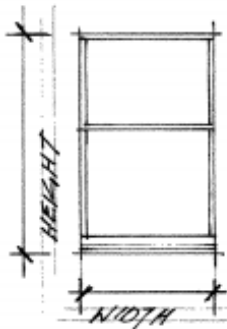
Existing & Proposed Side Elevation

Page 61

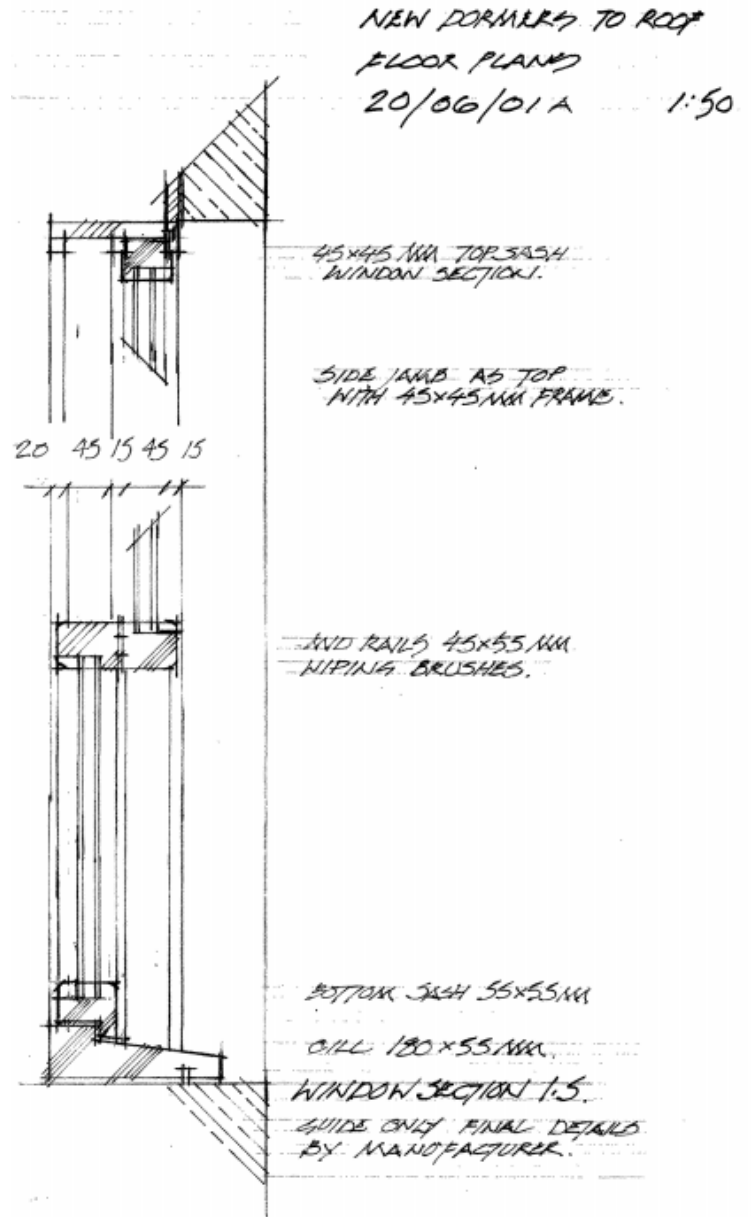


Window Schedule & Cross-section

WINDOWS:	NO	HEIGHT	WIDTH
REPLACEMENT TO EXISTING	5	2050	1050
	2	2050	250
	1	2050	300
	1	2050	1200
NEW TO FORMERS	5	1750	800

