

Public Document Pack



To: Councillor Boulton, Chairperson (for items 3 and 4); Councillor Stewart, the Depute Provost, Chairperson (for item 2) and Councillors Bell (items 3 and 4), Macdonald (item 2) and MacKenzie (all items).

Town House,
ABERDEEN 02 February 2021

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet **remotely on WEDNESDAY, 10 FEBRUARY 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](#).

BUSINESS

1.1 Procedure Notice (Pages 5 - 6)

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

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

[Local Development Plan](#)

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

**PLANNING ADVISER - GAVIN EVANS - CHAIRPERSON COUNCILLOR
STEWART**

- 2.1 Erection of 1.5 storey detached domestic garage - Fairhill, 275 North Deeside Road, Milltimber, Aberdeen - 200544 (Pages 7 - 32)
- 2.2 Delegated Report, Original Application Form and Decision Notice (Pages 33 - 48)
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 200544.
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 49 - 50)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 51 - 70)
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 200544.
- 2.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

**PLANNING ADVISER - GAVIN EVANS - CHAIRPERSON COUNCILLOR
BOULTON**

- 3.1 Formation of pitched roof to an existing garage to form store and single storey workshop extension to rear - 2 Gladstone Place Aberdeen - 200557 (Pages 71 - 102)
- 3.2 Delegated Report, Original Application Form and Decision Notice (Pages 103 - 118)
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 200557.
- 3.3 Planning Policies Referred to in Documents Submitted (Pages 119 - 120)
- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 121 - 146)

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 200557.

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

**PLANNING ADVISER - GAVIN EVANS - CHAIRPERSON COUNCILLOR
BOULTON**

4.1 Erection of single storey extension to side and formation of carport and garden room/gym - the Highfield, Borrowstone Road, Aberdeen - 200265 (Pages 147 - 184)

4.2 Delegated Report, Original Application Form and Decision Notice. (Pages 185 - 204)

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 200265.

4.3 Planning Policies Referred to in Documents Submitted (Pages 205 - 206)

4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 207 - 228)

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 200265.

4.5 Determination - Reasons for Decision

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

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

Website Address: www.aberdeencity.gov.uk

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

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

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

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

DETERMINATION OF REVIEW

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

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

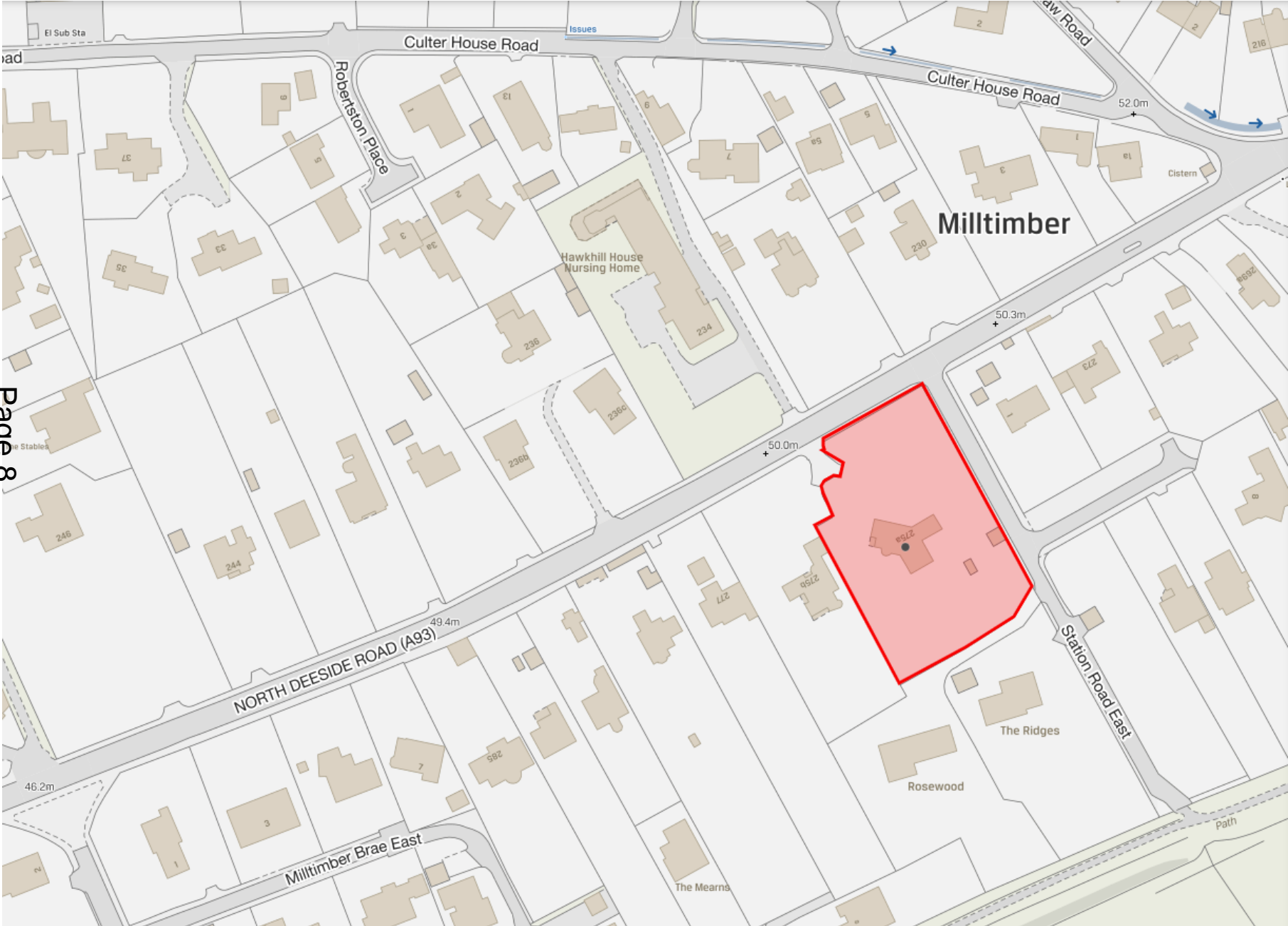


200544/DPP– Review against refusal of planning permission for:

Erection of 1.5 storey detached domestic garage

Fairhill, 275 North Deeside Road, Milltimber

Location Plan

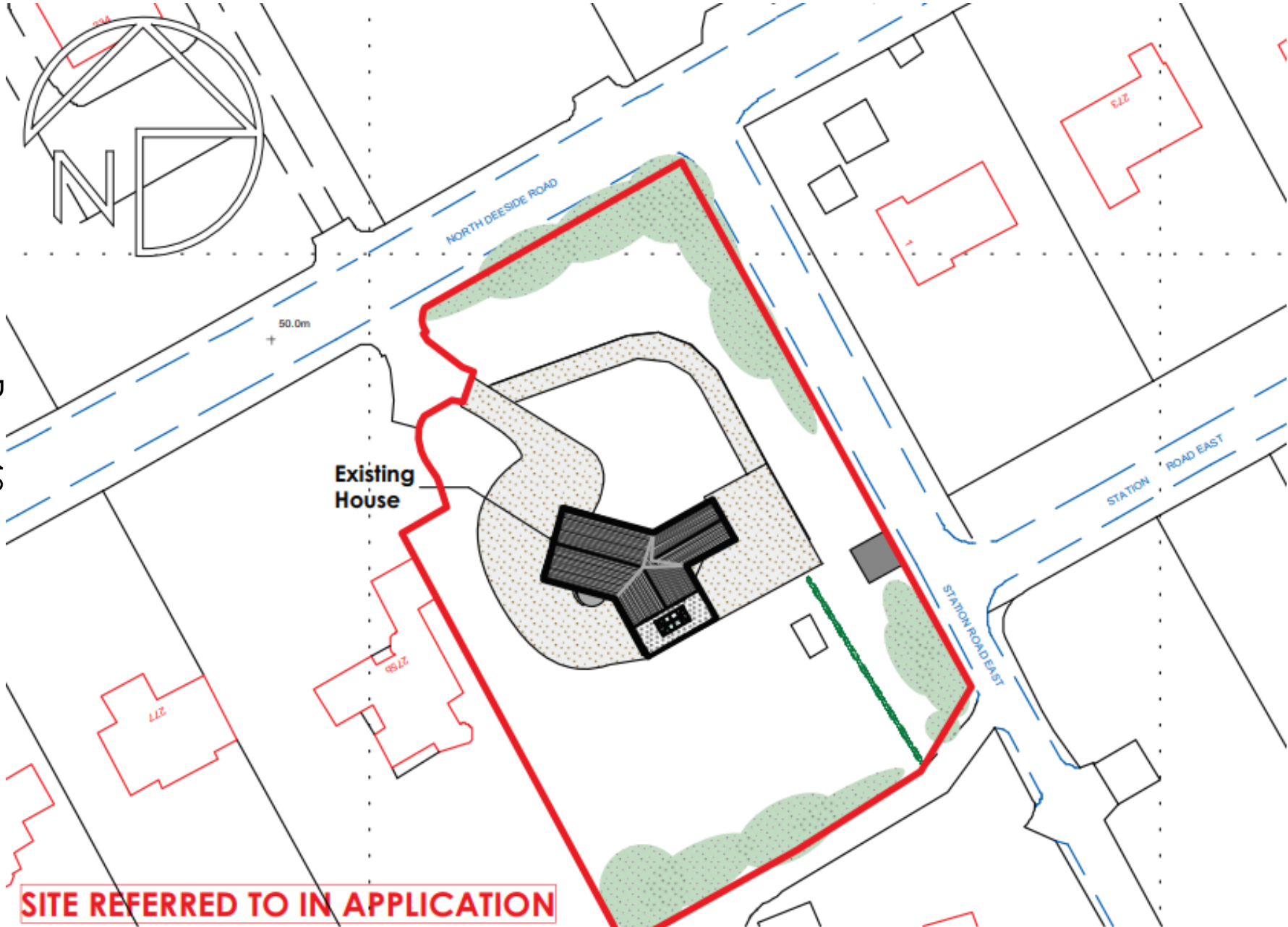


Location – Aerial Photo



Location Plan

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SITE REFERRED TO IN APPLICATION

Photo – boundary wall at SE corner of site



Photo – Looking NW from Station Road East

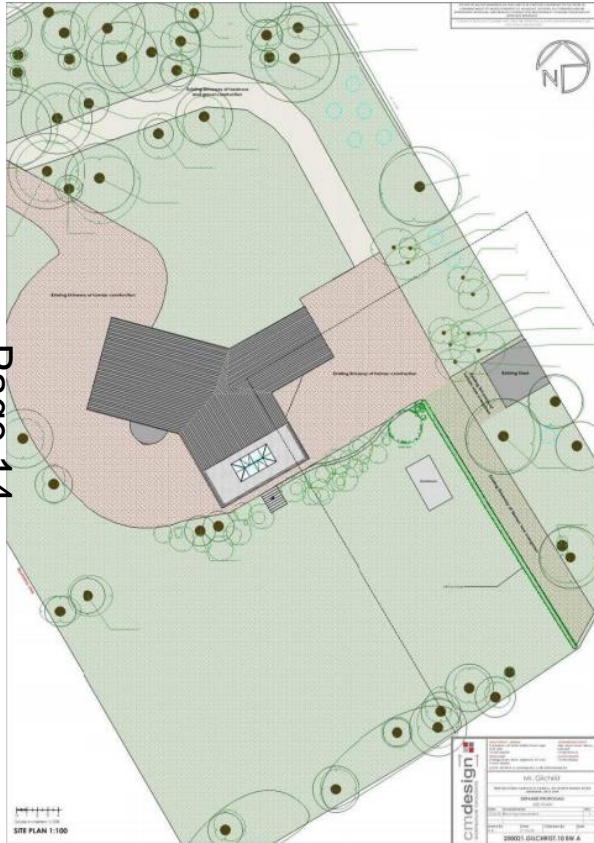


Photo – Looking NW from Station Road East



Existing and Proposed Site Plan

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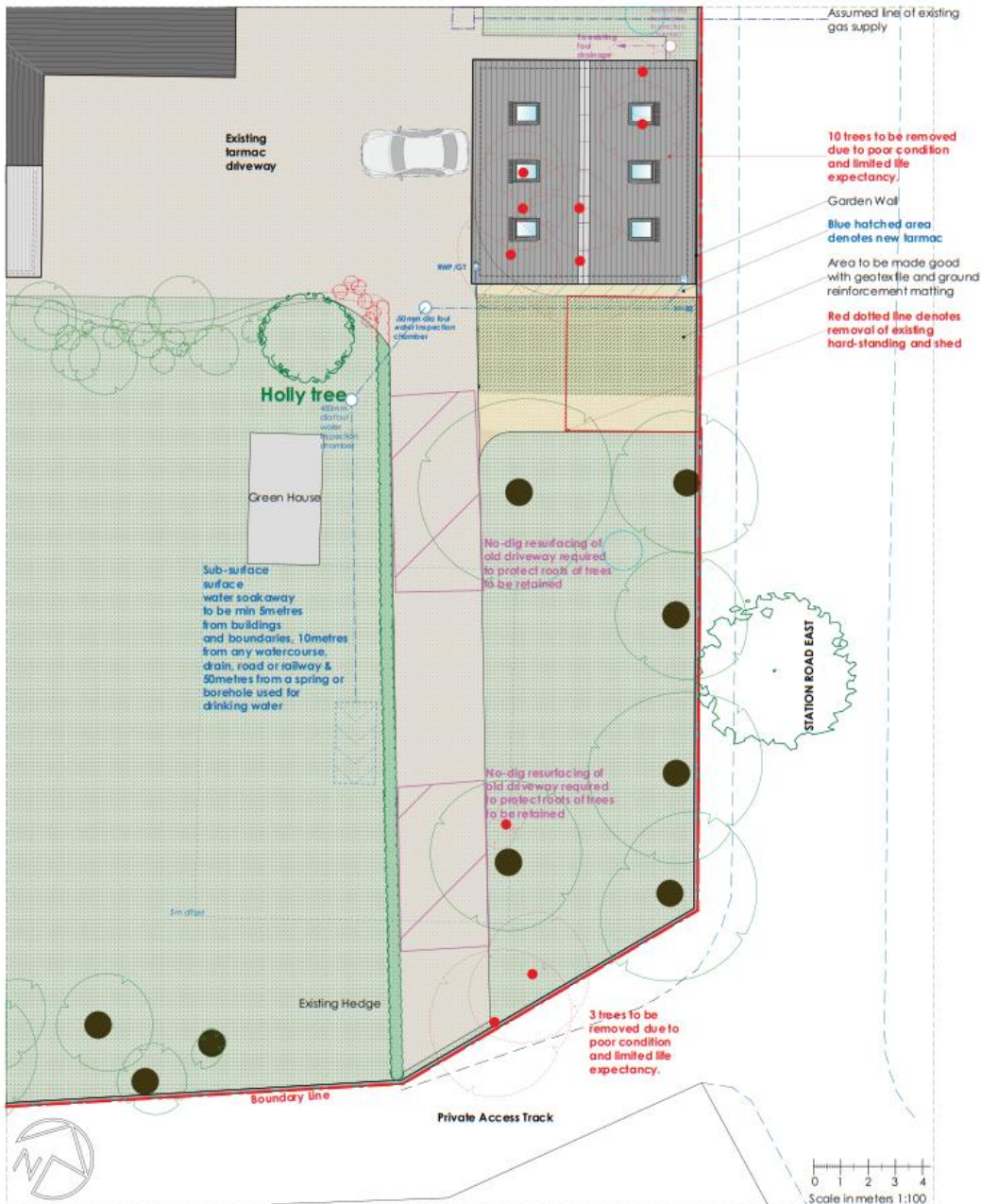
The large spruce trees adjacent to main road are of limited long term potential due to their increasing risk of storm damage and the significant consequences this could have.

It is recommended they be removed within the next 5 years and new planting should be undertaken following the removal.



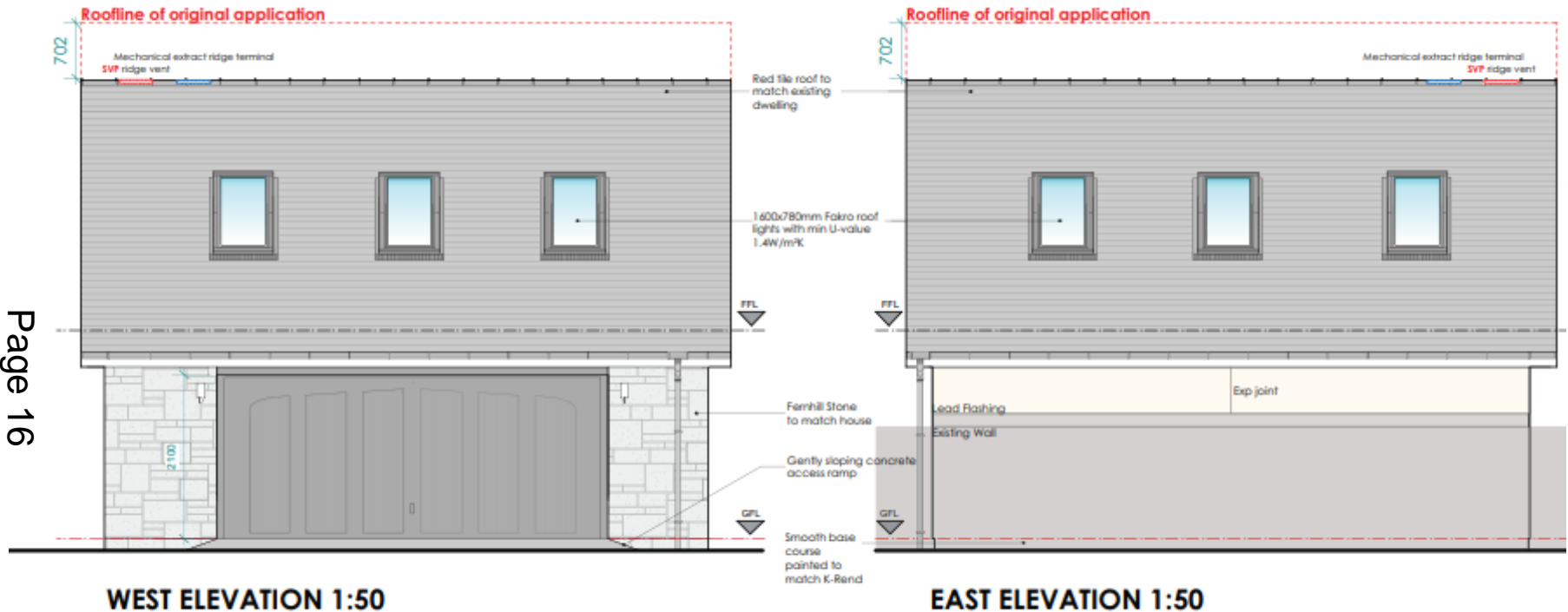
SITE & TREE MANAGEMENT PLAN 1:250

Proposed Site Plan Extract



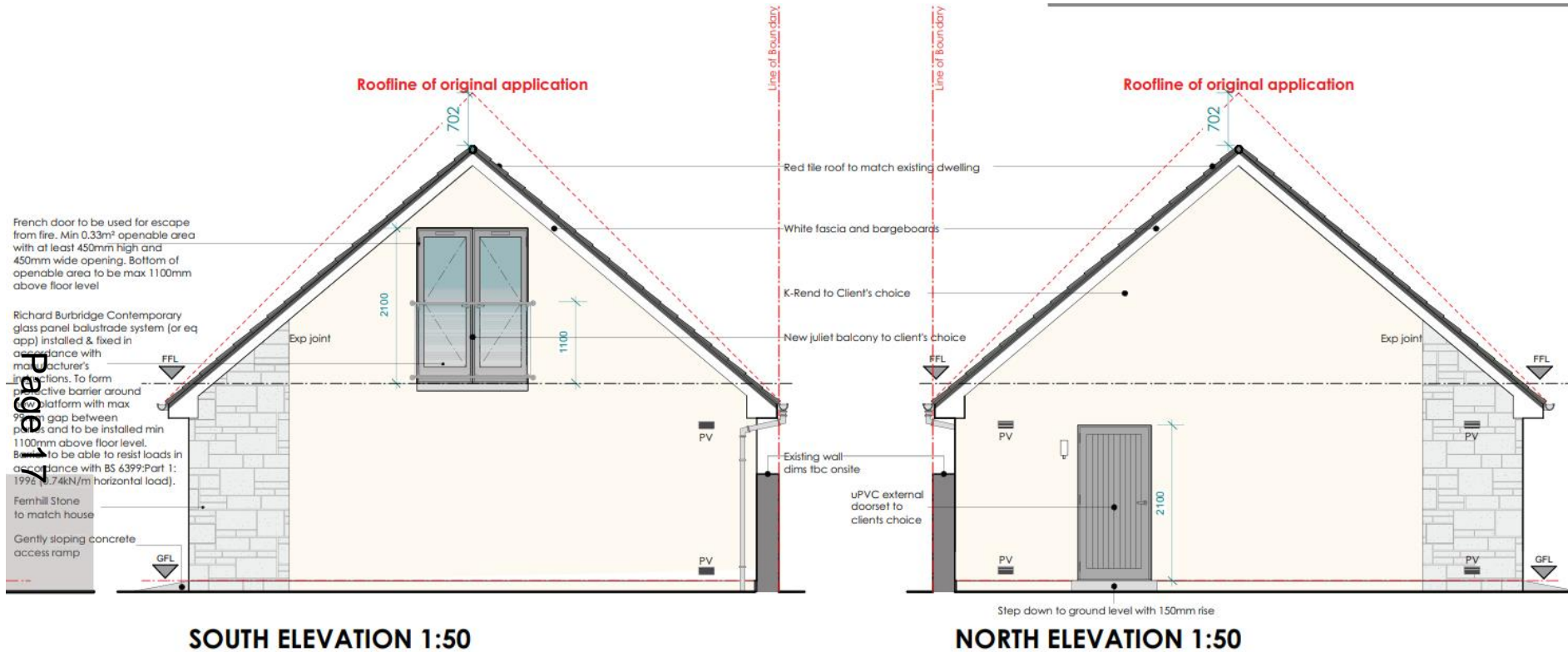
Proposed Garage Elevations (1)

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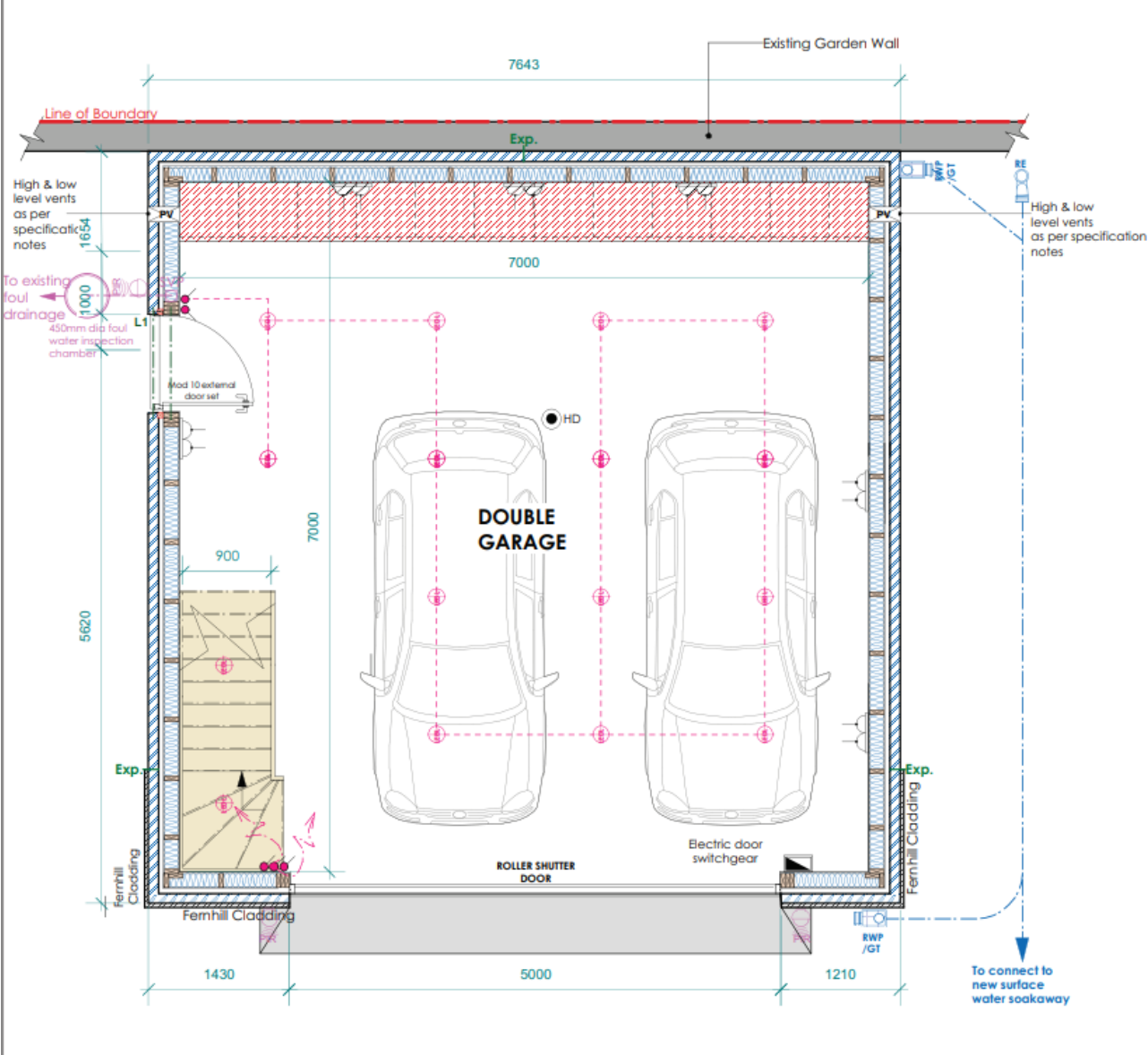
- Stone-clad frontage and red tile roof to match house
- Rendered rear wall
- Garage roller shutter door materials/finish not specified

Proposed Garage Elevations (2)

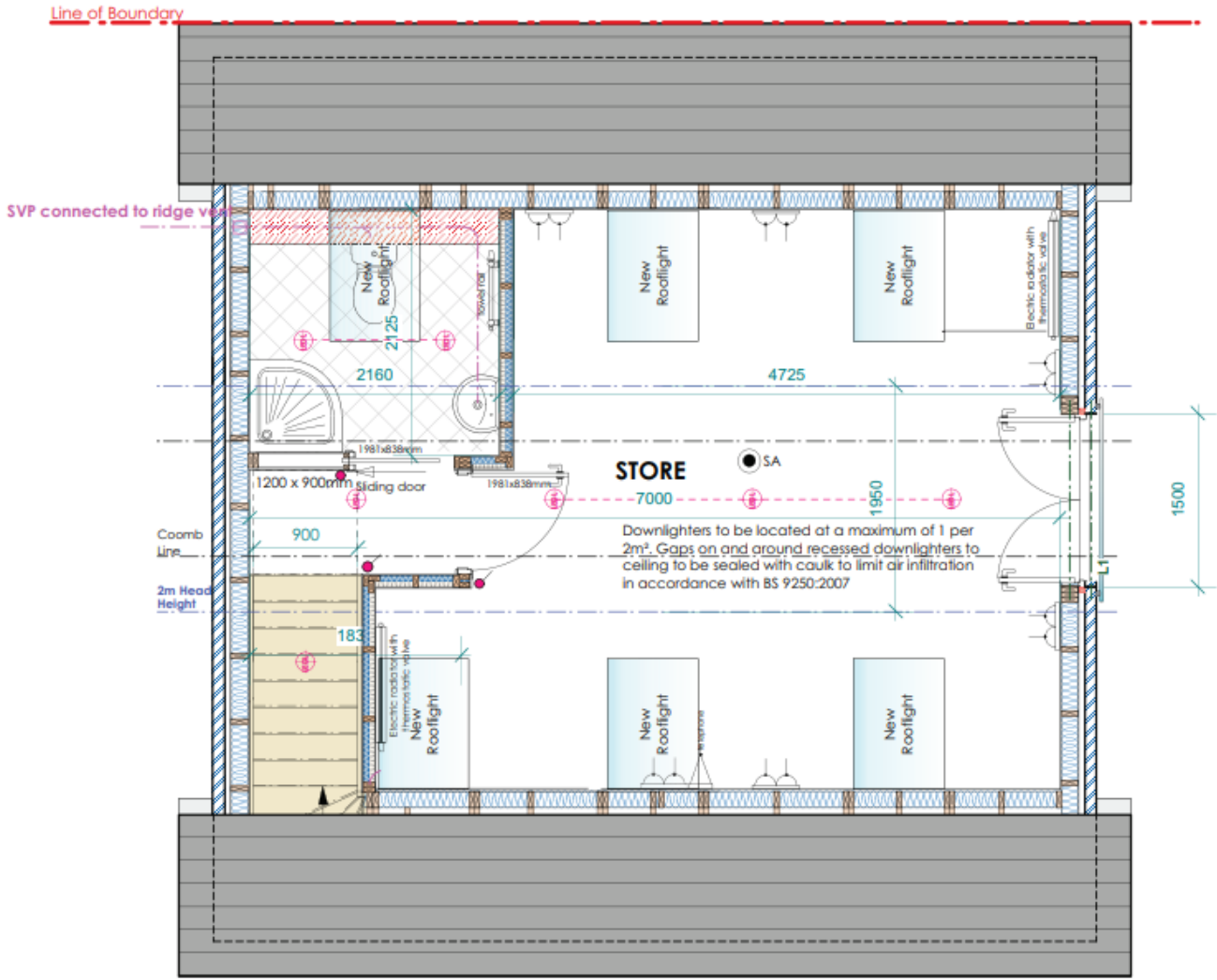


- Stone frontage returns around corners
- Rendered side walls
- uPVC exterior door
- White fascia and bargeboards
- Red tile roof

