

Public Document Pack



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

Town House,
ABERDEEN 10 March 2021

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Virtual - Remote Meeting on WEDNESDAY, 17 MARCH 2021 at 2.30 pm.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

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

B U S I N E S S

1.1 Procedure Notice (Pages 5 - 6)

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

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

[Local Development Plan](#)

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

PLANNING ADVISER - GAVIN EVANS

2.1 **The Highfield, Borrowstone Road - Erection of a Single Storey Extension to the Side and Formation of a Carport and Garden Room/Gym - Planning Reference: 200265 (Pages 7 - 44)**

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 45 - 64)

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.

2.3 Planning Policies Referred to in Documents Submitted (Pages 65 - 66)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 67 - 88)

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.

2.5 Determination - Reasons for Decision

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

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

3.1 **81 Abergeldie Road - Erection or Replacement of a Single Storey Extension to the Rear - Planning Reference: 201167 (Pages 89 - 112)**

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 113 - 126)

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 201167.

3.3 Planning Policies Referred to in Documents Submitted (Pages 127 - 128)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 129 - 134)

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 201167.

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

4.1 **24 Goodhope Road - Installation of Raised Timber Decking with External Steps and Boundary Wall to the Rear - Planning Reference: 201035 (Pages 135 - 162)**

4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 163 - 184)

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 201035.

4.3 Planning Policies Referred to in Documents Submitted (Pages 185 - 186)

4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 187 - 194)

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 201035.

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 Mark Masson on mmasson@aberdeencity.gov.uk / tel 01224 522989

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

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

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

DETERMINATION OF REVIEW

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

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

LOCAL REVIEW BODY

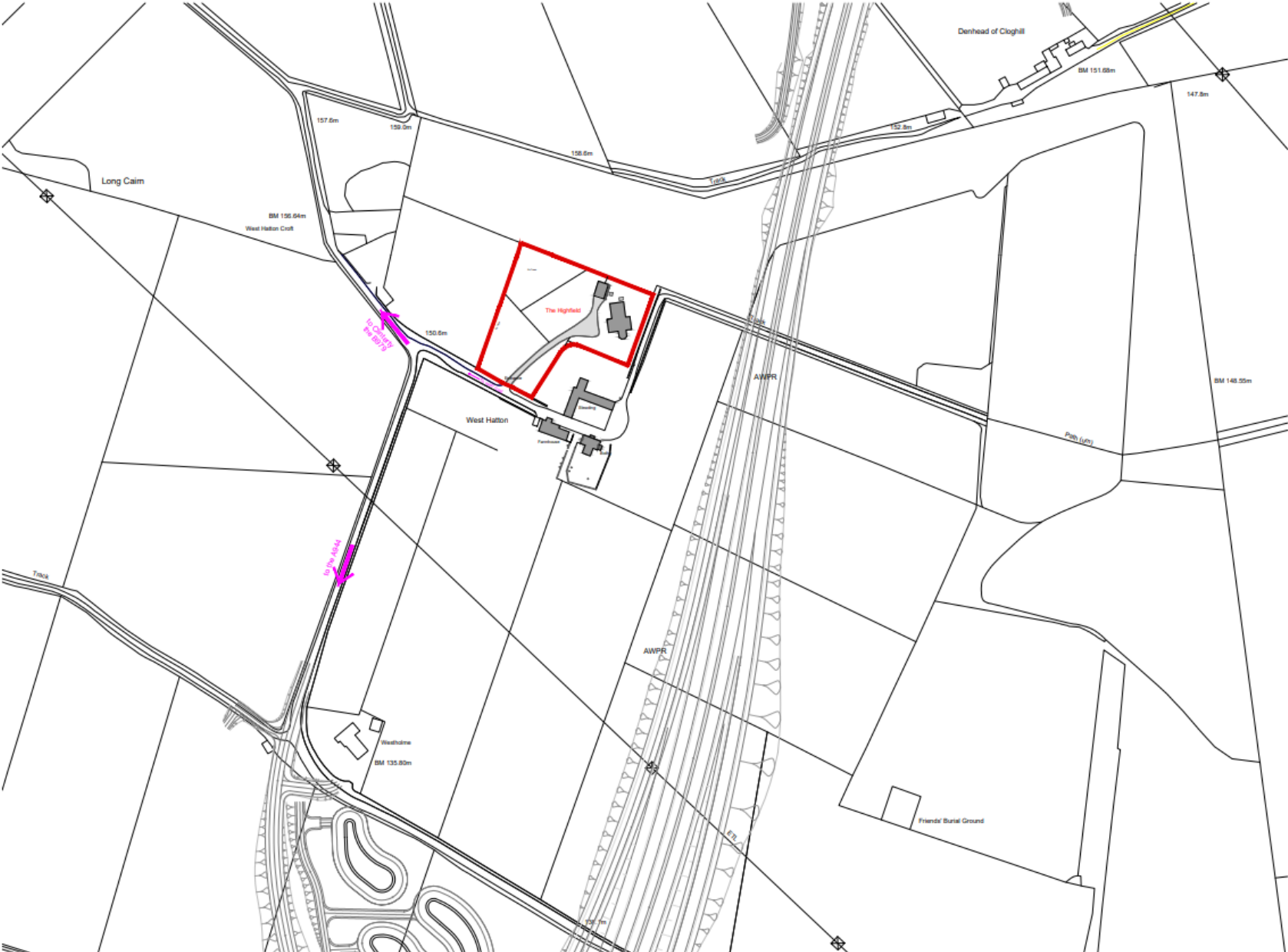


200265/DPP – Appeal against refusal of planning permission for:

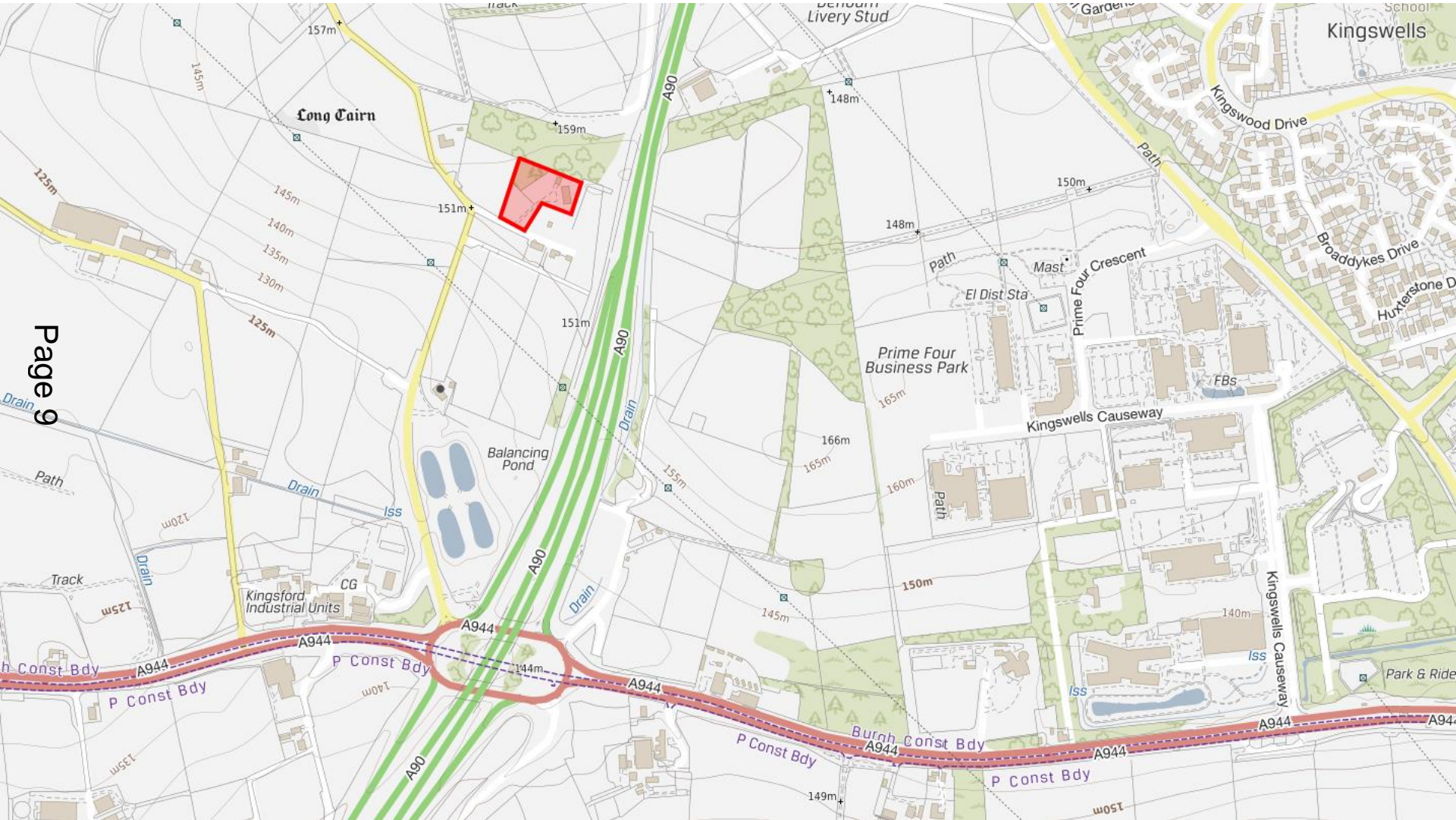
‘Erection of single storey extension to side and formation of carport and garden room/gym’

The Highfield, Borrowstone Road

Location Plan



Location Plan: GIS



Aerial Photo: Location



Photo: Existing Garage (front)



Photo: Existing Garage (side)

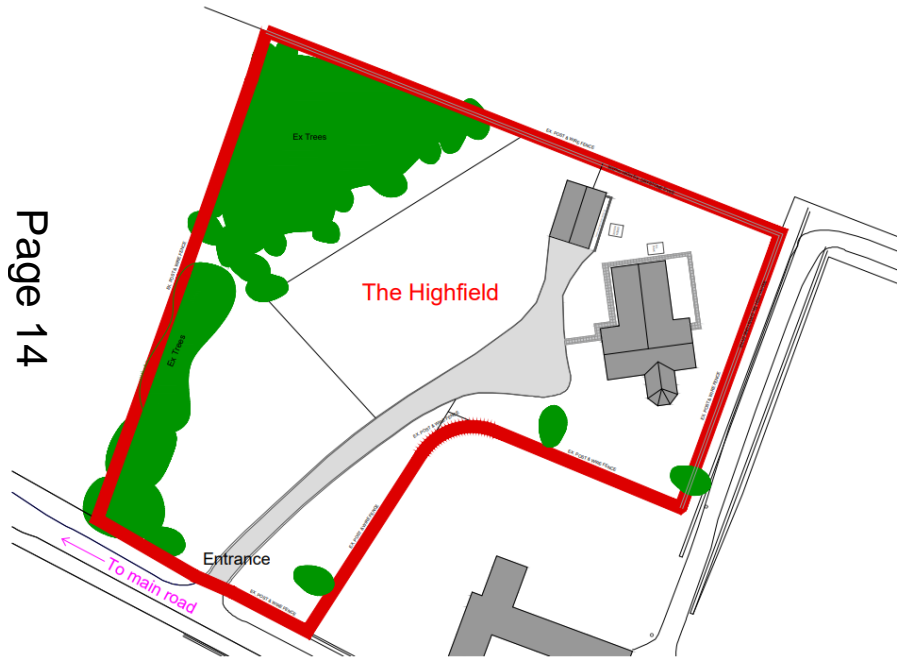


Photo: Location of works



Site Plan

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Ex Site Plan
Scale 1:200 at A1

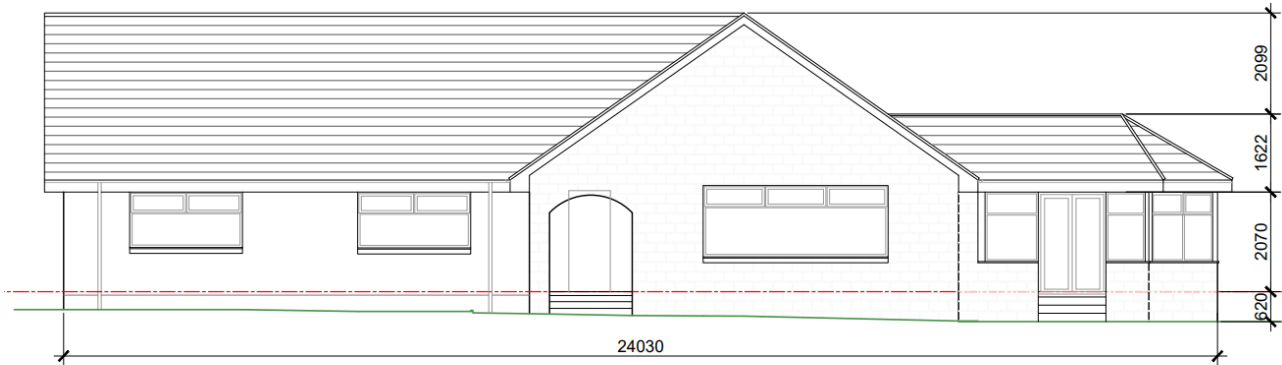
EXISTING



PRO Site Plan
Scale 1:200 at A1

PROPOSED

Elevations: House (front)

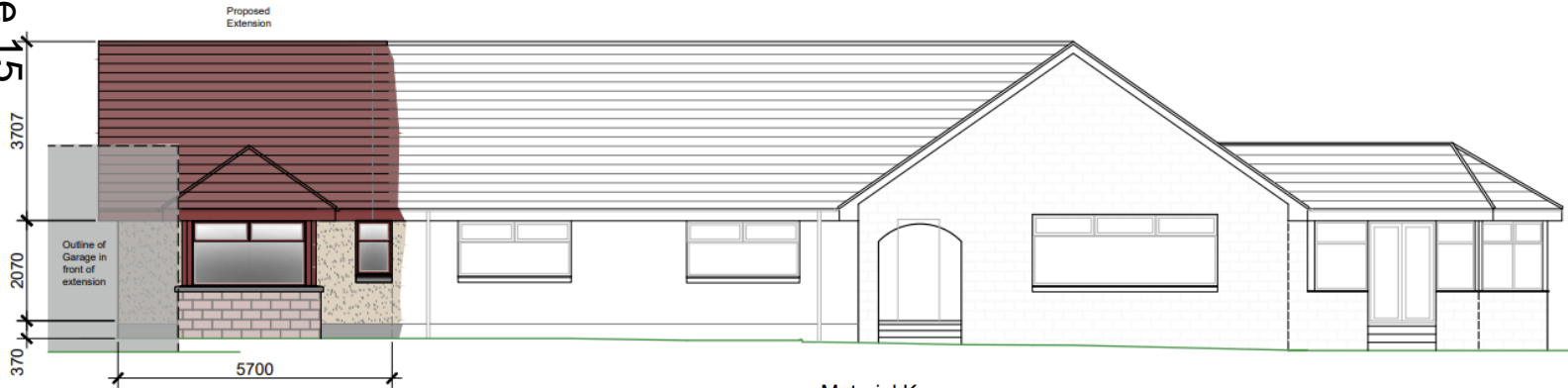


FRONT (WEST) ELEVATION





Scale 1:100 at A1

EXISTING

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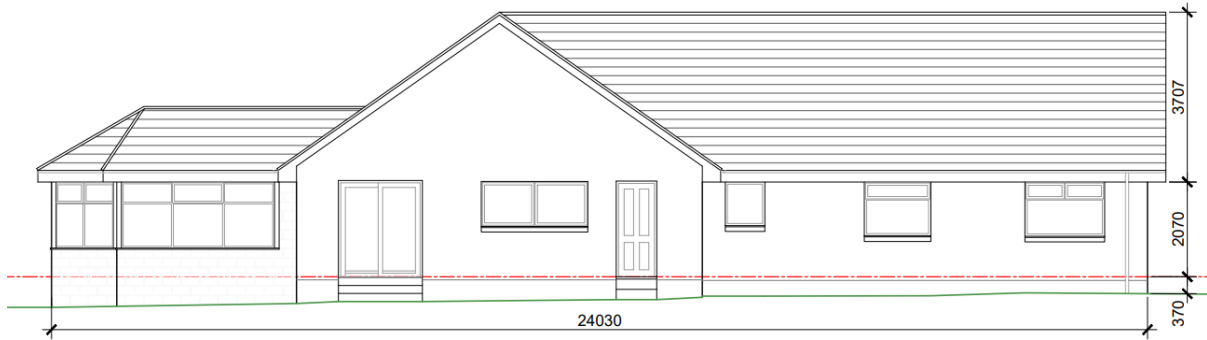


Material Key

-  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)