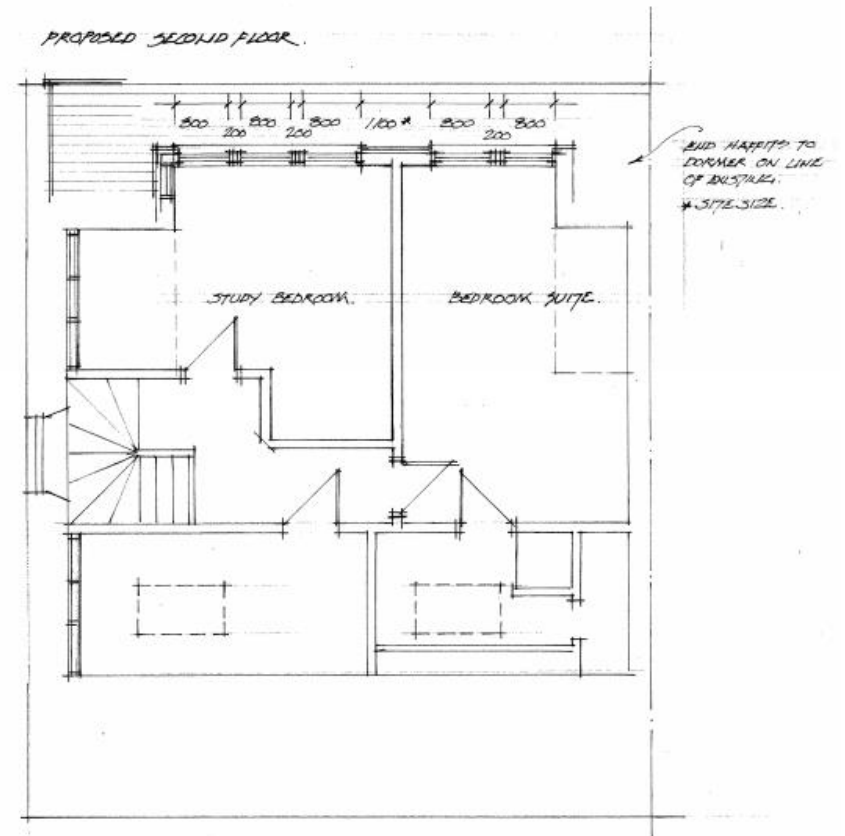
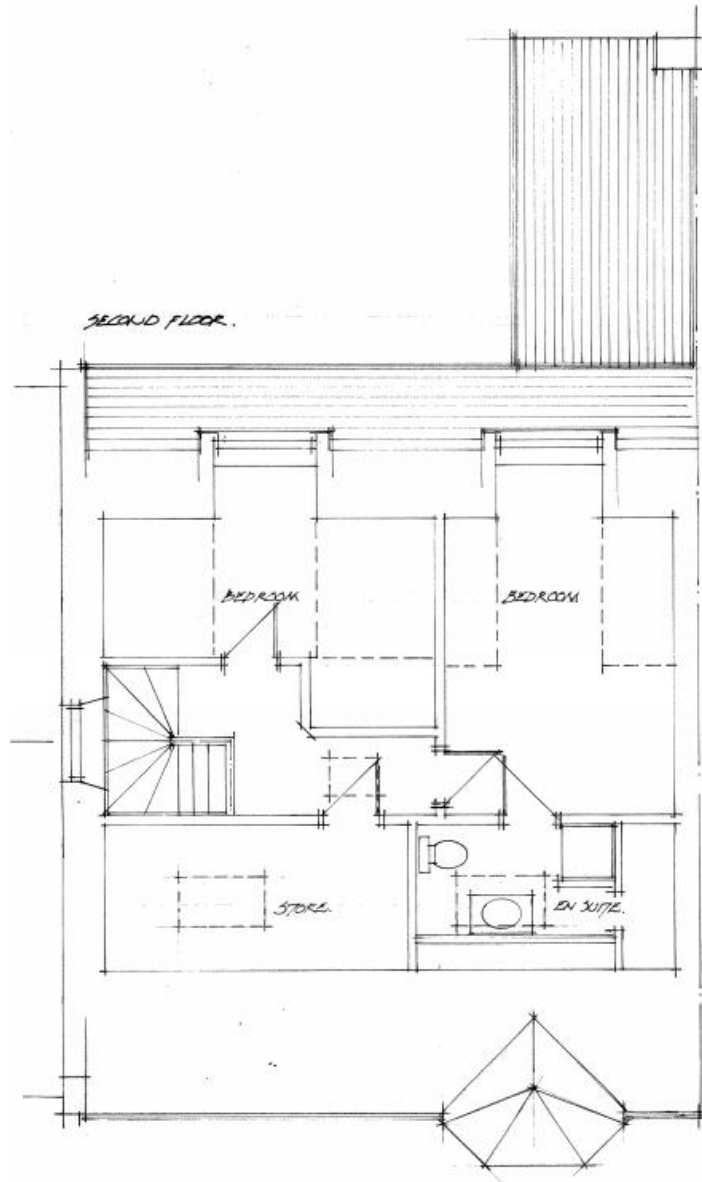


ALL SASH & CASE TYPE
HIGH PERFORMANCE D.I.G. UNITS
CONSTRUCTED IN TIMBER



Second Floor: Existing & Proposed

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Reasons for Decision

Stated in full in decision notice. Key points:

- Notes that the proposed replacement windows are of an acceptable design and materials, which is appropriate to the site's location within a Conservation Area and consistent with relevant local and national guidance on window replacement.
- Highlights that the proposed removal of the traditional dormers is not supported by policy and the design of the proposed dormer extension is unsympathetic. Its massing is specifically identified as a concern given the rear of the property is prominently visible from the adjacent car park and rear service lane. The proposed dormer extension would be at odds with its context.
- Overall, the proposal was considered to have a detrimental impact on the character and appearance of the Conservation Area
- Policy conflicts were identified with Scottish Planning Policy; Historic Environment Policy for Scotland; Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D4 (Historic Environment) of the Adopted Aberdeen Local Development Plan; and guidance contained within the Householder Development Guide and HES's Managing Change Guidance relating to roofs.
- Conflict with equivalent policies from Proposed Aberdeen Local Development Plan also noted

Applicant's Case for Review

- Contends that guidance should be applied flexibly and with regard to circumstances rather than used as a rigid set of rules to be applied in all cases
- Consider that a site visit would be invaluable in terms of understanding the context
- Highlights that over 50% of the existing roof would remain unaffected and that the rear of the property would not be visible from either Blenheim Place or Osborne Place, with the only view point for pedestrians would be a side view when walking up Blenheim Place from Carden Place
- Disputes the importance placed on views of the rear of the property
- Finishes are intended to complement the existing property
- Points to a rear dormer at 28/30 Fountainhall Road as justification and highlights a general variety in dormer arrangements in the surrounding area

Applicant's Case for Review

Photos of 28/30 Fountainhall Rd

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Applicant's Case for Review

Photos of 28/30 Fountainhall Rd

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H1: Residential Areas

- Does this proposal represent 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?
(e.g. Householder Development Guide; Windows and Doors SG)

D1: Quality Placemaking by Design

All dev't 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”*.

Proposals will be assessed against the following six essential qualities:

- Distinctive
- Welcoming
- Safe and pleasant
- Easy to move around
- Adaptable
- Resource-efficient

D4: Historic Environment

- ACC will '*protect, preserve and enhance*' the historic environment, in line with national and local policy and guidance
- High quality design that respects the character, appearance and setting of the historic environment, and protects the special architectural and historic interest of its LBs and CAs will be supported

Householder Development Guidance

General Principles:

- Extensions should be architecturally compatible with original house and surrounding area (design, scale etc)
- Should not '*dominate or overwhelm*' original house. Should remain visually subservient.
- Extensions should not result in a situation where the amenity of neighbouring properties would be adversely affected (e.g. privacy, daylight, general amenity)
- Approvals pre-dating this guidance do not represent a 'precedent'

Householder Development Guidance

Dormer Windows – General Principles

- New dormers should respect scale of the building and should not dominate, overwhelm or unbalance the original roof;
- On traditional properties, original dormers must be retained and repaired, and their removal and/or replacement with larger or more modern dormers will not be permitted;
- 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;
- In the case of non-listed buildings in CAs, consideration may be given to the provision of linked panels between windows on the private side of the building, where the extension is not seen from any public area.

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.

Supplementary Guidance: Replacement Windows & Doors

- First principle is of retaining and repairing original or historic windows, and this will always be promoted over replacement.
- Opportunities to replace unsympathetic windows will be supported. Reinstatement of original types and arrangements will be encouraged.
- If existing non-historic windows on the public elevation of an unlisted building within conservation area are being replaced, the reinstatement of the original types and arrangements of windows will always be encouraged.
- Factors including materials, means of opening, colour etc will be of relevance
- Detailed cross-sections of sash-and-case windows required to ensure adherence to criteria stated in Supplementary Guidance (where S&C considered to be necessary – ‘public elevations’ in CA)

Scottish Planning Policy (SPP)

- Proposals in CAs should preserve or enhance the character and appearance of the CA. Proposals that do not harm the character or appearance should be treated as preserving it.