Proposed Garage: Ground Floor Plan

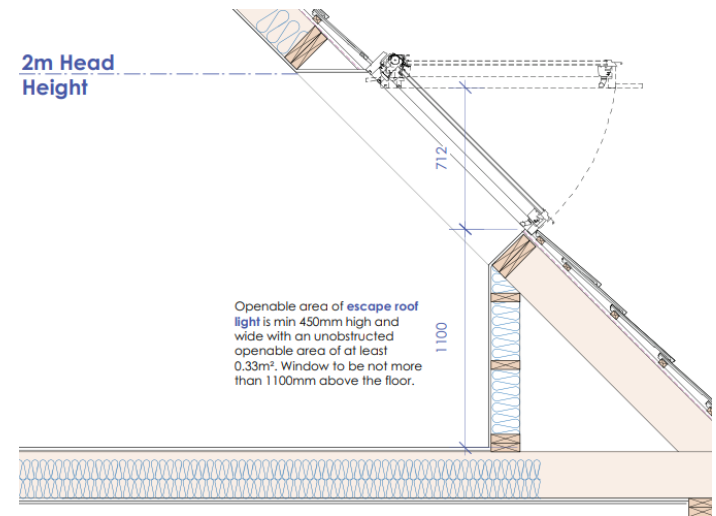
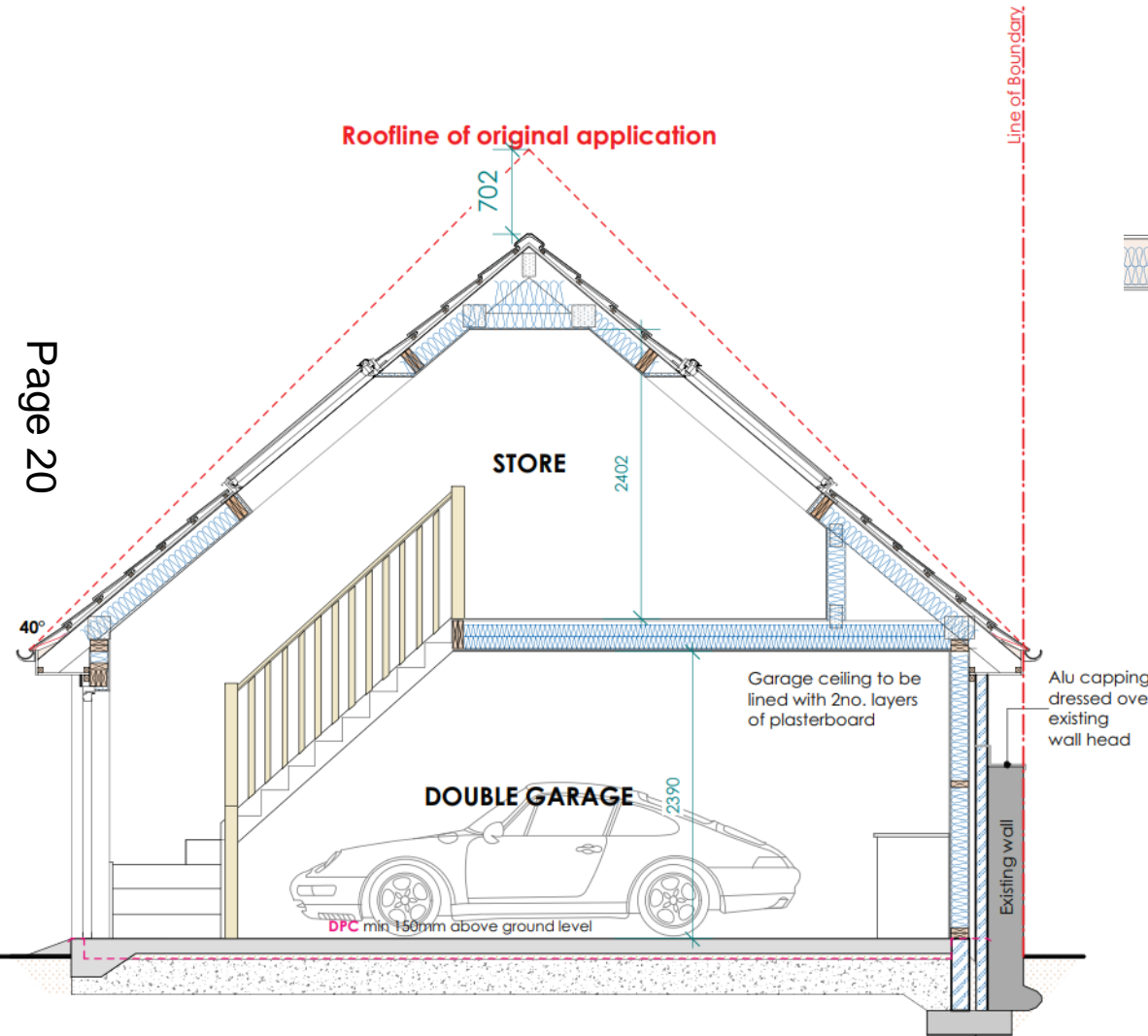


Proposed Garage: First Floor Plan

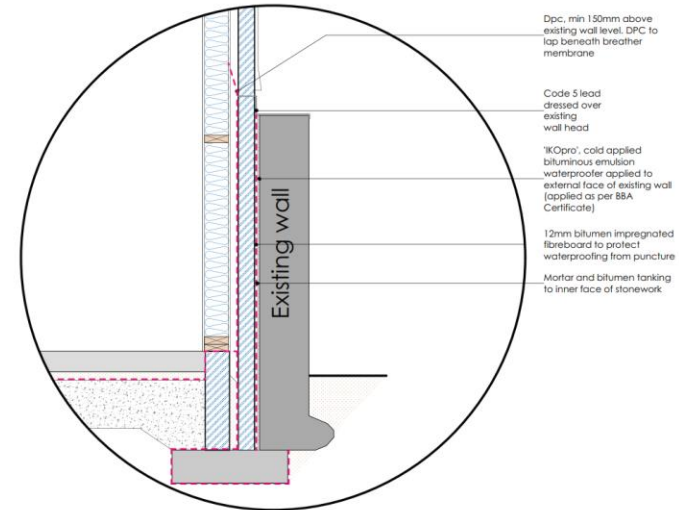


Proposed Garage: Sections

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ROOF LIGHT EMERGENCY ESCAPE WINDOW SECTION 1:25



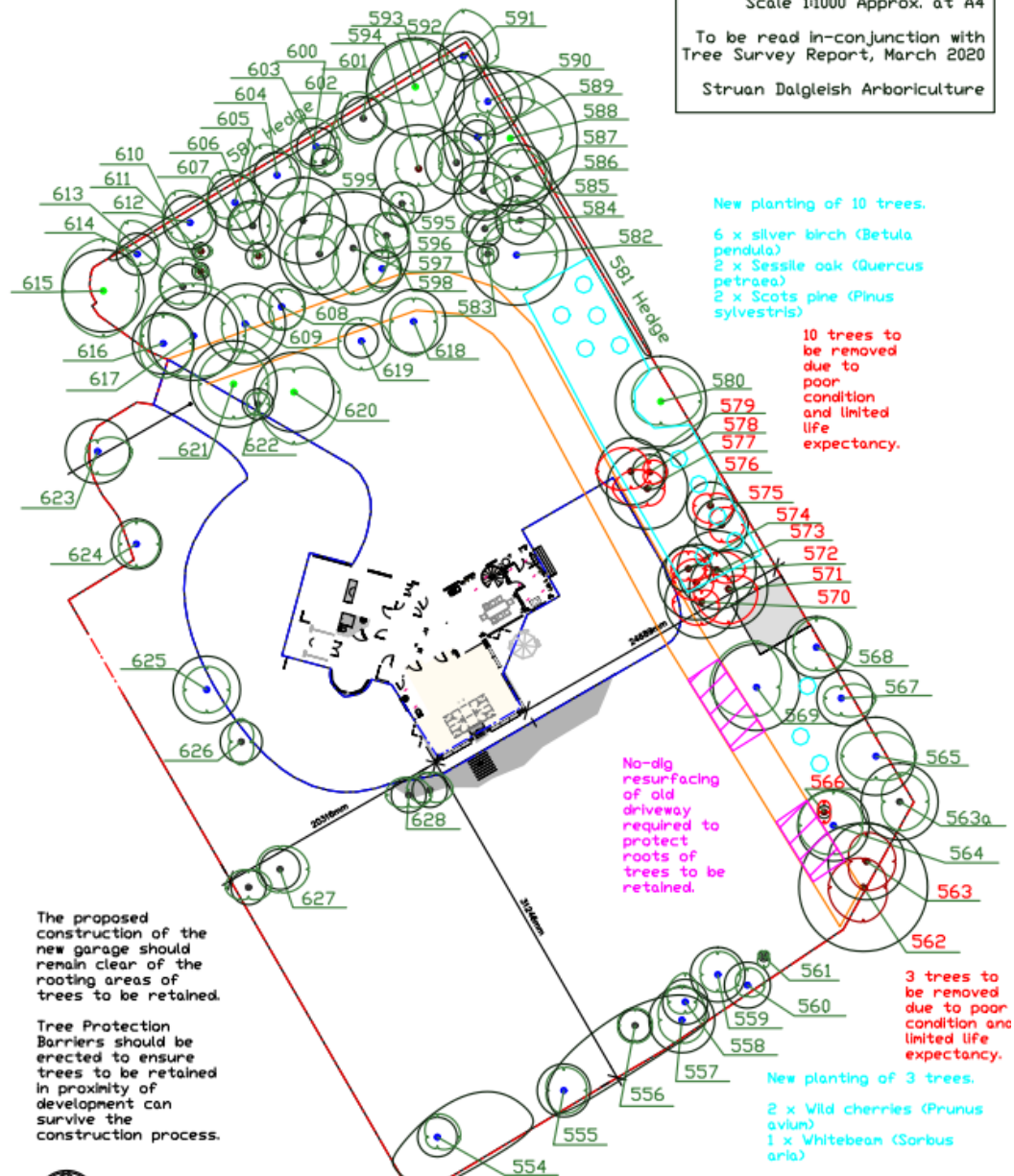
EXISTING WALL DETAIL 1:20

Tree Survey Drawing

The large spruce trees adjacent to main road are of limited long term potential due to their increasing risk of storm damage and the significant consequences this could have.

It is recommended they be removed within the next 5 years and new planting should be undertaken following the removal.

Tree Survey Drawing
 275 NORTH DEESIDE ROAD,
 MILLTIMBER
 ABERDEEN
 Scale 1:1000 Approx. at A4
 To be read in-conjunction with
 Tree Survey Report, March 2020
 Struan Dalgleish Arboriculture



New planting of 10 trees.

- 6 x silver birch (*Betula pendula*)
- 2 x Sessile oak (*Quercus petraea*)
- 2 x Scots pine (*Pinus sylvestris*)

10 trees to be removed due to poor condition and limited life expectancy.

No-dig resurfacing of old driveway required to protect roots of trees to be retained.

3 trees to be removed due to poor condition and limited life expectancy.

New planting of 3 trees.

- 2 x Wild cherries (*Prunus avium*)
- 1 x Whitebeam (*Sorbus aria*)

The proposed construction of the new garage should remain clear of the rooting areas of trees to be retained.

Tree Protection Barriers should be erected to ensure trees to be retained in proximity of development can survive the construction process.



New planting species are suggestions and positions indicative only

Tree Survey – Extract from Schedule

570	Sitka spruce	21	520	2	3	4	5	2	Early mature	Poor	Restricted spread within group of similar at garden boundary. Overhanging tarmac driveway. Swollen roots lifting surface.	<10yrs	U	6.24	Remove and replace with better tree of long term potential.	Within 12 months
571	Sitka spruce	21	560	2	5	6	6	2	Early mature	Poor	Restricted spread within group of similar at garden boundary. Appears to have lost top and regenerated new crown from upswept branches.	<10yrs	U	6.72	Remove and replace with better tree of long term potential.	Within 12 months

Struan Dalgleish Arboriculture

2

11th March 2020

BS 5837:2012 Tree Survey Schedule

275 North Deeside Road, Milltimber, Aberdeen

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Tag No.	Species	Ht. (m)	Dia. (mm)	Crown Spread (m)				Ht. Cl. (m)	Age Class	Condition	Comments	Life Exp.	Retention Category	RPA Radius (m)	Recommendation	Timescale
				N	E	S	W									
572	Sitka spruce	21	560	3	5	2	2	3	Early mature	Poor	Restricted spread within group of similar at garden boundary. Tall and straight with tips overhanging road. Resinous bleeding from lower trunk. Unviable without shelter from neighbouring trees.	<10yrs	U	6.72	Remove and replace with better tree of long term potential.	Within 12 months
573	Sitka spruce	21	540	4	3	3	4	6	Early mature	Poor	Restricted spread within group of similar at garden boundary. Tall and straight with tips. Swollen roots lifting surface of tarmac driveway at base. Unviable without shelter from neighbouring trees.	<10yrs	U	6.48	Remove and replace with better tree of long term potential.	Within 12 months
574	Sitka spruce	12	330	3	3	2	3	1	Semi mature	Poor	Restricted spread within group of similar at garden boundary. Overhanging tarmac driveway. Unviable without shelter from neighbouring trees.	<10yrs	U	3.96	Remove and replace with better tree of long term potential.	Within 12 months
575	Norway spruce	19	380	3	4	3	2	1	Early mature	Poor	Restricted spread. Exposed to wind. Bias towards and overhanging garden boundary and road. Bark splitting on lower trunk.	<10yrs	U	4.56	Remove and replace with better tree of long term potential.	Within 12 months
576	Norway spruce	20	340	2	4	3	3	2	Early mature	Poor	Restricted spread overhanging garden boundary and road. In severe decline with small sparse crown and no lower branches. Exposed to wind.	<10yrs	U	4.08	Remove and replace with better tree of long term potential.	Within 12 months
577	Sitka spruce	18	580	3	3	3	6	3	Mature	Poor	Restricted spread with bias towards house and garden. Phaeolus fungal bracket at base. Swollen roots lifting tarmac driveway.	<10yrs	U	6.96	Remove and replace with better tree of long term potential.	Within 12 months
578	Sitka spruce	12	250	2	3	2	1	4	Semi mature	Poor	Restricted spread suppressed by larger trees.	<10yrs	U	3	Remove and replace with better tree of long term potential.	Within 12 months
579	Sitka spruce	21	480	4	3	3	6	4	Mature	Poor	Restricted spread with bias towards house and garden. Overhanging driveway. Unviable without shelter from neighbouring trees.	<10yrs	U	5.76	Remove and replace with better tree of long term potential.	Within 12 months

Tree Survey - Photo

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Photo 2 – Spruce trees 570 to 579 occur at the edge of the old driveway.

Tree Survey - Photo



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Photo 3 – Spruce 570 to 579 and beech tree 569 overhanging the old driveway in close proximity to the house.

Reasons for Decision

Stated in full in decision notice. Key points:

- Inappropriate scale and massing which does not reflect the typical proportions of an ancillary building.
- Appearance would be overly dominant from outside the site, fails to respect the context of the surrounding area, nor any established pattern of development, and would have a negative visual impact on its established character.

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Would result in the loss of 13 protected mature trees which form part of a continuous line of trees along the eastern boundary of the site (TPO 225)

Whilst tree removal may be justified due to limited long-term potential, appropriate replanting should seek to ensure the existing landscape character and amenity is maintained and protected in the long term

- Proposal considered to be contrary to the requirements of Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and NE5 (Trees and Woodlands) of the ALDP, and associated Supplementary Guidance on Householder Development.
- No material planning considerations identified that justify approval.

Applicant's Case

Stated in supporting statement. Key points:

- Highlights that planning officer has accepted the principle of a garage and that the reasons for refusal relate to scale/height
- Draws attention to the size of the site, relative to the size of the proposed garage, and to the reductions made by the applicant from initial submission (circa 700mm reduction in height to ridge)
- Highlights that the existing outbuilding presents a gable to Station Road, whereas this proposal presents a sloping roof, with the boundary wall and tree canopies offering further screening

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Notes that the necessary tree removals have been recommended by a qualified consultant due to their existing condition, rather than to enable development, and the applicant is committed to undertaking necessary replacement planting

- Contends that any alternative location on the site would result in greater harm to healthy trees
- Explains that the garage and upper floor accommodation is required for the storage of landscaping equipment, parking of family vehicles, and provision of a recreational space/home office at upper level
- Notes that achieving minimum 2m headroom is essential to making that space useable, but that the proposed garage still retains the appearance of a single storey building
- Makes reference to exchanges with the case officer regarding amendments to make the scheme acceptable
- Notes that Supplementary Guidance does allow for upper floor accommodation

H1: Residential Areas

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

NE5: Trees and Woodlands

- Presumption against development that would result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.
- Buildings and services should be sited so as to minimise adverse impacts on existing and future trees.
- Measures should be taken for the protection and long-term management of existing trees and new planting, both during and after construction.
- Applications affecting trees to include details of tree protection measures, compensatory planting etc.

SG: Householder Development Guide

- Proposed development should be architecturally compatible with original house and surrounding area (design, scale etc)
- Should not '*dominate or overwhelm*' original house. Should remain visually subservient.
- Development 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'
- No more than 50% of the front or rear curtilage shall be covered by development.

SG: Householder Development Guide

Outbuildings

In many cases ancillary buildings may be classed as permitted development. Where planning permission is required, the following rules will apply:

- Outbuildings must always be subordinate in scale to the dwellinghouse and two storey outbuildings will generally not be permitted;
- Where a second storey is to be accommodated within a pitched roofspace, outbuildings should retain the impression of being single storey in height and dormers will not be permitted as a means of gaining additional headroom;
- Access to an upper floor should be situated internally;
- Outbuildings should not have a negative impact on the character of the surrounding area;
- Where highly visible and especially in conservation areas, detached garages should be of a scale and design that respects the prevalent context of the surrounding area;
- Proposals will be assessed on their impact on the amenity of the area (e.g. loss of daylight/privacy) in the same way as extensions;
- Outbuildings will not usually be acceptable in front gardens because of the damaging impact development forward of a front building line can have on the visual character of an area.

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 and its content on domestic garages, also tied to policy H1?

Trees: Do members consider that the impact on existing trees is consistent with policy NE5 and, if so, does the proposal involve appropriate provision for replacement planting?

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?

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)



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 100246418-001

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)

New Detached Garage

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:	<input type="text" value="CM Design"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Craig"/>	Building Name:	<input type="text" value="St Brendans"/>
Last Name: *	<input type="text" value="Mackay"/>	Building Number:	<input type="text" value="69"/>
Telephone Number: *	<input type="text" value="01343540020"/>	Address 1 (Street): *	<input type="text" value="South Guildry Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Elgin"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="IV30 1QN"/>
Email Address: *	<input type="text" value="office@cmdesign.biz"/>		

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" value="Fairhill"/>
First Name: *	<input type="text" value="N"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Gilchrist"/>	Address 1 (Street): *	<input type="text" value="275 North Deeside Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB13 0HA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="office@cmdesign.biz"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

FAIRHILL

Address 2:

275 NORTH DEESIDE ROAD

Address 3:

MILLTIMBER

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

MILLTIMBER

Please identify/describe the location of the site or sites

Northing

801358

Easting

385734

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Craig Mackay

On behalf of: Mr N Gilchrist

Date: 31/03/2020

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

Existing and Proposed elevations.

Existing and proposed floor plans.

Cross sections.

Site layout plan/Block plans (including access).

Roof plan.

Photographs and/or photomontages.

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

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

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

Declare – For Householder Application

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

Declaration Name: Mr Craig Mackay

Declaration Date: 08/05/2020

Payment Details

Online payment: ABSP00005171
Payment date: 08/05/2020 08:56:00

Created: 08/05/2020 08:56

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

CM Design
St Brendans
69 South Guildry Street
Elgin
IV30 1QN

on behalf of **Mr N Gilchrist**

With reference to your application validly received on 13 May 2020 for the following development:-

Erection of 1.5 storey detached domestic garage at Fairhill, 275 North Deeside Road, Milltimber

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
20021.GILCHRIST.07BW B	Location Plan & Proposed Elevations, Floor Plans & Section
20021.GILCHRIST.09BW A	Proposed Site Plan & Tree Management Plan
200021.GILCHRIST.08BW	Proposed Foundation, Roof Plan & Spec Tree Survey Drawing

REASON FOR DECISION

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

The proposed garage development is deemed to be of an inappropriate scale and massing which does not reflect the typical proportions of an ancillary building. It

would appear overly dominant from outwith the site, fails to respect the context of the surrounding area, nor any established pattern of development, and would have a negative visual impact on its established character. Furthermore, the proposal if approved would result in the loss of 13 protected mature trees which form part of a continuous line of trees along the eastern boundary of the site (TPO 225), and whilst their removal may be necessary due to their limited long-term potential, appropriate replanting should in the first instance seek to ensure the existing landscape character and amenity which they contribute towards is suitably maintained and protected in the long term, rather than enabling development. The proposal is therefore considered to be contrary to the requirements of Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and NE5 (Trees and Woodlands) of the Aberdeen City Local Development Plan, and does not address the expectations of the Council's Supplementary Guidance on Householder Development. There are no material planning considerations which would warrant approval of planning permission in this instance.

Date of Signing 17 November 2020

A handwritten signature in black ink that reads "Daniel Lewis". The signature is written in a cursive style with a clear, legible font.

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.



Strategic Place Planning

Report of Handling

Site Address:	Fairhill, 275 North Deeside Road, Milltimber, Aberdeen AB13 0HA
Application Description:	Erection of 1.5 storey detached domestic garage
Application Ref:	200544/DPP
Application Type:	Detailed Planning Permission
Application Date:	13 May 2020
Applicant:	Mr N Gilchrist
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Jane Forbes

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is located on the south side of North Deeside Road, Milltimber, at its junction with Station Road East, and extends to an area of some 4130m². The site comprises a 2 storey, detached dwelling house with single integral garage. The dwelling house is centrally located within the plot, with quite extensive garden ground to the front, side and rear, and is well screened by mature trees, all of which are protected by a Tree Preservation Order (TPO No 225). A drive provides access off North Deeside Road, splitting in two as it extends south within the site, with the eastern section delivering a route to the rear entrance to the dwelling and an area of hardstanding, whilst the western section provides a route to the front of the property with access to the existing integral garage, and a further area of hardstanding. To the south east of the dwelling and running parallel at a distance of some 8 metres from the eastern boundary of the site, lies an overgrown path which has been identified as an old driveway. The path extends from the hardstanding which lies to the east of the property to the southern boundary of the site.

Relevant Planning History

Application Number	Proposal	Decision Date
151840	T1 – Copper Beech – fell as significant rot at base, dangerous and leaning towards house	Approved Unconditionally on 15.12.2015
150059	Single storey rear extension and patio areas to rear of existing dwelling house	Approved Conditionally on 26.03.2015
140534	Erect new decking area	Approved Unconditionally on 13.06.2014

140179	Removal of 12 trees + minor works to 22	Approved Conditionally on 17.04.2014
--------	-----------------------------------------	-----------------------------------------

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a double garage to the east of the dwellinghouse and along the eastern boundary of the application site which is delineated by a 1.6 metre high boundary wall, beyond which lies Station Road East.

The proposed garage would measure 7.6 metres wide and 7.6 metres deep (57.8m²) with a ridge height of 6 metres and eaves level of 2.8 metres, delivering an internal floor area of just under 80m². The garage would incorporate a 5m wide double garage door opening to the west elevation, a single door opening to the north elevation, 6 rooflights with 3 each to the east and west elevations, and fully glazed French doors with Juliet balcony design on the south elevation. Internal stairs would provide access to the upper floor which includes a shower room and is identified as a store on the submitted plans. The proposed garage would be finished in a smooth render with Fernhill stone detailing on the west elevation, wrapping around the gable ends, and a red tile roof to match the existing dwellinghouse. Along the eastern boundary, a lead flashing would be introduced to the top of the existing boundary wall where it would join with the eastern garage wall.

To facilitate the construction of the garage, it is proposed to fell 7 trees that lie within the footprint of the proposed garage. The Tree Survey Report also identifies a further 6 trees to be felled; 3 trees to the north of the proposed garage and 3 trees close to south boundary. All the trees identified for felling are Spruce trees.

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=QA068LBZHRW00>

- Supporting Statement
- Tree Survey Drawing, Report & Schedule

CONSULTATIONS

Cults, Bielside and Milltimber Community Council – No comments

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)

Policy H1 (Residential Areas)
Policy D1 (Quality Placemaking by Design)
Policy NE5 (Trees and Woodland)

Proposed Aberdeen Local Development Plan (2020)

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

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

The foregoing can only be assessed on a case by case basis. The following policies of the Proposed ALDP are relevant to this application:

Policy H1 (Residential Areas)
Policy D1 (Quality Placemaking)
Policy D2 (Amenity)
Policy NE5 (Trees and Woodlands)

Supplementary Guidance and Technical Advice Notes

Householder Development Guide

EVALUATION

Principle of Development

The application site lies within an area zoned as residential within the Aberdeen City Local Development Plan (2017). The proposal which is for the erection of a domestic garage must therefore be considered against Policy H1 (Residential Areas), which states that within existing residential areas, proposals for new development and householder development will be approved in principle if it:

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

The proposed garage development lies within the curtilage of a residential property and would not impact on existing open space, and bearing in mind the application site extends to an area of some 0.4ha, including the extensive garden ground which surrounds the existing dwellinghouse, neither would the proposal result in overdevelopment.

The proposal would therefore be deemed acceptable in principle provided it does not adversely affect the character and amenity of the surrounding area; and is compliant with the relevant Supplementary Guidance 'Householder Development Guide'. The application must also be evaluated against all remaining relevant policy, with any impact resulting from the proposed development being fully assessed. All the aforementioned issues are fully evaluated below.

Proposed Scale and Design of Development

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 (Quality Placemaking by Design) of the Aberdeen City Local Development Plan. 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.

In addition to this, the Council's SG 'Householder Development Guide' sets out specific guidance relating to outbuildings which it classifies as 'detached buildings within a dwelling's curtilage that are used in association with the enjoyment of the residential use of the property, e.g. garages, sheds and greenhouses'. The SG highlights that such buildings are traditionally single storey in height, with either a flat or pitched roof, but does accept that it may be possible to accommodate an additional storey within the roofspace. The SG outlines certain criteria which must be applied in terms of the scale and general design of such ancillary buildings, and this includes that they should remain subordinate in scale to the dwellinghouse; retain the impression of being single storey in height; that access to any upper floor should be situated internally; they should not have a negative impact on the character of the surrounding area, and where highly visible, should be of a scale and design that respects the prevalent context of the surrounding area.

In this instance, taking into account the location of the proposed garage against the eastern boundary of the site, and given the considerable scale of development being sought (7.6m long x 7.6m wide x 6m high) which provides an internal floor area of just under 80m² and therefore not dissimilar to that of a 2 or 3 bedroom residential property, it is considered that the proposed development would have a significant visual impact and appear particularly dominant from Station Road East. It is accepted that the garage building would lie to the rear of the existing boundary wall which serves to enclose the site, however its scale and general massing is such that the 1.6 metre high wall would provide relatively limited screening. Following submission of the application and as a result of concerns raised, some amendment has been made to the original proposal, with a reduction from 6.7m to 6m to the roof ridge of the building and the inclusion of internal stairs to provide access to the upper level. However these amendments alone fail to provide the reduction in scale and massing necessary (and requested by the Planning Authority) to deliver development more typical in proportions to that of a domestic garage and which suitably respects the prevalent context of the area, rather the overall scale and massing of the proposed development and resulting adverse visual impact on the character of the area would remain significant.

The existing character of the eastern boundary of the site in relation to the streetscape is very much that of a continuous line of mature trees. Therefore it is also important to recognise that the proposal would result in the removal of a number of these trees, and whilst the legitimacy for their removal will be discussed below, it is apparent such tree loss would not only impact on existing screening but would also clearly affect the landscape character of the area.

Whilst acknowledging that there is an existing garden shed which lies along the eastern boundary of the site, and just south of the proposed location for the garage, this is by comparison a reasonably proportioned, 5m x 5m outbuilding, which has its gable end facing towards Station Road East. Taking into account its scale and orientation, and that the building nestles amongst the trees which provide a degree of screening, this existing ancillary building does not appear overly intrusive in the context of the site or that of the wider area. This proposal however would result in the new garage sitting within a 'clearing' caused by the removal of mature trees to the north and the existing shed to the south. As such, not only would the footprint and height of the garage appear excessive, it would be sited in a much more open context than the existing outbuilding and thus have a significantly greater visual impact.

The considerable scale and resulting visual impact of the proposed garage is such that it fails to reflect any existing pattern of development. It is stated in the proposed plans that the aforementioned shed is due to be demolished, however with no means by which the planning

authority can require it be removed, it is also legitimate to consider the cumulative impact of development along this public elevation, which again, given the scale of proposed development, would be significant.

Taking all of the above into account it is considered that the proposed development is not suitably compliant with the Council's Supplementary Guidance on Householder Development and fails to address the requirements of both Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) of the ALDP, which seeks to support development which responds to the site context and which is designed with due consideration to siting, scale, massing; which reinforces established patterns of development: and which reflects local style and urban form.

Impact of Development on Trees

The site is covered by Tree Preservation Order 225 and the application is supported by a Tree Survey Drawing, Report and Schedule. The proposal would result in the loss of 13 mature spruce trees, 10 of which lie within the footprint and to the north of where the proposed garage would be located, with 6 of these rising to a height of 20-21 metres and the remaining 4 measuring between 12 and 19 metres in height. The remaining 3 which would be lost lie to the south and adjacent to the old driveway which is being resurfaced, and range in height from 5 to 22 metres. The 13 trees in total are all identified within the Tree Survey as having limited long-term potential and requiring remedial works to ensure their safety. The Survey highlights the trees have a life expectancy of less than 10 years and recommends their removal within 12 months, therefore by March 2021, outlining that such removal will create significant opportunity for replacement planting and allow for the establishment of a more diverse range of trees of long-term potential. The Survey advises that a mixture of broadleaf and coniferous are used to maximise biodiversity of tree cover, with indicative tree planting locations included within the Tree Survey Drawing.

Taking the above into account, it should be noted in the first instance that when considering the potential loss of protected trees, the default position is for them to be retained unless there is sufficient arboricultural reason for their removal, in which case replanting should, where at all possible, take place in the same position. If it is accepted that the 13 mature trees should be removed due to their limited life expectancy and to address safety concerns, then the priority should be for replanting to be carried out within the area from where these trees would be lost. The Tree Survey Drawing submitted in support of the application proposes the replanting of 13 trees within the site, however it should be noted that a number of indicative locations identified for the replacement planting would conflict with the siting of the proposed garage. Beyond this, and contrary to what is indicated on the aforementioned Tree Survey Drawing, the replanting shown on the Proposed Site and Tree Management Plan would not be focussed in the area from where the trees are being removed and where they currently form part of a continuous tree line, rather the focus of replanting is identified within areas of the site which would allow for the erection of the proposed garage building. With this in mind the proposal would result in a significant gap in what is currently an almost continuous tree cover along the eastern boundary of the site, and the tree replanting which is proposed would take decades to deliver the same landscape impact as provided by the trees to be felled.

So whilst the loss of the 13 trees may well be supported in terms of a need to address their limited long-term potential and resulting safety concerns, their replacement as proposed does not suitably address the expectations of Policy NE5 (Trees and Woodlands) which states that there is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to landscape character and local amenity. On the basis that the scale and resulting impact of the proposed development is not deemed acceptable, then any replacement planting should clearly be carried out with a view to maintaining the existing landscape character and local amenity, and this would therefore require replanting to be carried out where the 10 trees are to be lost, thus ensuring the continuous line of trees and general character of the site, garden area and streetscape is not adversely affected in the long term.

Proposed Aberdeen Local Development Plan

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

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed garage development is deemed to be of an inappropriate scale and massing which does not reflect the typical proportions of an ancillary building. It would appear overly dominant from outwith the site, fails to respect the context of the surrounding area, nor any established pattern of development, and would have a negative visual impact on its established character. Furthermore, the proposal if approved would result in the loss of 13 protected mature trees which form part of a continuous line of trees along the eastern boundary of the site (TPO 225), and whilst their removal may be necessary due to their limited long-term potential, appropriate replanting should in the first instance seek to ensure the existing landscape character and amenity which they contribute towards is suitably maintained and protected in the long term, rather than enabling development. The proposal is therefore considered to be contrary to the requirements of Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and NE5 (Trees and Woodlands) of the Aberdeen City Local Development Plan, and does not address the expectations of the Council's Supplementary Guidance on Householder Development. There are no material planning considerations which would warrant approval of planning permission in this instance.

Aberdeen Local Development Plan (ALDP)

- Policy H1 – Residential Areas
- Policy D1 - Quality Placemaking by Design
- Policy NE5 – Trees and Woodlands

Supplementary Guidance

Householder Development Guide

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

Other Material Considerations

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

Proposed Aberdeen Local Development Plan (2020)

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

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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 100340301-001

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

Applicant or Agent Details

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

Applicant Agent

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" value="Fairhill"/>
First Name: *	<input type="text" value="N"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Gilchrist"/>	Address 1 (Street): *	<input type="text" value="275 North Deeside Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB13 0HA"/>
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="FAIRHILL"/>
Address 2:	<input type="text" value="275 NORTH DEESIDE ROAD"/>
Address 3:	<input type="text" value="MILLTIMBER"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="MILLTIMBER"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="801358"/>	Easting	<input type="text" value="385734"/>
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Description of Proposal

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

Erection of 1.5 storey detached domestic garage

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to all appeal documents attached.