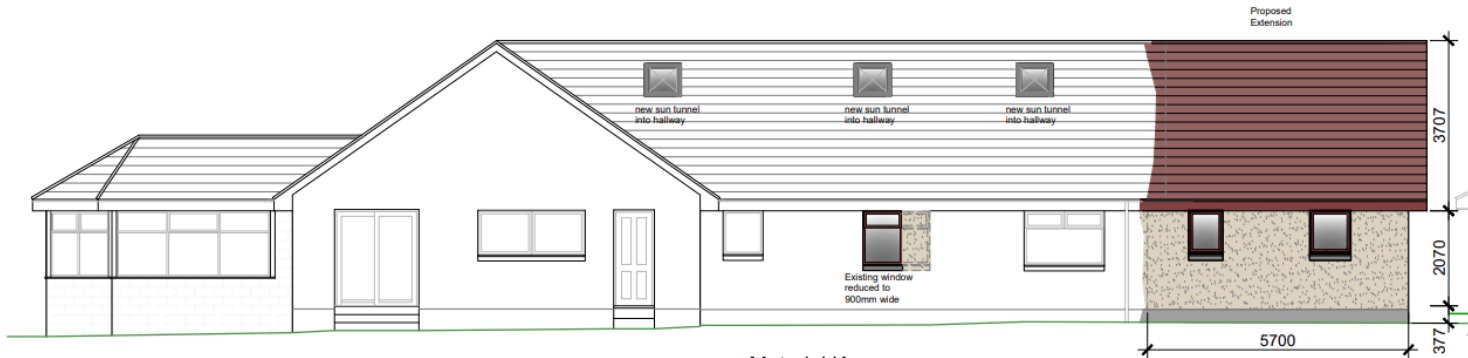


REAR (EAST) ELEVATION





Scale 1:100 at A1

EXISTING

Page 16

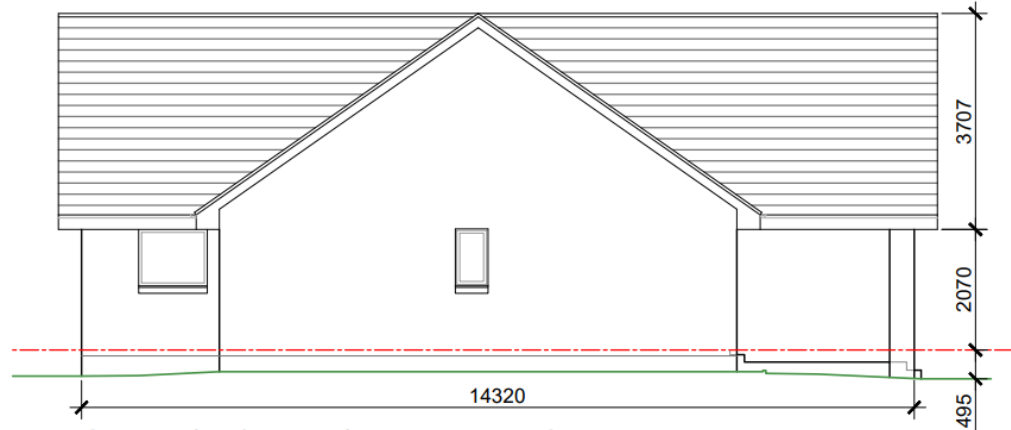


Material Key

-  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)







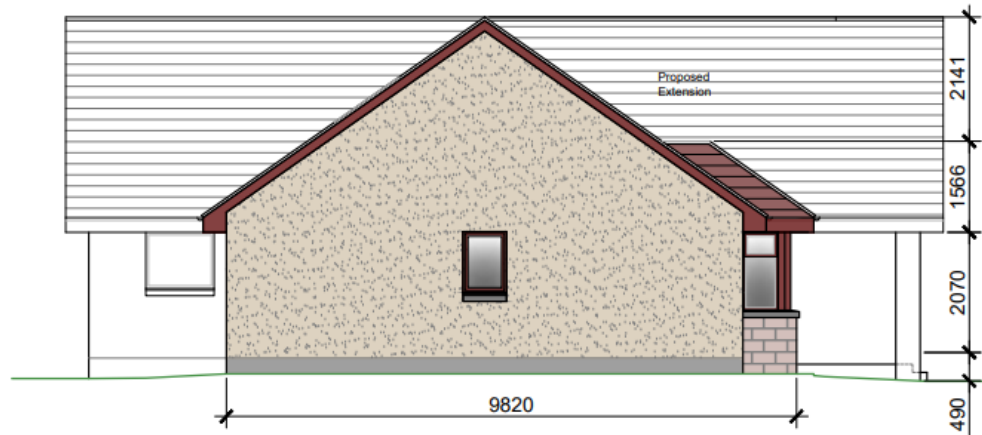
SIDE (NORTH) ELEVATION

Scale 1:100 at A1

EXISTING

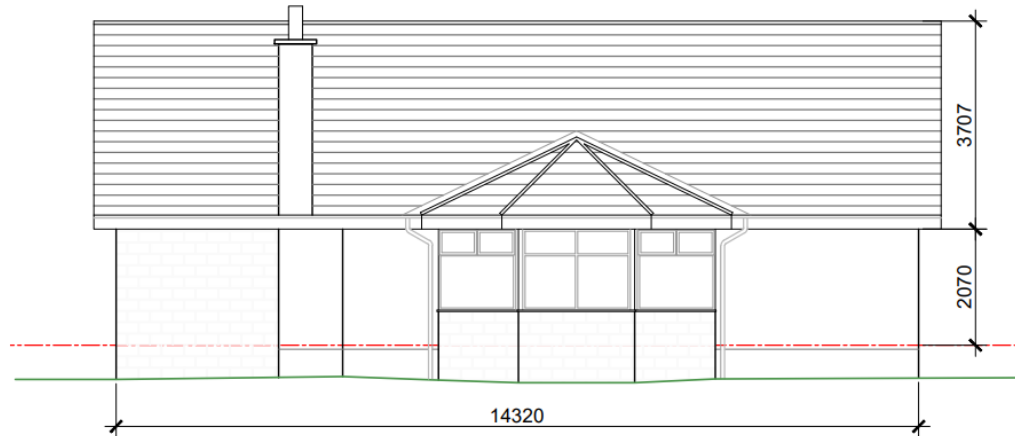
Page 17

- 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

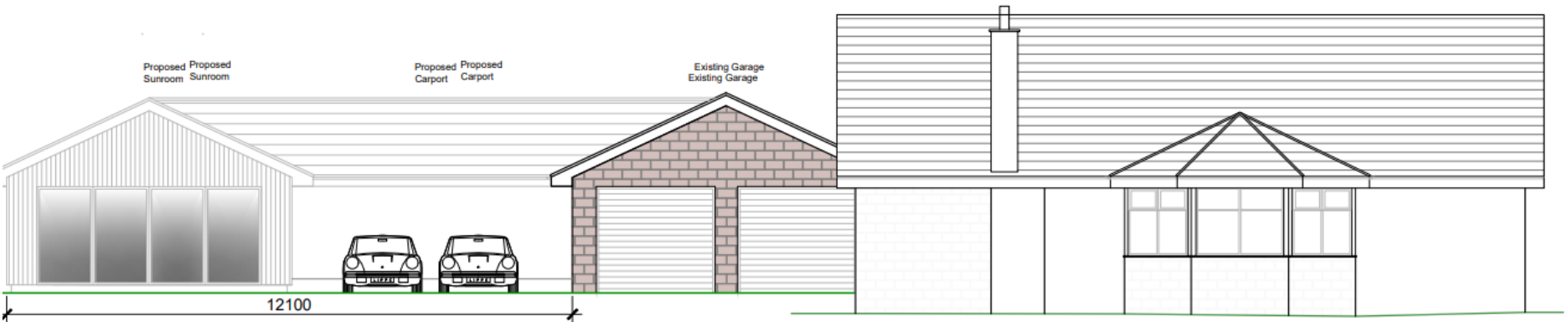
Elevations: House (side)



SIDE (SOUTH) ELEVATION

Scale 1:100 at A1

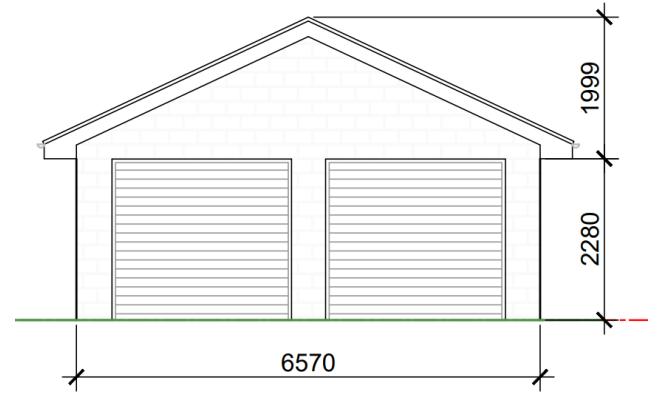
EXISTING
Page 18



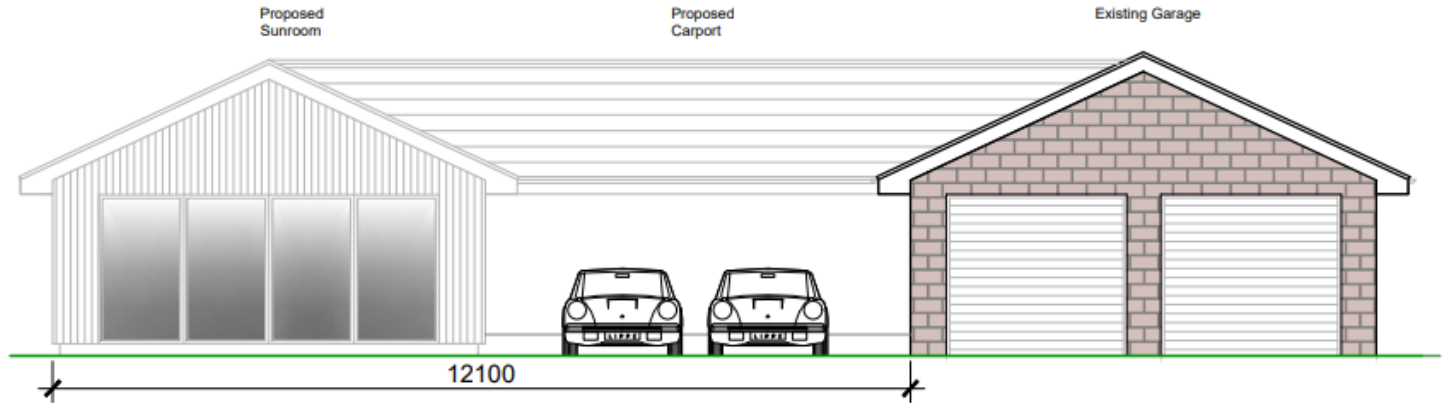
PROPOSED

Elevations: Garage (front)

EXISTING



Page 19

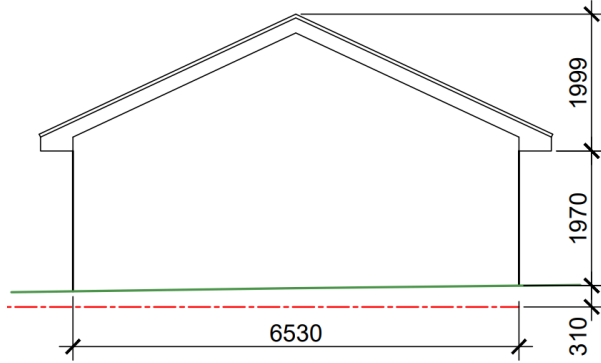


PROPOSED

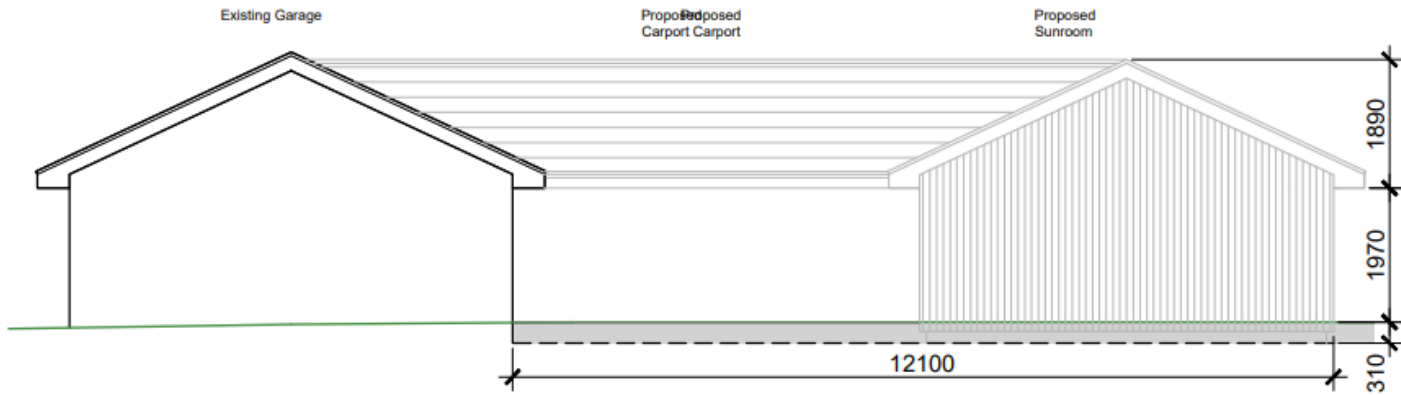
Garage Extension Finishes
-vertical larch linings
All others materials to match existing

Elevations: Garage (rear)

EXISTING



Page 20

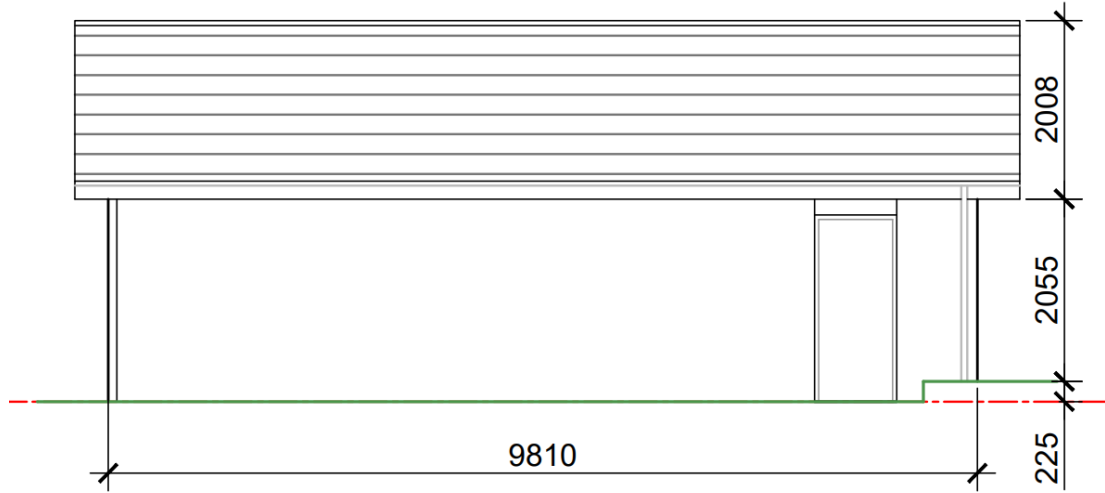


PROPOSED

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

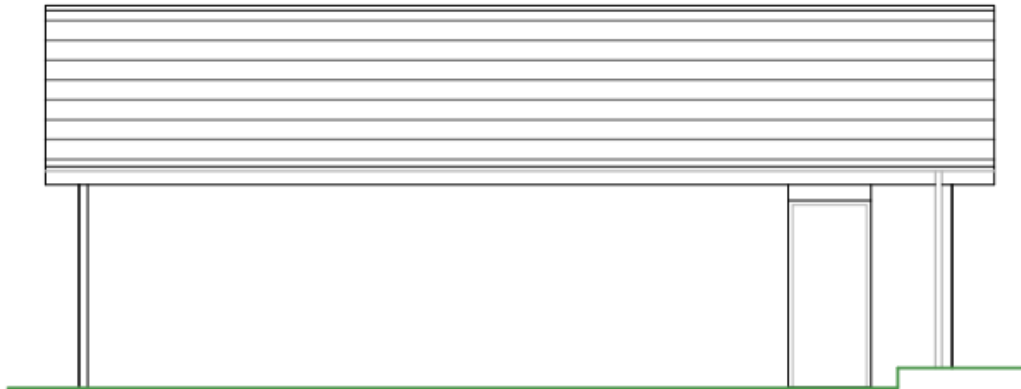
Elevations: Garage (side)

EXISTING



Page 21

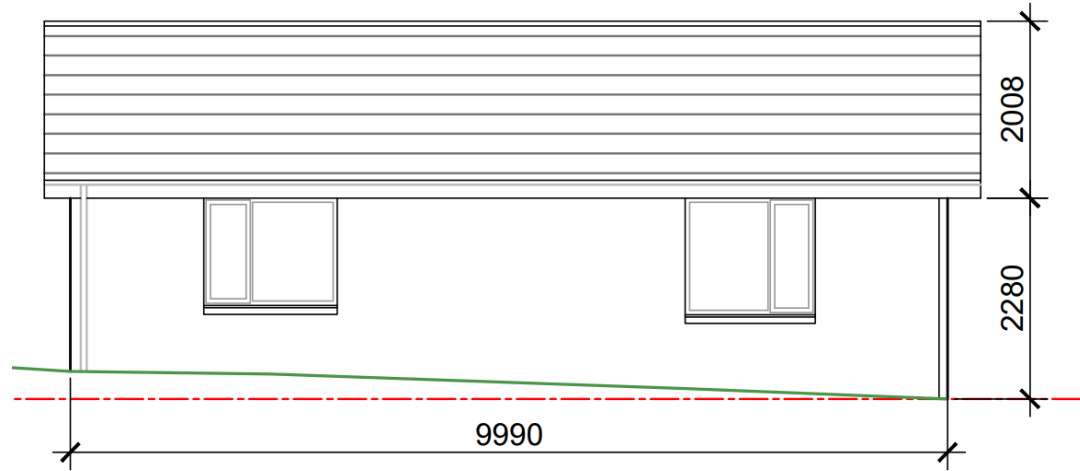
Existing Garage



PROPOSED

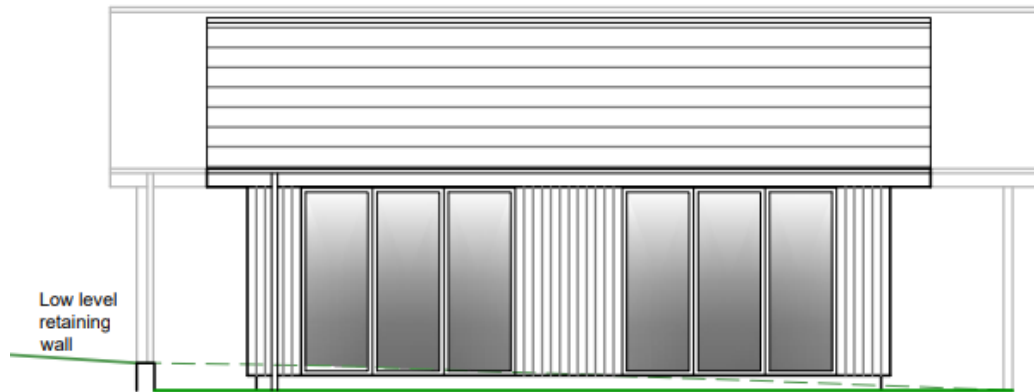
Elevations: Garage (side)