MANAGING CHANGE IN THE HISTORIC ENVIRONMENT WINDOWS



- **Maintenance and repair** is the preferred means of safeguarding the character of a historic window;
- **Where a window is beyond repair**, its replacement should be permitted, but should closely match original window design, detail and materials.
- **In replacing sash windows, materials other than timber (e.g. uPVC) will rarely be acceptable;**
- In other cases the windows may be modern replacements, sometimes inexact copies of the original examples, or using inappropriate sections or materials. **In such cases it should be acceptable to replace the windows with an aim to regain the original design intention or improve the existing situation.**

Roofs



- Highlights that the significance of a roof is derived from its shape, pitch, profile, covering materials etc.
- Important to understand a roof's contribution to a building's character and to protect a building's special character through re-use of existing historic materials and close matching of new materials
- The alteration of a roof can create additional space to allow the building as a whole to remain in use and develop with the needs of the occupants. In considering how to alter a roof it is important to understand the appearance of the building or street as a whole. The potential for cumulative effects of similar developments should also be considered.
- Early historic dormers should be retained. The addition of new features to principal or prominent roof slopes should generally be avoided. New dormers should be appropriately designed and located with care.



Aberdeen City Conservation Area Character Appraisals and Management Plan

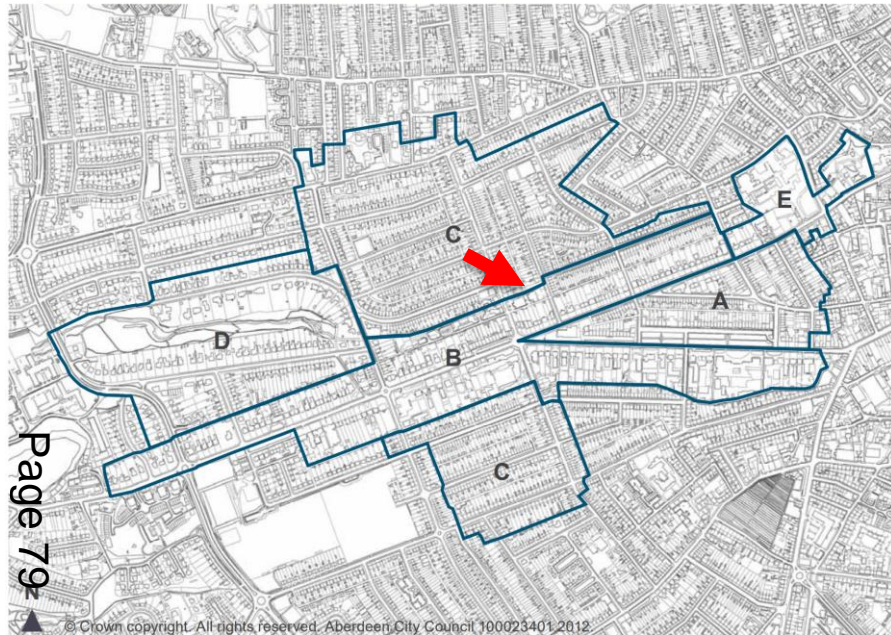
Albyn Place and Rubislaw

To be read in conjunction with Section 1: Strategic Overview and Section 2: Management Plan

July 2013

Albyn Place & Rubislaw CA Character Appraisal

Albyn Place and Rubislaw conservation area character areas



- Divided into 5 distinct character areas. Blenheim Place lies within Character Area C: *‘North and south of Queen’s Road, but east of Rubislaw Den’*
- Character area C is noted for its wide, tree lined streets, with a number of back lanes. Granite buildings with slate roofs and lack of dormers (apart from the eastern section of Osborne Place).
- Includes SWOT analysis. Overall, an identified strength of the CA is its retention of the original dormer pattern on residential streets.
- Identified weaknesses include the *‘removal of timber sash and case windows’*, the *‘variety of window styles and materials in flatted properties’* and *‘front box dormers’*
- Opportunities include *‘repair and replacement of windows with those of traditional style, proportions and materials’*
- *‘Unsympathetic development that does not reflect or relate to the character of the Conservation Area’* is identified as a specific threat

Points for Consideration:

Zoning: Do members consider that the proposed works would adversely affect the character or amenity of the area, as set out in policy H1? Do the proposed alterations accord with the relevant SG, also tied to policy H1?

Specifically, is the replacement of the existing non-original windows with timber sash-and-case frames supported by the relevant SG? Also, is the removal of the existing historic dormer windows and replacement with a new dormer as proposed supported by the Householder Development Guide SG.

Historic Environment: Do members consider that the proposed works to preserve or enhance the character and amenity of the Conservation Area, as required by SPP, HESPS and policy D4 of the ALDP?


Design: Is the proposal of sufficient design quality (D1), appropriate to its context?