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

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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

Statement of Appeal 200021.GILCHRIST.07BW B 200021.GILCHRIST.08BW 200021.GILCHRIST.09BW A Tree Survey Report
Tree Survey Drawing Handling Report Decision Notice

Application Details

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

200544/DPP

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

08/05/2020

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

17/11/2020

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 Craig Mackay

Declaration Date: 16/12/2020

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LOCAL REVIEW BOARD

STATEMENT OF APPEAL

Erection of 1.5 storey detached domestic garage at Fairhill, 275
North Deeside Road, Milltimber

Dec 2020

**St. Brendans
South Guildry Street
Elgin
Moray
IV30 1QN**

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w. cmdesign.biz**

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planning**consultancy** • architectural**design** • project**management**



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Our Reference:	200021.GILCHRIST
Local Authority:	Aberdeen City Council
Planning Application Ref:	200544.DPP
Application Proposal:	Erection of 1.5 storey detached domestic garage
Site Address:	Fairhill, 275 North Deeside, Milltimber, AB13 0HA
Appellants:	Mr & Mrs N Gilchrist
Date Application Validated:	13 May 2020
Council Decision Notice Date:	17 November 2020
Reason for Refusal:	<p><i>“The proposed garage development is deemed to be of an inappropriate scale and massing which does not reflect the typical proportions of an ancillary building.</i></p> <p><i>It would appear overly dominant from outwith the site, fails to respect the context of the surrounding area, nor any established pattern of development and would have a negative visual impact on its established character. Furthermore, the proposal if approved would result in the loss of 13 protected mature trees which form part of a continuous line of trees along the eastern boundary of the site (TP 225) and whilst their removal may be necessary due to their limited long term potential , appropriate replanting should in the first instance seek to ensure the existing landscaping character and amenity which they contribute towards is suitably maintained and protected in the long terms rather than enabling development.</i></p> <p><i>The proposal is therefore considered to be contrary to the requirements of Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and NE5 (Trees and Woodlands) of the</i></p>

LOCAL REVIEW PLANNING APPEAL STATEMENT OF CASE – ERECT OF 1.5 STOREY DOMESTIC GARAGE AT FAIRHILL, 275 NORTH DEESIDE ROAD, MILLTIMBER

	<i>Aberdeen City Local Development Plan and does not address the expectations of the Council's Supplementary Guidance on Householder Developments. There are no material planning considerations which would warrant approval of planning permission in this instance."</i>
Application Drawings & Supporting Documents:	<p>DOC001 - CMD Drawing – 200021.GILCHRIST.07BW (B) DOC002 - CMD Drawing – 200021.GILCHRIST.08BW DOC003 - CMD Drawing – 200021.GILCHRIST.09BW (A) DOC 004 – Struan Dagliesh – Tree Survey Report DOC005 – Struan Dagliesh – Tree Survey Drawing DOC006 – Handling Report DOC007 – Decision Notice</p>
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1. Introduction

1.1. The following Statement of Case, submitted by CM Design, Town Planning & Architectural Consultants, has been prepared to support a Local Review Board submission relating to a;

Replacement of existing dilapidated outbuilding with a new 1.5 storey detached domestic garage with first floor facilities.

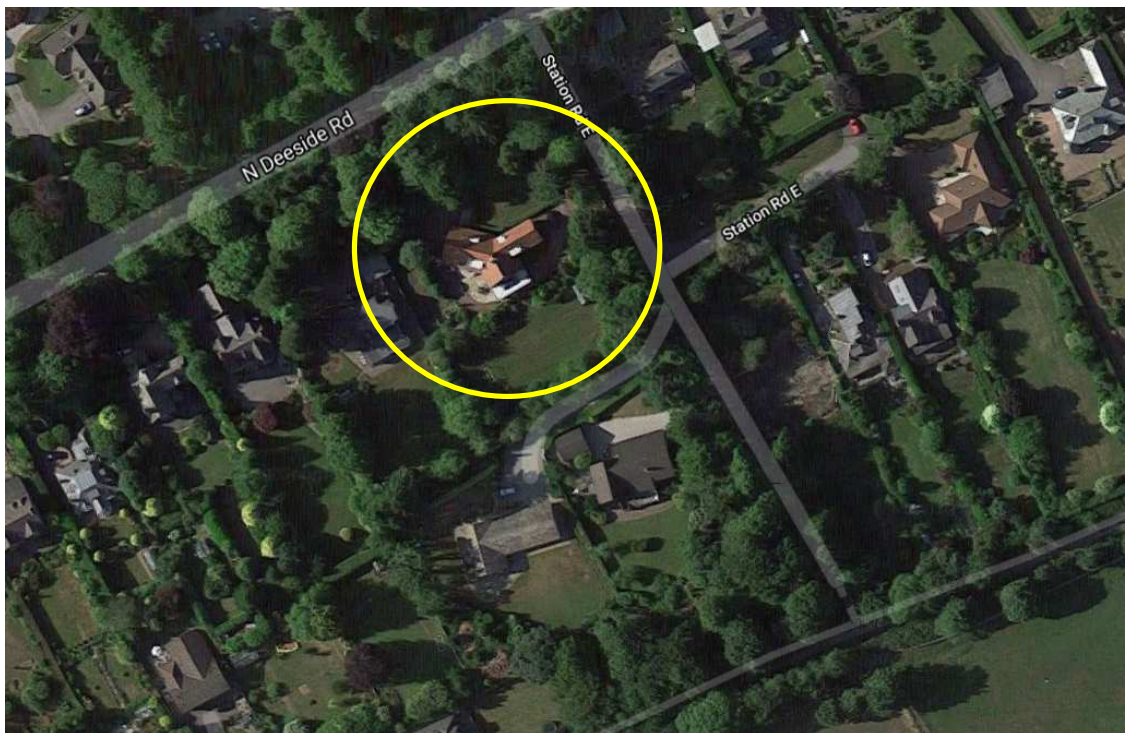
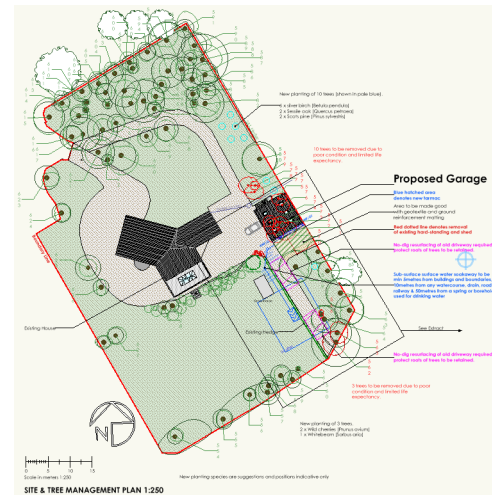
- 1.2. The principal of replacing the existing outbuildings on site with a new detached garage in the proposed location **was generally approved by the Planning case officer** and, despite the stated reasons for refusal, it is understood that **only the height** of the proposed building is at issue, brought about by the required depth of the garage.
- 1.3. An extract of some of the pre-decision communications with the Planning case officer does suggest that the development would be acceptable in principle if the prescribed amendments were accepted and implemented.
- 1.4. On 3rd August the Planning Case officer commented as follows - *“If it can be clearly established that there is no alternative location on the site for the proposed development, then we would nevertheless want to re-iterate that the scale and design of the proposed garage is currently unacceptable and we would be seeking a reduction to the depth (width) of the garage by a minimum of 1.3 metres, and for the ridge height and roof pitch to be reduced accordingly, with the resulting pitch not to exceed 40 degrees, thus achieving a proposal which better reflects the proportions of a domestic garage (ancillary building)”*
- 1.5. The Decision Notice is therefore slightly misleading and should be read in conjunction with the case officer’s Handling report Evaluation summary.
- 1.6. The house and site at Fairhill, is substantial, the tree cover is exceptional with over 70 trees, and the appellant’s family faithfully steward the site passionately and sacrificially with constant need for tree care and maintenance.
- 1.7. The appellant requires the facilities offered in these proposals to accommodate a growing number of cars as the children are now also driving, garden machinery and the additional amenity space in the attic to serve a growing family.
- 1.8. All trees on site are covered by TPO No 225 and any proposed tree removal in this application has been already approved in principal and specified by a qualified 3rd part specialist.
- 1.9. Significant **material considerations** exist in the context of this application and appeal and can be summarised as follows;
- The **Planning Case Officer has already approved the principle of this development** and only objects to the height of the building (viz a viz the width)
 - The difference in the height being asked for and the revised height being offered equates to around **300mm**
 - The **Arboriculture Consultant approved the** removal of trees, on the grounds of safety and decay, in the location where the new garage is to be located and required that this be done within 12 months of the report
 - Any other suitable location for the proposed building **was proven** to have a significant impact on healthy tree roots elsewhere on the site.

1.10. This Statement of case will not only address the reasons for refusal identified in the rejection notice but will also seek to demonstrate why these particular reasons for refusal could be described as perhaps misleading in nature given the extensive preliminary discussions and revisions that were exchanged in the determination process.

1.11. No objection to this application was lodged by householders or third parties.

2. Background

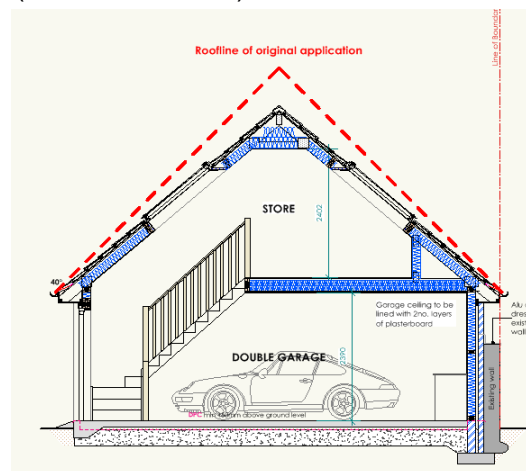
- 2.1. Despite the extensive size of the site at Fairhill (**4143m²**), the house itself is only a 5 bedroom house equating to a footprint of circa **250m²**.
- 2.2. The house itself does host an integral single garage but this would be considered dated in modern standards and is given over to the usual storage demands of a large family home.
- 2.3. There is also an aging dilapidated masonry built outbuilding located on the roughly same area as the proposals in this case. This outbuilding is also situated on the boundary wall and is currently deemed to be beyond repair and not fit for use as it is too short for modern cars.
- 2.4. The proposed garage footprint equates to a mere **58m²** and is comparatively insignificant to the surrounding context on site.



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- 2.5. The proposed garage has been located further north than the current outbuilding to allow access to the already tarmacked driveway and hardstanding and without the need to impact upon tree roots in the building of the proposals or the implementation of drainage needs.
- 2.6. The area on which the new building is to be located was already to be cleared of trees that were deemed to have a limited life expectancy and posing a risk the house and public road. A formal 3rd party specialist report issued in March 2020 recommended these trees be removed within 12months and this makes this recommendation and is attached to this Appeal submission.
- 2.7. The proposed garage and first floor attic are required for the following purposes
- Landscaping tools and plant including an appropriate level of access for ride on lawn machinery
 - Parking of appellants family vehicles, including those of grown up children residing at home
 - Storage of family recreational items
 - Annexe recreational space (first floor) for grown up children and home working office space for the appellant.
- 2.8. These storage demands include the expected tools and plant required to care for the significant grounds and trees as well as family cars. There is currently no appropriate place to adequately store the large plant machinery required to tend the grounds of the house.
- 2.9. The upper storey facilities are much needed by a large family for all manner of reasons and when designing the space required on the ground floor it was found that a simple attic truss would create an efficient and moderate upper floor space.
- 2.10. It is important to note that **any accommodation in an attic space can only be accessed where a minimum of 2m headroom can achieved** across at least 1m of its floor space. The height of a ridge **and width** of a building is absolutely critical to achieving this and the depth of the garage is equally critical in achieving this . (see extract below)

- 2.11. This extract demonstrates why the width of the garage needs to be kept as originally intended. It can be clearly seen how the stair needs to land in the centre of the building and how much ceiling width is available when reducing the ridge height. This extract shows the absolute minimum that the ridge can be reduced to before the attic storey becomes inaccessible.

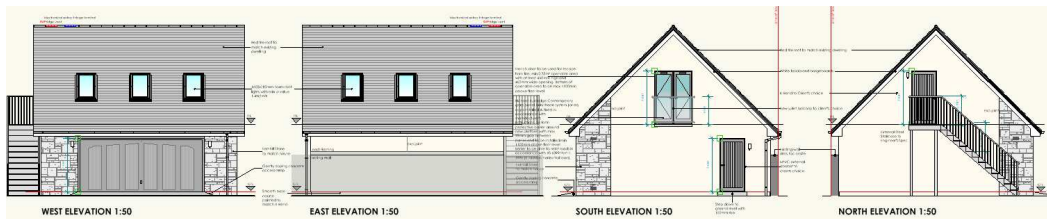


- 2.12. The Statement of case will explain more fully, the exchanges between the appellant and the case officer in which it was made very clear that consent would be **granted if the height of the proposed building could be reduced to the measure prescribed.**
- 2.13. The Statement of case will also show that many design amends were submitted by the appellant to secure the approval of the proposals including a good measure of reduced ridge height, the removal of external stair access and several other changes to encourage approval.

- 2.14. When it was clear that the punitive reduction in ridge height being required by the Local Authority, would ruin any likelihood of a useable attic storey, the appellant had no choice but to indicate that a formal Appeal would be necessary to examine the fairness of what was being requested.
- 2.15. The **impasse** that brought about this refusal equates to a mere 300mm of ridge height which might not sound critical but the loss of such a measure would significantly compromise the proposals, the attic space afforded and the efficiency of design.
- 2.16. The Statement of case will demonstrate how critical the disputed 300mm of ridge height is to the success and longevity of the design and why there would be no visible impact of this extra 300mm when compared to the ridge height that is being suggested by the Planning case Officer.

3. Statement of Case

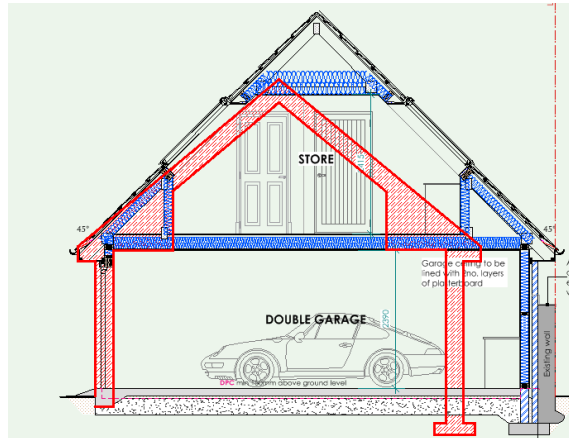
- 3.1. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires applications to be determined in accordance with the Development Plan unless **material considerations** indicate otherwise.
- 3.2. As stated earlier in this Statement there are significant **material considerations** to be aware of in this case and are repeated here for the sake of clarity.
- The **Planning Case Officer has already approved the principle of this development** and only objects to the height of the building (viz a viz the width)
 - The difference in the height being asked for and the revised height being offered equates to around **300mm**
 - The **Arboriculture Consultant approved the** removal of trees, on the grounds of safety and decay, in the location where the new garage is to be located and required that this be done within 12 months of the report
 - Any other suitable location for the proposed building **was proven** to have a significant impact on healthy tree roots elsewhere on the site.
- 3.3. Usually in the midst of an Appeal case like this, it would normally be important to directly address the issues of refusal as outlined in the Decision Notice. To be clear, these referred to **1) scale and design and 2) the removal of trees.**
- 3.4. This Statement of Case will indeed address these two issues directly,
- 3.5. For the avoidance of all doubt, the possibility of a garage in this location and the removal of trees is approved in principal (**see DOC007 – Case Officer Handling Report**). It is only the ridge height that is at issue here.
- 3.6. Prior to receiving the Decision Notice declaring the refusal of this application, the appellant engaged in positive negotiations with the Planning case Officer to modify the initially lodged design scheme in order to meet with the approval of the Local Authority. The extract below shows the original elevations for the initial application.



- 3.7. This **initial application** involved a gable width of 7.6m, a ridge height of 6.7m and also an external stair to access the attic storey.
- 3.8. The Planning Case officer raised initial issues with the design and scale of the building and requested that **1)** gable width be reduced by 1.3m, **2)** that the roof pitch be reduced to 40degrees and **3)** that the external stair be omitted.
- 3.9. The planning case officer also asked for further justification for the chosen location of the garage and, following an exchange of information including the findings of the Arboricultural report, the case officer stated – *“We can confirm that we’re satisfied that the proposed location for the garage has been determined based on minimising the impact on underground services and drainage, and limiting the impact on existing root protection areas, and on that basis we can proceed with the location as currently proposed (ie adjacent to the eastern boundary of the site)”*
- 3.10. Contrary to the inferences of the Decision Notice that the development was unacceptable in a wholesale fashion, later directions given by the case officer inferred that **approval of the development was possible** subject to the prescribed amendments on width, height and roof pitch being accepted by the appellants.
- 3.11. In an email exchange on 3rd August 2020, the case officer stated – *“If it can be clearly established that there is no alternative location on the site for the proposed development, then we would nevertheless want to re-iterate that the scale and design of the proposed garage is currently unacceptable and we would be seeking a reduction to the depth (width) of the garage by a minimum of 1.3 metres, and for the ridge height and roof pitch to be reduced accordingly, with the resulting pitch not to exceed 40 degrees, thus achieving a proposal which better reflects the proportions of a domestic garage (ancillary building)”*
- 3.12. These statements clearly indicated that 1) the location of the proposals was found to be acceptable and 2) that the principal of the building was acceptable, subject to the prescribed amendments.
- 3.13. The following extract makes clear the impact of these suggested changes on the design and feasibility of the proposals.

3.14. The profile shown in red in the adjacent extract is the size of development as suggested by the Case Officer (with a 1.3m reduction in width) and one can see immediately that the attic storey would be rendered un-useable by these changes.

3.15. The appellant was encouraged that the Case Officer's design option (shaded red) would be supported but given the scale of the host property and surrounding buildings, the appellant felt that the reduction in ridge height being prescribed was punitive and not commensurate with what could be gained by retaining the attic storey.

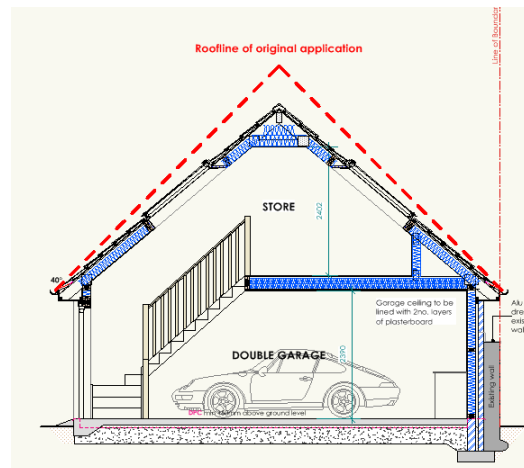


3.16. House space, floor space and family space is extremely precious in this day and age and such a punitive reduction in ridge height that loses any chance of a useable attic space, could be considered wasteful.

3.17. **The appellant submitted a revised alternative** proposal to council which **1)** reduced the ridge height and scale of the proposals and **2)** removed the external stair in favour of an internal stair arrangement – see extract below.

3.18. The red broken line indicates the original ridge height in relation to a revised proposal which provides for a reduction in ridge height with the **absolute minimum** of ceiling space to allow a compliant attic space.

3.19. The relocation of the stair internally, impacted upon the ground floor storage and parking area available and hence no reduction in gable width was possible in this alternative design

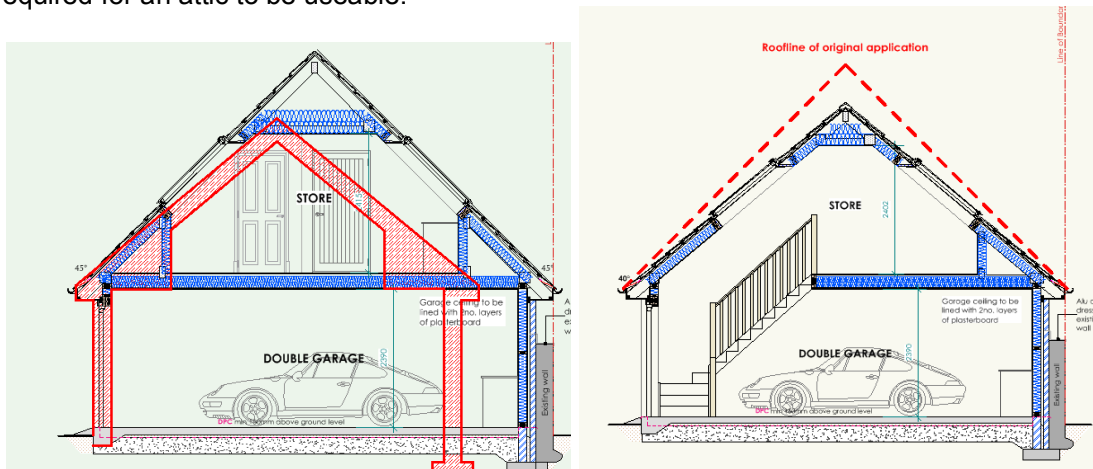


3.20. This design compromise was not accepted by the Planning case Officer and the appellant was advised that unless the initial demanded changes were implemented, the application would be refused.

3.21. The appellant contends that the revised design offers a significant reduction in ridge height without losing potential use of the attic storey. The difference in what the case officer wanted and what was being provided equated to a mere 300mm.

3.22. The appellant believes that a suitable compromise was found, that secured a reduction in scale without losing valuable attic space.

- 3.23. The two extracts below show (on the left) the scale of development demanded by council (shown red) and on the right, the revised proposal on which one can see the head room required for an attic to be useable.

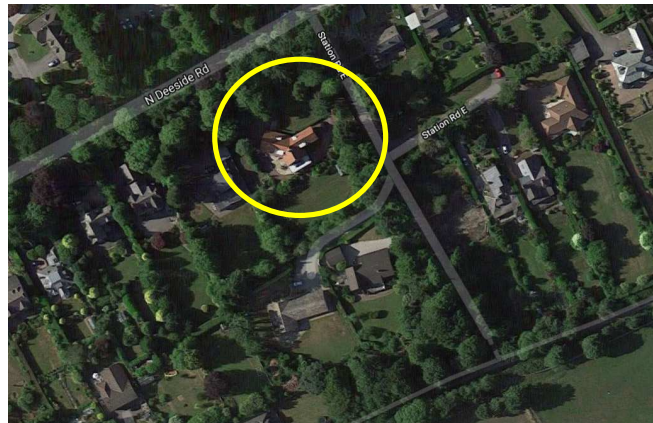


- 3.24. The difference between the two options is a mere 300mm but the impact on the efficiencies of space offered from the same purchase of materials is critical and not to be underestimated.

4. Reasons for Refusal

- 4.1. Despite the general approval in principal demonstrated in this Statement of case, the current application has been “**officially**” refused on the grounds of **two separate issues**.
- 4.2. The appellant requests that this appeal be considered upon the basis of the material matters raised but for the sake of protocol, responds directly to the matters of refusal as follows.
- 4.3. **REASON FOR REFUSAL NO 1** - *“The proposed garage development is deemed to be of an inappropriate scale and massing which does not reflect the typical proportions of an ancillary building. It would appear overly dominant from outwith the site, fails to respect the context of the surrounding area, nor any established pattern of development and would have a negative visual impact on its established character”*
- 4.3.1. When reading this reason for refusal it is important to be mindful of the fact that the proposals are still **supported for approval by the Case Officer** under this policy **IF** the appellant was to agree to reduce the ridge height to the height prescribed.
- 4.3.2. It is also important to register that the appellant has offered a 700mm reduction in ridge height that falls short of what is required by a mere 300mm which is critical to the success of the design and use of the attic space.
- 4.3.3. The Handling Report describes the criteria of the Policy D1 and Special Guidance for “detached buildings within dwelling’s curtilages” which **does specifically accept the possibility of accommodating additional storeys within the attic space**.

- 4.3.4. The SG does also state that any development should be subordinate to the host property and the appellant would contend that the application proposals meet this requirement fully.
- 4.3.5. The SG also requires that development should retain the appearance of being single storey and that any access should be achieved internally. Given that the ridge height being prescribed by the case officer would be deemed to have the appearance of single storey, it remains for the Board members to decide whether the extra 300mm at issue would be equally acceptable.
- 4.3.6. What is clear from the SG though is that **an attic storey is acceptable**.
- 4.3.7. The comment stating that the proposals do not reflect the “*typical proportions an ancillary building*” could be considered to be ill-directed. It would be a stretch to suggest that **58m²** of new build development on a site this size would not be considered ancillary.
- 4.3.8. Ancillary buildings take on all manner of shape, size and use in modern family homes and especially large properties. Pool houses, “granny flats”, garden offices, serviced tourist accommodation and orangeries are all common developments in large family properties and this development is no different and can **easily be justified** by the context found around it.
- 4.3.9. In terms of the inferred dominance to the south view, it should be noted that the existing outbuilding presents a gable to Station Road, whereas this proposal presents the sloping flank of its rear roof. The existing boundary wall and significant tree canopy to the north and south of the proposals provide additional context and screening at any time of year.
- 4.3.10. There is indeed a settlement pattern of garden development like this all over Milltimber and especially within large garden grounds where evidence of sub-division for new housing can be easily found.
- 4.3.11. These proposals would be considered ancillary compared with neighbouring developments and in keeping with the significant scale of the host property and those round it.
- 4.3.12. In conclusion, it can be clearly seen from the negotiations and comments made by the planning case officer, that the principal of a garage building in the location, if no other location was suitable, was approved.



- 4.4. **REASON FOR REFUSAL No 2** - *“Furthermore, the proposal if approved would result in the loss of 13 protected mature trees which form part of a continuous line of trees along the eastern boundary of the site (TP 225) and whilst their removal may be necessary due to their limited long term potential , appropriate replanting should in the first instance seek to ensure the existing landscaping character and amenity which they contribute towards is suitably maintained and protected in the long terms rather than enabling development.*
- 4.4.1. As can be seen from the correspondence and dialogue between the appellant and the Case Officer, the matter of tree removal was also approved in principal and it is unclear why this reason for refusal has been included here.
- 4.4.2. Prior to the application being submitted, the Arboricultural Consultant, **Struan Dagiiesh** was engaged by the appellant to undertake a comprehensive review of all trees on the site and was able to report *“...the most badly affected trees appear to occur along the eastern boundary lining the old driveway where wood decay fungus was noted and damage to the wall has occurred. It is recommended thirteen (13) spruce trees, 562, 563, 566 and 570 to 579 are removed within 12 months”*
- 4.4.3. The manner of narrative describing this particular reason for refusal was more akin to a draft statement of suspensive condition than a formal reason for refusal as it pays heed to the fact that **“removal may be necessary”** but then goes on to suggest that **“replanting would appropriate”**
- 4.4.4. The appellant will indeed be implementing a scheme of replanting over the years ahead under the direction of Struan Dagiiesh or as directed by any suspensive condition that the Board might deem appropriate.
- 4.4.5. It should be made so vary clear that the removal of trees on this site **is not enabling development** as the Arboricultural Specialist has already recommended their removal on the basis of safety of the householder and the public.

5. Conclusion

5.1. This Statement of case has established the following:

- **That the Planning Case Officer was willing to accept a garage proposal like this in principal but with a reduced ridge height and other amends –**

Quote – ““We can confirm that we’re satisfied that the proposed location for the garage has been determined based on minimising the impact on underground services and drainage, and limiting the impact on existing root protection areas, and on that basis we can proceed with the location as currently proposed (ie adjacent to the eastern boundary of the site)”

And later commenting “.we would be seeking a reduction to the depth (width) of the garage by a minimum of 1.3 metres, and for the ridge height and roof pitch to be reduced accordingly, with the resulting pitch not to exceed 40 degrees, thus achieving a proposal which

better reflects the proportions of a domestic garage (ancillary building)”

- **That the appellant presented an alternative design scheme that addressed all requested amends and did reduce the ridge height but falling short of the measure requested by a mere 300mm**
 - **That the disputed 300mm is critical to allowing the attic space of the proposed garage to be used and accessed for amenity space.**
- 5.2. Council required a reduction in ridge height of **circa 1m** to secure support of the application.
- 5.3. The appellant provided alternative proposals that offered **circa 700mm** reduction but without losing the potential for the attic storey.
- 5.4. The revised proposals omitted the external stair arrangement as requested.
- 5.5. The officially recorded Reasons for Refusal have been addressed and the appellant contends that both reasons do not reflect the pre-decision communications or evidence in this case.
- 5.6. The Appellant contends that everything that can be done, has been done to meet the needs of the Local Authority to limit impact to the degree prescribed but without losing the use of the attic space.
- 5.7. The Appellant has proven that the matter of tree removal is already required and approved in principal by the case officer and should perhaps not have been included as a reason for refusal in this manner.
- 5.8. The Appellant desperately needs a sufficient building to store vehicles and plant machinery and contends that Policy D1 does allow for attic accommodation and further contends that the design has already been amended as much as possible without losing any hope of a useable attic space.
- 5.9. The appellant respectfully requests that detail of this case be fully considered and the Appeal to approve this application be upheld.**

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LOCAL REVIEW BODY



200557/DPP– Review against refusal of planning permission for:

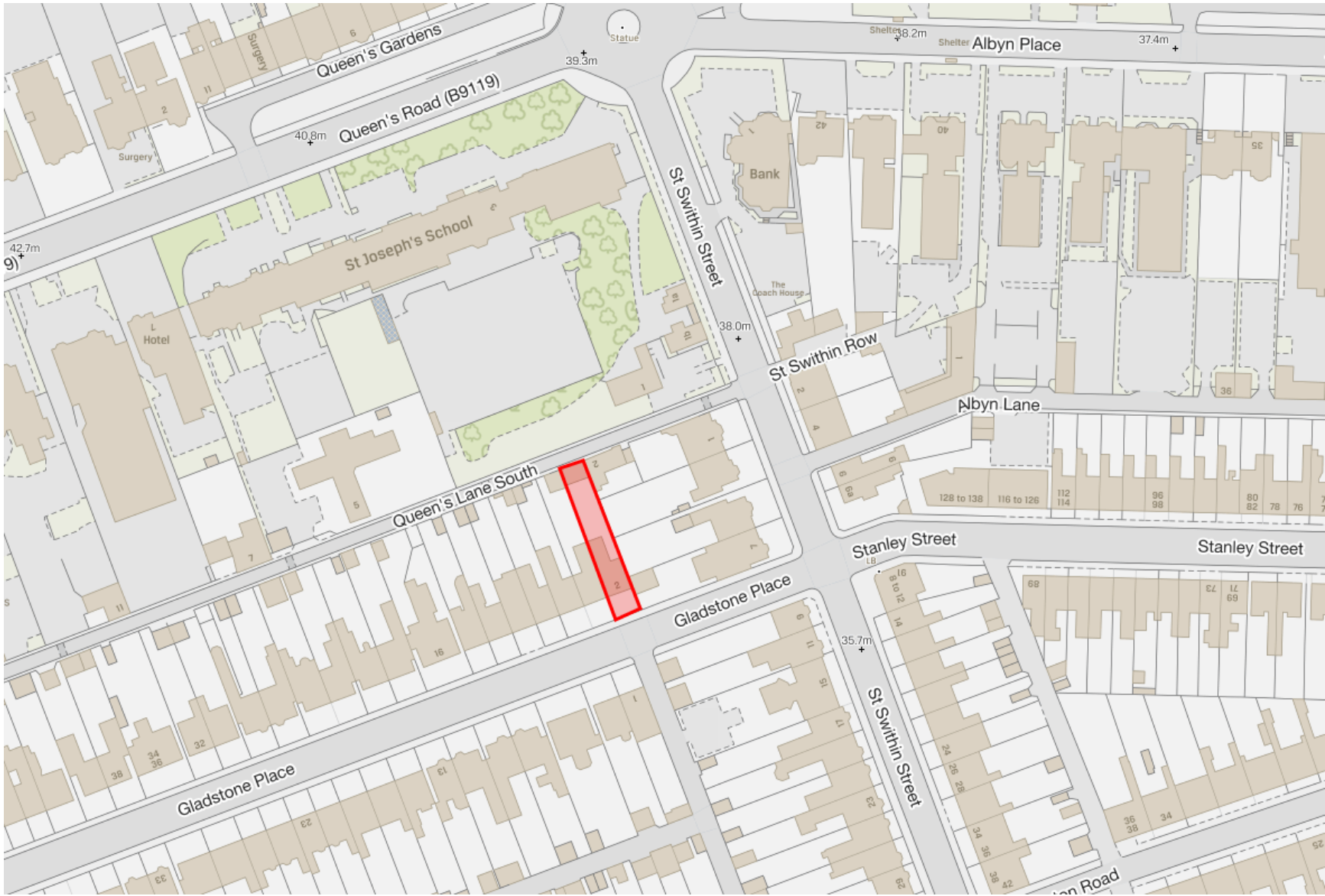
Formation of pitched roof to an existing garage to form store and single storey workshop extension to rear