EXISTING



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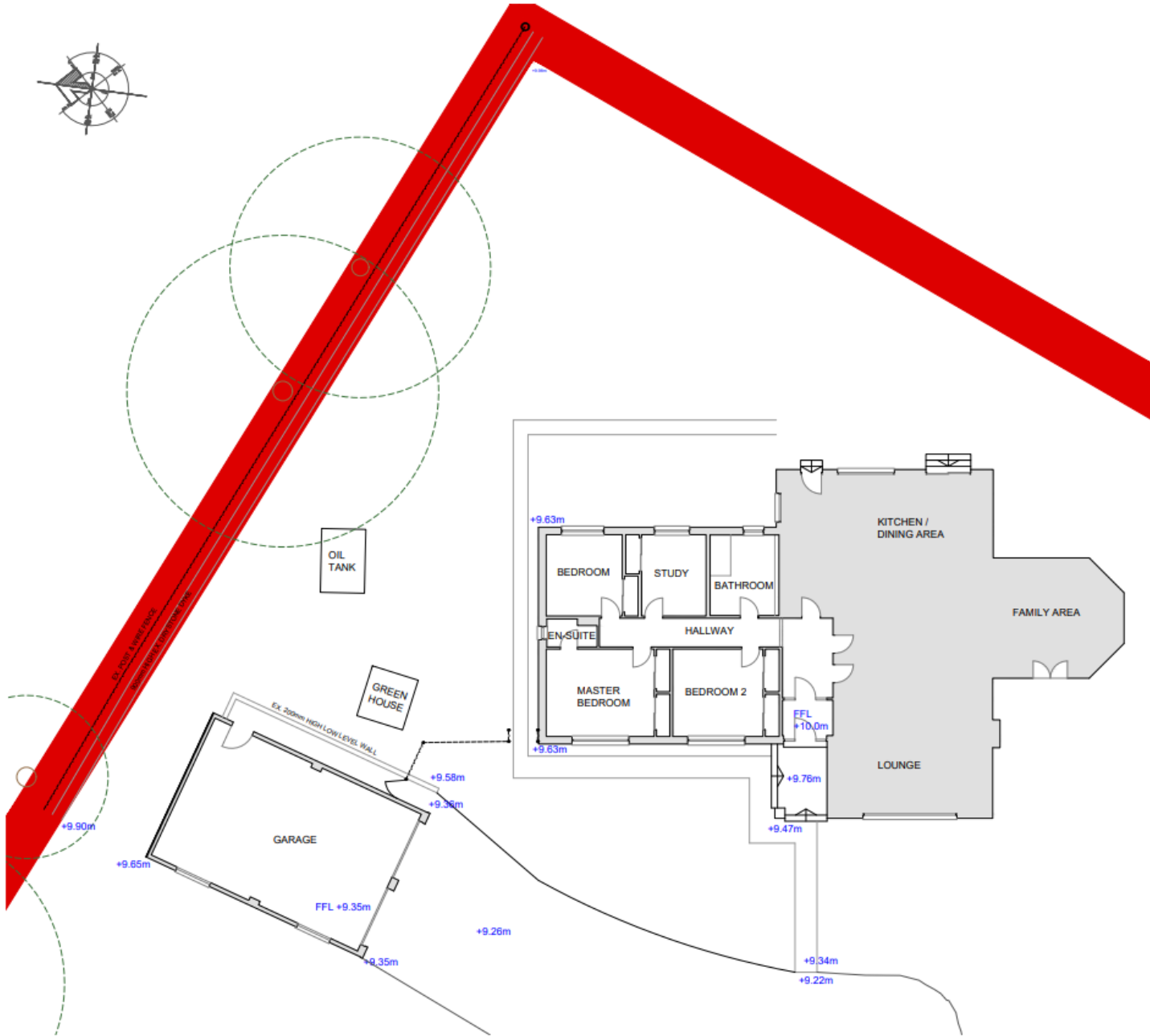
Proposed
Sunroom & gym



PROPOSED

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

Ground floor: Existing



3-D Visualisations



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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/nc

CHECK: BT/MLK DATE:
planning
approved
16/10/19



© 2019 James Philip Woodhouse
Aberdeen, AB11 5LR
01467 82706

3-D Visualisations

1

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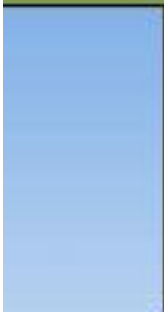


3-D Visualisations

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

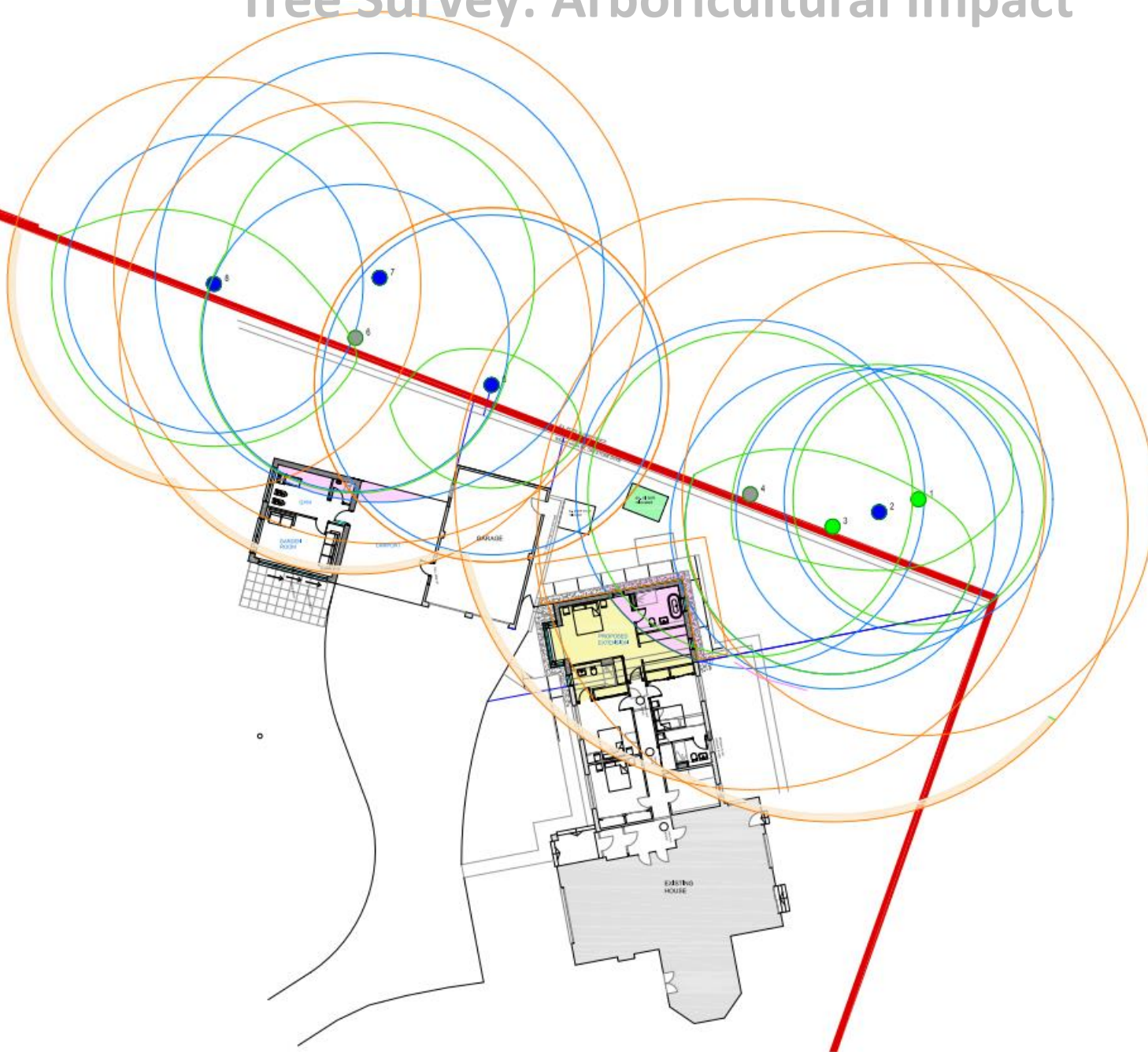
Client:	Mr & Mrs Godzman		
Drawing No:	HWH-2007-AA		
Issue Date:	02/07/2020		
Drawn by:	LW	Checked by:	NA
Revised:		Rev Date:	
Scale:	1:250 at A3		

astrol associates
 arboricultural and landscape consultants
 28 Gray Crescent, Aberdeen, Aberdeen, AB13 5NP
 Tel: 01224 626666 Fax: 01224 626667 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
 arboricultural, environmental and landscape consultants
 26 High Crescent, Aberdeen, Aberdeen, AB13 2HP
 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 (Zoi) 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 Zoi.

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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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



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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:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

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: *

Document Details

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

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

- 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 Zol, 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 Zol 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 Zol will be the same, as the Zol 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 Zol 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.

LOCAL REVIEW BODY

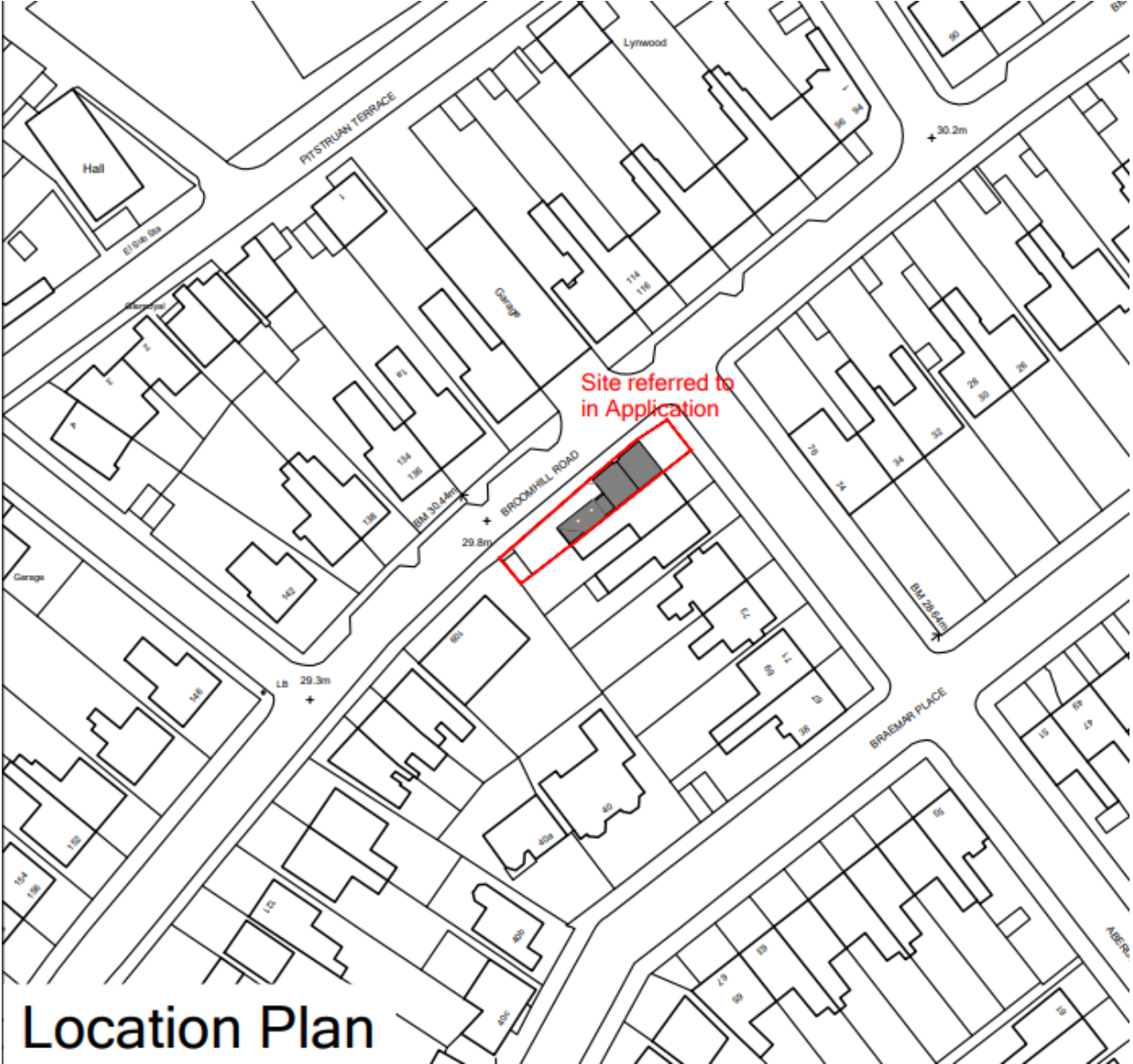


201167/DPP – Appeal against refusal of planning permission for:

‘Erection of replacement single storey extension to rear’