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

2. Do other material considerations weigh for or against the proposal? Are they of sufficient weight to overcome any conflict with the Development Plan? (e.g. SPP, HES guidance, Albyn & Rubislaw CA Appraisal, Proposed ALDP)

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

 <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:	57 Blenheim Place, Aberdeen, AB25 2DZ
Application Description:	Extension of dormers to rear and installation of replacement windows to rear and side
Application Ref:	200660/DPP
Application Type:	Detailed Planning Permission
Application Date:	17 June 2020
Applicant:	Mr Keith Varney
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Queen's Cross and Harlaw
Case Officer:	Jemma Tasker

RECOMMENDATION

Refuse.

APPLICATION BACKGROUND

Site Description

The application site is located on the western side of Blenheim Place, immediately across from the junction with Osborne Place and adjacent to a car park which sits along the southern boundary, related to the Blenheim House office building, currently occupied by EY (formerly known as Ernst and Young) and The Wood Foundation. The property backs on to a rear lane that runs between, and parallel to, Blenheim Place and Fountainhall Road.

The property is an upper floor flat that forms part of a traditional granite, 2 storey, semi-detached property. All windows relating to the upper floor flat are white, metal, sash and case units. The rear (west) roof slope contains 2 piended dormers which mirror the adjoining property. The surrounding area is characterised by properties of a similar architectural character. The vast majority of the roofs of these properties – notably on the western side of Blenheim Place – contain either piended dormers or rooflights. The site lies within the Albyn Place and Rubislaw Conservation Area.

Relevant Planning History

Application Number	Proposal	Decision Date
120878	Formation of double garage as part of garage construction across whole plot width	08.08.2012 Status: Approve Unconditionally.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission (DPP) is sought for the extension of the existing dormers to the rear (west) elevation and the installation of replacement windows to the rear (west) and side (south) elevations of the property.

It is proposed to infill the area between the two end haffits of the existing dormers, forming a dormer which would total a maximum 6.8m in width. The infill area would consist of an additional sash and case window and larch cladding. The pitched roofs of the existing dormers would be removed and a large flat roof created, finished with a dark grey single membrane, giving the dormer a maximum height of 2.5m. The result of these changes is that a large box dormer would be formed.

Consent is also sought for a number of replacement windows on the rear (west) and side (south) elevations of the building. The existing metal sash and case windows would be replaced by timber sash and case, double glazed units.

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=QBYGUHBZIAV00>

CONSULTATIONS

Queen's Cross and Harlaw Community Council – No comments 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special attention shall be paid to the desirability or preserving or enhancing the character or appearance of the conservation area.

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)
- Historic Environment Policy for Scotland (HEPS)

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

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

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

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 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) (ALDP)

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

Proposed Aberdeen Local Development Plan (2020) (PALDP)

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;
- 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. Policies of relevance include:

- Policy D1 – Quality Placemaking
- Policy D2 – Amenity
- Policy D6 – Historic Environment
- Policy D8 – Windows and Doors
- Policy H1 – Residential Areas

Supplementary Guidance

- The Householder Development Guide
- The Repair and Replacement of Windows and Doors

Other Material Considerations

- HES Managing Change in the Historic Environment: Windows and Roofs
- Albyn Place and Rubislaw Conservation Area Character Appraisal and Management Plan (July, 2013)

EVALUATION

Principle of Development

The application site is located in a residential area, under Policy H1 (Residential Areas) of the ALDP and the proposal relates to householder development. The proposal would comply with this policy in principle provided it does not constitute overdevelopment, does not adversely affect the character and amenity of the surrounding area, and it complies with the associated Supplementary Guidance. This proposal would not enlarge the built footprint of the property and would not significantly increase the intensity of use on the site; therefore, it would not constitute overdevelopment. The other issues are assessed in the evaluation below.

Design and Scale

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment. The six qualities of placemaking referred to Policy D1 requires development to reinforce the established pattern of development and to reflect local style and urban form.

Replacement Windows

The principle of replacing the existing windows in the property is acceptable, given that they are not original, subject to ensuring that the new windows would be compliant with all relevant Supplementary Guidance and that they would adequately preserve the character and appearance of the surrounding Conservation Area.

The windows earmarked for replacement are modern metal framed units and are clearly not original or historic to the property. The applicant seeks to replace such windows with double glazed, timber framed, one-over-one sash and case windows, the details of which are considered to be acceptable and in line with the Supplementary Guidance: 'The Repair and Replacement of Windows and Doors', representing an improvement on the basis of reinstating a more faithful window material.