2 Gladstone Place

Location Plan



Location Plan: GIS



Location – Aerial Photo



Photo: Garage rear

Rear of garage looking from garden to North



Photo: NE corner of site

View to N showing rear of 2 Queens Land South



Photo: NE corner of site



Photo: Garage front



Photo: Garage front



Photo: NW corner

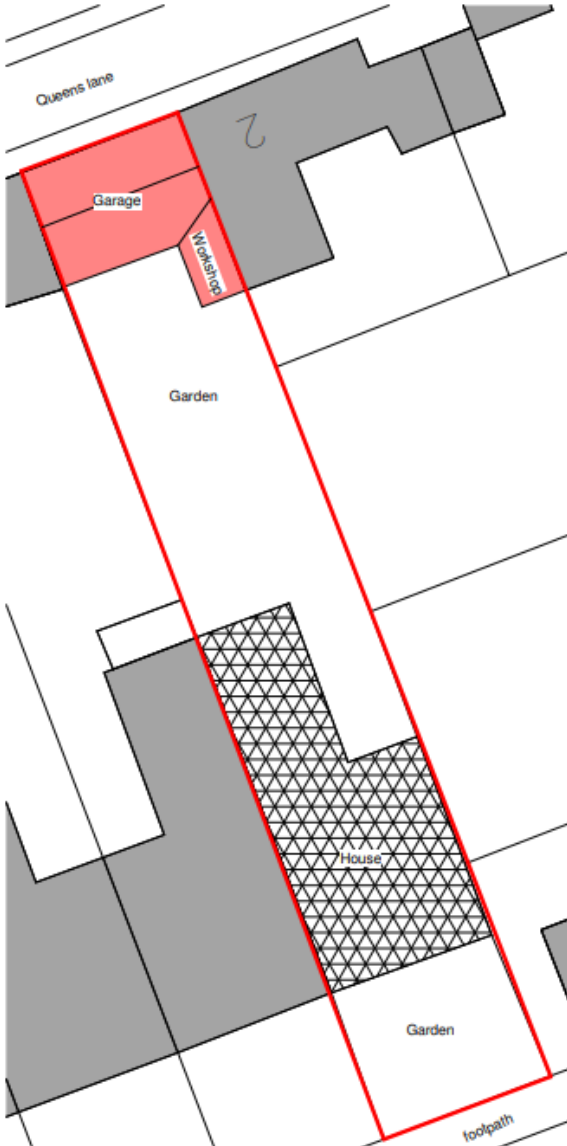
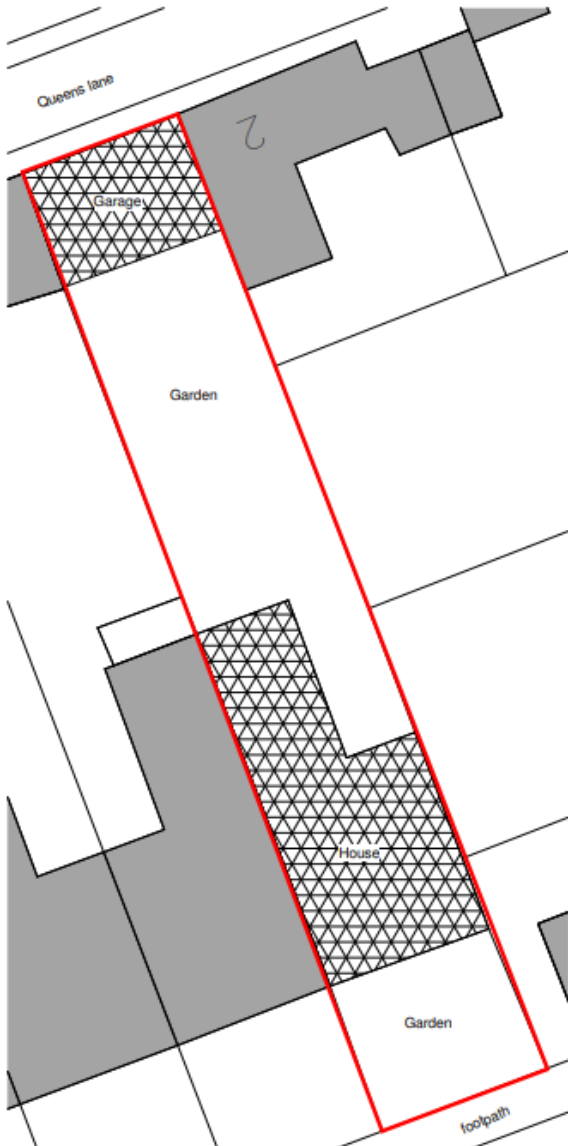


Photo: Rear lane



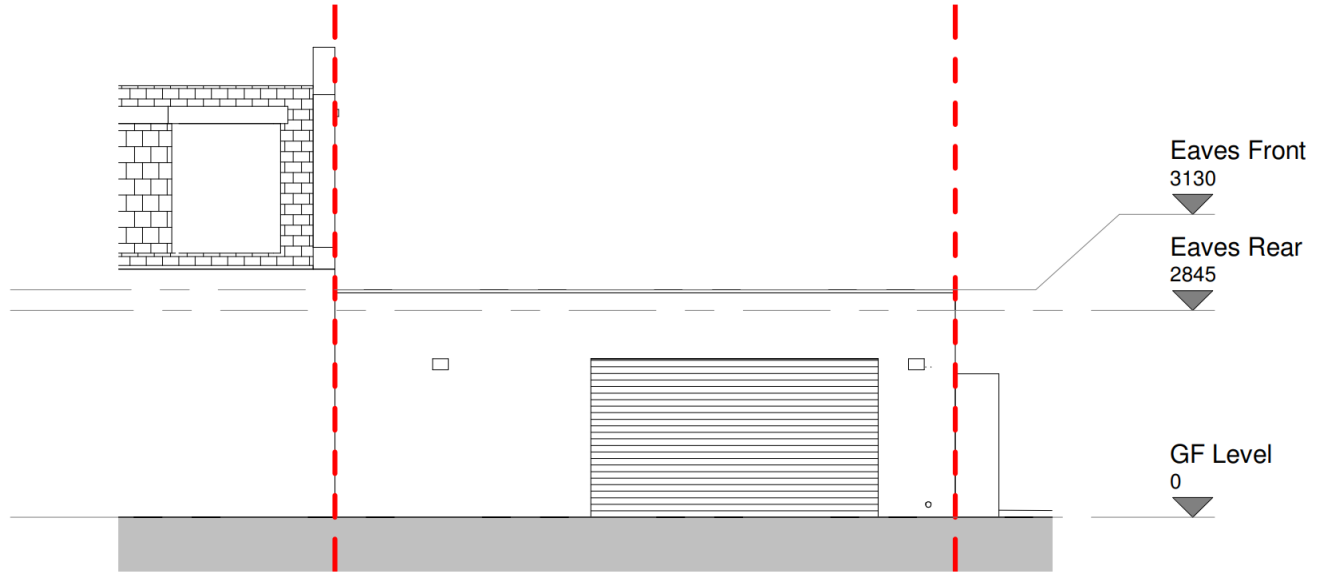
Existing and Proposed Site Plan

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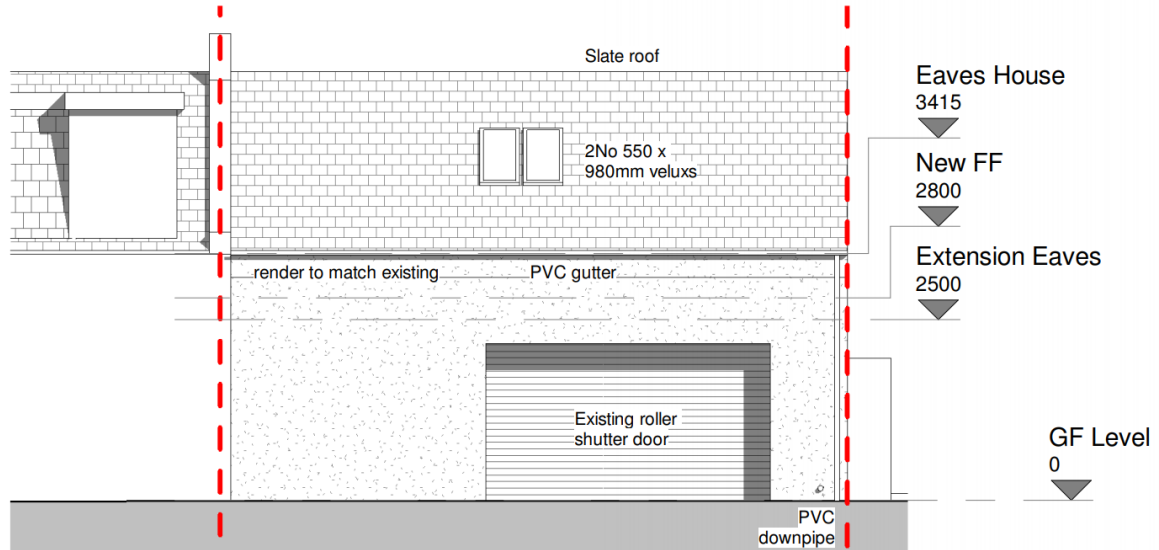
Elevations: NW (to Queen's Lane)

EXISTING



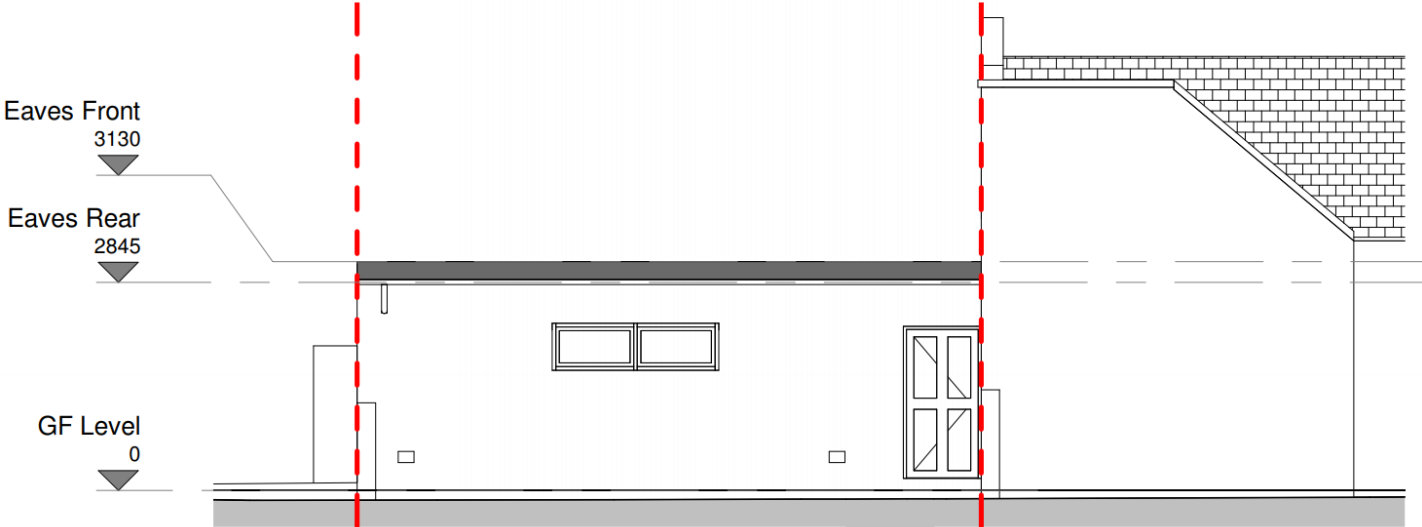
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PROPOSED



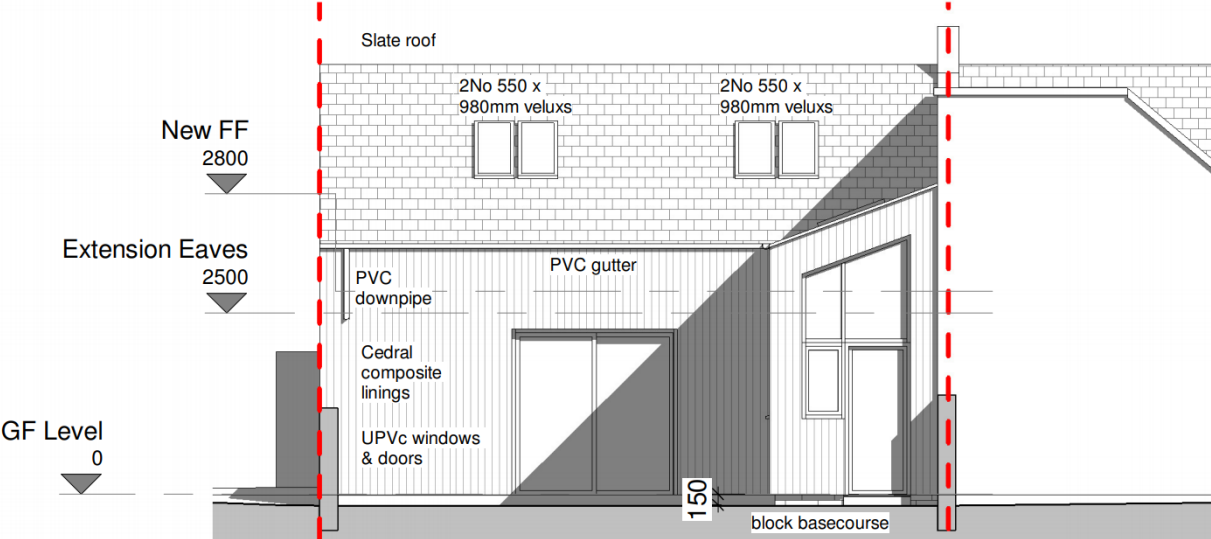
Elevations: NE (to garden)

EXISTING



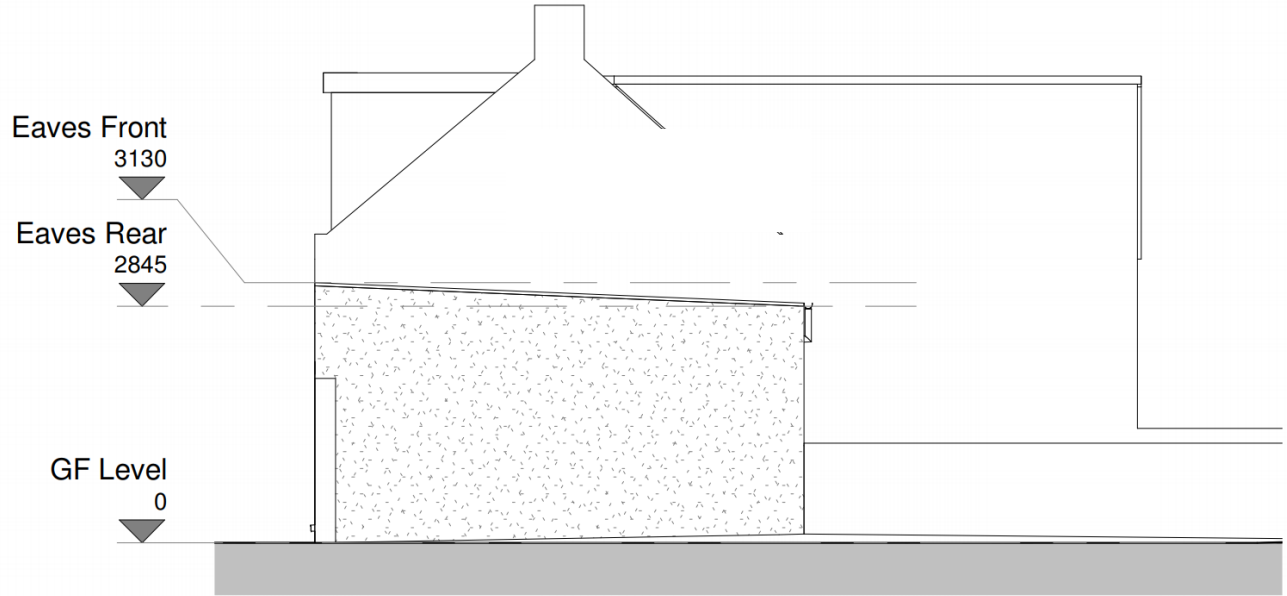
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PROPOSED



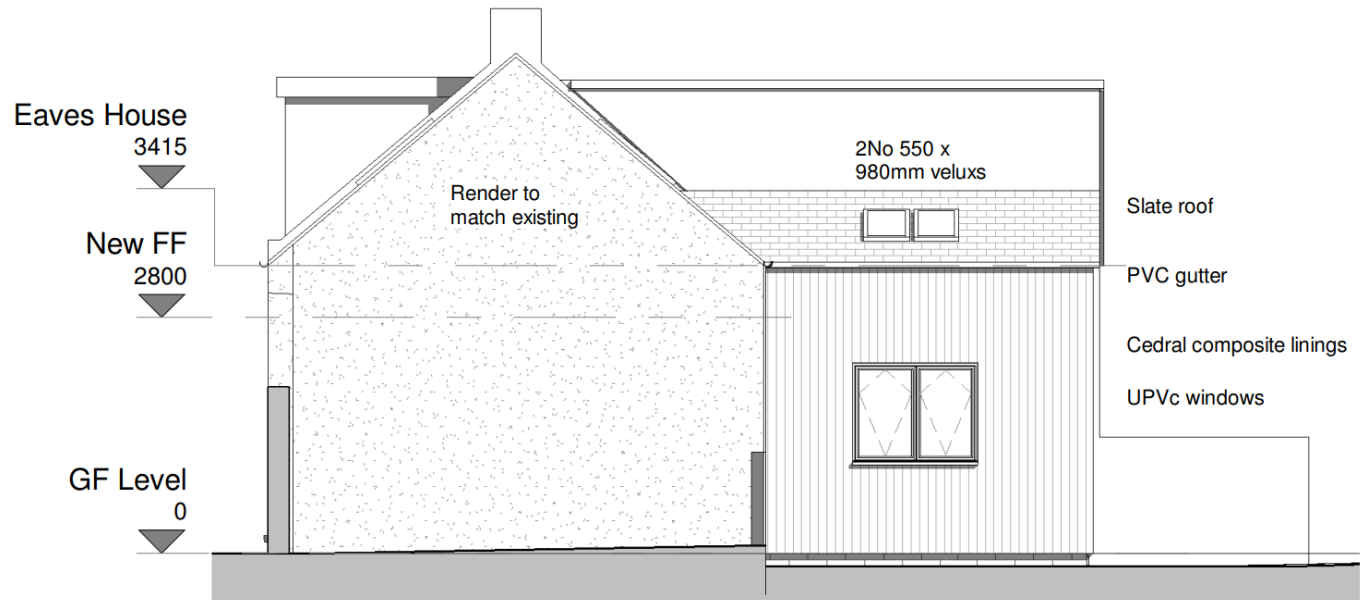
Elevations: SW (to side)

EXISTING



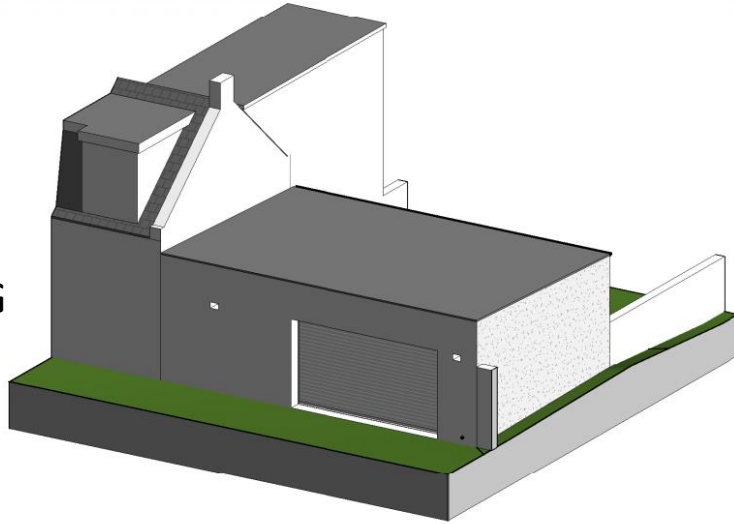
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PROPOSED

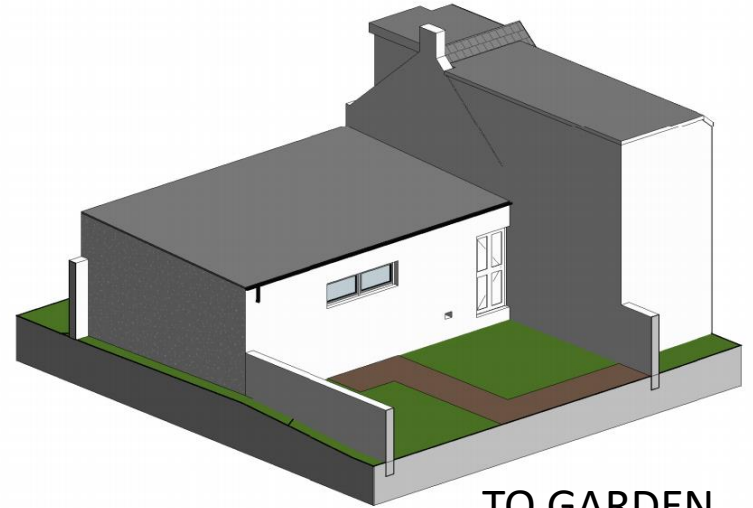


3D Images

EXISTING



TO LANE



TO GARDEN

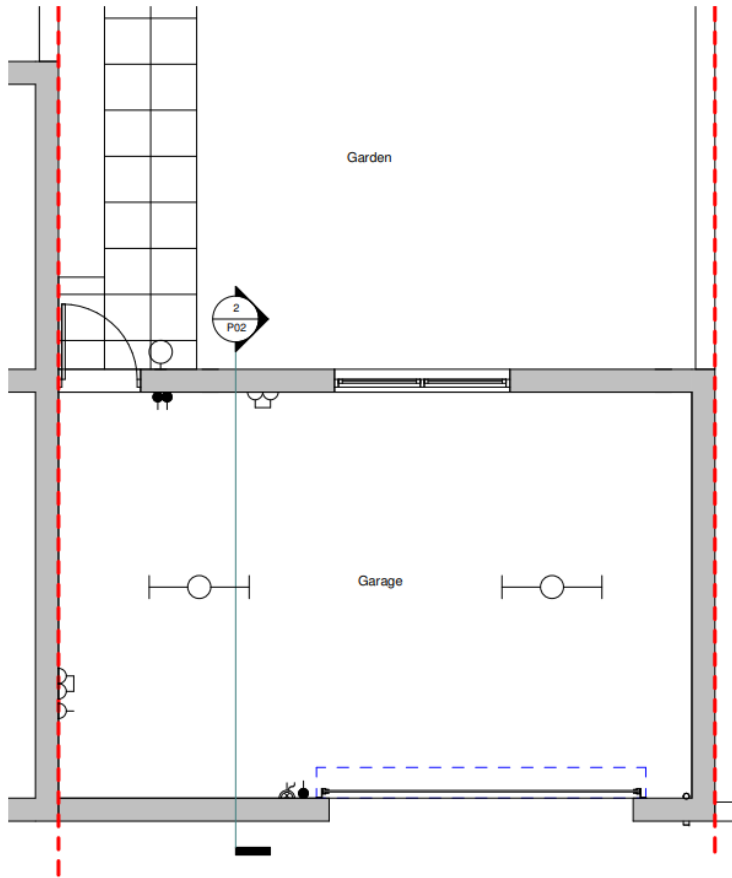
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PROPOSED



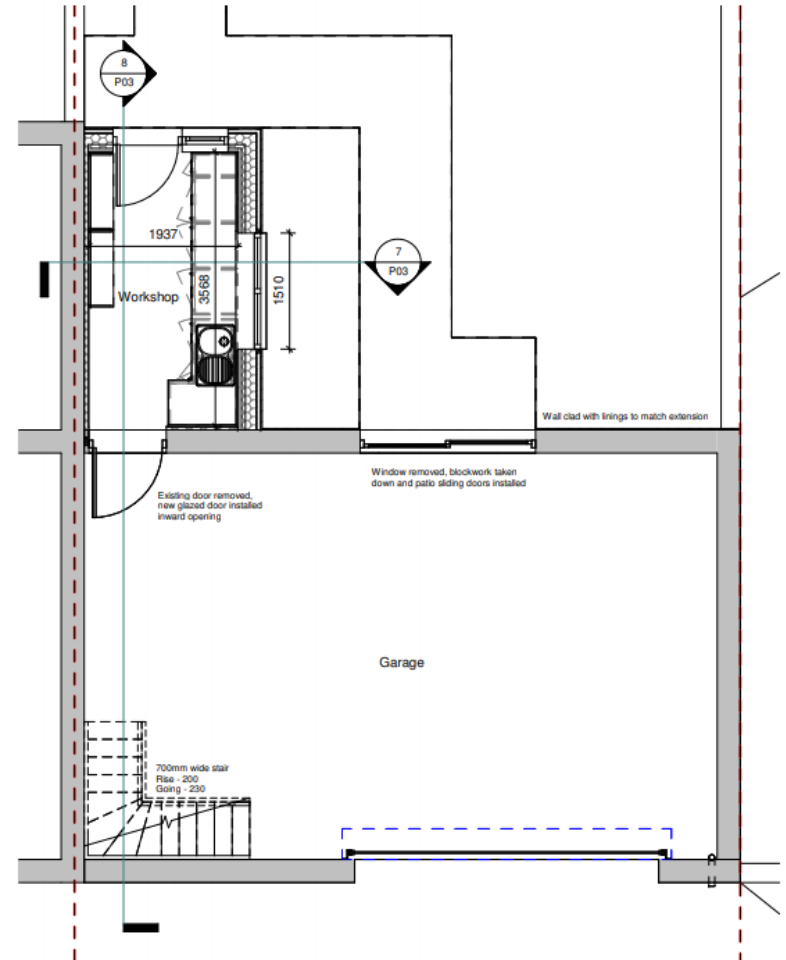
Ground Floor Plan

EXISTING



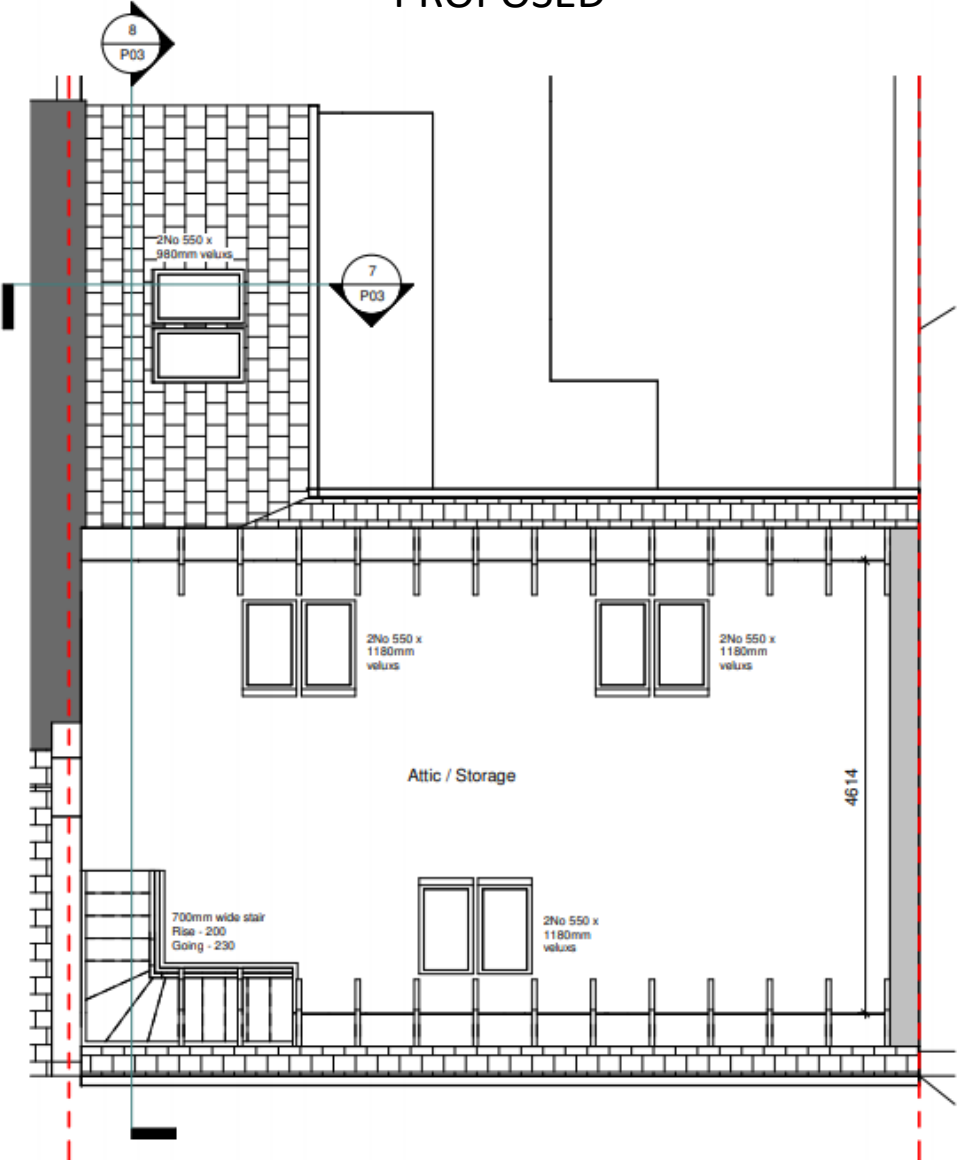
Queens Lane South

PROPOSED



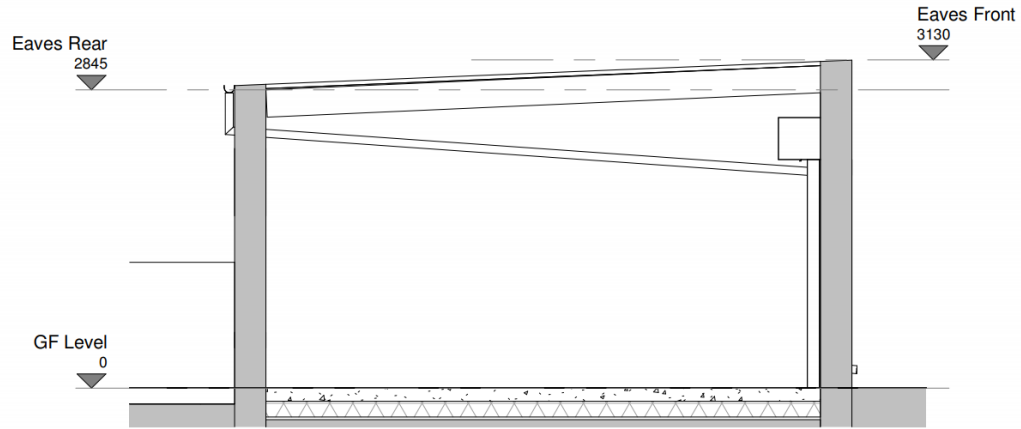
First Floor Plan

PROPOSED

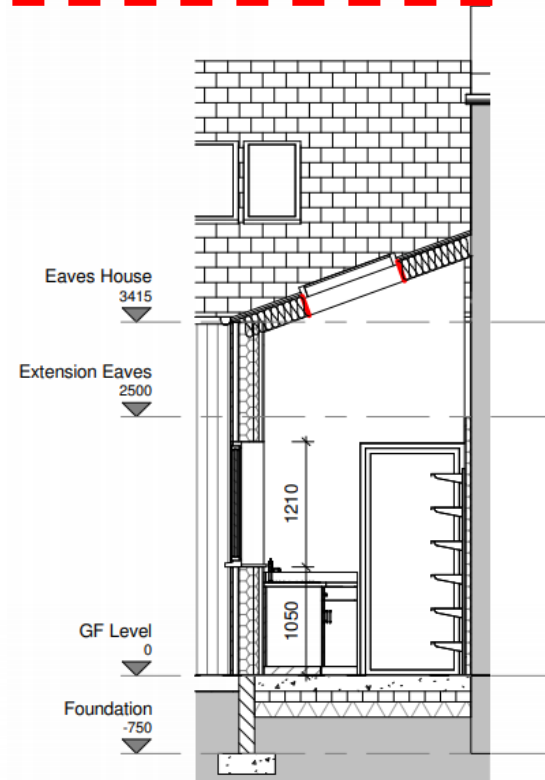
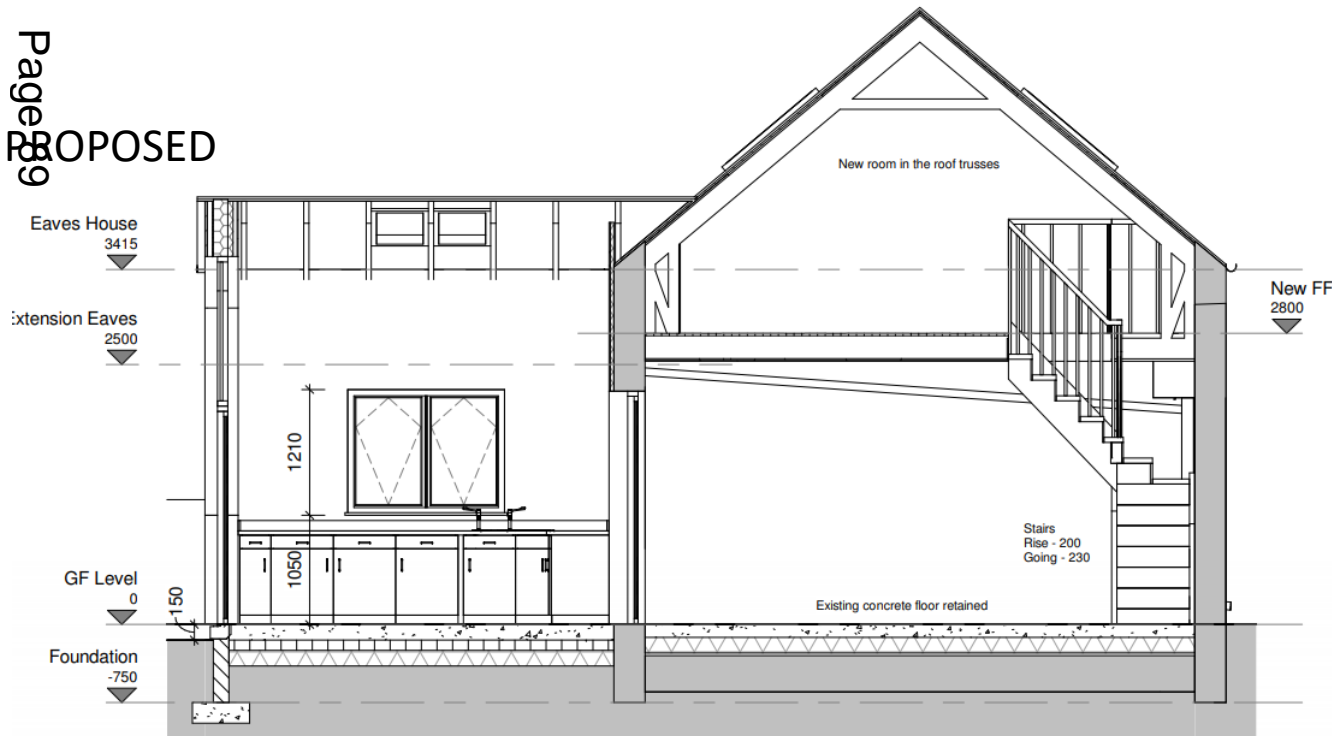


Sections

EXISTING



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PROPOSED



Reasons for Decision

Stated in full in decision notice. Key points:

- Excessive and unsympathetic scale and massing in relation to surrounding context
- Would adversely affect the pattern of back lane development on the south side of Queen's Lane South and the historic character and appearance of the surrounding Albyn Place and Rubislaw Conservation Area
- Proposed materials (Cedral composite cladding and uPVC) are not traditional or sympathetic materials and would not be appropriate in the curtilage of a historic building in a conservation area,
- Conflict with principles of SPP; Historic Environment Policy for Scotland; Policies H1 - Residential Areas, D1 - Quality Placemaking by Design and D4 - Historic Environment of the Aberdeen Local Development Plan; the Council's Householder Development Guide SG;
- Also highlights conflict with corresponding policies in Proposed ALDP
- Concludes that there are not material planning considerations which would warrant approval.