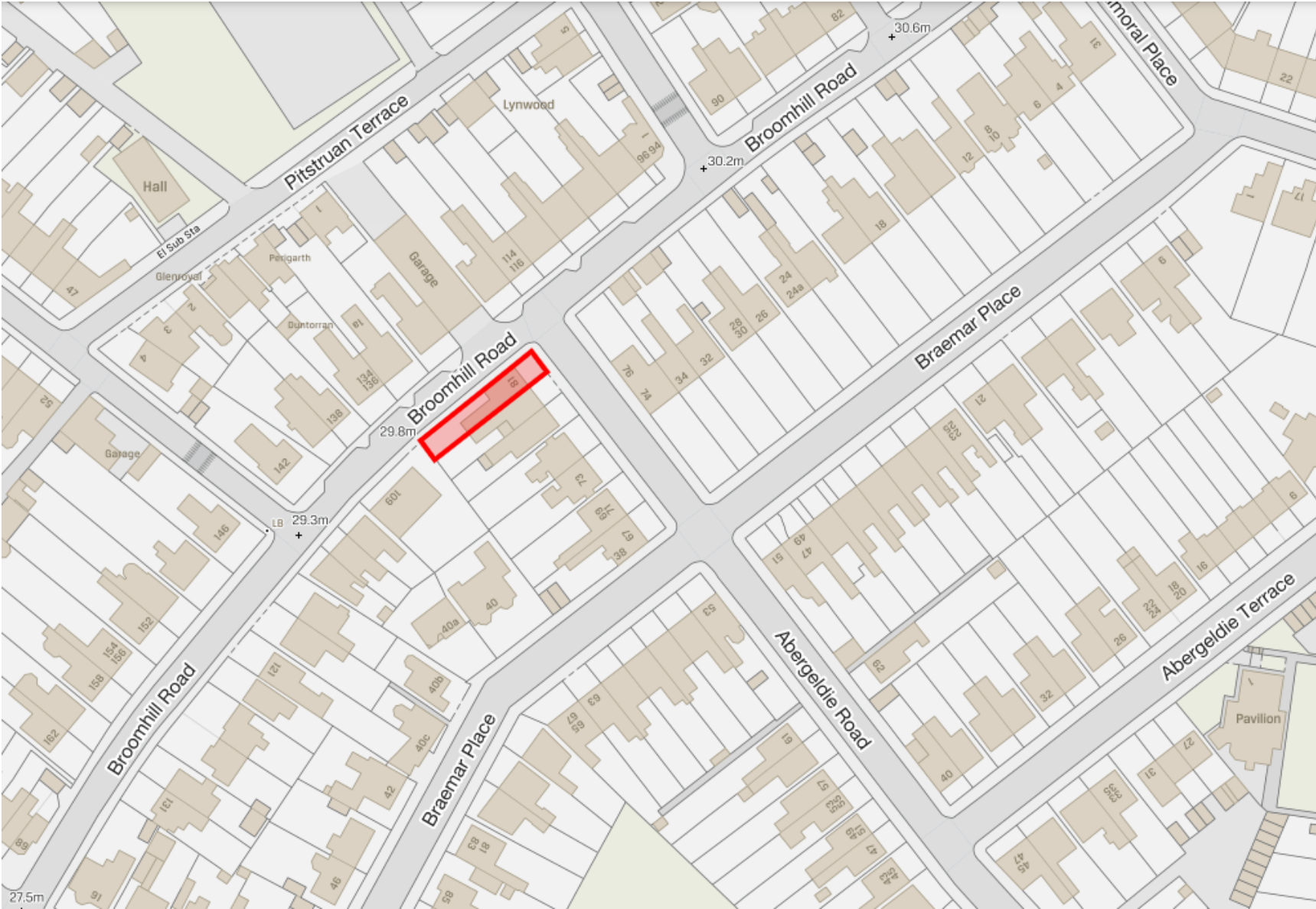
81 Abergeldie Road, Aberdeen

Location Plan



Location Plan

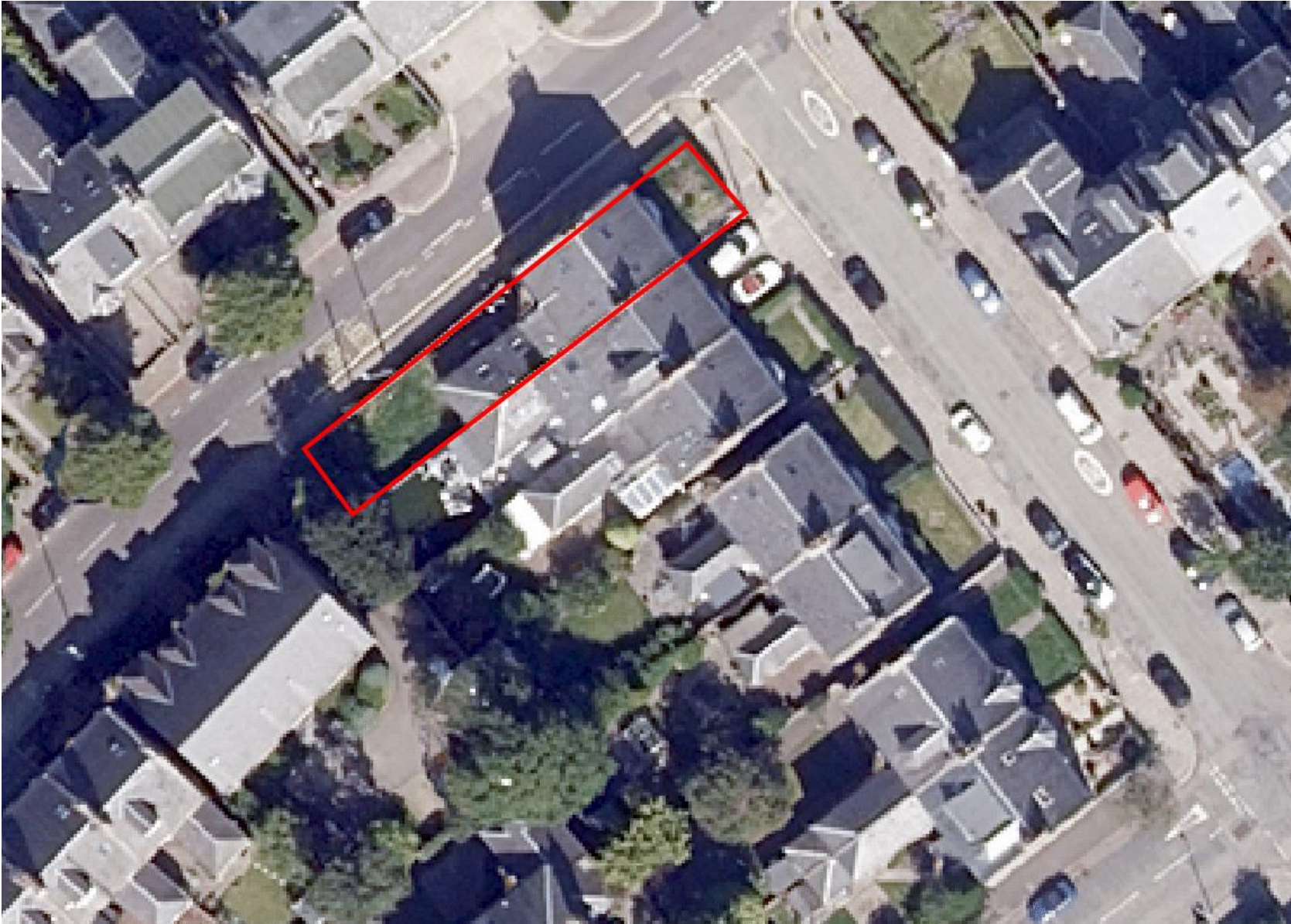
Location Plan: GIS



Aerial Photo: Location



Aerial Photo: Site



Photos to rear of property



Street View: from Broomhill Road (March 2019)

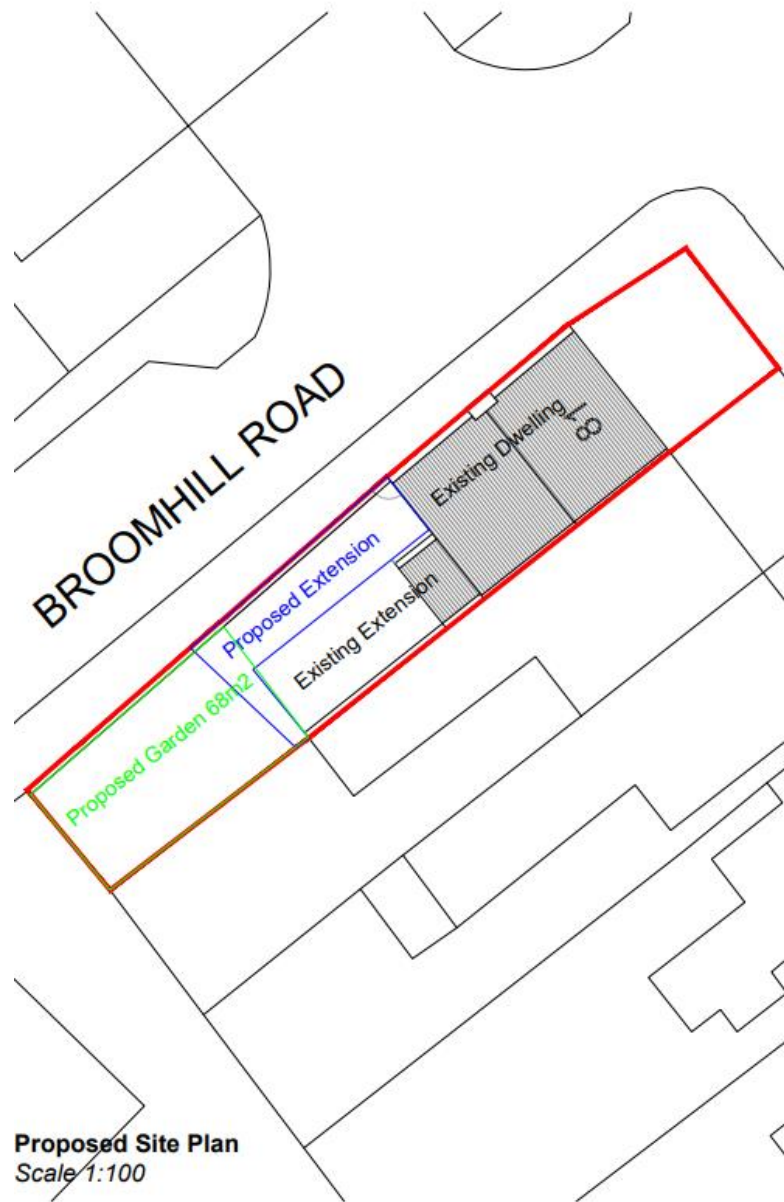


Site Plan

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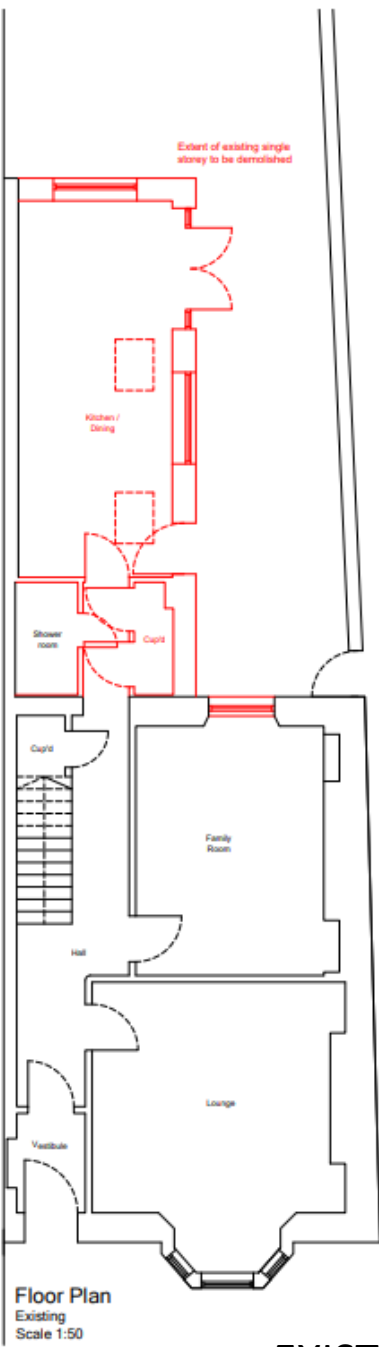


Existing Site Plan
Scale 1:100

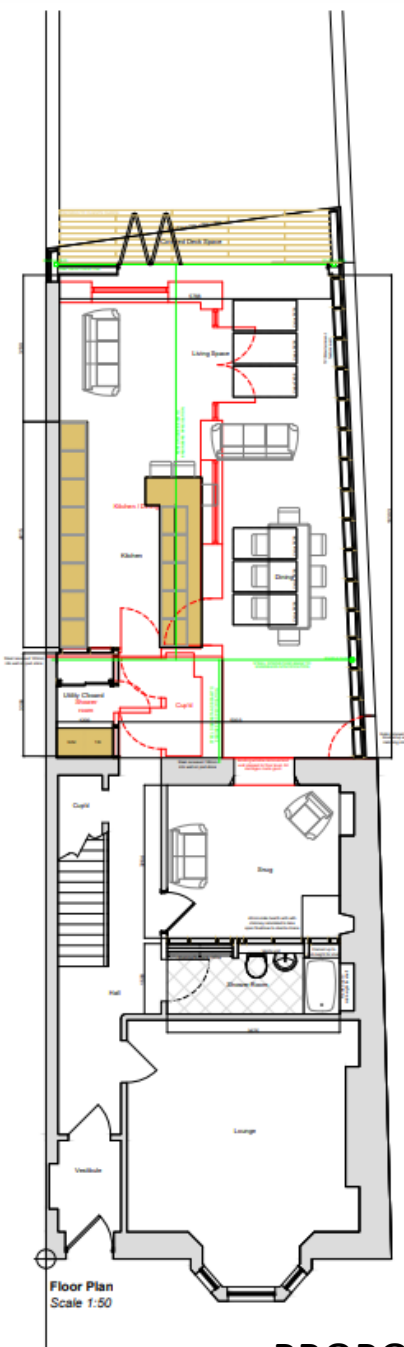


Proposed Site Plan
Scale 1:100

Floor Plans

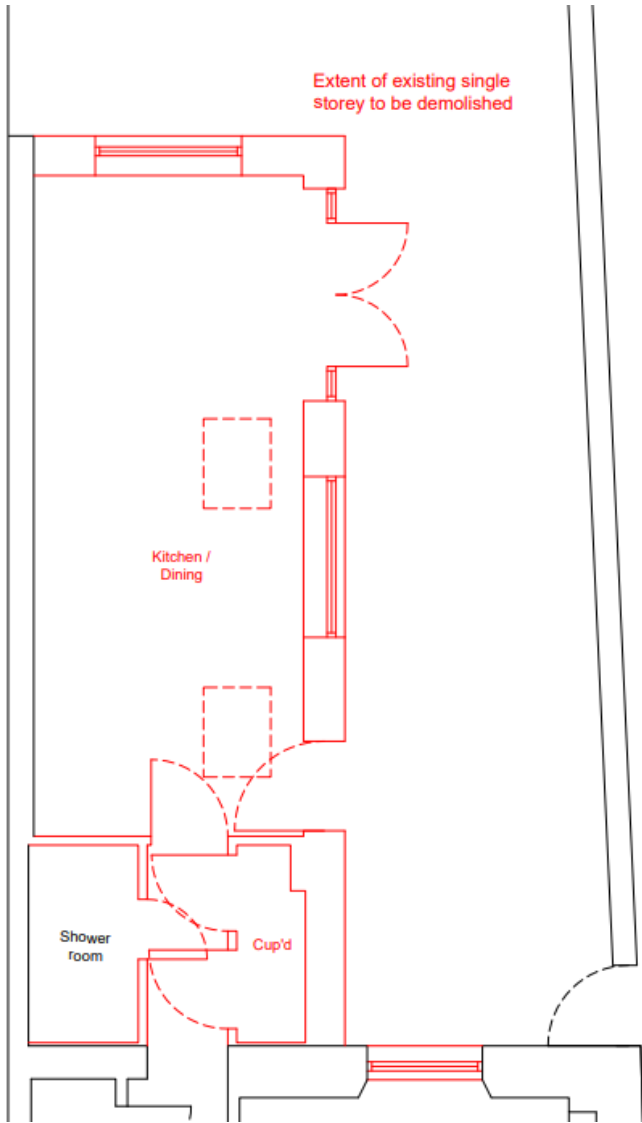


EXISTING

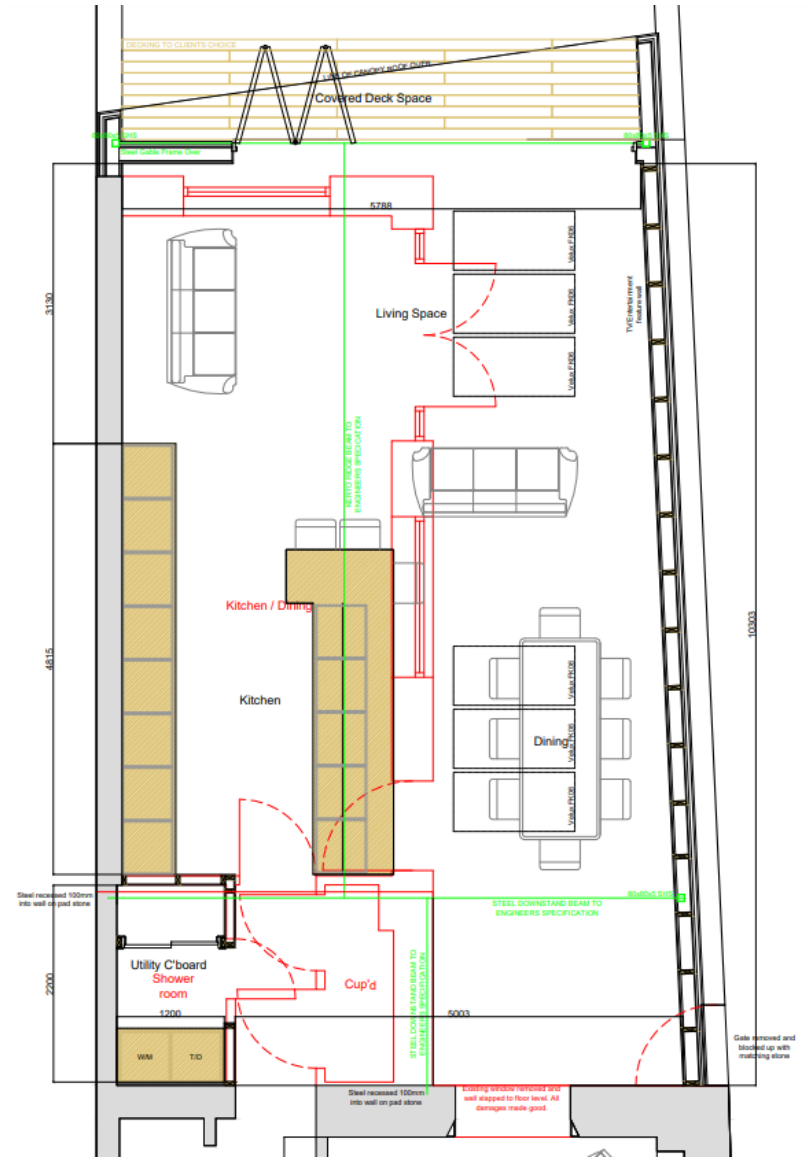


PROPOSED

Floor Plans (partial)