Dormer Extension

One of the general principles of the Householder Development Guide is that dormers should be architecturally compatible in design and scale with the original house and its surrounding area. The Guide also states, "*On traditional properties, original dormers must be retained and repaired, and their removal and/or replacement with larger or modern dormers will not be permitted*". Whilst the drawings indicate that the new dormers would be formed between the existing two outer hafts

(thus it is assumed that those dormers would be retained), the remainder and thus the substantial part of both dormers would be removed, in direct conflict with the stated requirement of the Householder Development Guide that such dormers **must** be retained.

The rear elevations of the properties on the western side of Blenheim Place (south of Desswood Place) and the majority to the east of Blenheim Place are similar in their appearance and architectural details, and a significant contributing factor to this similarity is that all but two of the properties of this house type in the surrounding area contain pitched dormers, rooflights or nothing at all. While there is not specifically uniformity across the roof slopes, any alterations or additions are sympathetic, subservient, traditional dormer additions or rooflights. This similarity across such a large number of properties – and importantly the omission of flat roof dormers – is a contributing factor to the character and appearance of the area.

The rear elevation of the building, despite being of secondary importance architecturally, is clearly visible from several public viewpoints, being prominently visible from the adjacent car park and the rear service lane.

It is considered that the proposed dormer would appear somewhat visually dominant on the roof slope, especially in comparison to neighbouring properties, covering some 44% of the roof slope. The dormer would be a considerable mass compared to neighbouring buildings, which typically contain rooflights, or 1 or 2 pitched dormers. Additionally, through the incorporation of a flat roof, it would contrast significantly with that traditional style of the dormers in the immediate area, and thus the non-traditional architectural form would be inappropriate in this particular instance.

Because of its extended form and flat roof design, the proposed dormer would result in the loss of similarity to this line of residential properties and thus would have a significant adverse impact of the character of the surrounding area, in conflict with Policy H1. It would not reflect the established pattern of development and urban form, in conflict with Policy D1 and thus would be detrimental to the character of the surrounding area.

This proposal could set a precedent for similar proposals which could be granted planning permission under current policies and guidance, which cumulatively would be significantly detrimental to the character of the surrounding area.

While the proposed dormer extension would comply with some of the specific guidelines relating to dormers contained within the Householder Development Guide, the overriding determining factor, and statutory duty of the Planning Authority, is the consideration of the impact of the proposal on the character and appearance of the Conservation Area. The proposed enlargement to extend the dormer would comprise the removal of the traditional dormers, located in a publicly visible location. It would result in the loss of similarity of this part of Blenheim Place, creating a dormer at odds with the context of the surrounding area. It would therefore be detrimental to the character of the surrounding area, in conflict with Policy H1, it would not conform with the qualities of successful placemaking in conflict with Policy D1 in that it would not reinforce the established pattern of development and reflect local styles and urban form, and it would conflict with the Supplementary Guidance: 'The Householder Development Guide' in that it would include the removal of traditional dormers and would not be architecturally compatible in design and scale with the original building in the context of the surrounding area.

Impact on the Historic Environment

Scottish Planning Policy (SPP), Historic Environment Policy for Scotland (HEPS) and Policy D4 (Historic Environment) of the ALDP all seek to ensure that new development in Conservation Areas either preserves or enhances the character and appearance of the Conservation Area. An assessment of the impact of the proposals on the character of the area is made in the foregoing

evaluation and the same principles apply to the impact of the proposals on the character and appearance of the wider Albyn Place and Rubislaw Conservation Area.

The replacement windows would see an improvement on the existing situation; therefore, having a positive impact on the character and appearance of the Conservation Area.

However, the proposed dormer would be in direct conflict with HES's Managing Change Document – Roofs, which states that '*Early historic dormers should be retained. The addition of new features to principal or prominent roof slopes should generally be avoided. New dormers and rooflights should be appropriately designed and located with care*'. The enlargement of the existing rear dormer would, in effect, remove the existing traditional design of the dormers and create a considerably large mass on the roof slope which is unsympathetic to the traditional scale and form of the original building. The rear elevations of the surrounding properties on the western side of Blenheim Place do not see any flat roof dormer additions; the vast majority of any addition have been designed, sited and scaled with due consideration for the context of the original properties. In the current context, the proposed enlargement to create a large flat roof dormer to the application property would contribute to the incremental increase in insensitive alterations to roof spaces which would harm the prevailing character and appearance of the Albyn Place and Rubislaw Conservation Area. It is considered that the proposed works would detrimentally affect the character and appearance of the property's rear elevation, prominently visible from the adjacent car park and rear service lane, and that of the wider Conservation Area. The proposal therefore fails to comply with the principles of SPP, HEPS, Policy D4 of the ALDP and HES's Managing Change Document – Roofs.