Applicant's Case

Set out in supporting statements. Key points include:

- Contends that the proposal is modest, sympathetic to context, and consistent with the character of the Conservation Area (CA)
- Notes that garages of a larger scale have been approved elsewhere within the CA
- Delineation between feus is maintained and the proposal would 'read' as a domestic garage
- Proposal complies with 'Householder Development Guide' SG in terms of outbuildings (subordinate scale, no dormer windows, internal access, appropriate scale). Highlights that garage would not be highly visible and the roof form is an improvement on the existing flat-roofed form, which does not result in conflict with the CA Character Appraisal.
- Highlights use of non-traditional materials in recent planning approvals, including Cedral (fibre cement) cladding elsewhere in the rear lane. Notes also that these materials are to garden side only.
- States that height is necessary to accommodate existing garage door and mechanism, and highlights suggested compromises which were rejected by officers, but which the applicant would accept if members were minded to approve on that basis
- Highlights that neighbours have welcomed the proposals and there was no objection to the application
- Notes that reasons for refusal refer only to the roof/height and not to the formation of the workshop extension on the garden side, which is understood to be acceptable to planning service

H1: Residential Areas

- Is this overdevelopment?
- Would it have an *'unacceptable impact on the character and amenity'* of the area?
- Would it result in the loss of open space?
- Does it comply with Supplementary Guidance?
(e.g. Householder Development Guide; and Transport and Accessibility 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

SG: Householder Development Guide

- Proposed development should be architecturally compatible with original house and surrounding area (design, scale etc)
- Should not '*dominate or overwhelm*' original house. Should remain visually subservient.
- Development 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'
- No more than 50% of the front or rear curtilage shall be covered by development.

SG: Householder Development Guide

Outbuildings

In many cases ancillary buildings may be classed as permitted development. Where planning permission is required, the following rules will apply:

- Outbuildings must always be subordinate in scale to the dwellinghouse and two storey outbuildings will generally not be permitted;
- Where a second storey is to be accommodated within a pitched roofspace, outbuildings should retain the impression of being single storey in height and dormers will not be permitted as a means of gaining additional headroom;
- Access to an upper floor should be situated internally;
- Outbuildings should not have a negative impact on the character of the surrounding area;
- Where highly visible and especially in conservation areas, detached garages should be of a scale and design that respects the prevalent context of the surrounding area;
- Proposals will be assessed on their impact on the amenity of the area (e.g. loss of daylight/privacy) in the same way as extensions;
- Outbuildings will not usually be acceptable in front gardens because of the damaging impact development forward of a front building line can have on the visual character of an area.

SG: Transport and Accessibility

- Notes that siting of garages can alter the appearance of rear lanes, and general preference is for no set-back, as garages can help maintain delineation of lanes
- Setback of 1m can be necessary for safety reasons in some instances
- It will not be acceptable for garage doors to encroach onto lane when opened
- Minimum external dimensions for new single garage are 6m x 3.0m, with internal size of at least 5.7m x 2.7m

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.



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

Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4 - Marischal College
Broad Street
Aberdeen
AB10 1AB
www.aberdeencity.gov.uk

Albyn Place & Rubislaw: Conservation Area Character Appraisal

- Site lies within sub-area C: *'North and south of Queen's Road, but east of Rubislaw Den'*;
- The southern portion of Character area C is noted as a predominantly residential area, comprising mostly semi-detached and terraced properties, set back from wide tree-lined pavements behind low granite walls.
- Notes that back lanes in the area provide rear garage access and also allow for very long views through the character area.
- Back lanes typically comprise high boundary walls built of coursed or rubble stone, topped with brick or coping stones. There are a number of garage styles and forms but most are modest in scale and built of stone, granite or brick with low-pitched or mono-pitched roofs. The garages have either slate or asbestos roof coverings, and are typically neat and small in proportion.
- The loss of the original street pattern and boundary walls of back land development due to car parking and rear extensions is identified as both an existing weakness and a future threat to the character of the CA.
- Threats also include 'unsympathetic development that does not reflect or relate to character of CA' and 'unsympathetic development of large residential garages'

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 and its content on domestic garages, also tied to policy H1?

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? (e.g. SPP, HEPS)
Are they of sufficient weight to overcome any conflict with the Development Plan?**

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> <p style="margin: 10px 0 0 0;">Report of Handling</p>
---------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------

Site Address:	2 Gladstone Place, Harlaw, Aberdeen, AB10 6XA
Application Description:	Formation of pitched roof to an existing garage to form store and single storey workshop extension to rear
Application Ref:	200557/DPP
Application Type:	Detailed Planning Permission
Application Date:	12 May 2020
Applicant:	Mr M Recht
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Queen's Cross and Harlaw
Case Officer:	Xinyi Li

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

This application relates to a 2-storey terraced granite dwelling house of traditional build and design on the northwest of Gladstone Place within the Albyn and Rubislaw Conservation Area. The rear garden is fully enclosed with approximately 1.4m high boundary walls on each side and by an existing garage on its rear boundary. To the rear (north) is Queen's Lane South: a rear lane of a character typically found in the West End of Aberdeen, which is predominantly used as a rear access to buildings on Gladstone Place to the south and Queens Road to the north. There are a number of buildings that front directly onto the lane, including 2 Queen's Lane South which adjoins the application site. The majority of the buildings are domestic garages, together with a grouping of buildings near to the junction with Forest Avenue associated with Albyn School. An existing double garage, which extends across the full width of the feu, is located to the rear of the garden. The existing garage has a total height of c. 3.1m, depth of c. 5.8m and width of c. 8.5m. It has a very shallow pitched roof, incorporates a double width roller shutter door and is finished in roughcast render

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the construction of a pitched roof to the existing garage to form an attic/storage area above and the erection of a single storey workshop extension to rear. The altered garage would have an overall height of c. 6.1m (to the ridge of the roof) and would see a rise in the wall height to the eaves of c. 3.5m; an increase of approx. 0.4m on the front elevation and approx. 0.7m on the rear elevation. The single storey extension constructed to the rear (south east), would have a wall head height matching that of the proposed altered garage of c.3.5m and an overall height of c.4.4m to the top of the mono-pitched roof. The extension would project c.3.9m by a width of c.2.3m resulting in an overall footprint of c.9sqm. It would include a door and window in the rear and windows in the side (south west) elevations. Both the rear of the existing garage and the extension would be finished in cedar composite cladding, the garage gable would be rendered to match existing. The roof would be finished in slates. Finally, velux windows would be introduced in the front and rear roof slopes of the garage, and in the side facing elevation of the extension.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QA7VZGBZHTL00>

CONSULTATIONS

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

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

National Planning Policy and Guidance

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

Aberdeen Local Development Plan (2017) (ALDP)

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

Proposed Aberdeen Local Development Plan (2020)

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

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

The foregoing can only be assessed on a case by case basis. The following policies of the Proposed ALDP are relevant to this application:

- D1: Quality Placemaking
- D6: Historic Environment
- H1: Residential Areas

Supplementary Guidance (SG)

Householder Development Guide

Other Material Considerations

Albyn Place/Rubislaw Conservation Area Character Appraisal and Management Plan

EVALUATION

Proposed Aberdeen Local Development Plan

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

Principle of Development

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

Design and Scale

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of policy D1 (Quality Placemaking by Design). 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.

In addition, the context of the application is set by its position within the Albyn Place/Rubislaw Conservation Area, and as such policy D4 (Historic Environment) applies. Policy D4 sets out that the Council will protect, preserve and enhance the historic environment in line with Scottish

Planning Policy (SPP) and SHEP (now Historic Environment Policy for Scotland - HEPS). SPP sets out in paragraph 137 that the planning system should promote the care and protection of the historic environment; and should enable positive change in the historic environment. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset and ensure that its special characteristics are protected, conserved or enhanced. Furthermore, in paragraph 143 it sets out that proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. HEPS further emphasises that changes to specific assets and their context should be managed in a way that protects the historic environment, and that opportunities for enhancement should be identified where appropriate.

The existing garage is located within the Albyn Place/Rubislaw Conservation Area and faces north onto Queen's Lane South. The Albyn Place/Rubislaw Conservation Area Character Appraisal and Management Plan (CACAMP) sets out that the conservation area is distinctive due to the presence of Victorian built linear and grid streets, with back lanes accessing the majority of properties. It further continues by setting out that one of the weaknesses and threats within the Conservation Area is the potential loss of the original pattern and boundary walls of back land development due to car parking and rear extensions, including the unsympathetic development of large residential garages. It is important to note that the CACAMP identifies Queen's Lane South as the dividing line between two distinctive and separate character area – Character Area B to the north (Queen's Road and the south side of Albyn Place) and Character Area C to the south (south of Queen's Road). Character Area B is characterised by large, detached and substantially built 2 and 3 storey granite villas set within substantial feus, frequently in non-residential use and sometimes with coach houses on the back lanes. In contrast, Character Area C comprises near uniform asymmetrical terraces and semi-detached residential villas, many with modestly sized garages on the back lanes.

Queen's Lane South is a typical back lane, providing vehicular access to properties along the north of Gladstone Place and south of Queens Road. The lane is currently characterised by a combination of relatively low key residential garages and boundary walls to the south serving properties on Gladstone Place, with a combination of boundary walls, car parks serving non-residential buildings and some larger buildings along the northern side of the lane serving properties fronting onto Queens Road, which is reflective of the lane being a dividing line between the two Character Areas identified above. Adjoining the garage is 2 Queen's Lane South – a 1½ storey relatively modern dwelling. This building can be considered a historical anomaly as historic maps demonstrate that there always has been a building in that position going back as far as 1900. Other buildings on the south side of the lane are domestic garages of typical size and designs. Whilst, there is a grouping two storey granite buildings located along the north side of Queen's Lane South, close to the junction with Forest Avenue, these are reflective and a consequence of the different character and scale of properties to the north and generally former coach houses originally serving properties on Queen's Road, which are generally older than those on Gladstone Place. These coach houses have been converted or replaced with buildings serving other uses – often non-residential, including small offices, residential dwellings and additional buildings serving Albyn School.

In this case, the proposal would result in an increase of the wall head height and ridge height of the existing building to link into and match those of the adjoining dwelling at 2 Queen's Lane South. This would result in the creation of a lengthened continuous frontage along this lane filling the plot width of both the application property and 2 Queen's Lane South – a frontage of c.20m. This continuous frontage would result in the clear definition between individual feus being lost. Such clear definition between properties is a strong characteristic of the conservation area such that the resultant building form would be uncharacteristic and would have a significant detrimental impact on the character and appearance of this part of the conservation area. In addition, its

increased height, including the overall wall head height and roof orientation would be considered excessive and would not be considered complementary to the character of the back lane. Further, it would not be in keeping with the existing use (garage) of the building or the proposed use (garage/workshop) of the building. It would also not be in keeping with the character of the majority of the other traditionally scaled garages on this side of the lane. The applicant is using the larger building to the east (adjacent) as a reference for height and scale. However, that building is a house, not a garage. The large majority of other buildings facing onto the lane are traditionally scaled garages and should be used for context in terms of scale on the lane. Whilst, reinstating a pitched roof would be acceptable, this could be done without increasing the wall head height.

Due to the excessive and inappropriate scale of the resultant building, the proposal would not preserve or enhance the character of the conservation area, as sought by Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. It would also be contrary to policy D4 (Historic Environment), and relevant national policies, including SPP and HEPS.

Guidance contained within the Householder Development Guide in relation to outbuilding includes the following:

- Outbuildings must always be subordinate in scale to the dwellinghouse and **two storey outbuildings will generally not be permitted**.
- Where a second storey is to be accommodated within a pitched roofspace, outbuildings should **retain the impression of being single storey in height** and dormers will not be permitted as a means of gaining additional headroom.
- Outbuildings should not have a negative impact on the **character of the surrounding area**.
- Where highly visible and especially in conservation areas, detached garages should be of a scale and design that **respects the prevalent context of the surrounding area**.

In this instance, due to the increase in both the wall head height and the addition of the pitched roof, the altered garage would have the same height as the adjacent 1½ storey dwellinghouse. It would therefore not retain, or result in, the impression of being single storey in height and the proposed garage would appear to be a continuation of the house and not garage in terms of its scale, height and massing when viewed from the lane. It would also not be in keeping with the character of the majority of the other traditionally scaled garages on this side of the rear lane, and as such is considered not to respect the prevalent context of the surrounding area. Considering the proposed garage is highly visible from the back lane in this conservation area and its unsympathetic scale compared to other more traditionally scaled garages within the surrounding area, the proposed development would not comply with relevant Supplementary Guidance, in this case the Householder Development Guide. As such, the proposal would be considered contrary to Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the 2017 ALDP and the Householder Development Guide.

In terms of the proposed materials, the Cedral cladding (cement fibre boarding) to the rear and uPVC windows are more often used in modern buildings which are not considered to fit the general conservation principle of using traditional or high-quality sympathetic modern materials in conservation areas, and thus would not be acceptable in this instance.

Amenity

The proposed garage, given the current site context and existing boundary treatments, would have a negligible impact to the residential amenity of the surrounding neighbouring properties in terms

of privacy, daylight and sunlight, in accordance with the aims of Policies H1, D1 and D4 of the ALDP, and the Householder Development Guide.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

Given the excessive and unsympathetic scale and massing of the resultant building in relation to its surrounding context, it would adversely affect the pattern of back lane development on the south side of Queen's Lane South and the historic character and appearance of the surrounding Albyn Place and Rubislaw Conservation Area, in particular Character Area C as defined and delineated in the Albyn Place and Rubislaw Conservation Area Character Appraisal and Management Plan. The proposed materials (Cedral composite cladding and uPVC) are not traditional or sympathetic materials and would not be appropriate in this context of the garden of a historic building in a conservation area, as they would have a detrimental impact on the character of the conservation area and therefore are not acceptable. The proposal would therefore conflict with the principles of Scottish Planning Policy; the Historic Environment Policy for Scotland; Policies H1 - Residential Areas, D1 - Quality Placemaking by Design and D4 - Historic Environment of the Aberdeen Local Development Plan; the Council's supplementary guidance, in this case the Householder Development Guide; and Policies D1 – Quality Placemaking, D2 – Amenity, D6 – Historic Environment and H1 – Residential Areas of the Proposed Local Development Plan. There are no other material planning considerations which 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 100255791-001

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)

Garage roof conversion to pitched & workshop extension

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:	James Huntley Architectural Services		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	James	Building Name:	
Last Name: *	Huntley	Building Number:	4
Telephone Number: *	07736773642	Address 1 (Street): *	Old Hall Buildings
Extension Number:		Address 2:	Charlestown Road
Mobile Number:		Town/City: *	Aboyne
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB34 5EJ
Email Address: *	info@jharchitectural.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	M	Building Number:	2
Last Name: *	Recht	Address 1 (Street): *	Gladstone Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	uk
Mobile Number:		Postcode: *	AB10 6XA
Fax Number:			
Email Address: *	info@jharchitectural.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

2 GLADSTONE PLACE

Address 2:

HARLAW

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 6XA

Please identify/describe the location of the site or sites

Northing

805636

Easting

392414

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: James Huntley

On behalf of: Mr M Recht

Date: 12/05/2020

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 James Huntley

Declaration Date: 12/05/2020

Payment Details

Online payment: ABSP00005178
Payment date: 12/05/2020 12:26:00

Created: 12/05/2020 12:26

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

James Huntley
James Huntley Architectural Services
4 Old Hall Buildings
Charlestown Road
Aboyne
AB34 5EJ

on behalf of **Mr M Recht**

With reference to your application validly received on 12 May 2020 for the following development:-

Formation of pitched roof to an existing garage to form store and single storey workshop extension to rear at 2 Gladstone Place, Harlaw

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

<u>Drawing Number</u>	<u>Drawing Type</u>
124 / P01	Location Plan
124 / P03	Site Layout (Proposed)
124 / P04	Elevations and Floor Plans

REASON FOR DECISION

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

Given the excessive and unsympathetic scale and massing of the resultant building in relation to its surrounding context, it would adversely affect the pattern of back lane

development on the south side of Queen's Lane South and the historic character and appearance of the surrounding Albyn Place and Rubislaw Conservation Area, in particular Character Area C as defined and delineated in the Albyn Place and Rubislaw Conservation Area Character Appraisal and Management Plan. The proposed materials (Cedral composite cladding and uPVC) are not traditional or sympathetic materials and would not be appropriate in this context of the garden of a historic building in a conservation area, as they would have a detrimental impact on the character of the conservation area and therefore are not acceptable. The proposal would therefore conflict with the principles of Scottish Planning Policy; the Historic Environment Policy for Scotland; Policies H1 - Residential Areas, D1 - Quality Placemaking by Design and D4 - Historic Environment of the Aberdeen Local Development Plan; the Council's supplementary guidance, in this case the Householder Development Guide; and Policies D1 - Quality Placemaking, D2 - Amenity, D6 - Historic Environment and H1 - Residential Areas of the Proposed Local Development Plan. There are no other material planning considerations which would warrant approval of planning permission in this instance.

Date of Signing 2 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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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>

Other Material Considerations

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

Proposed Aberdeen Local Development Plan (2020)

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

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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 100255791-003

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:	James Huntley Architectural Services		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	James	Building Name:	
Last Name: *	Huntley	Building Number:	4
Telephone Number: *	07736773642	Address 1 (Street): *	Old Hall Buildings
Extension Number:		Address 2:	Charlestown Road
Mobile Number:		Town/City: *	Aboyne
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB34 5EJ
Email Address: *	info@jharchitectural.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="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="M"/>	Building Number:	<input type="text" value="2"/>
Last Name: *	<input type="text" value="Recht"/>	Address 1 (Street): *	<input type="text" value="Gladstone Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="uk"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB10 6XA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="info@jharchitectural.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="2 GLADSTONE PLACE"/>
Address 2:	<input type="text" value="HARLAW"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB10 6XA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805636"/>	Easting	<input type="text" value="392414"/>
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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)

Garage roof conversion to pitched & workshop extension

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Disagree on all grounds as to why the alterations were refused, along with all the alternative options proposed, see appeal statement which argues our case

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)

Appeal Statement, Applicant introductory Statement, Applicant Appeal Slides, Original Application Documents, Decision Notice and Delegated Report

Application Details

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

200557/DPP

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

12/05/2020

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

02/10/2020

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 James Huntley

Declaration Date: 23/12/2020

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Appeal Statement

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

Refused Planning Permission at:

2 Gladstone Place, Aberdeen, AB10 6XA

Council: Aberdeen City Council
Application Ref: 200557/DPP

Date: 04/10/20



Introduction

The appeal is made under Town and Country Planning (Scotland) Act 1997 against a refusal to grant planning permission.

The appeal is made by James Huntley Architectural Services (the agent), on behalf of Mr & Mrs. M Recht (the applicant), against the decision of Aberdeen City Council

Application reference 200557/DPP, dated 12 May 2020, was refused by notice received 2 October 2020. The application sought permission to form a pitched roof to the existing garage to form a store/workshop, along with a single storey extension to rear, comprising of a workshop .

Copies of the application made to the council, the decision notice and delegated report are enclosed separately with this submission.

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Main Issues

First Issue:

"Given the excessive and unsympathetic scale and massing of the resultant building in relation to its surrounding context, it would adversely affect the pattern of back lane development on the south side of Queen's Lane South and the historic character and appearance of the surrounding Albyn Place and Rubislaw Conservation Area, in particular Character Area C as defined and delineated in the Albyn Place and Rubislaw Conservation Area Character Appraisal and Management Plan."

The roof alterations are both 'modest' and 'sympathetic', since it would follow and fit with the architectural lines of the existing adjacent property, sitting in line with the eaves and ridge. See the elevation drawings and 3D render for more detail. In terms of the concern expressed in the Report of Handling of "clear definition between individual feus being lost", we contend that the coping stones delineating the properties would clearly prevent this. Also the concern that the "proposed garage would appear to be a continuation of the house and not a garage in terms of its scale, height and massing when viewed from the lane" is hard to understand given the presence of a double garage door and no windows, along with the garage harling being a darker shade than the adjacent house.

Within approved planning applications 141455 & 200890 it can be shown that the council accepts similar scale and massing, which can be seen in the elevations, where it shows the adjacent properties being of a far smaller scale and mass compared to the proposed building.

Application 141455 was determined stating: *"The proposed garage is considered to be of an acceptable scale, design and would have minimal impact on residential character and amenity or on the visual character of the area. It is considered that the proposals would preserve the character of the Conservation Area."*

and Application 200890 was determined stating: *"The proposed replacement garage is appropriate in relation to the character and appearance of the Albyn Place and Rubislaw Conservation Area. The proposal therefore shows due regard for its context relative to the character of the associated dwellinghouse"*.

Puzzling then, that this application is deemed *"excessive and unsympathetic scale and massing of the resultant building in relation to its surrounding context"*. Unlike this application the proposals above are deemed acceptable, apparently not being *"excessive"* or having a *"unsympathetic scale"*, nor having an *"adverse affect to the pattern of back lane development on the south side of Queen's Lane South and the historic character and appearance of the surrounding Albyn Place and Rubislaw Conservation Area"*, despite all the applications being within Albyn Place and Rubislaw Conservation Area.

When reviewing the pattern of the back lane, it is clear that some designs have followed the same rule this application has, whereby the scale and mass of the adjacent properties have determined the size/scale/mass of the proposed. This can be seen in planning applications 130899, where the



eaves and ridge align. It is even clearer from applications 140650 & 140651 which are very similar to this one regarding style, firstly the eaves and ridge tie in at the same height, secondly there being tabling between the two roofs, to distinguish the two properties.

Second Issue:

"The proposed materials (Cedral composite cladding and uPVC) are not traditional or sympathetic materials and would not be appropriate in this context of the garden of a historic building in a conservation area, as they would have a detrimental impact on the character of the conservation area and therefore are not acceptable."

A cursory search of the Aberdeen planning register reveals the occasional use of Cedral cladding (planning ref 191623) and numerous occasions that uPVC windows (planning ref 150045, 150331, 151229, 151230, 171094, 180488, 181972 amongst many others) have been approved within the conservation area in question. Curious then, that these materials are deemed "*not to be appropriate in this context of the garden of a historic building in a conservation area*". Contrary to this applicants proposed works, these materials are deemed acceptable, apparently not being "*not traditional*" or "*sympathetic materials*" and not having a "*detrimental impact on the character of the conservation area*", despite again **all** the applications being within the Albyn Place and Rubislaw Conservation Area.

This application is no different than the others as the uPVC and Cedral are within the garden space, thus would have no impact on the visual character of the Queens Lane South street-scape, as the materials in question are rarely visible from a public vantage point. During the application process the planners suggested the use of powder coated aluminium instead of uPVC, but it is very hard to understand why this is considered a more traditional material and therefore acceptable.

Note that the existing property was granted planning permission ref:072072 on 18/10/07 for uPVC windows to the rear (and wooden sash and case to the front), the adjoining property at 2 Queens Lane South has uPVC windows as does an extension at 4 Gladstone Place approved 23/5/14 ref:140779.

During the application process, the applicant proposed to switch to harling to match the existing and the planners confirmed this would be acceptable, if the LRB is minded to grant the application we would have no issue with the use of harling being specified as a condition if they felt this a better alternative.



Third Issue:

"Character Area C as defined and delineated in the Albyn Place and Rubislaw Conservation Area Character Appraisal and Management Plan."

The council invoked Supplementary Guidance: Character Area C as a reason to justify the proposals refusal, but didn't point to any specific passages, clauses or provisions in the document that the proposed works could be said to contravene, perhaps because the document states under Item 3.3.7 - *"There are no negative features for the public realm relating to character areas C, D and E"*. If that was correct why are uPVC, Cedral and the scale and mass of this proposal refused, when its clear passed applications have been approved with these finishes and scale.

This document, also refers to Area C as *"having a distinctive rhythm due to the symmetrical nature of the buildings, the linear street pattern"*, which this applicants proposal would ensure. It also notes *"There are a number of garage styles and forms but most are modest in scale"*, however, as detailed above it is clearly shown that any new approved garages are not modest in scale when compared to existing garages.

Fourth Issue:

"The proposal would therefore conflict with the principles of the Council's supplementary guidance, in this case the Householder Development Guide"

During the planning process the planners referenced the Householder Development Guide and specifically section 3.1.6 Outbuildings. The below are the main rules of this section:

- *Outbuildings must always be subordinate in scale to the dwellinghouse and two storey outbuildings will generally not be permitted.*

The main dwellinghouse is 2 1/2 storeys and the proposed garage would be 1 1/2 storeys so subordinate in scale and not a 2 storey outbuilding so satisfying this rule.

- *Where a second storey is to be accommodated within a pitched roof space, outbuildings should retain the impression of being single storey in height and dormers will not be permitted as a means of gaining additional headroom.*

No dormers are proposed and we believe the addition of a pitched roof set at the same eaves level as the house will give the impression of being single storey so satisfying this rule.



- *Outbuildings should not have a negative impact on the character of the surrounding area.*

We believe our previous arguments in the appeal document to have shown the proposal will actually have a positive impact on the character of the surrounding area, so satisfying this rule.

- *Where highly visible and especially in conservation areas, detached garages should be of a scale and design that respects the prevalent context of the surrounding area.*

Firstly the garage is not detached, however taking onboard this rule the photos in Appendix 1 show that the garage is not highly visible, particularly given that the property to the north is a playground and not a dwellinghouse. The surface area of the garage is not being altered. It is proposed to replace the atypical, almost flat roof with a pitched roof style more prevalent in the area, resulting in a scale and design consistent with other buildings, so satisfying this rule.

As all rules have been satisfied we believe the design is complying with the Householder Development Guide.

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Summary

To summarise our arguments:

The above is by no means the only example of the council's apparent inconsistency, of application, of its own standards of works within a conservation area.

Taken together the above clearly shows that the council does not apply its planning standards fairly and evenly, and has taken an indefensible subjective position, given the precedents established elsewhere in Aberdeen's Conservation Areas, against the applicants modestly sized and sensible proposal.

The council's refusal appears based on personal bias and subjective judgement of 'scale and mass', one which does not reflect their own approvals on passed applications. Furthermore, this decision does not appear to be consistent with the approval of other garages, window replacements or cladding finish in the vicinity, while arguments about the proposal's unsympathetic and excessive scale and mass are rendered incoherent by the approval of other garages that have a larger scale elsewhere in the Albyn and Rubislaw Conservation area.

The agent and applicant could find no ways in which the proposed was contrary to The Council's Supplementary Guidance on 'Character Area C as defined and delineated in the Albyn Place and Rubislaw Conservation Area Character Appraisal and Management Plan, nor the Householder Development Guide section 3.1.6 Outbuildings. This perhaps explains why the council was reduced to vaguely motioning in the direction of these documents and policies, rather than identifying any clauses or provisions which the proposed alterations contravened.



Conclusion

The proposed roof alterations & extension do not contravene any provisions in any document, as demonstrated above, the agent and applicant believe that the council's decision should be overturned, and the proposed roof replacement and extension should be allowed to go ahead, including materials proposed, however, as noted above the agent and client are accepting of changing the Cedral cladding to harling to match existing or one of the alternative roof arrangements noted in the Applicants Introductory Statement if the LRB felt it was a better solution.

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Appendix 1



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Applicant Introductory Statement - Application Ref: 200557/DPP

There are 3 main objectives of the application (i) Render the existing garage useable in cold/humid weather as the current metal roof suffers from significant condensation (despite being insulated), by creating a traditional pitched slate roof (ii) Create an area in the roof-space for storage and model-making/ hobby electronics (iii) Build a workshop extension for stained glass work & painting.

The applicant and agent had numerous exchanges with the planning department in order to try and address their concerns, but a solution that would satisfy the project objectives and planners' requirements could not be found.



Fig 1: Proposed design, clearly showing demarcation of properties and that the garage is not an extension of the adjoining house



Fig 1b: Proposed design front elevation to show "undistorted" scale

In layman's terms, my understanding at a high level of the main concern of the planners was to clearly distinguish between the existing garage and adjoining house at 2 Queen's Lane South (No2) by reducing the proposed ridge height by 0.5m. With our proposed design there would be an area approximately 2.3m wide running the length of the garage that you could walk upright in. Lowering the ridge height by 0.5m would mean you could not walk upright in it at all.

Whilst I personally believe that matching the existing roof line of the adjoining house would be the most attractive design and completely in-keeping with other buildings in the area, this was not accepted. The coping stones would have clearly shown the demarcation between properties. Note that there are several existing garage type buildings in Queen's Lane South that are a similar height to that proposed (see Appendix 1), and also a very recent non-conventional building over 6m high at No 19, constructed by Albyn school.