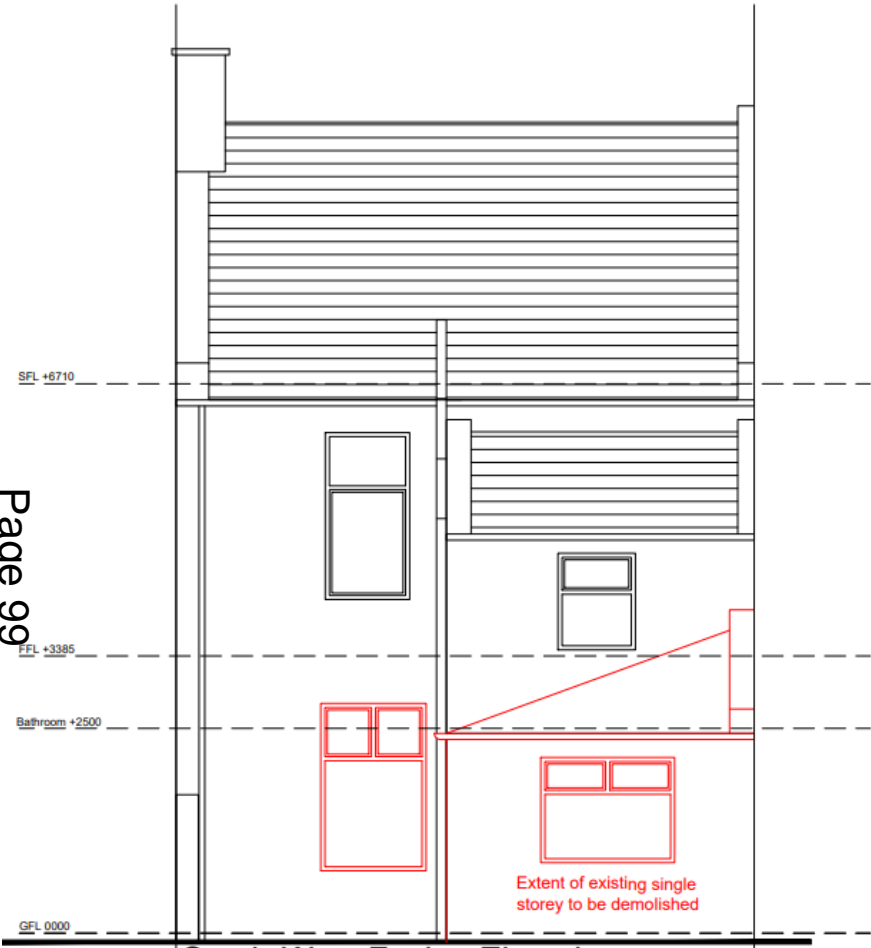
EXISTING



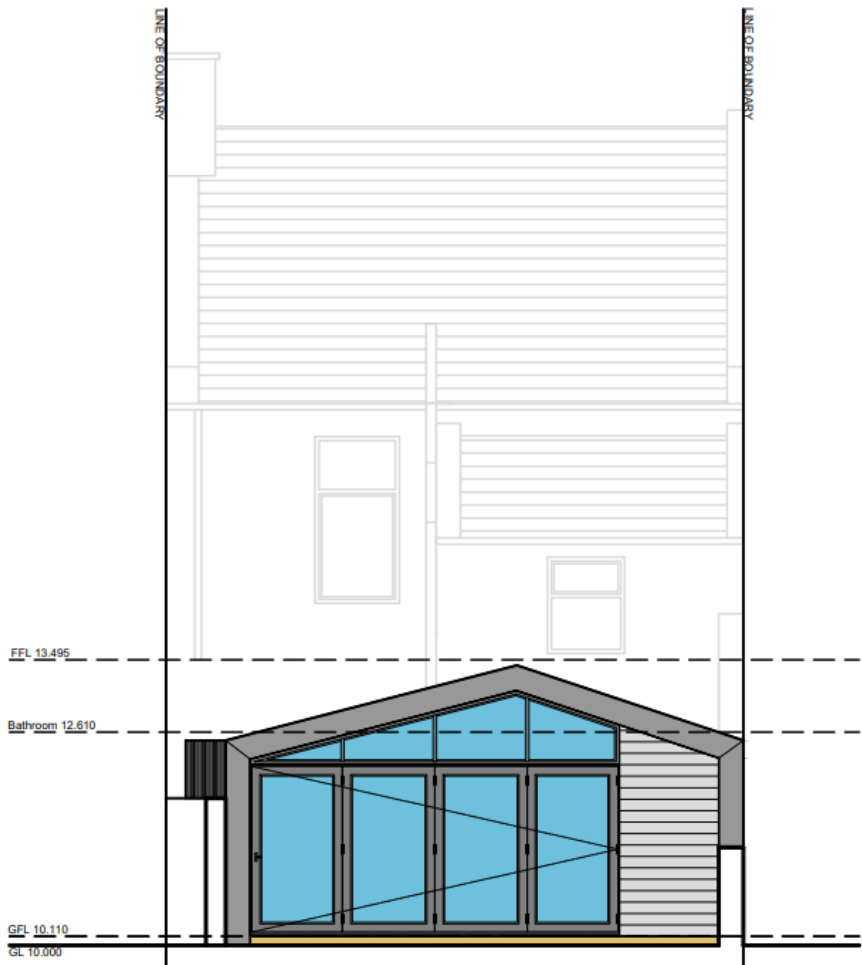
PROPOSED

Rear Elevation

Page 99



EXISTING

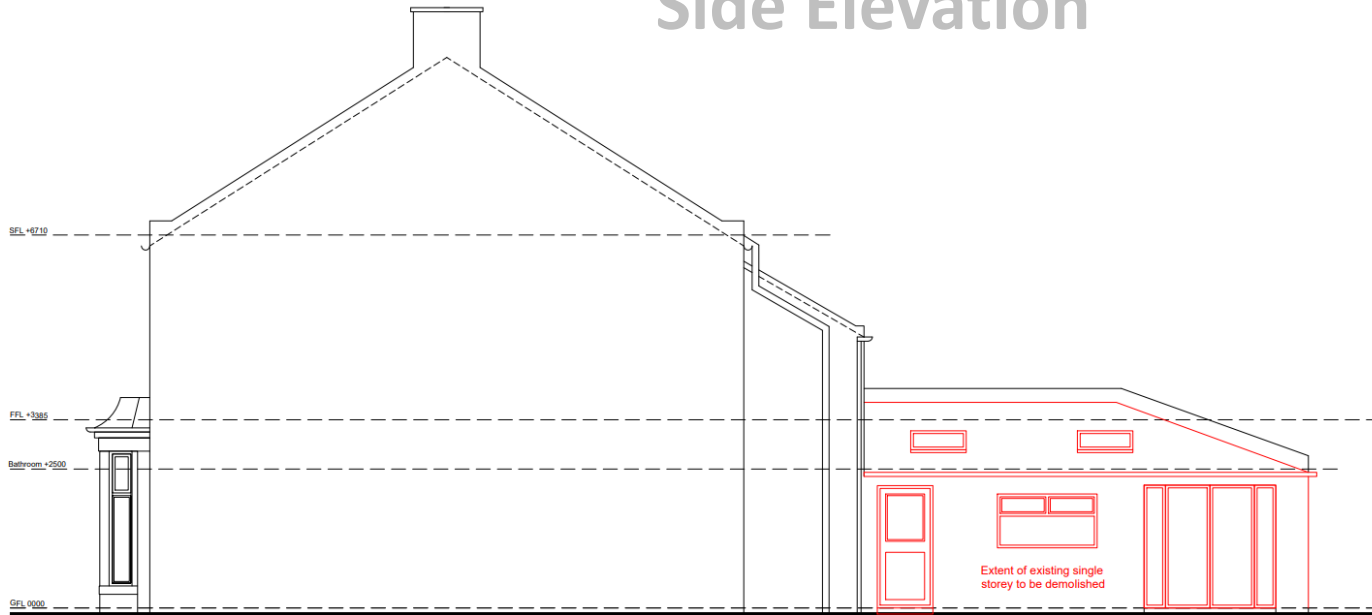


External Finishes:-

- Roof - Grey Profile Sheeting
- Walls - Anthracite Cladding
- Windows/Doors - Alu-Clad Double Glazed Bi-Fold Doors

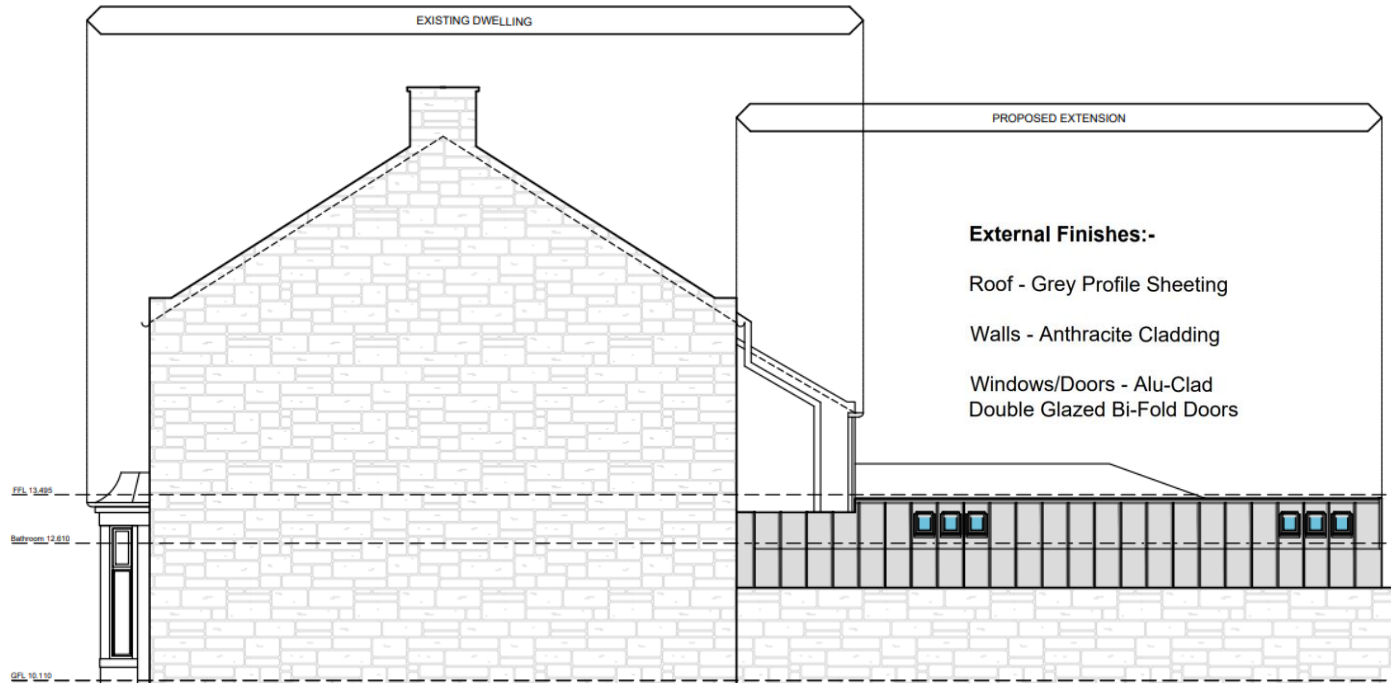
PROPOSED

Side Elevation



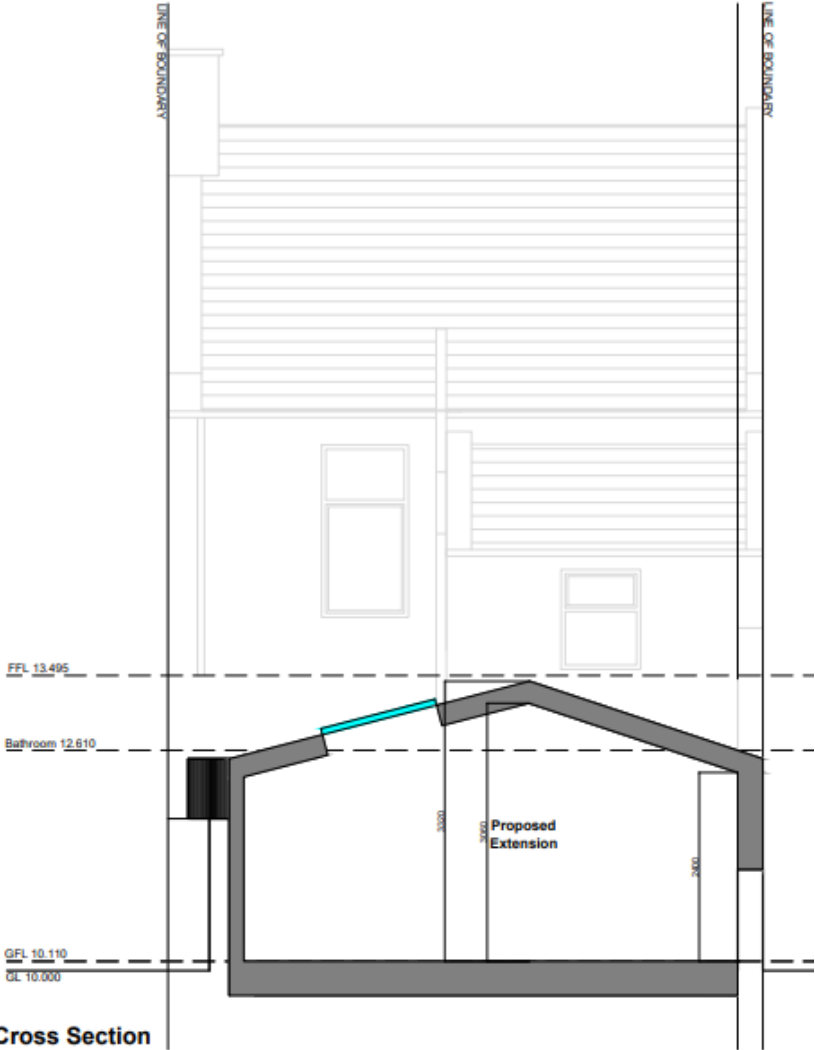
EXISTING

Page 100



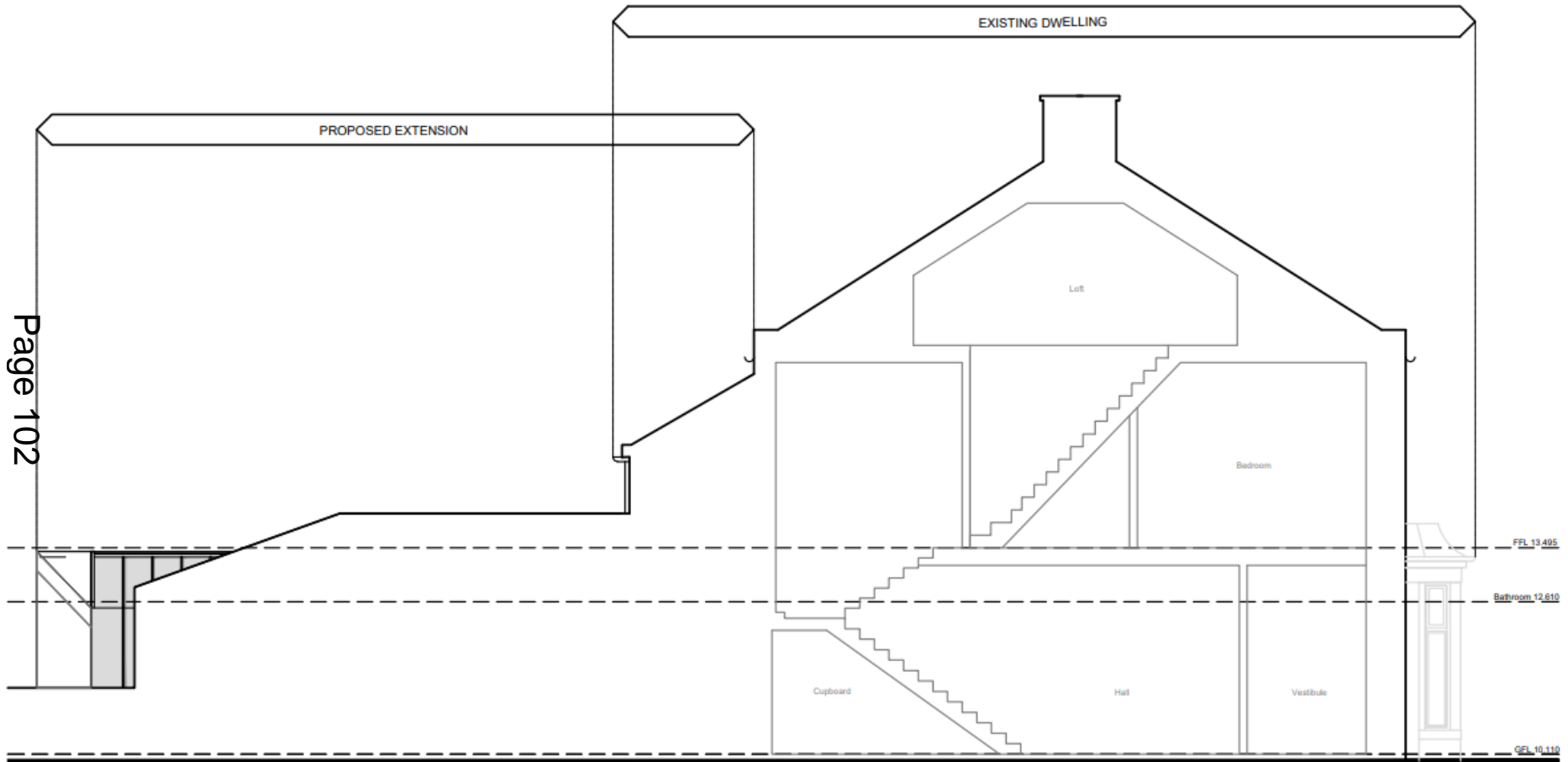
PROPOSED

Proposed Cross Section



Cross Section
Scale 1:50

Proposed Cross Section



3-D Visualisation

Page 103



3-D Visualisation



Reasons for Refusal

- Refers to highly visible location on Broomhill Road
- Proposal would have an adverse impact on streetscape and detrimental impact on the character and amenity of the surrounding area
- Extension would be of an incompatible scale to the original dwelling; more than doubling the length of the north-west gable, sitting obviously uncomfortably with the main dwelling.
- Proposed extension would therefore conflict with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the ALDP and associated 'The Householder Development Guide' SG
- Also conflicts with equivalent policies in Proposed ALDP
- No material considerations that warrant granting of planning permission

Applicant's Case for Review

Stated in Notice of Review. Key points:

- The planning officer felt that this extension would be detrimental to the amenity of the area and sit uncomfortably with the main dwelling. We disagree with these points and would refer to the wider location on a busy vibrant part of a street which has a variety of scales and types of residential development.
- This would be a modern, neat and sharp addition to the streetscape, which would contrast, but compliment the existing granite dwelling and boundary wall.