Impact on Residential Amenity

The proposal would not adversely impact neighbouring residential amenity in terms of privacy, sunlight and background daylight, in accordance with Policies H1 and D1 of the ALDP, and the HDG.

Proposed Aberdeen Local Development Plan (PALDP) (2020)

In relation to this particular application, the Policies D1, D2, D6, D8 and H1 in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the Adopted Local Development Plan and the proposal is not acceptable in terms of both Plans for the reasons previously given.

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

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

RECOMMENDATION

Refuse.

REASON FOR RECOMMENDATION

The proposed windows are considered to be of an acceptable design, scale and materials which would not adversely affect the character and appearance of the building or the Albyn Place and Rubislaw Conservation Area, in accordance with the Supplementary Guidance: 'The Repair and

Replacement of Windows and Doors' and HES's Managing Change guidance relating to windows.

However, the proposed dormer creates significant tension with the Householder Development Guide and HES's Managing Change guidance relating to roofs through the removal of the traditional dormers. The unsympathetic dormer extension would be a considerable mass on the rear elevation of the original building, which is prominently visible from the adjacent car park and rear service lane. Alterations along the other rear elevations nearby have been designed with due consideration for the context of the area but the proposed dormer extension would be at odds with that context.

Therefore, overall, the proposal would have a detrimental impact on the character and appearance of the Conservation Area and would thus fail to comply with Scottish Planning Policy; Historic Environment Policy for Scotland; Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D4 (Historic Environment) of the Adopted Aberdeen Local Development Plan; Policies D1, D2, D6, D8 and H1 of the Proposed Aberdeen Local Development Plan; and guidance contained within the Householder Development Guide and HES's Managing Change Guidance relating to roofs. There are no material planning considerations of sufficient weight which would warrant approval 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 100263869-001

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)

Alteration of rear dormers and new replacement windows

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:	calder design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Martin	Building Name:	
Last Name: *	Calder	Building Number:	19
Telephone Number: *	01224633889	Address 1 (Street): *	beechgrove
Extension Number:		Address 2:	terrace
Mobile Number:		Town/City: *	aberdeen
Fax Number:		Country: *	scotland
		Postcode: *	AB15 5DR
Email Address: *	caldermartin@hotmail.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: *	Keith	Building Number:	57
Last Name: *	Varney	Address 1 (Street): *	Blenheim Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB25 2DZ
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

57 BLENHEIM PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB25 2DZ

Please identify/describe the location of the site or sites

Northing

805975

Easting

392466

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

The proposal would not meet guidelines in respect of the construction of dormers.

Title:

Ms

Other title:

First Name:

Jemma Tasker

Last Name:

Correspondence Reference
Number:

Date (dd/mm/yyyy):

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

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Martin Calder

On behalf of: Mr Keith Varney

Date: 04/06/2020

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 Martin Calder

Declaration Date: 04/06/2020

Payment Details

Online payment: ABSP00005257
Payment date: 14/06/2020 14:04:00

Created: 14/06/2020 14:04

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Martin Calder
calder design
19 Beechgrove Terrace
Aberdeen
AB15 5DR

on behalf of **Mr Keith Varney**

With reference to your application validly received on 17 June 2020 for the following development:-

Extension of dormers and installation of replacement windows to rear at 57 Blenheim Place, Aberdeen

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

Drawing Number	Drawing Type
200660/01	Location Plan
20/06/02	Multiple Elevations (Proposed)
20/06/01	Multiple Floor Plans (Proposed)

REASON FOR DECISION

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

The proposed windows are considered to be of an acceptable design, scale and materials which would not adversely affect the character and appearance of the building or the Albyn Place and Rubislaw Conservation Area, in accordance with the Supplementary Guidance: 'The Repair and Replacement of Windows and Doors' and

HES's Managing Change guidance relating to windows.

However, the proposed dormer creates significant tension with the Householder Development Guide and HES's Managing Change guidance relating to roofs through the removal of the traditional dormers. The unsympathetic dormer extension would be a considerable mass on the rear elevation of the original building, which is prominently visible from the adjacent car park and rear service lane. Alterations along the other rear elevations nearby have been designed with due consideration for the context of the area but the proposed dormer extension would be at odds with that context.