We explained that the proposal by the planning department to reduce the wall head height and keep the same pitch angle with the ridge reduced by 0.5m could not be done because of the garage door and associated mechanism, but this did not seem to be understood.

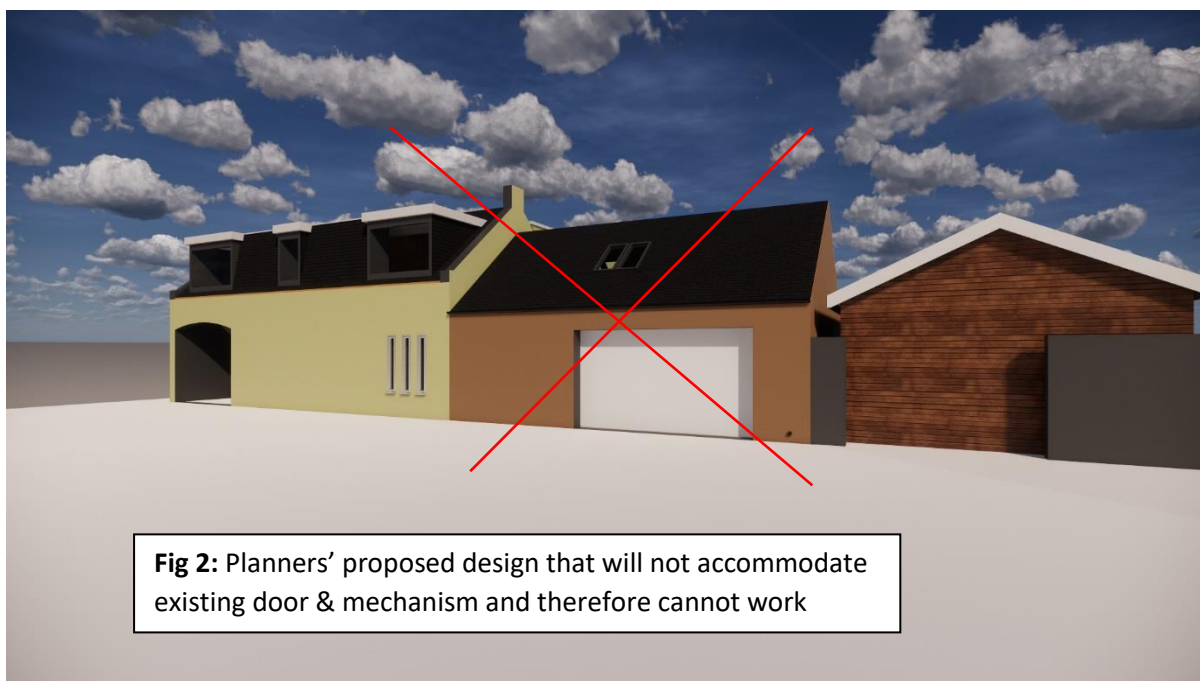


Fig 2: Planners' proposed design that will not accommodate existing door & mechanism and therefore cannot work

We therefore proposed a compromise to keep the existing wall head height and match the existing pitch of No2 which would clearly stagger the roof lines and still provide some (reduced) workspace in the roofspace but again this was rejected.



Fig 3: Compromise proposed, keeping the existing wall head height and matching the existing pitch of No2 Queen's Lane South

We then proposed to introduce a flat section satisfying the reduction of 0.5m in the roof height and mirroring the recent Albyn School design at 19 Queen's Lane South, but again this was rejected.



Fig 4: Compromise proposed, introducing a flat section to the roof, satisfying the reduction of 0.5m in the roof height and mirroring the recent Albyn School design at 19 Queen’s Lane South

If the LRB was minded to grant the appeal, we would have no issue with either of our proposed compromises being specified as a condition.

In the case where due to the pandemic, the LRB felt a site visit inadvisable, close up photos of the existing garage showing the proposed roof area from the street are shown in Appendix 3. I believe this allows the observer to clearly see that this would not produce a result of excessive and unsympathetic scale and massing.

We believe the LRB are best qualified to judge the most appropriate procedure by which to conduct the review but would be happy to provide any additional information, participate in any hearing or attend a site visit if required.

It seems unduly penalising not to permit an adaptation of the garage roof to enhance its amenity for the desired use when this does not seem inconsistent with other buildings in the street which do not appear to have created a harmful visual impact. I would have thought that having a slate roof matching the existing adjoining house would look in character and certainly more appealing than the huge variety of other garages in the lane which in some cases are very ramshackle (see Appendix 2). I was hoping that this would be an opportunity to upgrade the visual appeal of at least one building in Queen's Lane South which was something welcomed by the neighbours with whom I discussed this. Note that there were no neighbour objections whatsoever to the application.

We note that the reasons for refusal refer only to the proposed roof and not to the formation of the workshop extension proposed to the rear of the garage. As such, this proposed workshop extension is understood to be acceptable.

Mark Recht
22/12/20

Appendix 1 – Examples of other Tall Garages/ Buildings in Queens Lane South



Appendix 2 – Examples of “ramshackle” garages in Queens Lane South demonstrating the potential for the proposal to enhance the character of the area



Appendix 3 – Close-up photos showing proposed roof area of existing garage

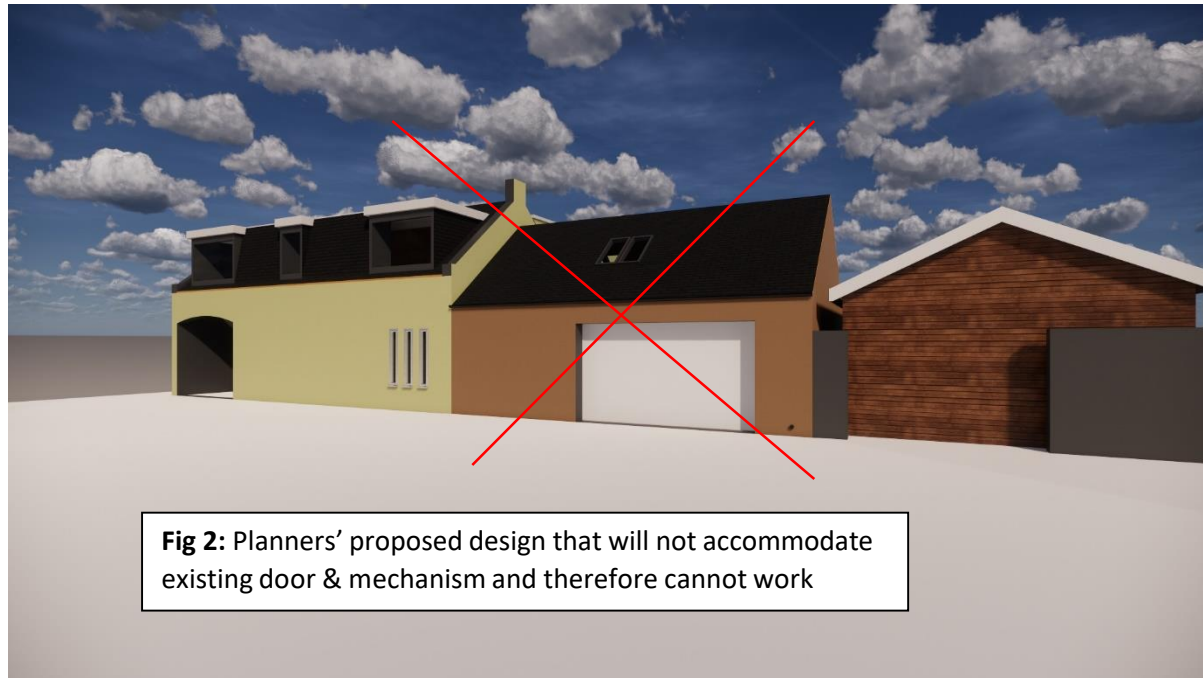


Applicant Main Points Supporting Appeal

Application Ref: 200557/DPP 2 Gladstone Place, Aberdeen, AB10 6XA

- Considerable effort & alternative solutions proposed by applicant to satisfy planners' demands regarding roof height – see following slides. No compromise accepted, leading to roofspace being unuseable as a work area. Original & proposed amendments would all
 - Be Modest and sympathetic
 - Claimed unsympathetic and excessive scale and mass are rendered incoherent by the approval of other garages that have a larger scale elsewhere in the Albyn and Rubislaw Conservation area
 - No change to surface area of garage
 - Would follow and fit with the architectural lines of the existing adjacent property
 - Maintain the delineation between individual feus
 - Coping stones, Darker harling, Clearly a garage (double door, no windows on lane side)
 - Be Compliant with the Householder Development Guide – Outbuildings requirements
 - Subordinate to dwellinghouse, No dormers, 1.5 storeys, Positive impact vs existing roof or other “ramshackle” garages in lane, Not highly visible
 - Be consistent with the Albyn Place and Rubislaw Conservation Area Character Appraisal and Management Plan - Character Area C
 - No negative features for the public realm relating to character areas C, D and E
 - Supporting a distinctive rhythm due to the symmetrical nature of the buildings, the linear street pattern
- Inconsistent application of standards within a conservation area on a subjective basis
 - How can powder coated aluminium be considered more traditional than uPVC ?
 - Main dwellinghouse & adjoining properties use uPVC some with recent planning approvals
 - Cedral cladding used elsewhere in the lane, but in any case proposed alternative of harling to match existing accepted

Sketches showing Initial Design & Planners' Suggestion which cannot accommodate door mechanism



Sketches showing Compromises Proposed to Satisfy Planners' Requirements



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LOCAL REVIEW BODY

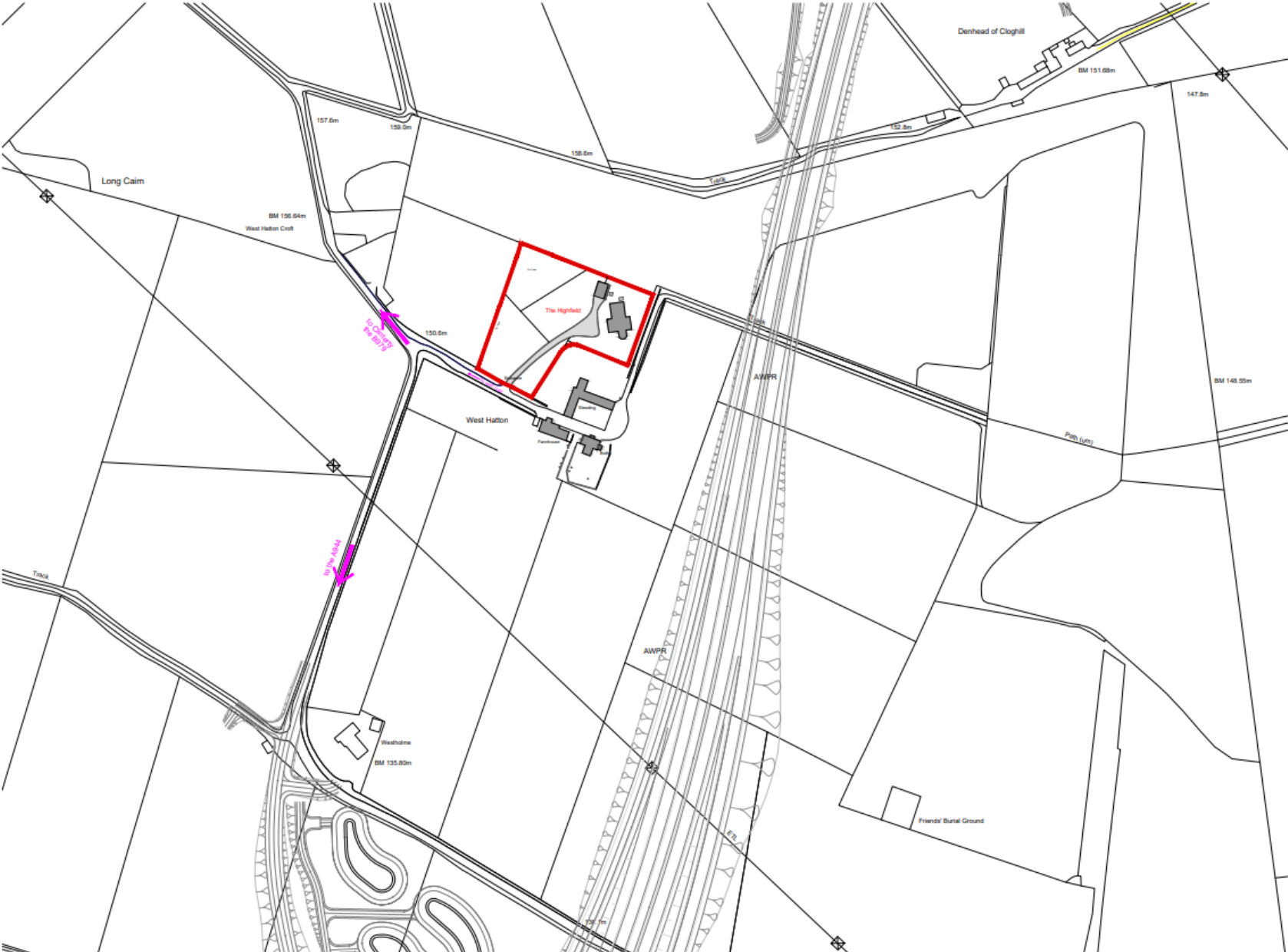


200265/DPP – Appeal against refusal of planning permission for:

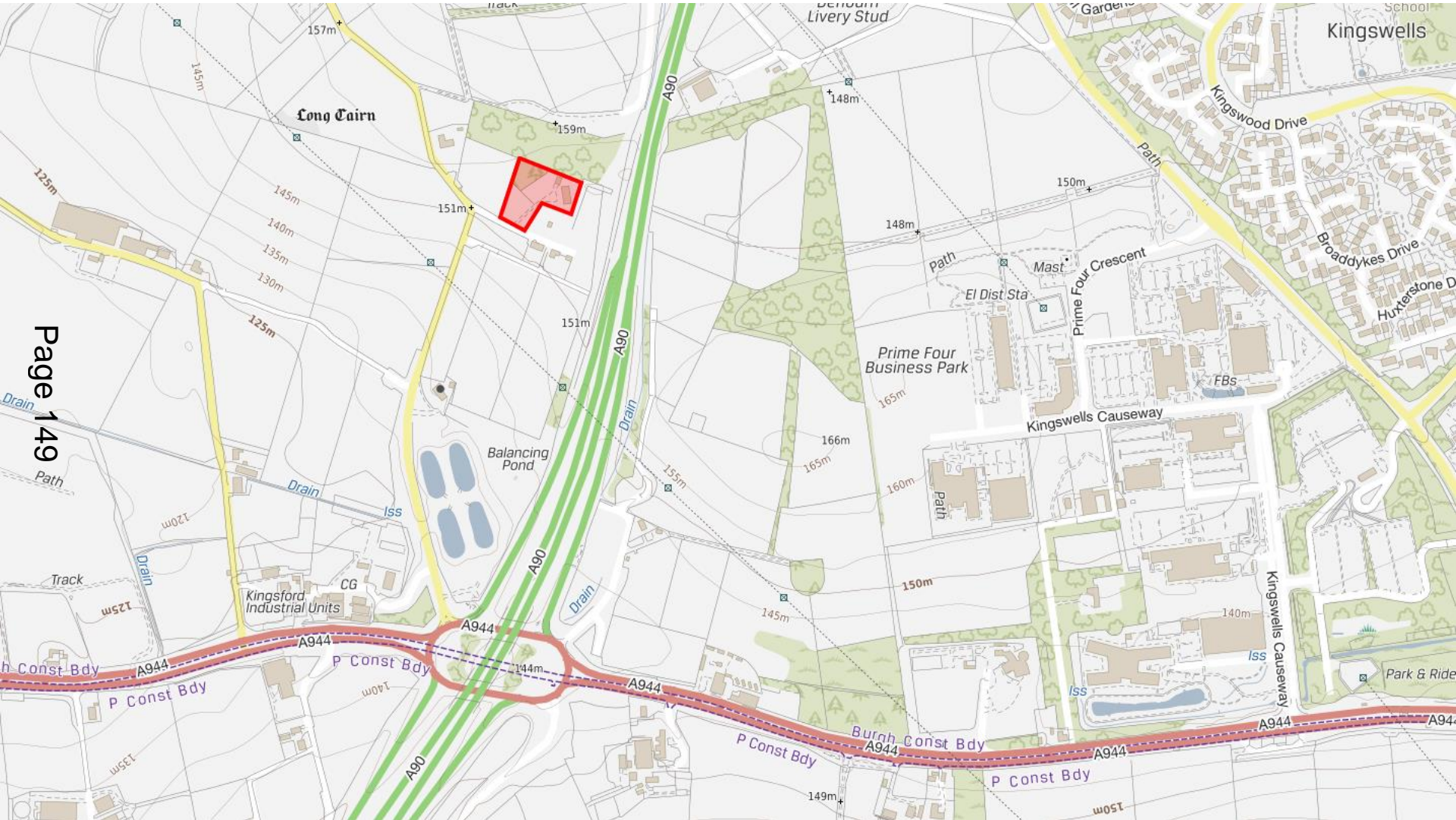
‘Erection of single storey extension to side and formation of carport and garden room/gym’

The Highfield, Borrowstone Road

Location Plan



Location Plan: GIS



Aerial Photo: Location



Photo: Existing Garage (front)



Photo: Existing Garage (side)



Photo: Location of works



Site Plan

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Ex Site Plan
Scale 1:200 at A1

EXISTING



PRO Site Plan
Scale 1:200 at A1

PROPOSED

Elevations: House (front)



FRONT (WEST) ELEVATION





Scale 1:100 at A1

EXISTING

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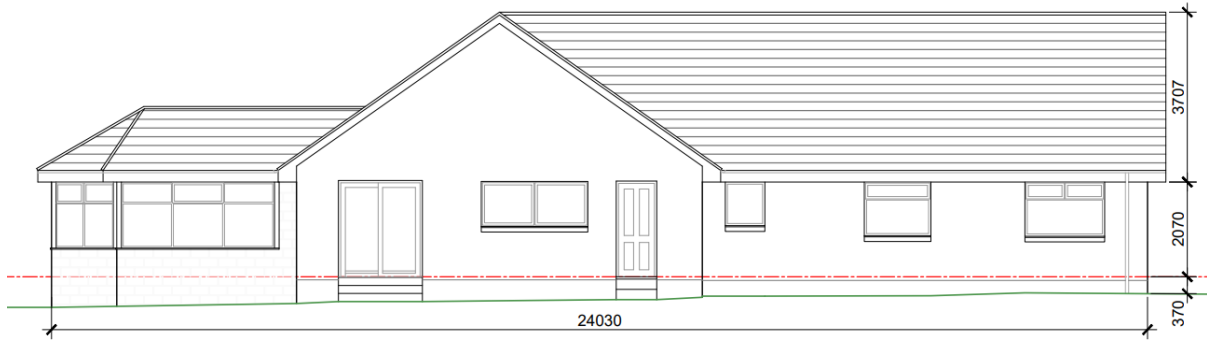


Material Key

-  Bullnosed Fyfestone to match existing
-  Roughcast Dry Dash to match existing
-  Concrete Roof-Tiles to match existing
-  Redwood Facias to match existing, timber doors & windows to match

PROPOSED

Elevations: House (rear)

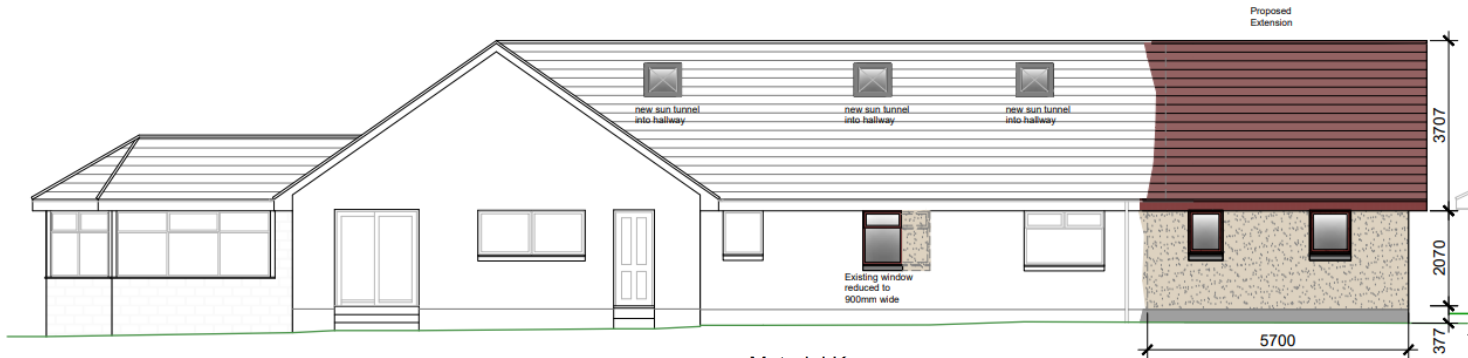


REAR (EAST) ELEVATION





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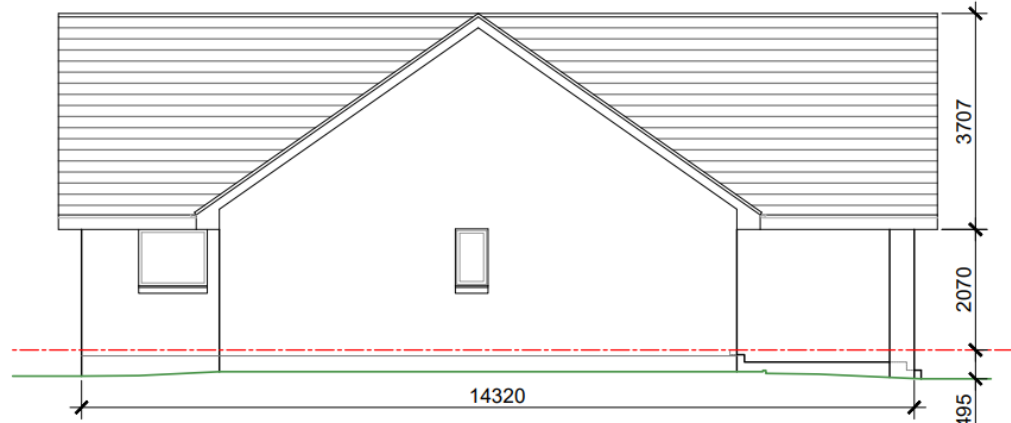


Material Key

-  Bullnosed Fyfestone to match existing
-  Roughcast Dry Dash to match existing
-  Concrete Roof-Tiles to match existing
-  Redwood Facias to match existing, timber doors & windows to match

PROPOSED

Elevations: House (side)







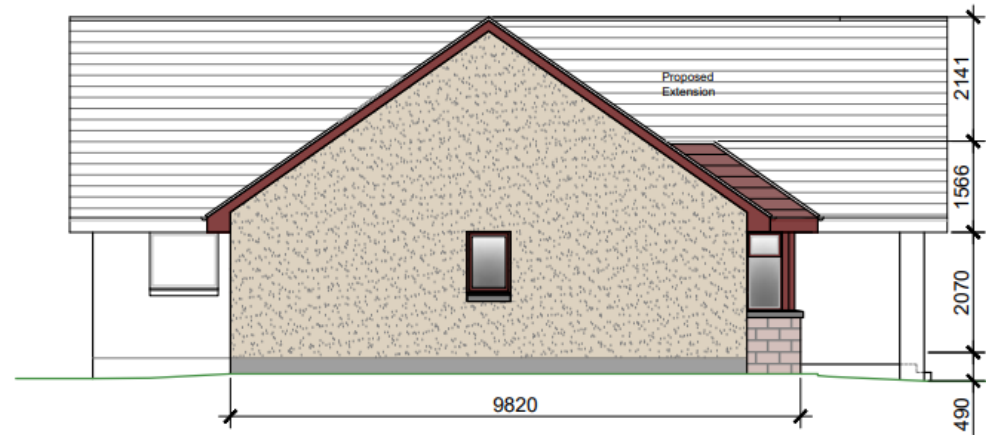
SIDE (NORTH) ELEVATION

Scale 1:100 at A1

EXISTING

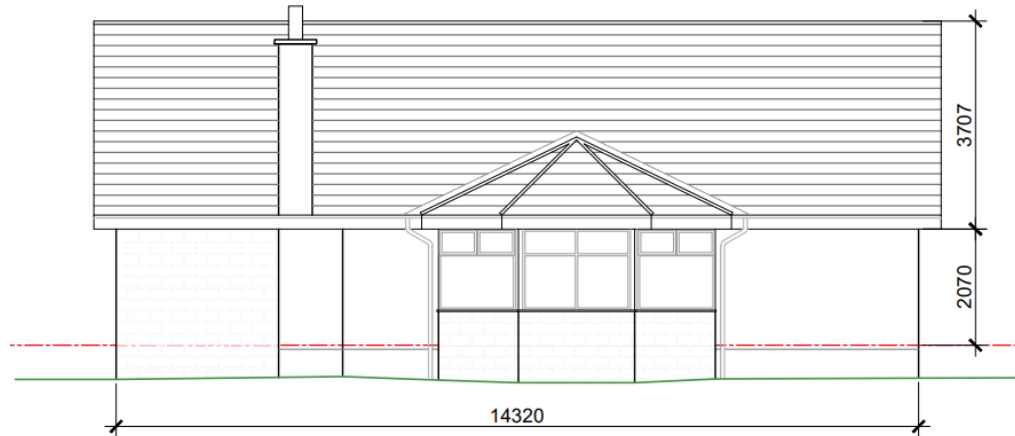
Material Key

-  Bullnosed Fyfestone to match existing
-  Roughcast Dry Dash to match existing
-  Concrete Roof-Tiles to match existing
-  Redwood Facias to match existing, timber doors & windows to match



PROPOSED

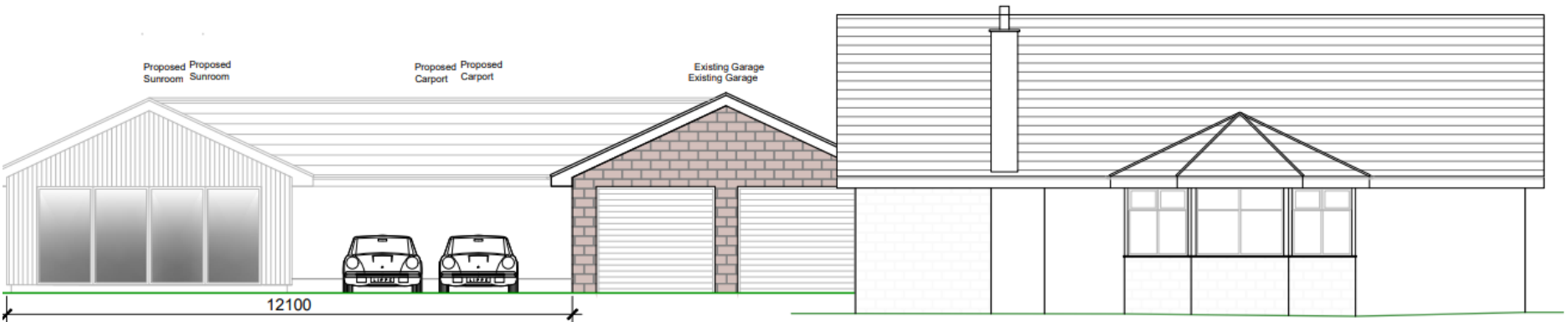
Elevations: House (side)



SIDE (SOUTH) ELEVATION

Scale 1:100 at A1

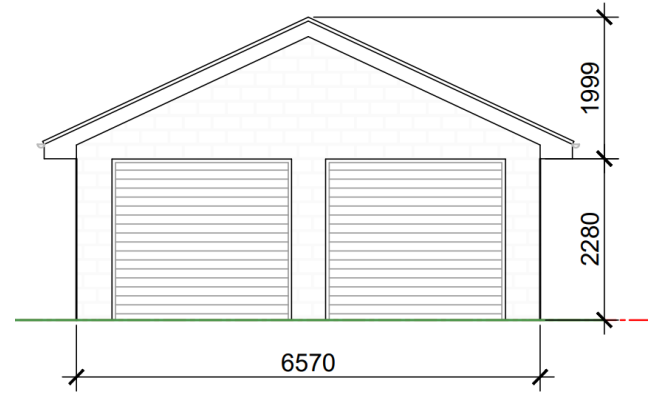
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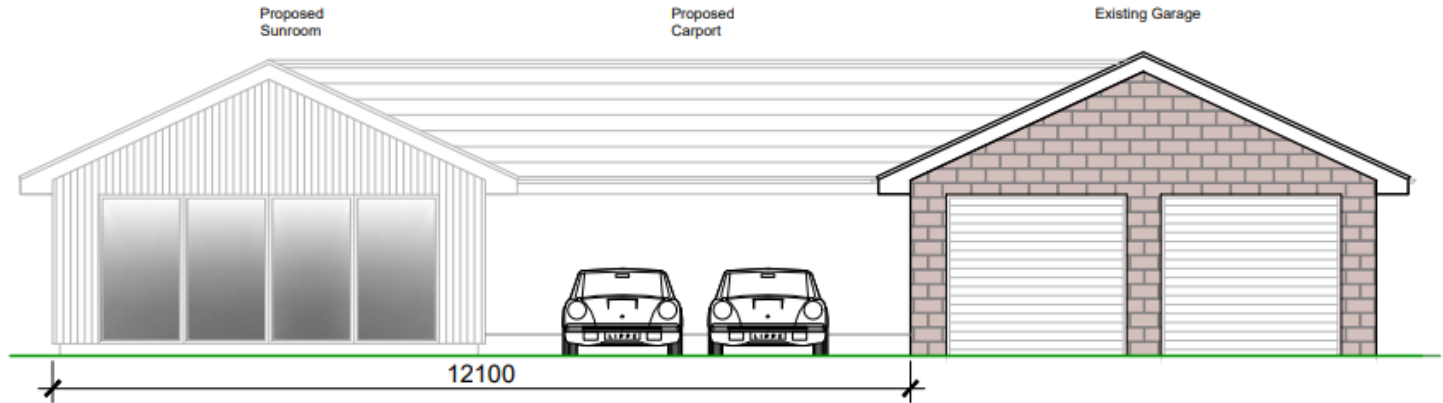
PROPOSED

Elevations: Garage (front)

EXISTING



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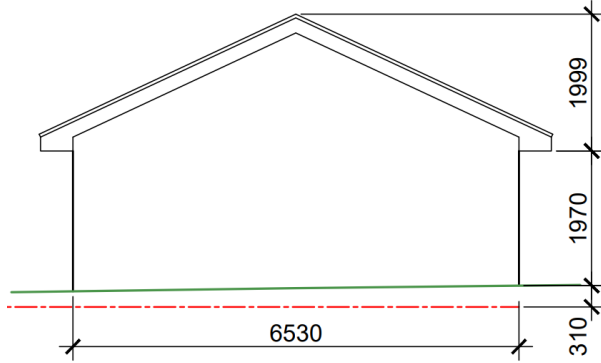


PROPOSED

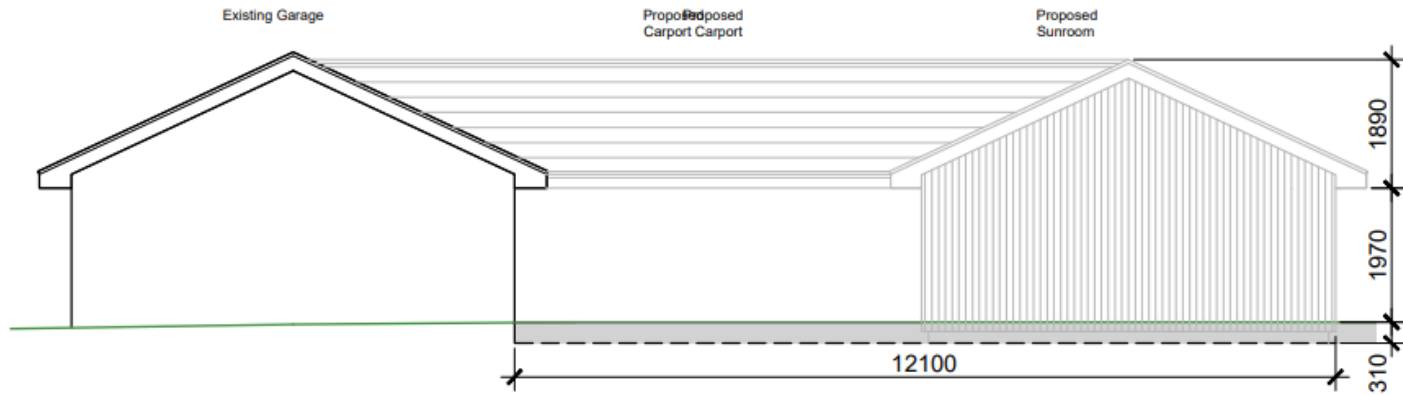
Garage Extension Finishes
-vertical larch linings
All others materials to match existing