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

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)

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)

Householder Development Guide SG

Terraced Dwellings

- a) Single storey extensions to terraced dwellings will be restricted to 3m in projection along a mutual boundary.
- b) Extensions of more than one storey will normally be refused where the proposal runs along a mutual boundary unless it can be demonstrated that the specific circumstances of the site and the proposal would ensure that there would be no detrimental impact on either the character or amenity of the area.
- c) Proposals for extensions to end-terrace properties will be subject to these standards unless it can be demonstrated that the specific circumstances of the site and the proposal justify a departure from the above.
- d) In general, on non-traditional and group-terraced dwellings:
 - Extensions should not project forward of any established building line.
 - Single-storey extensions will be restricted to 3m in projection from the rear wall of the original dwelling.
 - Two-storey extensions to grouped terrace properties will not normally be acceptable.

Points for Consideration

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

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


Does it accord with the general principles set out in the 'Householder Development Guide', specifically as regards extensions and outbuildings?

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

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

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

Site Address:	81 Abergeldie Road, Aberdeen, AB10 6EL
Application Description:	Erection of replacement single storey extension to rear
Application Ref:	201167/DPP
Application Type:	Detailed Planning Permission
Application Date:	29 September 2020
Applicant:	Mrs Kim DalGLISH
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Ashley and Broomhill
Case Officer:	Jemma Tasker

RECOMMENDATION

Refuse.

APPLICATION BACKGROUND

Site Description

The application site relates to a 2 storey, end of terrace dwellinghouse, located on the western side of Abergeldie Road, at its junction with Broomhill Road to the south – a main road between the city centre, South Anderson Drive and Garthdee to the west. The dwelling has a north-east facing principal elevation fronting Abergeldie Road; adjoins No. 79 Abergeldie Road to the south-east; Broomhill Road is located to the north-west; and No. 109 Broomhill Road lies to the south-west. To the rear of the dwelling, to which this application relates, there is an existing 2 storey off-shoot and single storey off-shoot extending along the south-east mutual boundary, projecting a total 10.2m from the rear of the dwelling, measuring 3.5m in width. The remaining rear garden covers an area of approximately 99sqm and is screened on the north-west boundary by a c. 1.8m high wall; south-west boundary by a c. 1.8m high wall and shrubbery; and south-east boundary by a c. 1.3m high wall.

Relevant Planning History

No relevant planning history.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission (DPP) is sought for the erection of a replacement single storey extension to the rear (south-west) elevation of the dwelling. The existing single storey off-shoot would be removed and replaced by a single storey extension which would project a maximum 11.8m from the rear of the dwelling. It would span the entire width of the plot, tapering from 6.8m to 6.3m to the rear. The extension would have an asymmetric pitched roof, with an eaves height of c. 2.5m and an overall height of c. 3.4m. Finishing materials include anthracite cladding for the

walls, grey profile sheeting for the roof and alu-clad bi-folding doors.

Consent is also sought to remove the existing access gate on the north-west boundary wall and block it up with stone – stated to match the existing.

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=QHF5DQBZKS100>

CONSULTATIONS

Ashley and Broomhill Community Council – No comments received.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Aberdeen Local Development Plan (2017) (ALDP)

Policy D1 – Quality Placemaking by Design

Policy H1 – Residential Areas

Proposed Aberdeen Local Development Plan (2020) (PALDP)

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

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

The foregoing can only be assessed on a case by case basis. Policies of relevance include:

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy H1 – Residential Areas

Supplementary Guidance

The Householder Development Guide (HDG)

EVALUATION

Principle of Development

The application site is located within a residential area under Policy H1 of the ALDP and the proposal relates to householder development. The proposal would comply with this policy in principle if it does not constitute overdevelopment; does not adversely affect the character and amenity of the surrounding area; and it complies with the associated Supplementary Guidance. These issues are assessed in the evaluation below.

Design and Scale

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

In discussing overdevelopment, the HDG states that the built footprint of a dwellinghouse as extended should not exceed twice that of the original dwelling and no more than 50% of the rear curtilage shall be covered by development. Taking into consideration the two storey and single storey off-shoots as part of the original dwellinghouse, the original dwelling has a footprint of c. 117sqm. The proposed extension would add an additional 36sqm of floor space to this which could be considered an acceptable increase in principle. However, with the demolition of the existing single storey off-shoot, the extension would read as an additional 65sqm of floorspace to a dwelling with a footprint of 88sqm. While this is still under the 100% increase permitted by the guidance, it is nevertheless a considerable increase when considered in the context in which it will be realistically viewed. Additionally, currently, there is 99sqm of usable rear garden ground. An additional 36sqm of this would be removed as a result of the proposed extension, taking rear garden site coverage levels to 36% and resulting in 63sqm of garden ground being retained, in excess of the 50% required to be retained.

Overdevelopment is not only considered in terms of footprint and site coverage as above, but also, as explicitly stated in the HDG, the proposal should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale. The maximum length of the extension totals some 11.8m along the north-west boundary. This is in comparison to the length of the main side elevation of the dwelling fronting directly onto Broomhill Road, which measures 10.7m. This would create a sense of the extension being visually dominant along this elevation when viewed from Broomhill Road. While it is noted that the existing off-shoot has a considerable projection at present, this is set back Broomhill Road and thus, reduces the visual impact of such a projection. Currently, there is no development on, or closely within, this north-west boundary. Therefore, the proposed extension, from this highly publicly visible viewpoint, would appear proportionally incongruous with the original dwelling, would appear of excessive massing, and subsequently is not considered visually subservient.

The surrounding area is predominately characterised by similar residential dwellings which have rectangular gardens and feature some form of rear off-shoot or extension. While the surrounding properties have an off-shoot or extension which mainly have considerable projections, none are noted to span the entire width of the plot for this entire projection, resulting in none that are of a scale similar to the proposed extension. In turn, they are all noted to have a lesser plot coverage than what would result from the development proposed on the application site. The proposal would result in an overall plot coverage of 63%; significantly the highest level in comparison to the immediate buildings along this row of Abergeldie Road (Nos. 67-79) where plot coverages vary from 28%-47%. Spanning the width of the plot for the length proposed (maximum c. 11.8m) would be out of context with surrounding properties, highly obvious given the prominence of this application site on a corner plot.

The HDG restricts the projection of rear, single storey extensions that extend along a mutual boundary separating terraced dwellings to no more than 3m. The proposed extension would project 8.6m from the rear of the two storey off-shoot, along the mutual boundary with No. 79 Abergeldie Road, approximately 0.7m further than that of the existing single storey off-shoot. Given that this would be a minor increase in projection along this boundary, it would be considered acceptable as it would not result in an adverse impact on the residential amenity of this neighbouring property as discussed in more detail below. However, due to the width, footprint and massing of the extension as noted above, located in a highly visible location on the corner of Abergeldie Road and the busy Broomhill Road, its impact on the character and appearance and visual amenity of the surrounding area would be unacceptable. Therefore, this projection is not considered acceptable along both boundaries of the site.

Notwithstanding elements of the design which would be architecturally compatible with the original dwelling in terms of its ancillary height and proposed materials, overall, the proposed extension would appear disproportionate to the original dwelling, which would be located in a highly prominent location, clearly visible from Broomhill Road. Its scale, siting, and footprint in this context would thus not be compatible with the original dwelling, and the established pattern of development, and the character of the surrounding area. The proposal is therefore considered to have a detrimental impact on the character and appearance, and visual amenity of the surrounding area, especially given its location immediately adjacent to Broomhill Road, which is one of the main roads linking the city centre to South Anderson Drive and residential areas to the west of the city, and thus is in conflict with Policies D1 and H1 of the ALDP, and the HDG.

Impact on Residential Amenity

No development should result in a situation where amenity is “borrowed” from an adjacent property, or there is an impingement on the amenity enjoyed by others. Calculations indicate that, due to the projection of the neighbouring extension, and the fact that proposed windows would directly face the application property’s garden ground, there would be no significant impact on neighbouring properties in terms of internal daylight receipt, background daylight or privacy. Current levels of residential amenity would therefore be retained, in compliance with Policies D1 and H1, and the HDG.

Proposed Aberdeen Local Development Plan (2020) (PALDP)

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

RECOMMENDATION

Refuse.

REASON FOR RECOMMENDATION

The proposed extension in this highly visible location along Broomhill Road would have an adverse impact on the streetscape, have a detrimental impact on the character and appearance of the surrounding area and detract from the overall visual amenity. The proposed extension would be of an incompatible scale to the original dwelling; more than doubling the length of the north-west gable, sitting obviously uncomfortably with the main dwelling. The proposed extension would therefore conflict with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Adopted Aberdeen Local Development Plan; Policies D1 and H1 of the Proposed Aberdeen Local Development Plan; and the Supplementary Guidance: ‘The Householder Development Guide’. There are no material considerations that warrant the grant of planning permission in this instance.



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100303314-001

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)

Internal alteration and extension at 81 Abergeldie Road, Aberdeen, AB10 6EL

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

No Yes - Started Yes – Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Tinto Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Chris	Building Name:	
Last Name: *	Green	Building Number:	3
Telephone Number: *	07784549386	Address 1 (Street): *	Mill House
Extension Number:		Address 2:	Grandholm
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	UK
		Postcode: *	AB22 8BB
Email Address: *	chris.green@tinto.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs		You must enter a Building Name or Number, or both: *
Other Title:		Building Name:	
First Name: *	Kim	Building Number:	81
Last Name: *	Dalglish	Address 1 (Street): *	Abergeldie Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB10 6EL
Fax Number:			
Email Address: *	chris.green@tinto.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

81 ABERGELDIE ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 6EL

Please identify/describe the location of the site or sites

Northing

804742

Easting

392781

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: Chris Green

On behalf of: Mrs Kim Dalglish

Date: 09/09/2020

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 Chris Green

Declaration Date: 09/09/2020

Payment Details

Online payment: ABSP00005645
Payment date: 29/09/2020 12:51:00

Created: 29/09/2020 12:51

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Chris Green
Tinto Architecture
3 Mill House
Grandholm
Aberdeen
AB22 8BB

on behalf of **Mrs Kim Dalglish**

With reference to your application validly received on 29 September 2020 for the following development:-

Erection of replacement single storey extension to rear at 81 Abergeldie Road, Aberdeen

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

Drawing Number	Drawing Type
3463-PL(00)02 A	Site Layout (Proposed)
3463-PL(00)01 A	Location Plan
3463-PL(00)01 A	Elevations and Floor Plans (Proposed)

REASON FOR DECISION

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

The proposed extension in this highly visible location along Broomhill Road would have an adverse impact on the streetscape, have a detrimental impact on the character and appearance of the surrounding area and detract from the overall visual

amenity. The proposed extension would be of an incompatible scale to the original dwelling; more than doubling the length of the north-west gable, sitting obviously uncomfortably with the main dwelling. The proposed extension would therefore conflict with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Adopted Aberdeen Local Development Plan; Policies D1 and H1 of the Proposed Aberdeen Local Development Plan; and the Supplementary Guidance: 'The Householder Development Guide'. There are no material considerations that warrant the grant of planning permission in this instance.

Date of Signing 8 January 2021



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

Supplementary Guidance

Householder Development Guide

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

Other Material Considerations

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

Proposed Aberdeen Local Development Plan (2020)

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100303314-002

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Richard"/>	Building Name:	<input type="text" value="Mill House"/>
Last Name: *	<input type="text" value="Slater"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07724421533"/>	Address 1 (Street): *	<input type="text" value="Grandholm Crescent"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="AB22 8BB"/>
Email Address: *	<input type="text" value="richard.slater@tinto.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="Mrs"/>	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="Kim"/>	Building Number:	<input type="text" value="81"/>
Last Name: *	<input type="text" value="Dalglish"/>	Address 1 (Street): *	<input type="text" value="Abergeldie 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="AB10 6EL"/>
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="81 ABERGELDIE ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB10 6EL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="804742"/>	Easting	<input type="text" value="392781"/>
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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 replacement single storey extension to rear

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

The planning officer felt that this extension would be detrimental to the amenity of the area and sit uncomfortably with the main dwelling. We disagree with these points and would refer to the wider location on a busy vibrant part of a street which has a variety of scales and types of residential development. This would be a modern, neat and sharp addition to the streetscape, which would contrast, but compliment the existing granite dwelling and boundary wall.

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)

3463-PL(00)00 Proposed Plans & Elevations, 3463-PL(00)01 Proposed Plans, Sections & Elevations, 3463-PL(00)02 Site Layout Plans Existing & Proposed, Visual 1, Visual 2

Application Details

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

201167/DPP

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

29/09/2020

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

08/01/2021

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

We feel that the location & context of the application are very important. Visual impact on the street has been highlighted as an issue, which we feel is overestimated & should be considered in a wider & more detailed context. There is also a balance of public amenity and private amenity to be considered. The wall height would be increasing on a public street, but this is adjacent to a large granite gable. This is a bus route & the extension would provide a greater level of privacy.

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 R SLATER

Declaration Date: 20/01/2021

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LOCAL REVIEW BODY



201035/DPP – Appeal against refusal of planning permission for:

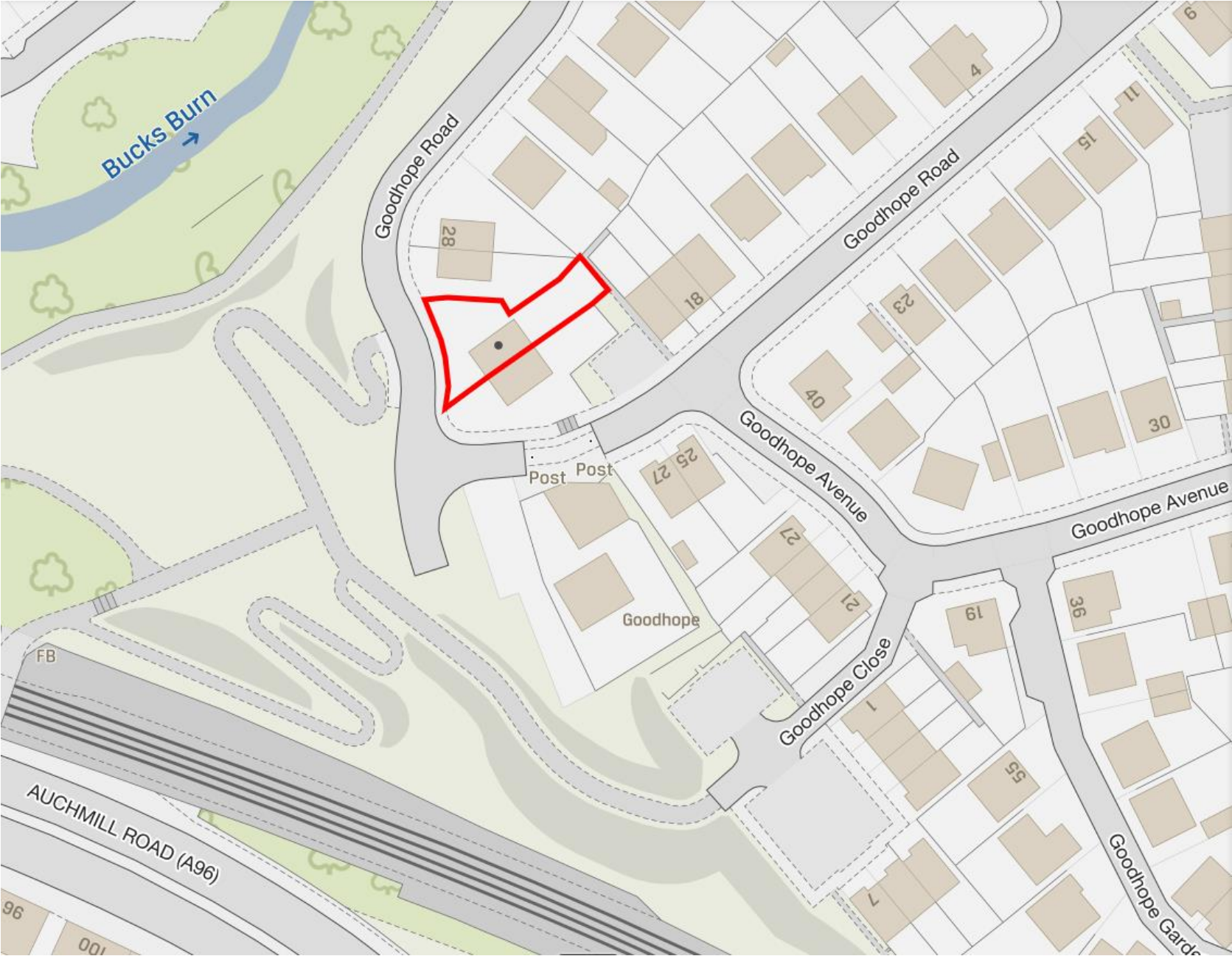
‘Installation of raised timber decking with external steps in rear garden’