Therefore, overall, the proposal would have a detrimental impact on the character and appearance of the Conservation Area and would thus fail to comply with Scottish Planning Policy; Historic Environment Policy for Scotland; Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D4 (Historic Environment) of the Adopted Aberdeen Local Development Plan; Policies D1, D2, D6, D8 and H1 of the Proposed Aberdeen Local Development Plan; and guidance contained within the Householder Development Guide and HES's Managing Change Guidance relating to roofs. There are no material planning considerations of sufficient weight which would warrant approval of planning permission in this instance.

Date of Signing 14 August 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)

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

Supplementary Guidance

Householder Development Guide

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

The Repair and Replacement of Windows and Doors

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

Albyn Place and Rubislaw Conservation Area Character Appraisal

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

Other Material Considerations

Scottish Planning Policy (2014)

<https://www.gov.scot/publications/scottish-planning-policy/>

Historic Environment Policy for Scotland (HEPS)

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

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>

Managing Change in the Historic Environment:

- Roofs
<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=577dd6d3-94cc-4a14-b187-a60b009af4bd>
- Windows
<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=3425bb51-8a55-4f99-b7aa-a60b009fbca2>

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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 100263869-003

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="Keith"/>	Building Number:	<input type="text" value="57"/>
Last Name: *	<input type="text" value="Varney"/>	Address 1 (Street): *	<input type="text" value="Blenheim"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Place"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="U.K"/>
Mobile Number:	<input type="text" value="[REDACTED]"/>	Postcode: *	<input type="text" value="AB25 2DZ"/>
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="57 BLENHEIM PLACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB25 2DZ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805975"/>	Easting	<input type="text" value="392466"/>
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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)

Extension of dormers and installation of replacement windows to 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.

Firstly on procedural matters we would state that Guidance in terms of Planning should be viewed as that , rather than strict rules that require to be adhered to with all applications . There has to be a degree of flexibility in regard to individual applications which should be viewed on merit with reference to Guidance . Secondly we would hope that a site visit is seen as part of the review , from previous reviews this has proved to be invaluable in terms of understanding the application .

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)

A ; Additional written statement of appeal. B ; Photographs of property. C ; Photographs of 28/30 Fountainhall Road from rear lane. D ; Photographs of office development adjacent to property.

Application Details

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

200660/DPP

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

17/06/2020

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

14/08/2020

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)

As stated in our reason for review a site inspection by the review board is critical as it would then give a clear view of the surrounding developments which are strongly used as points in the refusal documents.

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 Martin Calder

Declaration Date: 08/11/2020

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A: Additional Statement L R B 57 Blenheim Place Aberdeen ref 200660/DPP

Proposal: Keeps within the outer haffits of the existing dormers and consists of a 2.3m infill element between them which clearly diminishes the overall impact with over 50% of the existing roof unaffected. In terms of sympathy the proposed finishes are all intended to tone with the present slated roof finish and the granite walls of the property. Compared to properties noted below the massing is retained within the extent of the existing dormers and by that does not add “considerable mass on the rear elevation “. Item B encompasses photographs of property.

Visibility: The proposals are to the rear of the property and would not be visible from either Blenheim Place or Osborne Place, the only view point is for pedestrians from this side is when walking up Blenheim Place from Carden Place, and at that only the side of the dormer is visible and this is virtually unchanged by these proposals.

Refusal Statement: This lays great emphasis on the adjacent offices car park and rear lane as areas affected by the proposals. The offices and car park are in planning terms recent additions to the immediate area and it could be argued that the loss of privacy to the rear of the property at the time and since is detrimental to my client. Item D encompasses photographs of the offices.

The rear lane is sighted as important in the refusal by stating that “the other rear elevations nearby have been designed with due consideration for the context of the area “. We would contend that that is not the case for the following reasons.

Directly opposite is No. 20 Fountainhall Road where there is a flat roofed dormer, albeit historical, more importantly at Nos.28/30 Fountainhall Road there are two flat roof dormers which totally overpower the properties, No. 30 is of recent construction within the last 5 years.

In general terms there is a variety of dormer arrangements along both sides of the lane in the immediate vicinity. Item C encompasses photographs of 28/30 referred to above.

It is accepted that precedence is not an argument that can be used in planning terms , however, in this case the refusal is strongly based on siting examples within the area of the proposal and we therefore refer to the above as part of our response.

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