Elevations: Garage (rear)

EXISTING



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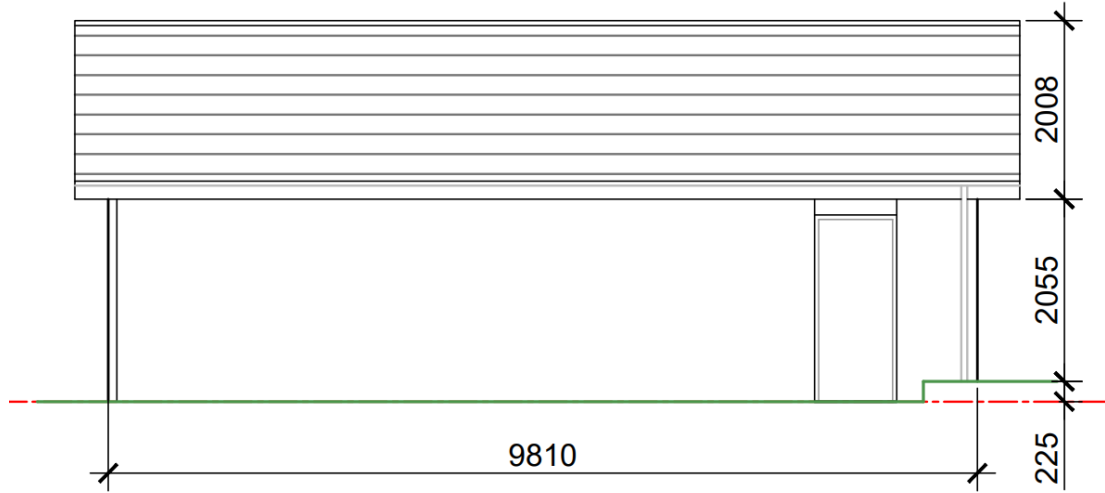


PROPOSED

Garage Extension Finishes
-vertical larch linings
All others materials to match existing

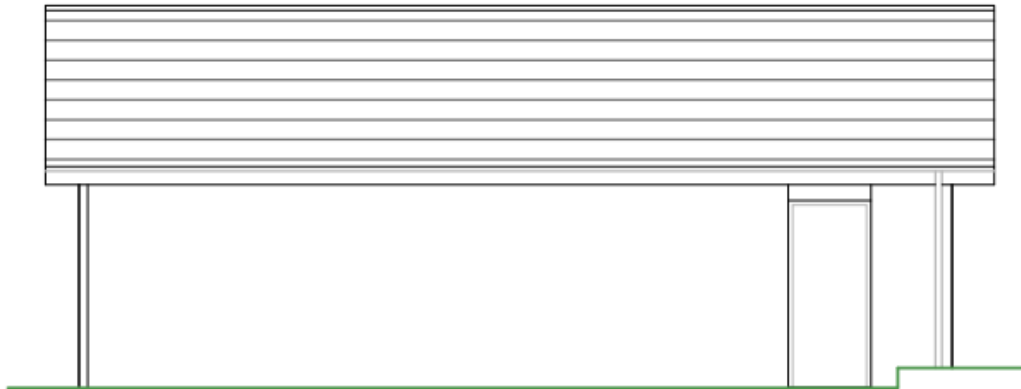
Elevations: Garage (side)

EXISTING



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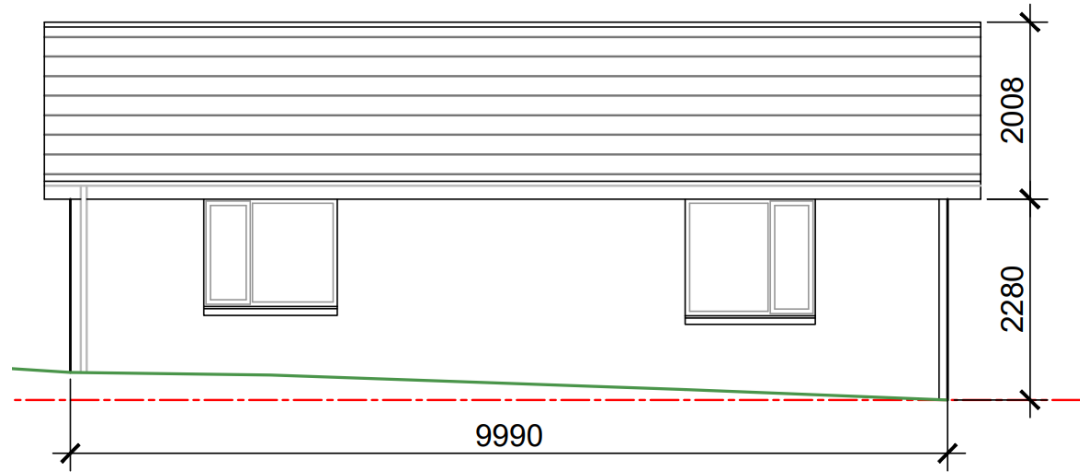
Existing Garage



PROPOSED

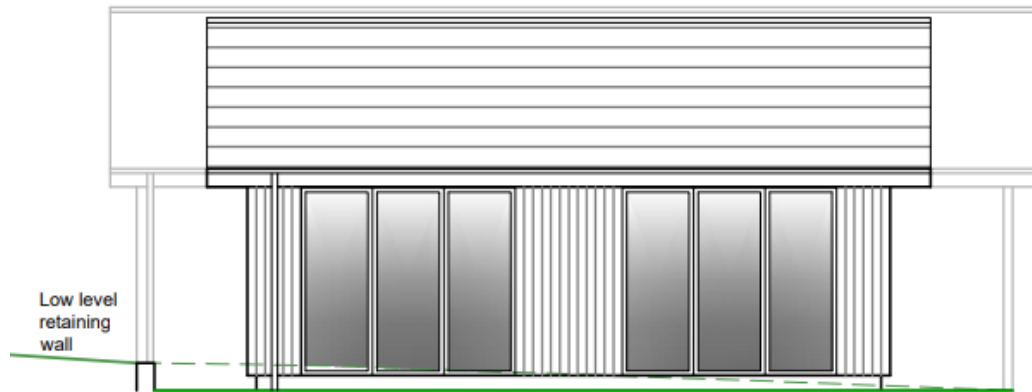
Elevations: Garage (side)

EXISTING



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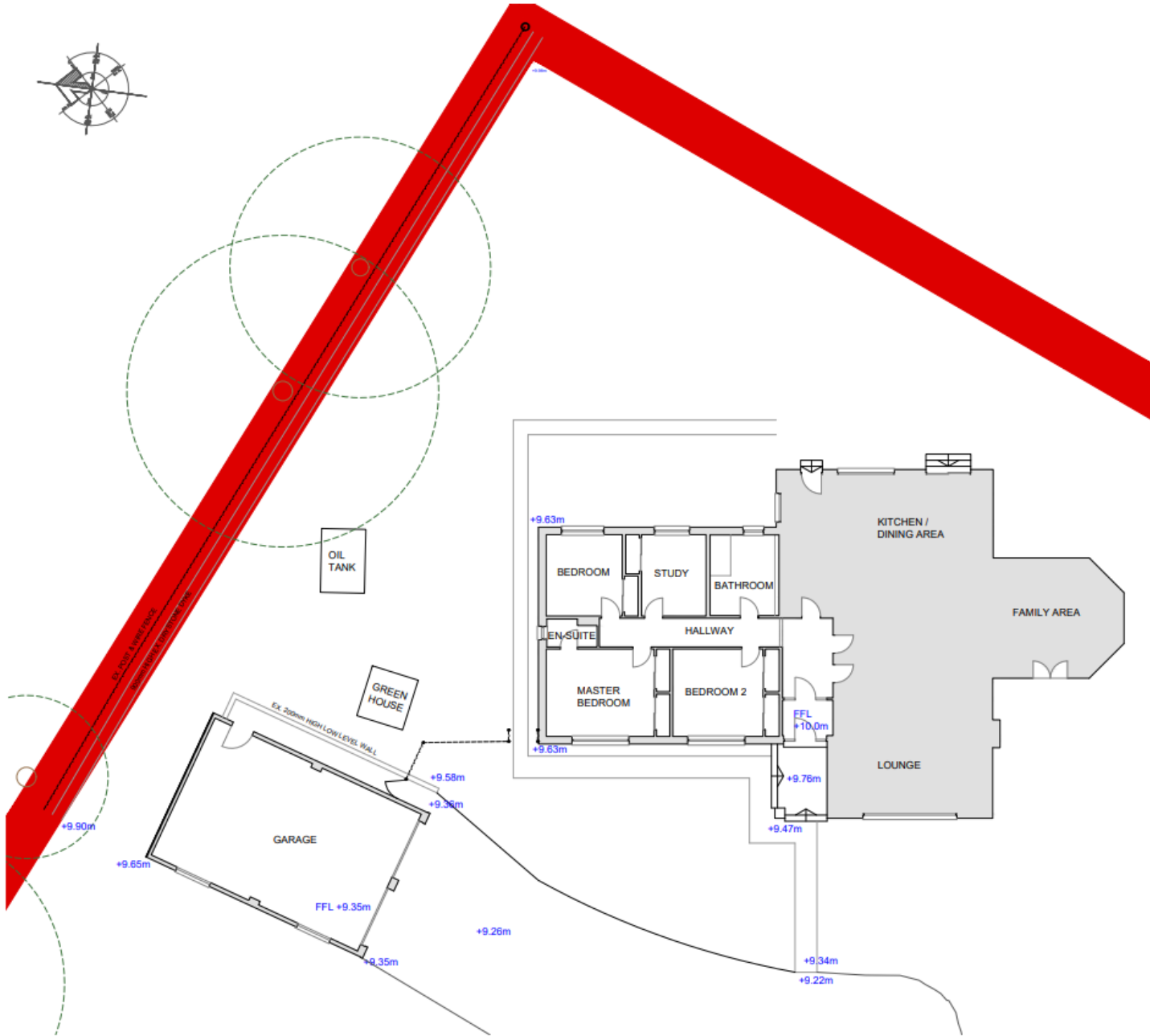
Proposed
Sunroom & gym



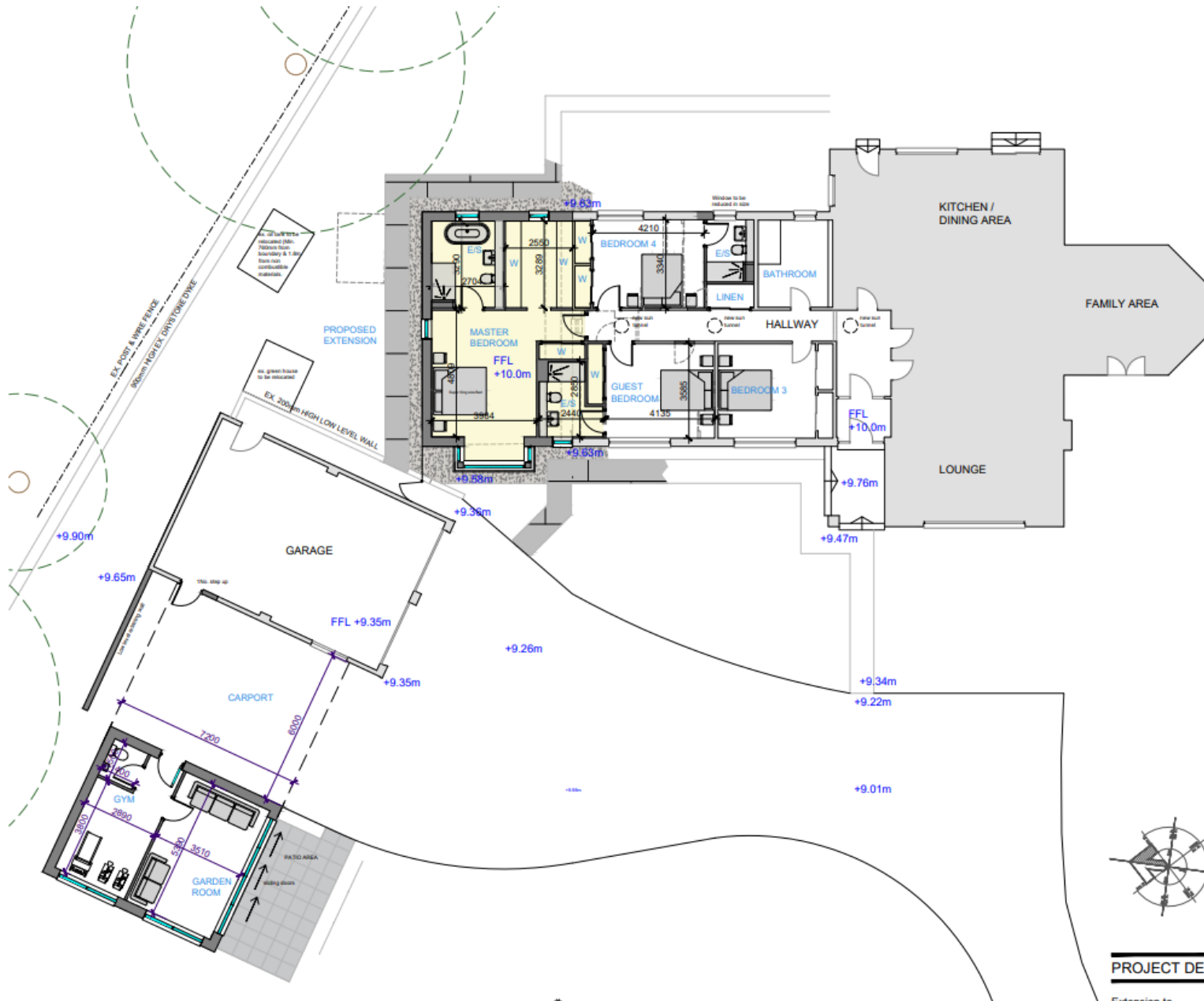
PROPOSED

Garage Extension Finishes
-vertical larch linings
All others materials to match existing

Ground floor: Existing



Ground floor: Proposed



3-D Visualisations



PROJECT DETAILS

Extension to
Highfield,
West Hutton, Kingswells,
Aberdeen, AB15 8RX
for Mr & Mrs Godeman

PRO - 3D VIEWS

Scale: NTS @ A1
Date: Oct 2019
Drawn: DD/c

CHECK	DATE	BY
planning		
submit		



3-D Visualisations

1

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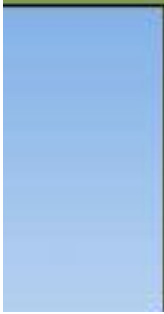


3-D Visualisations

2



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3-D Visualisations

3



Tree Survey: Schedule

No	Species	Dia at 1.5m (cm)	Canopy Radius (m)				Height (m)	RPA (m)	Age	Class	Description	Action
			N	S	E	W						
1	Beech	76		8.5			16	9.1	M	C	Twin-stemmed from 3.25m. Tree appears healthy.	Retain.
2	Beech	81	10				18	9.7	M	B	Mainly one-sided to north-west. Tree has slight lean but appears healthy.	Retain.
3	Beech	92		10			20	11.0	M	A	Canopy extends into garden area and is mainly one-sided to south	Retain.
4	Beech	98		11			20	11.8	M	A	Twin-stemmed from 3.5m. Tree appears healthy.	Retain.
5	Beech	96		7			12	11.5	M	B	One main stem with three smaller branches at 1.25m. Tree leans south-east with one-sided canopy to south and south-east. Canopy suppressed to west but tree appears healthy.	Retain.
6	Beech	87		10.5			16	10.4	M	C	Bark damage at 1.6m to east. Twin-stemmed from 3m, tree leans south. One-sided canopy to south. Tree appears healthy.	Retain.
7	Beech	127	10.5				18	15.2	M	B	Twin-stemmed from 2.1m. Tree has slight lean north, one-sided canopy to north. Canopy suppressed to south by neighbouring tree.	Retain.
8	Beech	84		11			14	10.1	M	B	Four main stems from 1.9m. Canopy one-sided to south and south-west. Canopy suppressed to north. Tree appears healthy.	Retain.

Tree Survey: Survey Plan



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	Category A trees
	Category B trees
	Category C trees
	Category U trees
	Root protection area
	Tree canopy
	Site boundary

Existing House and Garage at Highfield, Kingswells
Arboricultural Assessment

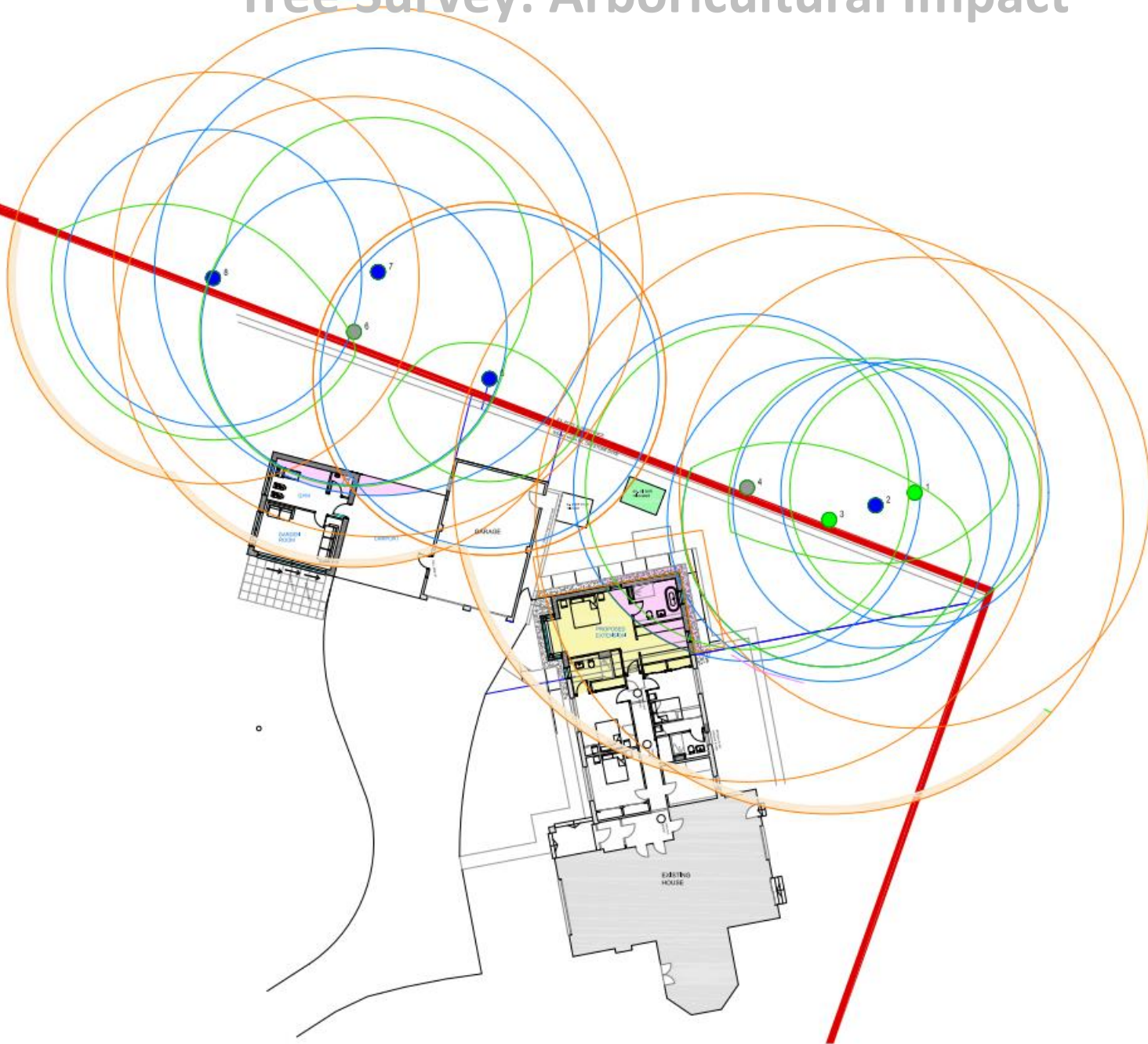
Client:	Mr & Mrs Godsman		
Drawing No:	HWH-2007-AA		
Issue Date:	02/07/2020		
Drawn by:	LW	Checked by:	NA
Revised:		Rev Date:	
Scale:	1:250 at A3		

astrol associates
 arboricultural and landscape consultants
 28 Gray Crescent, Aberdeen, Aberdeen, AB13 5NP
 01224 422222 • 01224 422222 • www.astrol.co.uk

Tree Survey: Arboricultural Impact



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●	Category A trees
●	Category B trees
●	Category C trees
●	Category U trees
○	Root protection area
○	Tree canopy
○	Zone of influence (ZOI)
■	Root area lost to foundation
■	Relocated oil tank
—	Site boundary

Proposed Extension to House and Garage at Highleik, Kingswells
Arboricultural Impact

Client:	Mr & Mrs Godsman		
Drawing No:	HWH-2007-A1		
Issue Date:	07/07/2020		
Drawn by:	LW	Checked by:	NA
Revised:		Rev Date:	
Scale:	1:250 at A3		

astall associates
 arborists, consultants and landscape architects
 26 High Crescent, Aberdeen, AB13 1HP
 email: info@astallassociates.co.uk website: www.astallassociates.co.uk

Tree Survey: Tree Protection and Management

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- Trees to retain
- Felled for health and safety
- Felled for development
- Root protection area
- Tree protection fencing
- Cellular confinement system
- Root area lost to foundation
- Relocated oil tank on CCS
- Site boundary

Proposed Extension to House and Garage at Highfield, Kingswells
Tree Protection and Management

Client:	Mr & Mrs Godsman		
Drawing No:	HWH-2007-TP		
Issue Date:	07/07/2020		
Drawn by:	LW	Checked by:	NA
Revised:		Rev Date:	
Scale:	1:250 at A3		

astell associates
 www.astellassociates.co.uk
 26 Bingley Crescent, Monimber, Aberdeen, AB13 0HP
 email: info@astellassociates.co.uk www.astellassociates.co.uk

Reasons for Refusal

- Proposal would result in significant impact on the root protection area of 5no mature beech trees (outside site in different ownership)
- Would also result in significant encroachment within the 'Zone of Influence' 7no further mature beech trees (outside site in different ownership)
- contrary to policy NE5 (Trees and Woodlands) of the ALDP and associated 'Trees and Woodlands SG'
- Highlights conflict with corresponding policies of Proposed ALDP
- No other material considerations that would warrant approval of the application.

Applicant's Case for Review

Stated in supporting statement. Key points:

- Highlights that the appeal turns on conflict with one policy only (NE5: Trees and Woodlands). The reason for refusal does not specifically say what is unacceptable about the proposal in terms of the information which was provided to assess and mitigate for Root Protection Areas (RPA) and Zone of Influence (Zoi)
- Contends that there is no conflict with ALDP Policy NE5 or the associated Supplementary Guidance as impacts on the RPA's and the Zoi have been adequately addressed and mitigations proposed
- The house, garage and part of the garden are already located within the RPA and Zoi of some of the trees, these trees have not been adversely affected by this and the proposed extensions would not have a considerable or significant impact on the trees
- There is no alternative location to locate the required extensions on the ground floor
- The layout, siting and design of the proposal is otherwise acceptable as is the development in all other respects
- Transport Scotland have advised that the trees are not a safety concern and there is no need for their removal as a result of the proposed development. Transport Scotland will be responsible for monitoring, management and maintenance of the trees as necessary to maintain their health
- ACC's inflexible approach to development which is in the RPA or Zoi of trees is inconsistent with the British Standard BS5837:2012 and insufficient regard has been given to the proposed mitigation

NE1: Green Space Network

- ACC will protect, promote and enhance the landscape value of the Green Space Network
- Proposals that are likely to destroy or erode the character and/or function of the GSN will not be permitted
- Development which has a negative impact on existing features of value to natural heritage, open space, landscape and recreation should be mitigated through enhancement of the Green Space Network

Policy NE2 (Green Belt)

- Note preamble on aim of green belt (below) – not merely for purposes of visual or environmental protection

Green Belt

3.101 The aim of the Green Belt is to maintain the distinct identity of Aberdeen and the communities within and around the city, by defining their physical boundaries clearly. Safeguarding the Green Belt helps to avoid coalescence of settlements and sprawling development on the edge of the city, maintaining Aberdeen's landscape setting and providing access to open space. The Green Belt directs planned growth to the most appropriate locations and supports regeneration.

- No development other than that which is essential for:
 - Agriculture
 - Woodland and forestry
 - Recreational uses compatible with agricultural or natural setting
 - Mineral extraction/quarry restoration
 - Landscape renewal

Policy NE2 (Green Belt)

- Then sets out further list of exceptions:
 - Small-scale expansion of existing uses in GB
 - Essential infrastructure which cannot be accommodated other than in GB
 - Conversion of historic/vernacular buildings
 - Extension of buildings above as part of conversion scheme
 - Replacement of existing houses on one-for-one basis
- Requirement that all development in the Green Belt is of the highest quality in terms of siting, scale, design and materials.

NE5: Trees and Woodlands

- Presumption against development that would result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.
- Buildings and services should be sited so as to minimise adverse impacts on existing and future trees.
- Measures should be taken for the protection and long-term management of existing trees and new planting, both during and after construction.
- Applications affecting trees to include details of tree protection measures, compensatory planting etc.

NE8: Natural Heritage

- Relates to protection of sites and species covered by environmental/ecological designations, including bats (European Protected Species)
- Bat Survey provided in support of the application. Concluded that the existing dwelling and garage did not provide opportunities for roosting and no roosts were observed on site.

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 Guide SG

Extensions should:

- Be “***architecturally compatible with original house and surrounding area***” (design, scale etc)
- Should not ‘***dominate or overwhelm***’ the original house. Should remain visually subservient.
- Should not result in adverse impact on **privacy, daylight, amenity**
- Approvals pre-dating this guidance do not represent a ‘**precedent**’
- Footprint of dwelling should not exceed **twice that of original house**
- **No more than 50% of front or rear curtilage** may be covered (anything less than that considered on its merits)
- Max. size of extensions to detached dwellings will be assessed on individual merit

SG: Householder Development Guide

Outbuildings

In many cases ancillary buildings may be classed as permitted development. Where planning permission is required, the following rules will apply:

- Outbuildings must always be subordinate in scale to the dwellinghouse and two storey outbuildings will generally not be permitted;
- Where a second storey is to be accommodated within a pitched roofspace, outbuildings should retain the impression of being single storey in height and dormers will not be permitted as a means of gaining additional headroom;
- Access to an upper floor should be situated internally;
- Outbuildings should not have a negative impact on the character of the surrounding area;
- Where highly visible and especially in conservation areas, detached garages should be of a scale and design that respects the prevalent context of the surrounding area;
- Proposals will be assessed on their impact on the amenity of the area (e.g. loss of daylight/privacy) in the same way as extensions;
- Outbuildings will not usually be acceptable in front gardens because of the damaging impact development forward of a front building line can have on the visual character of an area.

Trees and Woodlands SG

- Sets out that trees within 15m of site boundary must be shown on plans for household apps and tree surveys by qualified professionals may be required
- Explains concept of Root Protection Areas, within which encroachment should generally be avoided if trees are to be retained, and use of protection fencing to avoid damage to root systems during construction
- Explains 'Zone of Influence' in assessing future threat to trees due to proximity of development

Points for Consideration

Zoning: Is development of the type proposed supported in principle by policy NE2 (Green Belt)?

Design: Is the proposal of sufficient design quality (D1) - *having regard for factors such as scale, siting, footprint, proportions relative to original, materials, colour etc?* Does the proposal satisfy the requirements of policy NE2 (Green Belt) as regards development being of *'the highest quality in terms of siting, scale, design and materials'*? Does it accord with the general principles set out in the 'Householder Development Guide', specifically as regards extensions and outbuildings?


Trees: Is the proposal consistent with policy NE5's requirements for the protection of existing trees, allowing for future growth?

Green Space Network: Would the proposal destroy or erode the character or function of the GSN?

- 1. Does the proposal comply with the Development Plan when considered as a whole?**
- 2. Are there any material considerations that outweigh the Development Plan in this instance?**

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

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

Site Address:	The Highfield, Borrowstone Road, Aberdeen, AB15 8RX
Application Description:	Erection of single storey extension to side and formation of carport and garden room/gym
Application Ref:	200265/DPP
Application Type:	Detailed Planning Permission
Application Date:	4 March 2020
Applicant:	Mr Douglas Godsman
Ward:	Kingswells/Sheddocksley/Summerhill
Community Council:	Kingswells
Case Officer:	Dineke Brasier

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

A detached bungalow with detached double garage set in the east corner of a substantial residential curtilage extending to c.6200m². Both the dwelling and garage are of a modern design and finished in render and Fyfestone with a red tiled roof. The dwelling has been previously extended with a conservatory to the south elevation.

The site is located in the green belt and is covered by the green space network. To the north is the Three Hills Local Nature Conservation Site; to the east the AWPR; to the south two further dwellings – West Hatton and The Bothy beyond which are agricultural fields; and to the west agricultural fields. There are mature trees along the north and west boundary.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

The application consists of two distinct elements:

1. A single storey extension to the north elevation projecting c.5.6m, extending across the full width of the dwelling (c.8.9m), providing an additional bedroom, walk-in wardrobes, and two bathrooms. The west elevation would contain a hipped roof bay window with additional smaller windows in the west, north and east elevation. Proposed finishes would match the existing dwelling and include bullnosed Fyfestone and roughcast for the walls, and concrete roof tiles for the roof;

2. A garden room/ gym and double width carport attached to the existing double garage. The car port would have a width of c.6m and a depth of c.7.2m, with the garden room/gym measuring c.6.1m by c.7.2m. The garden room/gym would have a pitched roof with gables to the front and rear, matching the roof profile of the existing double garage. Proposed finishes would include vertical timber linings for the wall and concrete tiles to match the existing roof. Full height windows would be integrated in the south and west elevations.

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=Q69GAKBZG3F00>

Bat Roost Potential Survey by Astell Associates, dated 8th July 2020; and
Tree Survey Report by Astell Associates, dated 7th July 2020.

CONSULTATIONS

Kingswells Community Council – None 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.

National Planning Policy and Guidance

Scottish Planning Policy – Green belt – paragraph 52

Aberdeen Local Development Plan (2017)

D1: Quality Placemaking by Design

NE1: Green Space Network

NE2: Green Belt

NE5: Trees and Woodland

NE8: Natural Heritage

Supplementary Guidance

Trees and Woodlands

Proposed Aberdeen Local Development Plan (2020)

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

- these matters have been subject to public consultation through the Main Issues Report;

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

The foregoing can only be assessed on a case by case basis, however the relevant policies are:

D1: Quality Placemaking

D2: Amenity

NE1: Green Belt

NE2: Green and Blue Infrastructure

NE5: Trees and Woodland

EVALUATION

Principle of Development

The site is located in the green belt and policy NE2 (Green Belt) applies. This policy sets out that no development in the green belt would be permitted, unless it is considered essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or nature setting, mineral extraction/quarry restoration, or landscape renewal. In this case, the proposal would be for householder development, and none of the above would apply. However, the following exception applies to this policy for proposals for development associated with existing activities in the green belt, but only if all of the following criteria are met:

1. The development is within the boundary of the existing activity;
2. The development is small-scale;
3. The intensity of activity is not significantly increased;
4. Any proposed built construction is ancillary to what exists.

In addition, all development should be of the highest quality in terms of siting, scale, design and materials.

In this case, the proposal is for an extension to the existing dwelling at The Highfield and construction of a garden room/gym and car port attached to the existing garage. All development would fall within the existing residential curtilage, and as such would be within the boundary of the existing activity. It would be considered small-scale and the intensity of activity on the site would not be increased as it would serve the existing dwelling on the site. In addition, due to its scale and massing, the development would be clearly ancillary to what currently exists on the site. The proposal would therefore be considered to meet these criteria of policy NE2 (Green Belt), and the principle of development would generally be compliant with this policy.