24 Goodhope Road, Aberdeen

Location Plan



Location Plan: GIS



Aerial Photo: Location



Photos

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Photos



Photos



Photos

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Photos



Photos



Photos



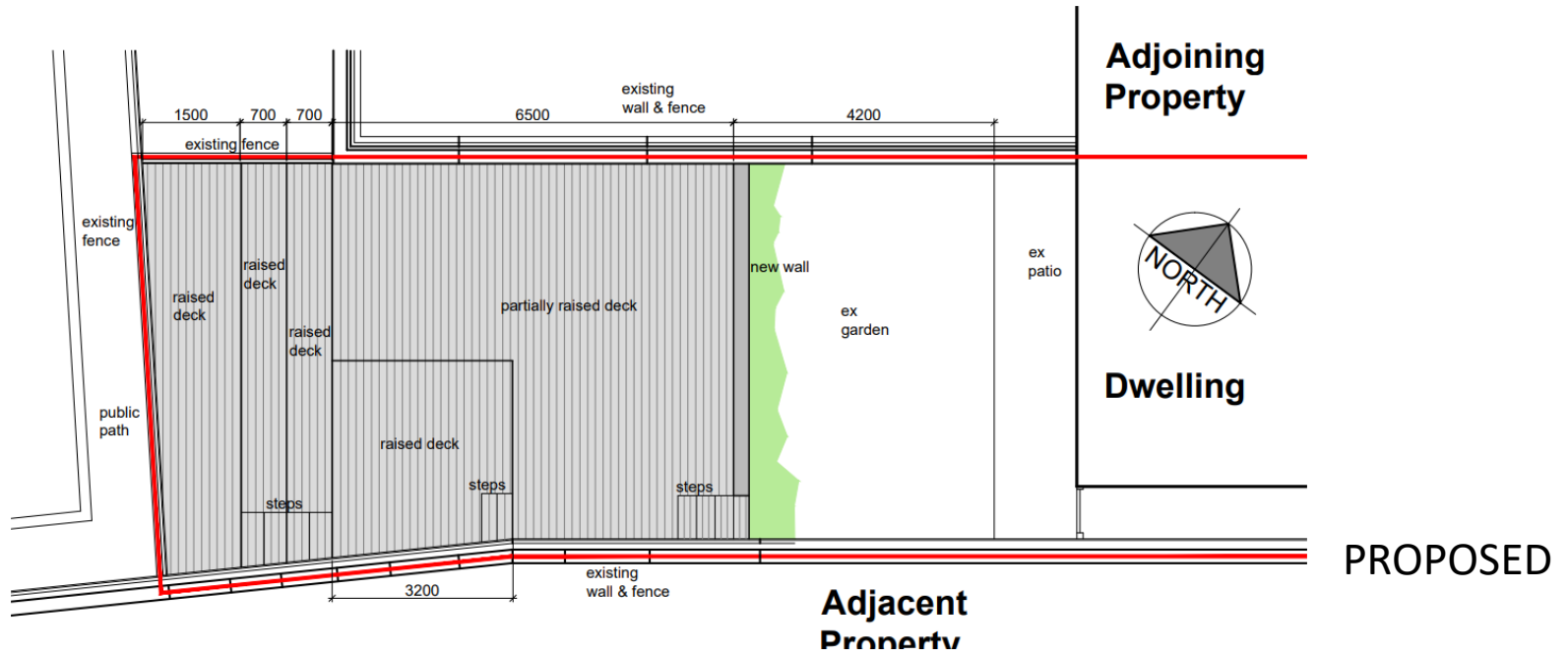
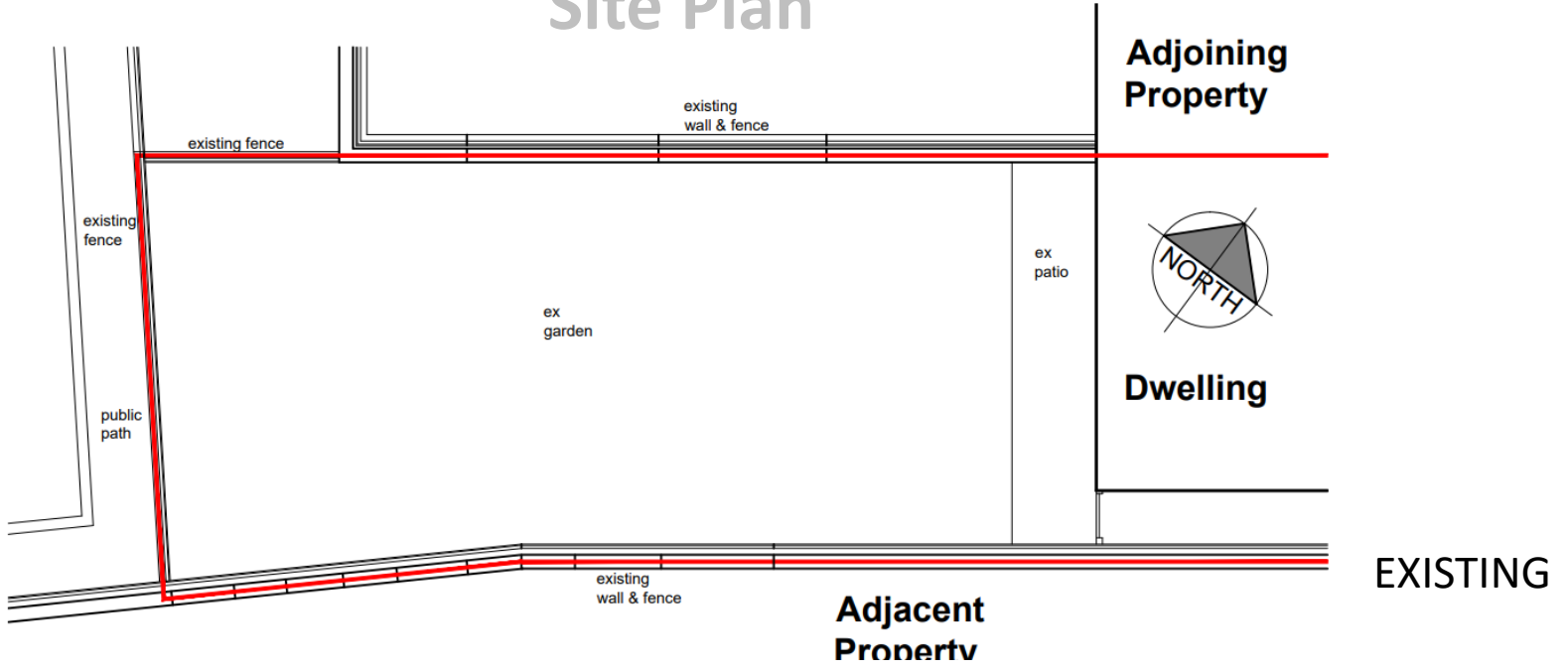
Photos



Photos

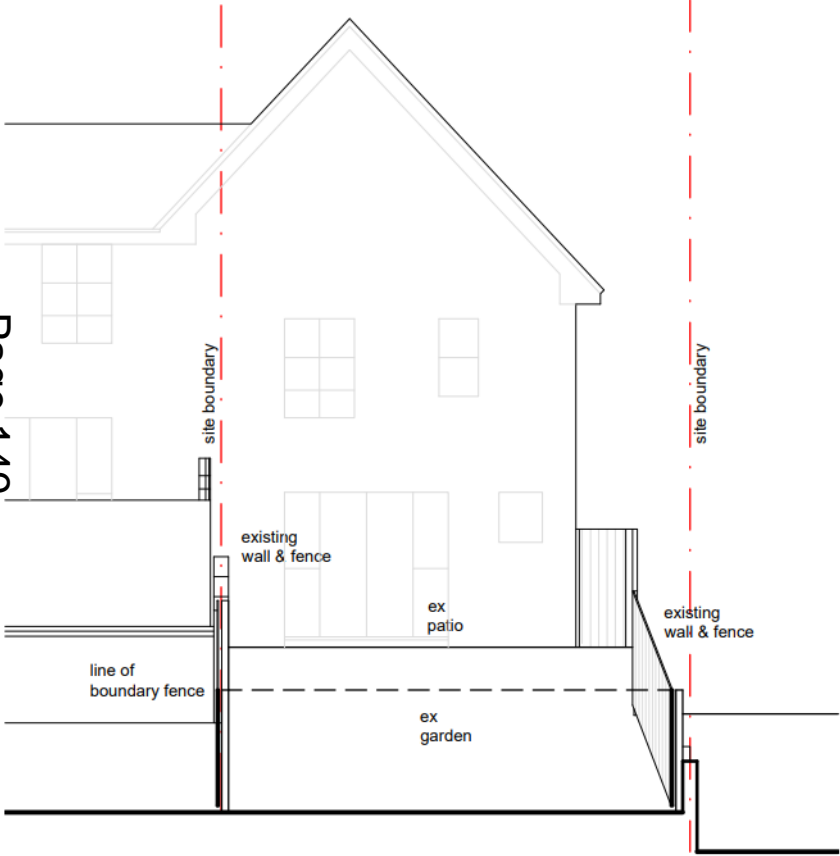


Site Plan

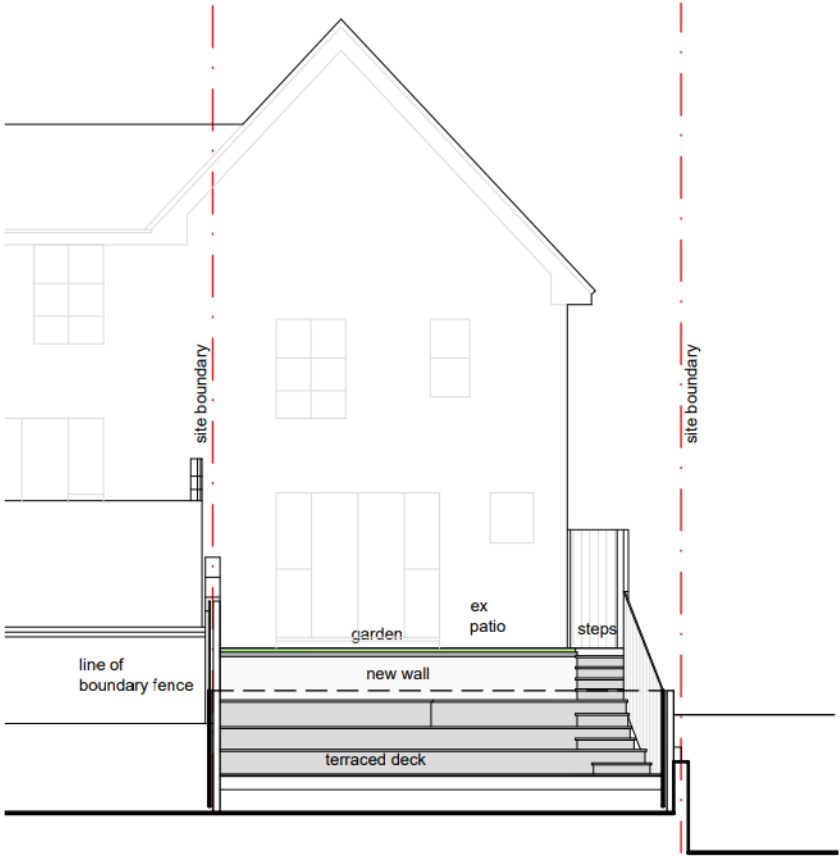


Rear Elevation

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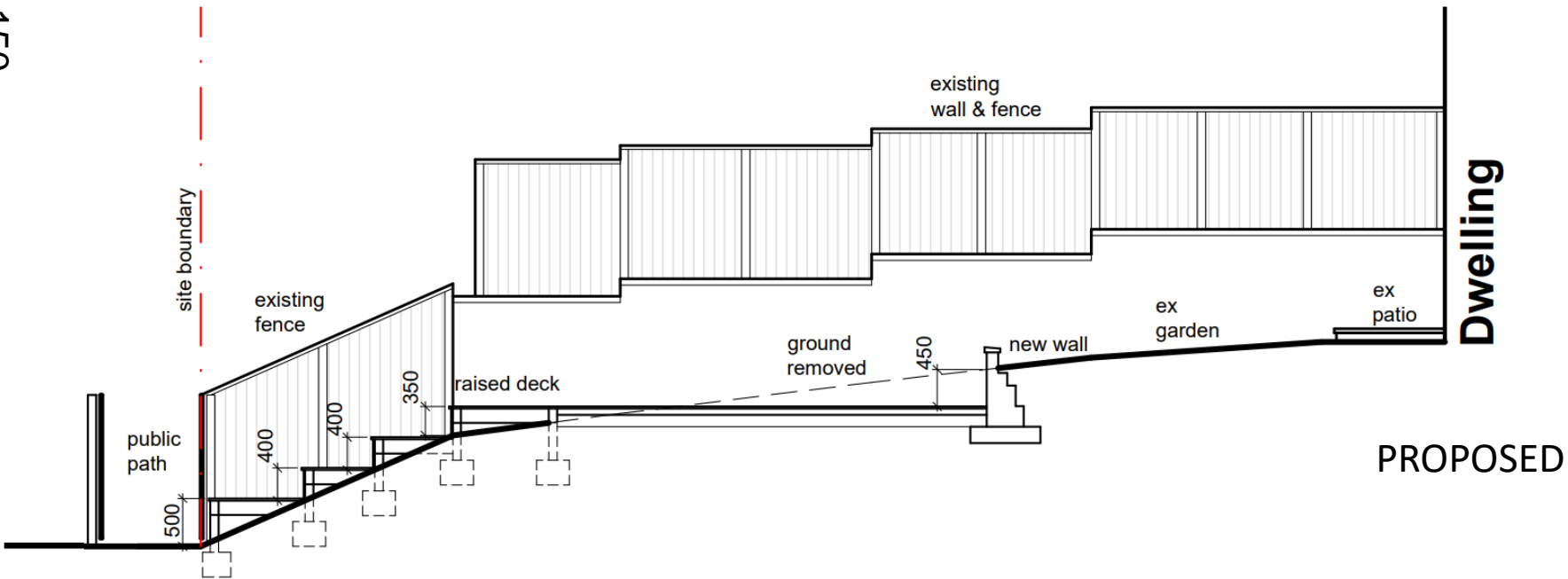
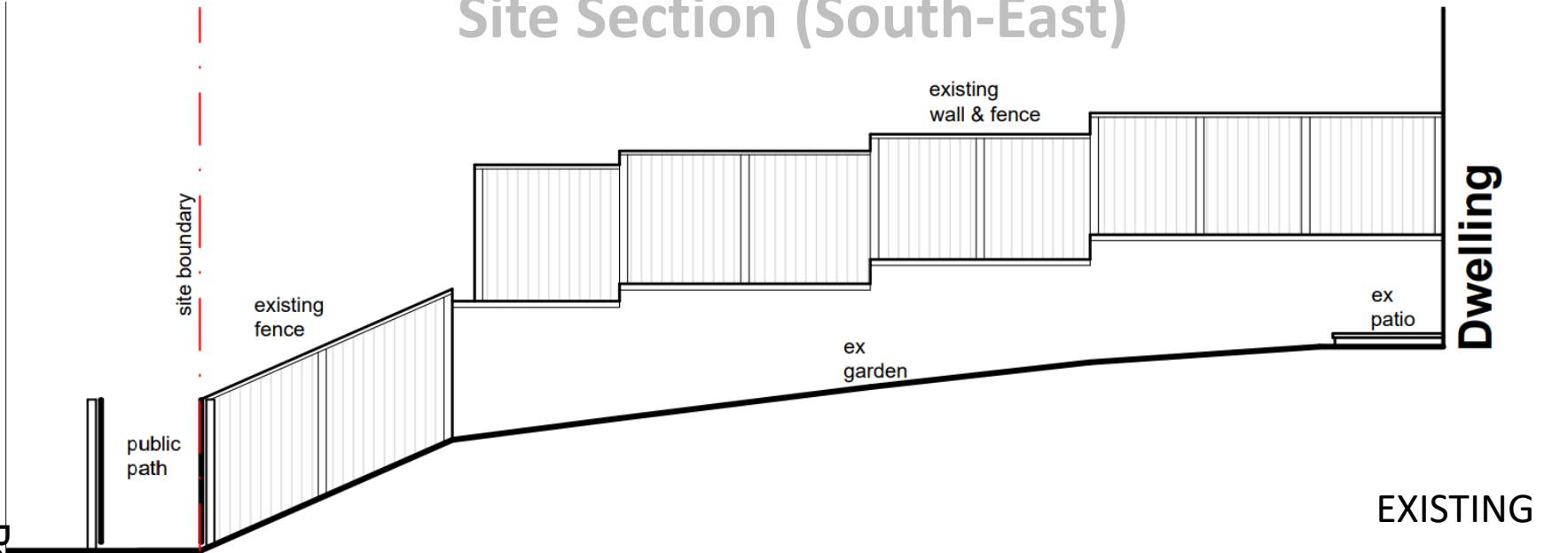
EXISTING