Issues in relation to siting, scale, design and materials will be discussed below.

As the site is located within the Green Space Network, the proposal will need to be assessed against policy NE1 (Green Space Network). This policy sets out that proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted. Given the scale of the development proposed it is not considered that the proposal would have any adverse impacts on the character and/or function of the Green Space Network in this area, as such the proposal is compliant with policy NE1.

Scale and design

Extension:

The proposed extension would be located to the side of the dwelling, would align with both the front and rear elevation and would project c.5.7m from the existing side (north) elevation. Both eaves and ridge height would link into the existing dwelling. Its general design, including the use of a pitched roof and gabled end, and proposed materials would match that of the existing dwelling. As such, the proposed extension would be architecturally compatible with the existing dwelling,

and due to its scale, size, massing and positioning would not be overbearing on, or have a detrimental impact on the character and appearance of the original house. The proposed increase in floorspace would be substantially less than 100% on that of the original dwelling, increasing from an original 215m² to a total of 293.5m², including the existing conservatory – an increase of 36%. Similarly, due to the substantial garden, significantly less than 50% will be covered by development.

Garden room/gym/car port

The second part of the proposal consists of a double car port attached to the existing garage linking into a garden room/gym measuring c.7.2m by c.6.1m – an overall footprint of c.44m². Proposed materials would include vertical timber linings for the walls with a pitched tiled roof, linking in and matching that of the existing garage. The garden room/gym would have a similar scale and design as the existing garage. As such, the proposal is considered architecturally compatible and would be an acceptable addition to the existing garage. Furthermore, similar to the house extension, due to the large garden, it is considered that the proposal would not result in overdevelopment.

The above would be in compliance with policy D1, and the final clause of policy NE2.

Residential amenity

Due to the large distance between the application property and the nearest residential dwellings at West Hatton and The Bothy to the south, the proposal would have no impact on their residential amenity.

Trees and Woodlands

The site is adjacent to the Three Hills Local Nature Conservation Site (LNCS), and there are mature trees immediately beyond the boundary with the residential curtilage. This boundary is made up of a relatively low drystone dyke. Both the proposed extension and the garden room/gym are located at close proximity to this boundary, and thus the trees, at a distance of c.5.9m and 5.6m respectively at their nearest point. The application is supported by a Tree Survey and Arboricultural Impact Assessment. This demonstrates that eight mature beech trees are located along the boundary, just outwith the ownership of the applicant. The proposed extension to the dwelling would encroach into the root protection area of trees 3 and 4 whereas the proposed garden room/gym would encroach into the root protection area (RPA) of trees 5, 6 and 7. In addition, significant parts of the existing dwelling and garage already fall within the zone of influence of the surveyed trees, as would both the house extension and the proposed garden room/gym/car port.

Policy NE5 (Trees and Woodlands) sets out that there is a general presumption against development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. Due to their size and position within the LNCS, the abovementioned trees would contribute to all of these aims. In addition, Supplementary Guidance on Trees and Woodlands provides further guidance. This document sets out that the default position is for structures to be constructed outwith the RPA of trees, and that an incursion in the RPA will only be considered where there is an acceptable overriding justification for construction within the RPA and where adequate technical information is submitted to support the technical solution proposed to avoid any damage to the tree. In addition to the impact on the RPA, the Zone of Influence (Zol) of trees should also be considered. This is generally taken as the distance from the bottom of a tree that is equal to the mature height of an existing or proposed tree. Both buildings and garden ground should generally be located outwith the Zol.

In this case, due to their proximity, both the house extension and the gym/garden room would require the management of the existing tree canopy of trees 3, 4 and 6, and the proposal does not

allow adequate space to allow natural growth to occur. Continued sustained management of the tree canopies would be required to ensure no future conflict between these existing trees and the proposed development. This work is not considered appropriate in this case, due to the age and species of the trees. In addition, as set out above, policy NE5 requires development to take place outwith the RPA of existing trees. This is even more important in cases where the affected trees do not belong to the applicant for two reasons. Firstly, the Planning Authority should not be seen to impose additional burdens on third parties, especially when a proposal would be contrary to policy. Secondly, the ability of the applicant to manage future risk would be significantly reduced as they have no automatic rights to manage the trees in a manner that may be required due to the siting of proposed development.

As set out above, the proposal would have considerable impact on the RPA of trees 3, 4, 5, 6 and 7, which, considering their age and species would not be considered within tolerable limits, and which could have a significant detrimental impact on their health. In addition, both the proposed extension and garden room/gym would significantly increase the amount of development within the Zol of trees 2, 3 and 4 for the house, and trees 5, 6, 7 and 8 for the garden room/gym. It is generally considered that the closer a dwelling is to the centre of the Zol, the greater the likely future impact on those trees and requirement for extensive works due to the proximity of large trees. As such, for these reasons, it is considered that the proposal would be contrary to the requirements of both policy NE5 (Trees and Woodlands) and Supplementary Guidance on Trees and Woodlands.

Protected Species

The application site is located in an area that is generally considered suitable as a bat habitat. The application was supported by a bat survey, which concluded that both the existing dwelling and garage did not provide any opportunities for bat roosts, and none were observed. As such, the proposal would not have a detrimental impact on protected species, in compliance with policy NE8 (Natural Heritage).

Proposed Aberdeen Local Development Plan

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

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposal is considered to have a significant impact on the root protection area of a total of five mature beech trees located just outside the application site boundary, which could have a significant detrimental impact on their health. Furthermore, it would result in a further significant encroachment of development within the Zone of Influence of a total of seven mature beech trees, which would have a significant future impact on these trees due to both the potential requirement for extensive works and the proximity of large trees to the dwelling and outbuildings. This is further aggravated by the fact that the trees fall outwith the ownership of the applicant, as this would impose an additional burden on a third party. As such, the proposal is considered contrary to policy NE5 (Trees and Woodlands) of the 2017 Aberdeen Local Development Plan, policy NE5 (Trees and Woodlands) of the Proposed Local Development Plan and Supplementary Guidance on Trees and Woodlands. There are no other material considerations that would warrant approval of the application.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100235952-001

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)

Extension to dwelling house and creation of carport + sun-room.

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:	Lippe Architects + Planners		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Debbie	Building Name:	
Last Name: *	Anderson (Lippe Architects & Planners	Building Number:	4
Telephone Number: *	01467 622785	Address 1 (Street): *	st james place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Inverurie
Fax Number:		Country: *	Scotland
		Postcode: *	AB51 3UB
Email Address: *	debbie@lippe-architects.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Douglas	Building Number:	4
Last Name: *	Godsman	Address 1 (Street): *	St James' Place
Company/Organisation	C/O Lippe Architects + Planners	Address 2:	
Telephone Number: *		Town/City: *	Inverurie
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB51 3UB
Fax Number:			
Email Address: *	debbie@lippe-architects.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

THE HIGHFIELD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 8RX

Please identify/describe the location of the site or sites

Northing

806958

Easting

385487

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Debbie Anderson (Lippe Architects & Planners Ltd)

On behalf of: Mr Douglas Godsman

Date: 25/02/2020

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: Mrs Debbie Anderson (Lippe Architects & Planners Ltd)

Declaration Date: 25/02/2020

Payment Details

Cheque: Mr D Godsman & Mrs D Godsman , 000750

Created: 25/02/2020 13:53



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 100235952-002

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.

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

THE HIGHFIELD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 8RX

Please identify/describe the location of the site or sites

Northing

806958

Easting

385487

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:	Lippe Architects + Planners		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Debbie	Building Name:	
Last Name: *	Anderson (Lippe Architects & Planners	Building Number:	4
Telephone Number: *	01467 622785	Address 1 (Street): *	st james place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Inverurie
Fax Number:		Country: *	Scotland
		Postcode: *	AB51 3UB
Email Address: *	debbie@lippe-architects.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Douglas	Building Number:	4
Last Name: *	Godsman	Address 1 (Street): *	St James' Place
Company/Organisation	C/O Lippe Architects + Planners	Address 2:	
Telephone Number: *		Town/City: *	Inverurie
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB51 3UB
Fax Number:			
Email Address: *	debbie@lippe-architects.co.uk		

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

Yes No

Application Details

Please select which application(s) the new documentation is related to.

Application: * 100235952-001, application for Householder Application, submitted on 25/02/2020

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

Resubmitted due to invalidation from planning permission.

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

Yes No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mrs Debbie Anderson (Lippe Architects & Planners Ltd)

Declaration Date: 04/03/2020

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Debbie Anderson
Lippe Architects + Planners
4 St James Place
Inverurie
AB51 3UB

on behalf of **Mr Douglas Godsman**

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

**Erection of single storey extension to side and formation of carport and garden room/gym
at The Highfield, Borrowstone Road**

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
5632/101A	Location Plan
5632/104A	Site Layout (Proposed)
5632/012B	Elevations and Floor Plans
5632/103	Location Plan
HWH-2007-AA	Other Drawing or Plan
HWH-2007-AI	Other Drawing or Plan
HWH-2007-TP	Other Drawing or Plan

REASON FOR DECISION

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

The proposal is considered to have a significant impact on the root protection area of a total of five mature beech trees located just outside the application site boundary, which could have a significant detrimental impact on their health. Furthermore, it would result in a further significant encroachment of development within the Zone of Influence of a total of seven mature beech trees, which would have a significant future impact on these trees due to both the potential requirement for extensive works and the proximity of large trees to the dwelling and outbuildings. This is further aggravated by the fact that the trees fall outwith the ownership of the applicant, as this would impose an additional burden on a third party. As such, the proposal is considered contrary to policy NE5 (Trees and Woodlands) of the 2017 Aberdeen Local Development Plan, policy NE5 (Trees and Woodlands) of the Proposed Local Development Plan and Supplementary Guidance on Trees and Woodlands. There are no other material considerations that would warrant approval of the application.

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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Aberdeen Local Development Plan (ALDP)

- NE1: Green Space Network
- NE2: Green Belt
- NE5: Trees and Woodland
- NE8: Natural Heritage
- D1: Quality Placemaking by Design;

Supplementary Guidance

Trees and Woodlands

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

Other Material Considerations

Scottish Planning Policy (2014)

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

Aberdeen City and Shire Strategic Development Plan (2020)

<http://www.aberdeencityandshire-sdpa.gov.uk/nmsruntime/saveasdialog.aspx?IID=1510&SID=197>

Proposed Aberdeen Local Development Plan (2020)

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100340299-001

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

Applicant or Agent Details

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

Applicant Agent

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="Douglas"/>	Building Number:	<input type="text" value="4"/>
Last Name: *	<input type="text" value="Godsman"/>	Address 1 (Street): *	<input type="text" value="St James' Place"/>
Company/Organisation	<input type="text" value="c/o Lippe Architects and Planners"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Inverurie"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB51 3UB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="admin@lippe-architects.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="THE HIGHFIELD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 8RX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806958"/>	Easting	<input type="text" value="385487"/>
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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)

Appeal against the refusal of detailed planning permission for erection of single storey extension to side and formation of carport and garden room/gym.

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.

The report of handling does not discuss the points Astells and Lippes made about root protection and the tolerances are well within those recommended in British Standards. We do not agree that the extensions would "significantly" increase the amount of development in the ZOI and again points made are not adequately addressed. Transport Scotland does not accept that the trees present a danger to the house.

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)

Since the application we contacted Transport Scotland as the adjacent trees are in their ownership. We have correspondence from Transport Scotland that the trees do present a danger to the house. We have also included an updated drawing, which although not in front of the officer, was the drawing which all the supporting tree reports, information, drawings and assessments were based on. This is detailed in the appeal statement.

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)

Planning Appeal Statement Report of Handling Tree Survey and Drawings Planning Drawings Correspondence from Transport Scotland

Application Details

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

200265

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

25/02/2020

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

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

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 Lippe Architects & Planners Ltd

Declaration Date: 23/12/2020

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**Appeal against refusal detailed planning
permission for erection of single storey
extension to side and formation of carport and
garden room/gym**

at

**The Highfield, Borrowstone Road, Aberdeen,
AB15 8RX**

**Aberdeen City Council planning reference
200265/DPP**

December 2020

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1 - Background, Proposal and Grounds of Appeal

2 - Planning Policy and Material Considerations

3 – Discussion and Response to Reasons for Refusal

Appeal Productions

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Appeal Document 18 – Letter from Lippe Architects and Planners to Transport Scotland 30.10.20

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Appeal Document 20 – Report of Handling

Appeal Document 21 - Refusal Notice Dated 6 October 2020

1 - Background, Proposal and Grounds of Appeal

- 1.1 This appeal relates to Aberdeen City Council's refusal of planning application reference 200265/DPP on 6 October 2020 for detailed planning permission for erection of single storey extension to side and formation of car port and garden room/gym at The Highfield, Borrowstone Road, Aberdeen, AB15 8RX.
- 1.2 The reason for refusal states that *the proposal is considered to have a significant impact on the root protection area of a total of five mature beech trees located just outside the application site boundary, which could have a significant detrimental impact on their health. Furthermore, it would result in a further significant encroachment of development within the Zone of Influence of a total of seven mature beech trees, which would have a significant future impact on these trees due to both the potential requirement for extensive works and the proximity of large trees to the dwelling and outbuildings. This is further aggravated by the fact that the trees fall outwith the ownership of the applicant, as this would impose an additional burden on a third party. As such, the proposal is considered contrary to policy NE5 (Trees and Woodlands) of the 2017 Aberdeen Local Development Plan, policy NE5 (Trees and Woodlands) of the Proposed Local Development Plan and Supplementary Guidance on Trees and Woodlands. There are no other material considerations that would warrant approval of the application.*
- 1.3 The appeal site is an existing large and modern detached bungalow with detached garage set within a large garden. The site is located adjacent to two other dwellinghouses at West Hatton to the south which area accessed via the same road leading from the A944 to Clinterty. The Aberdeen Western Peripheral Route is located to the east. West Hatton Wood is located to north of the site. The eight trees to the north of the boundary of the property and which have been assessed as part of this planning application are in the ownership of Transport Scotland and were purchased to provide mitigation against ecological impacts of the AWPR project and to counter the severance and fragmentation of habitat as a consequence of the scheme.
- 1.4 The proposal involves extending the existing bungalow with a single storey extension containing a master bedroom, dressing area and ensuite bathroom on its north side towards the northern boundary and extending the existing garage with a car port, garden room and gym to its western side parallel to the northern boundary.

- 1.5 The appellants are an elderly couple who need a larger bedroom with an en-suite bathroom as they cannot extend into the roof space and want accommodation and facilities on the ground floor. There are no other areas where such an extension can be provided to meet these needs or where you can easily extend due to the existing septic tank, proximity to the boundary and wanting to avoid going any closer to the AWPR. The sun room on the garage is to create space for the appellants to be able to sit and enjoy their garden without being disturbed by noise from the AWPR which now sits directly behind the site. Again, this is the only location where this extension can be located.
- 1.6 The eight trees to the north of the site which were surveyed to support the application are mature beech trees. The tree survey identified that trees 5 and 7 are already within the Root Protection Area (RPA) of the existing house. Additional trees 3 and 4 would fall within the RPA of the proposed house extension and additional tree 6 would fall within the RPA of the extension to the garage. With regard to the Zone of Influence (Zol), the existing house and garage are already within the Zol of trees 3, 4, 5, 6 and 7. The proposed extensions would be within the Zol of additional trees 2 and 8.
- 1.7 The report of handling states that *the default position of the Supplementary Guidance is that an incursion into the RPA will only be considered where there is adequate technical information submitted to support the technical solution proposed to avoid any damage to the tree. In addition the ZOI of trees should also be considered and that both buildings and garden ground should **generally** be located outwith the Zol.*
- 1.8 It continues that *due to their proximity, both the house and both extensions would require the management of the existing tree canopy of trees 3, 4 and 6 and the proposal does not allow adequate space to allow natural growth to occur. Continued sustained management of the tree canopies would be required to ensure no future conflict between these existing trees and the proposed development. This work is not considered appropriate in this case, due to the age and species of the trees. This is even more important in cases where the affected trees do not belong to the applicant for two reasons. Firstly, the Planning Authority should not be seen to impose additional burdens on third parties, especially when a proposal would be contrary to policy. Secondly, the ability of the applicant to manage future risk would be significantly reduced as they have no automatic rights to manage the trees in a manner that may be required due to the siting of proposed development.*
- 1.9 It further states that *the proposal would have considerable impact on the RPA of trees 3, 4, 5, 6 and 7 which, considering their age and species would not be considered within tolerable limits, and which could have a significant detrimental impact on their health. In addition, both the proposed extension and garden room/gym, would significantly increase the amount of development within the Zol of trees 2, 3 and 4 for the house and trees 5, 6, 7 and 8 for the garden room. It is generally considered that the closer*

a dwelling is to the centre of the Zol, the greater the likely future impact on those trees and requirement for extensive work due to the proximity of large trees. As such, for these reasons, it is considered that the proposal would be contrary to the requirements of both Policy NE5 (Trees and Woodlands) and Supplementary Guidance on Trees and Woodlands.

1.10 The grounds of appeal are that:

- The reason for refusal is weak as it does not specifically say what is unacceptable about the proposal in terms of the information which was provided to assess and mitigate for Root Protection Areas and Zone of Influence
- The proposal is not in conflict with the Aberdeen City LDP Policy NE5 Trees and Woodlands or the LDP Supplementary Guidance on Trees and Woodlands as assessments of the development impact on the RPA's and the Zol have been adequately addressed and mitigations proposed
- The house, garage and part of the garden are already located within the RPA and Zol of some of the trees, these trees have not been adversely affected by this and the proposed extensions would not have a considerable or significant impact on the trees
- There is no alternative location within the site to locate the extensions and provide the appellant with valuable living accommodation on the ground floor
- The layout, siting and design of the proposal is otherwise acceptable as is the development in all other respects
- The third party in this case is Transport Scotland who have said that the trees are not a safety concern and there is no need to remove the trees bearing in mind the development proposals. Transport Scotland itself will monitor and manage the trees as any management necessary to maintain the health of the trees is their responsibility
- The Council's Environment Planner is unwilling to deviate from objecting to development which is in the RPA or Zol of trees when the British Standard BS5837:2012 requires a flexible approach to be taken. No real assessment has taken place of the site, the specific characteristics of the trees or the proposed mitigation

1.11 With regard to the drawings which have been refused, for the avoidance of doubt, it should be noted that drawing **5632/012B** which is the most up to date drawing which was submitted should have been updated with drawing number **5632/012C** which was altered to reflect the tree survey carried out by Astell Associates and importantly to move the garage extension forward by 1m to reduce any impact on the Zol. While this drawing had not been submitted to the Planning Authority, all the tree survey information and drawings by Astell Associates did reflect this and it is those drawings which the officer and environment officer used to assess the planning application. While drawing 5632/012C is a new drawing or new information for the purposes of this appeal which the officer would not have had in front of them in determining the

planning application, all other information and drawings pertaining to the trees is correct, up to date and as submitted.

2 - Planning Policy and Material Considerations

2.1 Several policies from the Aberdeen City LDP 2017 apply to the proposal namely:

Policy D1 Quality Placemaking by Design

Policy NE1 Green Space Network

Policy NE2 Green Belt

Policy NE5 Trees and Woodland

Policy NE8 Natural Heritage

2.2 However, the appeal only turns on one of these policies, NE5, and the associated Supplementary Guidance, Trees and Woodlands.

2.3 Policy NE5 - Trees and Woodlands There is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. Permanent and temporary buildings and services should be sited so as to minimise adverse impacts on existing and future trees. Appropriate measures should be taken for the protection and long term management of existing trees and new planting both during and after construction. Where trees may be impacted by a proposed development, a Tree Protection and Mitigation Plan will need to be submitted and agreed with the Council before any development activity commences on site. This should include details of compensatory planting, temporary earth works and any site preparation. Where applicable, root protection areas should be established and protective barriers erected prior to any work commencing. See relevant Supplementary Guidance for more information. Where appropriate, the Council will seek to promote the creation of new woodland and the planting of native trees in association with development. The majority of development sites offer opportunities for the planting of trees and hedgerows. Details of tree and hedgerow planting should be submitted as part of the proposal's landscape strategy.

Tree Constraints Plan (TCP)

- 2.4 Following the completion of the tree survey, a Tree Constraints Plan needs to be produced by the arboriculturalist. This is a design tool that is used to inform the proposed layout of the new development. When this is submitted with the planning application, this will be used to show how due consideration has been given to the retention of trees as part of the proposed layout. The TCP will include information highlighting the constraints above and below ground posed by the trees.
- 2.5 The plan will show the constraints above ground posed by the current physical size of the tree, taking into account their movement in the wind, future growth, perceived safety concerns, shade cast by the trees and the existing crown spread. The constraints below ground are represented by the Root Protection Area (RPA). The RPA is used to inform the construction exclusion zone.

Arboricultural Impact Assessment (AIA) and Design Considerations

- 2.6 Once the detailed design proposals have been drawn up, an AIA needs to be carried out in order to assess the trees against the proposals. This assessment should detail that structures are not sited within Root Protection Areas and that new buildings/structures are sited clear of ultimate crown spread;

Construction within Root Protection Areas

- 2.7 BS5837:2012 states that the default position for structures should be outwith the Root Protection Area (RPA) of trees to be retained. Where there is an overriding justification for construction within the RPA technical solutions might be available that prevent damage to the tree.
- 2.8 An incursion into the RPA will only be considered where there is an acceptable overriding justification for construction within the RPA and where adequate technical information is submitted to support the technical solution proposed and that the technical solution will prevent damage to the tree. For an overriding justification to be accepted the proposal must be considered to deliver social, economic or environmental benefits that benefit the wider community.

Proximity of Structures and Infrastructure to Trees

- 2.9 BS5837:2012, Subsection 5.3 outlines the need to consider the ultimate height, canopy spread and the available rooting environment of existing and proposed trees. Buildings and structures should be sited to allow adequate space for a tree's natural development and at the same time reduce future pressure for removal of trees. Buildings and associated infrastructure, including garden ground, should generally be located out with the zone of influence of existing and proposed trees. The zone of

influence is generally considered to be the distance from the bottom of a tree that is equal to the mature height of an existing or proposed tree.

- 2.10 In certain cases the zone of influence may need to be increased to account for particular development site scenarios or to help retain important characteristics associated with individual or groups of trees and woodlands. For example; the zone of influence may need to be increased between buildings and infrastructure proposed in proximity to woodlands to limit the impact of development on the neighbouring woodland and to preserve woodland edge habitats.

Tree Protection Plan and Arboricultural Method Statements

- 2.11 Upon finalising the design layout for the proposed development, a method and plan demonstrating how the trees on the site will be adequately protected during the construction phase of the development will be required. This information is often required through the conditions of the planning permission and these are used to enforce the protection measures.

3 – Discussion and Response to Reasons for Refusal

- 3.1 The officer has failed to fully assess and discuss the various information, surveys and drawings related to the trees in refusing the application. Extensive survey and assessment work was carried out and presented to the officer and the environment planner to demonstrate avoidance of damage to the trees, yet little, if any of it is discussed in the report of handling with any justification as to why the development cannot be approved.

Root Protection Areas

- 3.2 The officer says the extensions would have a **considerable** impact on the RPA of trees 3, 4, 5, 6 and 7, however trees 5 and 7 are already within the RPA and it is incorrect to say that the additional impact on trees 5 and 7 and the new impact on trees 3, 4 and 6 would be considerable, when you properly consider the tree survey and information submitted.
- 3.3 With regard to Root Protection Areas, the tree survey report dated 7 July 2020 highlights that the proposed house extension will intrude into the RPA of beech tree 3 by less than 0.5m and into the RPA of beech tree 4 by 5m. The intrusion of the extension into the RPA of tree 3 will not affect the health of the tree. The intrusion of the extension into the RPA of tree 4 is less than 5% of the total RPA. The destruction of the rooting area in a small segment of the rooting system will be accommodated by the anastomosis of roots between trees 1-4. There is also a woodland glade to the north, and the beech tree roots can expand into this area to make good the small percentage root loss in this area. Cellular confinement system will be installed outwith the foundation line as shown on plan HWH-2007-TP. This will protect the root plates of trees 3 and 4 during the construction of the house extension.
- 3.4 Less than 2% of the RPA of trees 5, 6 and 7 are affected by the construction of the extension to the carport to create the garden room and gym extension. The root plates of these trees have an area of open ground to the north and west to expand their root systems. These are vigorous and healthy trees and damage to this small area of root plate will have no impact on their health. Cellular confinement system will be laid down over the RPAs of the trees to protect the tree roots during

construction. A tree protection fence will be erected to prevent any incursion into the root protection areas during construction.

- 3.5 The Supplementary Guidance default position is that an incursion in the RPA will only be considered where there is an acceptable overriding justification for construction in the RPA and where adequate technical information supports the solution proposed to avoid damage to the tree. The appellants are an elderly couple who need a larger bedroom with an en-suite bathroom as they cannot extend into the roof space and want accommodation and facilities on the ground floor. There are no other areas where such an extension can be provided to meet these needs or where you can easily extend. The sun room on the garage is to create space for the appellants to be able to sit and enjoy their garden without being disturbed by noise from the AWPR which now sits directly behind the site. Again, this is the only location where this extension can be located. The planner has not discussed any of the above points in detail or fully assessed the tree survey which clearly demonstrates that while there is an incursion into the RPA of trees 3, 4, 5, 6 and 7 this is minimal and well within tolerances allowed by British Standard BS5837:2012 and this has not been fully acknowledged or assessed by the officer or the environment planner.
- 3.6 The British Standard BS5837:2012 states that **“there is no particular distance that a structure should be away from trees”**. The arboriculturalist who carried out the tree survey report and recommendations has used his experience and assessment - of over 40 years - to say that this development is within acceptable limits but the officer, and the environment planner, have not said why they disagree in any detail. Even if there is damage to the root plate of the trees this will have no impact on their health as their root systems can expand to the north and west. Cellular confinement systems at both extensions will also protect the root plates. Branch thinning can be carried out without damaging the trees. It should be added that the root plate extent has already been compromised by the installation of the greenhouse and oil tank at the house.

Zone of Influence

- 3.7 Turning now to the Zone of Influence, the assertion that the extension would **significantly** increase the amount of development within the ZoI of trees 2-8 is not a true or accurate assessment of the development within the ZoI. Five trees 3, 4, 5, 6 and 7 are already within the ZoI of the house and with only two additional trees 2 and 8 encroaching on the ZoI of the extended house and garage is not what can be described as a significant increase in the amount of development within the ZoI.
- 3.8 The other important consideration when considering impact on ZoI which has not been adequately addressed or assessed by the officer, is that the Supplementary Guidance says “Both buildings and garden should **generally** be outwith the ZoI”. This clearly does not say that both buildings and garden must not be within the ZoI

especially when these areas where the extensions are proposed are already within the ZOI as it affects the garden of the property. It is therefore clear that the conclusion to refuse the application is not a reasonable stance to have taken.

- 3.9 Important information about the trees, site, roots and wind pattern have not been taken into account. The branches in this area are long and thin and the likelihood of serious damage is small. The main winds are from the south and south-west, and the trees, if blown over, are likely to fall to the north and north-east into the open woodland to the north. The trees are close to the house so they do not have time to gather much momentum to damage the house or extensions if they did fall. Beech tree roots will also be joined, they are not individual entities. In addition, the existing garage was also built after the trees had matured.

Third parties

- 3.10 The owner of the trees in this case is Transport Scotland who purchased them in relation to AWPR works. A letter was sent to Transport Scotland on 14 October 2020 asking for the trees to be removed to avoid any risk of fall onto the Highfield. Transport Scotland did not agree that the trees were a danger to the dwelling house as contained within their response dated 29 October 2020. A further letter to Transport Scotland on 30 October 2020 clarified that the existing house and garage were located within the Zone of Influence of the trees. The response from Transport Scotland Roads Directorate on 19 November 2020 accepted that part of the property at the Highfield is within the Zone of Influence of a number of trees. It is also very clear from the response that Transport does not agree that the trees present a significant or imminent danger to the existing property.
- 3.11 While it would clearly be of assistance to the appellant if Transport Scotland agreed the trees were a danger and also agreed on that basis to remove them, the disagreement of Transport Scotland that the trees present a danger to the house, or indeed the proposed extensions, and that they do not require to be removed, strengthens the appeal that the extending the house and the garage would be acceptable and that planning permission should accordingly be granted.

Policy and Supplementary Guidance Considerations

- 3.12 It should be noted that while the officer says that they should not be seen to impose additional burdens on third parties, there is an inherent flaw with the Supplementary Guidance as property owners will take trees down if they are in ZOI's for fear they will be liable for any damage to a neighbouring property should a tree fall. In this respect representations have been made to the Proposed Aberdeen City Local Development Plan challenging the Policy and SG as they go above and beyond the requirements of BS5837:2012 and the matter will therefore be scrutinised through the forthcoming

LDP Examination. The imposition of a blanket approach will sterilise development in the City. British Standards are clear that there is no particular distance a tree should not be away from development. The better approach is to assess development on a case by case basis and to consider and look at all of the site, trees, ground and root conditions and prevailing winds which is exactly what we have done in this case but which the officer has not fully or properly understood or addressed.

Conclusion

- 3.13 At no time did the officers explain why the development would be unacceptable and officers did not take into proper account the assessments and mitigations proposed as required by British Standards in determining the planning application. Astell Associates further responded to comments made by officers to further demonstrate that the development would not adversely affect the trees. To bring this appeal to a conclusion, these are noted below.
- 3.14 The first comment from the officer states that *the proposed house extension, gym and garden room will require the management of the existing tree canopy of trees 3, 4 and 6 due to their current proximity. The proposal does not allow adequate space to allow natural growth to occur. Continued sustained management of the tree canopies will be required to ensure no further conflict between the existing tree stock and the proposed developments. Such work is not considered appropriate with regard to the age and species of the trees present.* In response, Astell Associates replied that these are mature trees and their canopies will not be growing vigorously. Continued sustained management will not be necessary as the branch tips can be removed to thin canopies back without damaging the trees, as per British Standards. Beeches respond well to thinning as can be seen by tree work on beeches throughout Scotland. These trees would have had their canopies cut back by the owners (appellant) of this adjacent property (Highfield) if they had wished to do so, but they like the branch screen.
- 3.15 The second comment from the officer states that *Policy NE5 requires development to take place outwith the root protection areas of existing tree stock.* In response, Astell Associates replied that in this situation the extension is to enlarge an existing house. The ground has been disturbed around the house during its construction and also during construction of the greenhouse and the oil tank. This will have reduced the extent of the root plate in the direction of the existing house. The land to the north has few trees, and the roots of trees 1-7 have room to expand in this direction. The root protection areas of trees 3, 4, 5, 6 and 7 are only slightly impacted and the amount of root protection area affected is well within the tolerances discussed in BS 5837:2012. The beech tree roots form an interconnected web of water and mineral uptake and transmission of soluble compounds through their interconnecting mycorrhiza. These eight trees form a 'gestalt' entity underground and should not be

treated as a line of individual trees. They are interconnected with areas of open grassland to the north which their roots can colonise further. The small area of incursion into the root plates will not impact the health or the stability of these trees. The incursion of these buildings into the theoretical root protection area will not make these trees more liable to be blown over by winds.

- 3.16 The third and final comment from the officer states *that it is considered that the closer a dwelling is to the centre of the ZOI, the greater the likely future impact on trees and requirement for extensive works due to the proximity of large trees*. In response, Astell Associates replied that the garage and house are within the ZOI and this has not resulted in extensive, or in fact any, works on these trees, even though the applicant has the legal right to remove branches over their garden. The impact on the ZOI will be the same, as the ZOI discusses the major problem of trees falling towards houses. In this situation, the prevailing winds come from the south and south-west with a result that the trees would be blown to the north and north-west. This can be seen in the area by a mature beech tree that has fallen to the north. Obviously there are no problems if a structure is outwith the ZOI but the British Standard 5837:2012 addresses problems of proximity and incursions into the root plates of trees. This discusses how these problems can be addressed and in certain instances can be adequately catered for by using arboricultural methods. The British Standards do not just draw a line on a plan, but say “there is no particular distance that a structure should be away from a tree”.
- 3.17 To conclude, the above information and analysis demonstrates that planning permission should be granted and we therefore respectfully request that this appeal is upheld and planning permission is granted.