PROPOSED

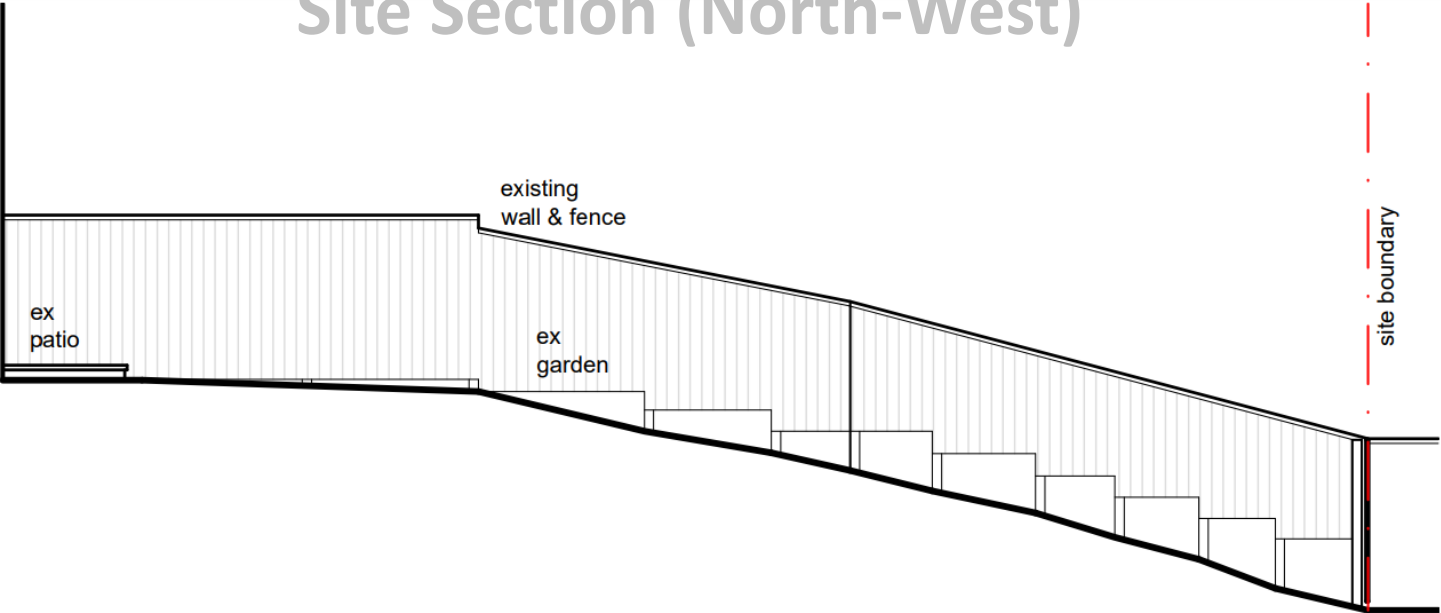
Site Section (South-East)

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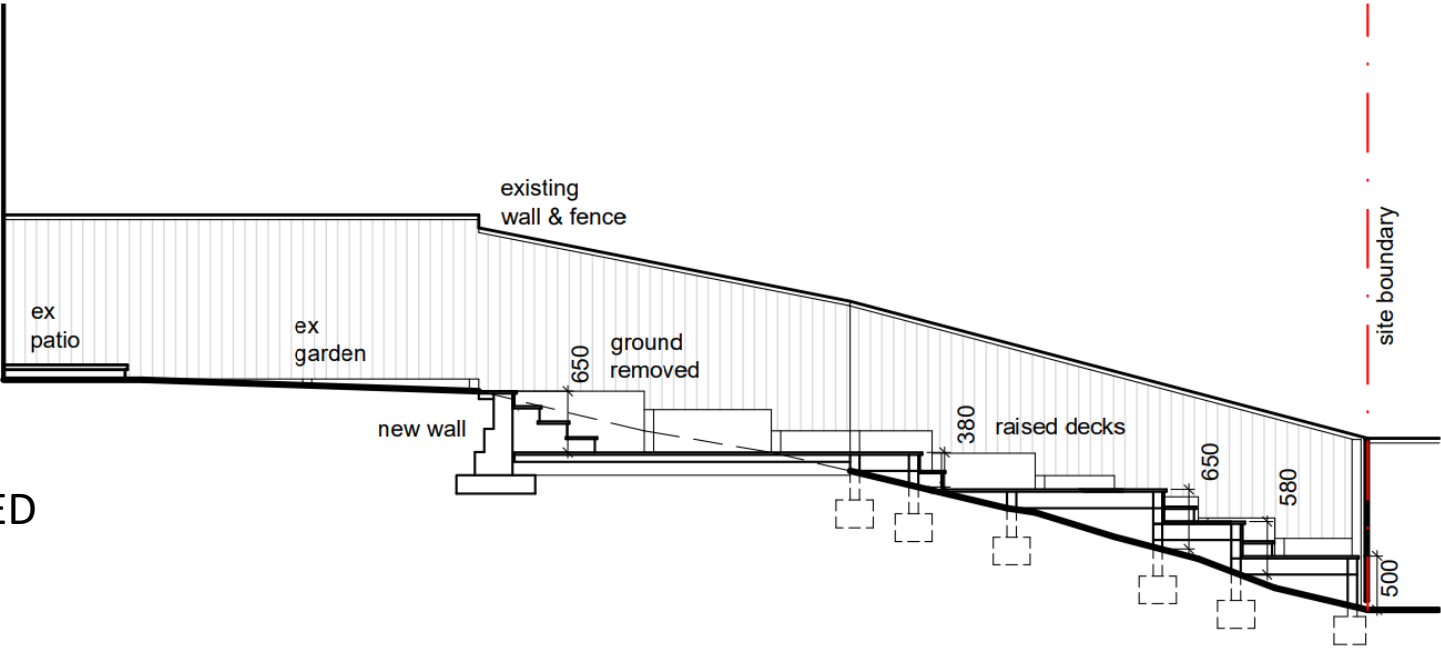
Site Section (North-West)

Dwelling



EXISTING

Dwelling

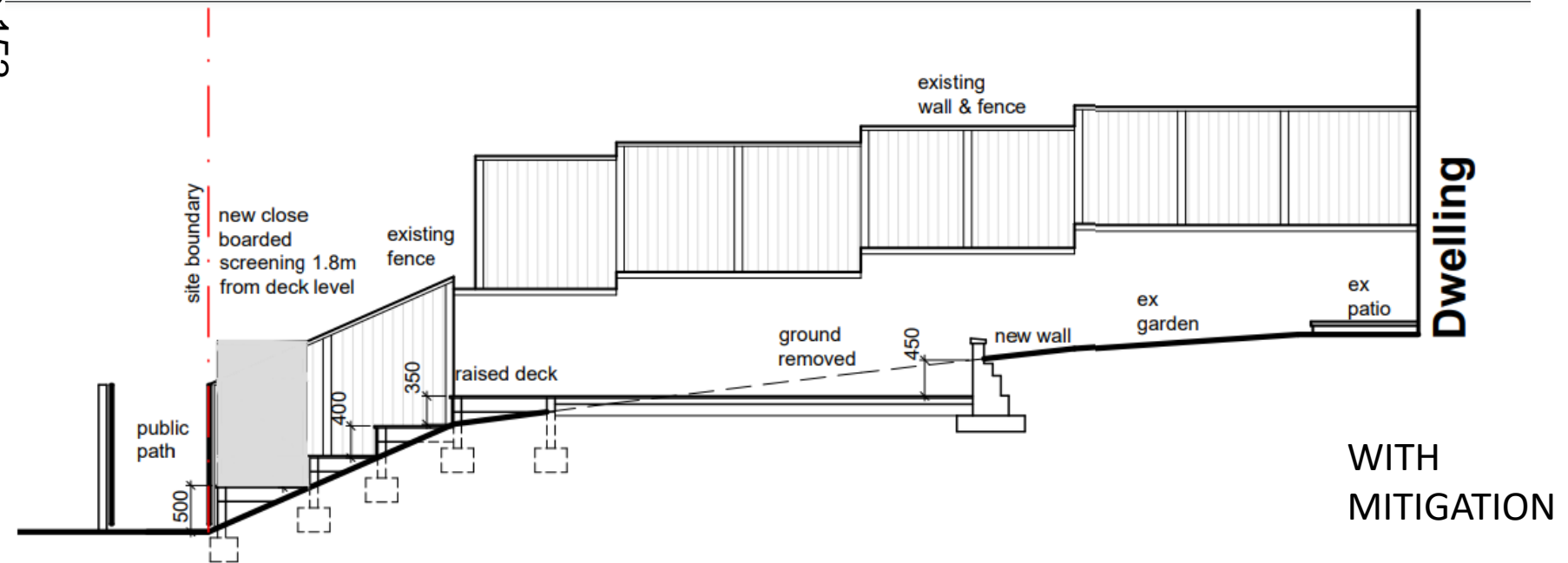
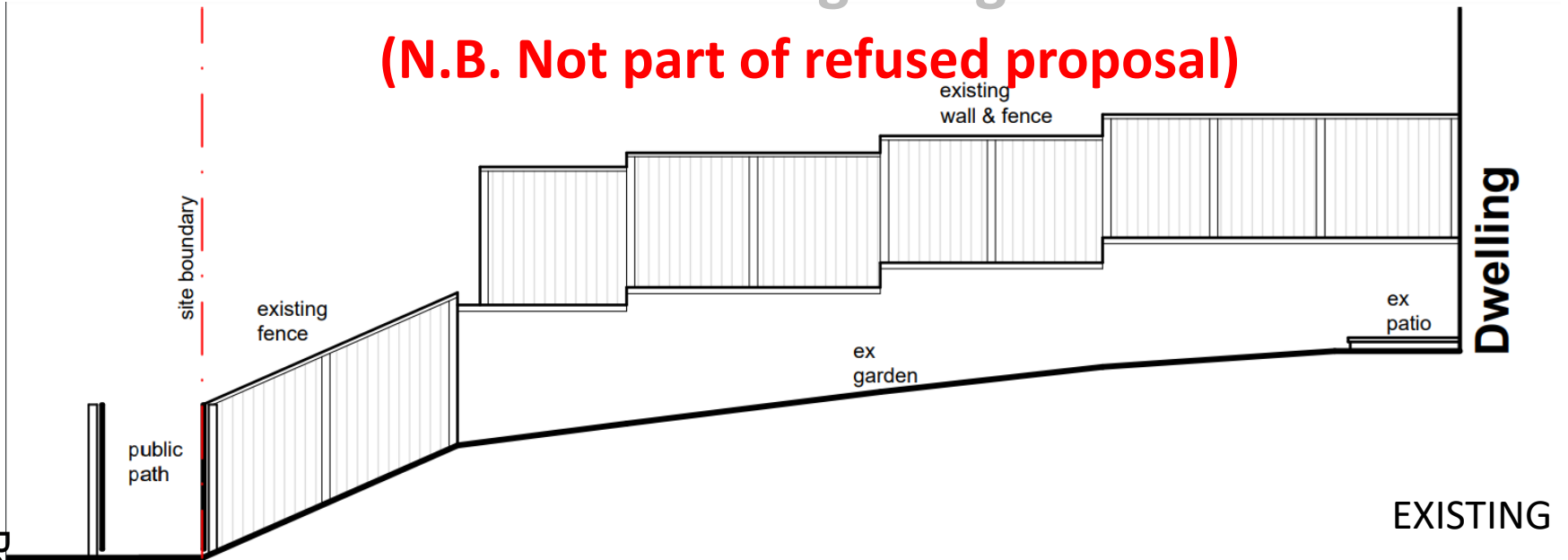


PROPOSED

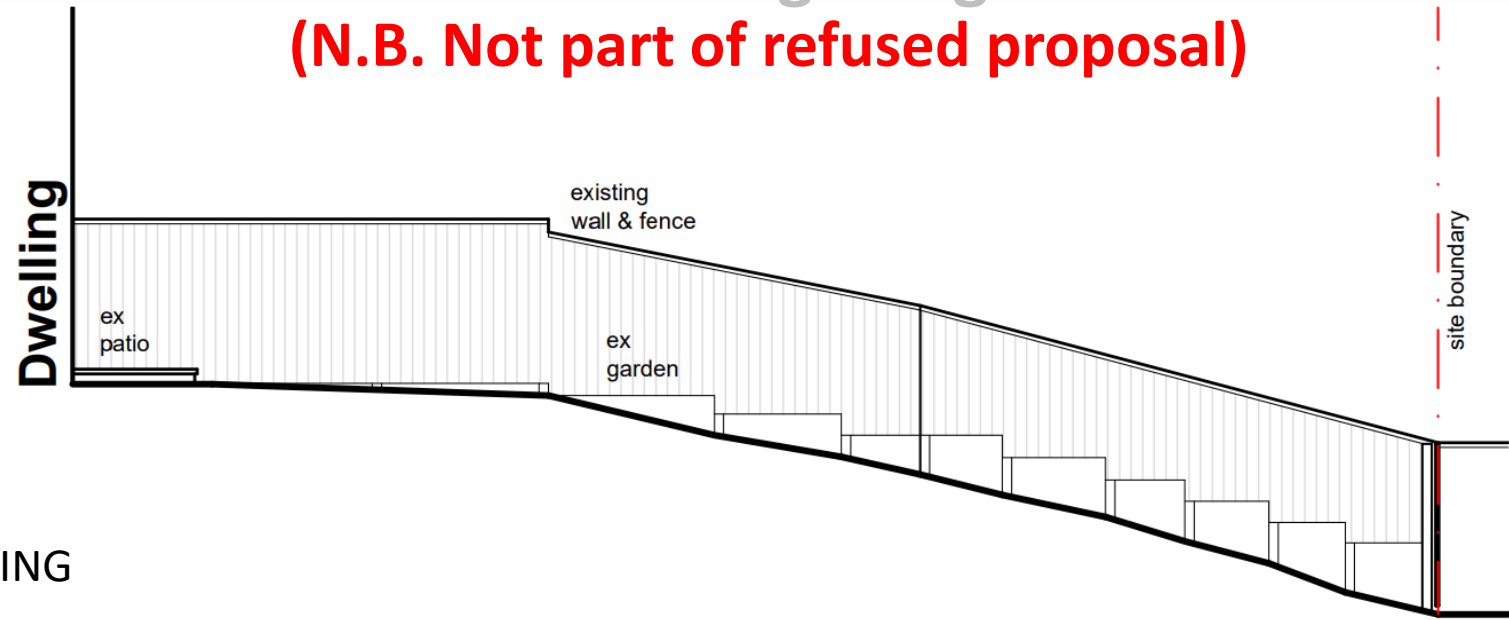
Plans showing mitigation

(N.B. Not part of refused proposal)

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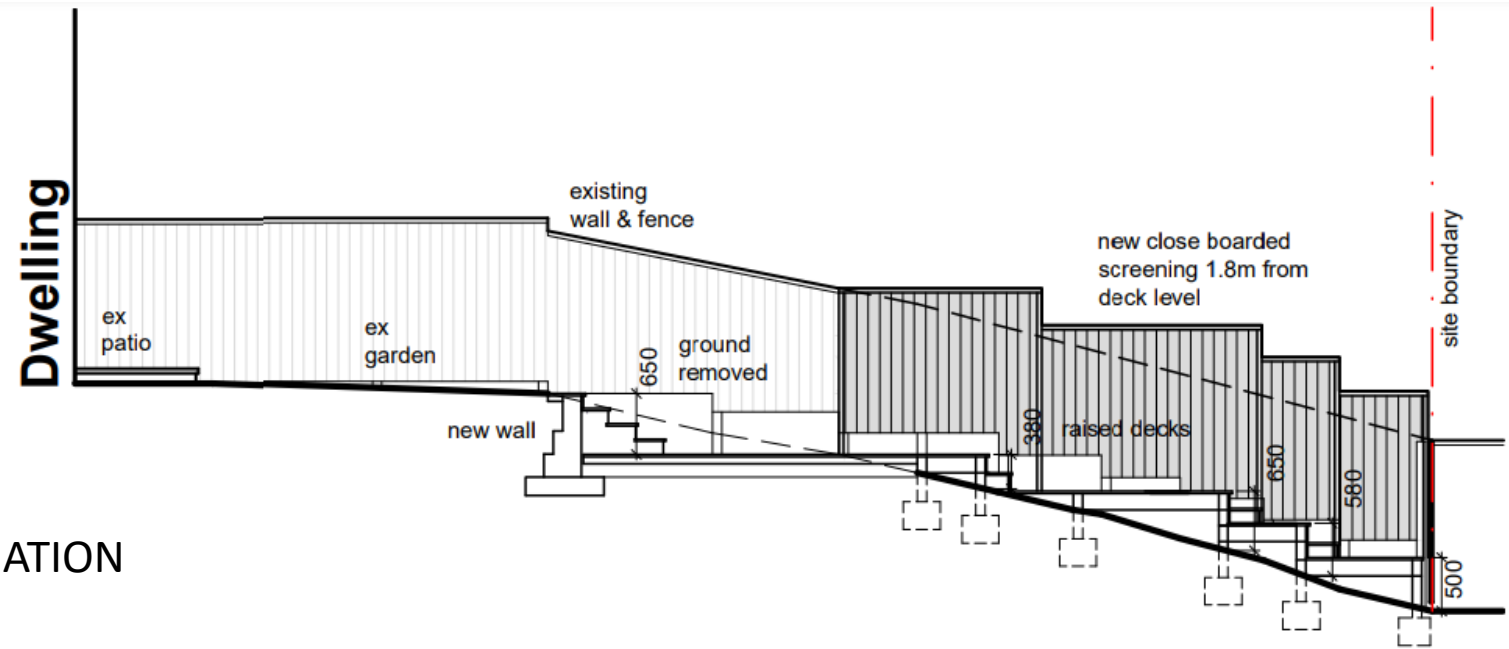


Plans showing mitigation (N.B. Not part of refused proposal)



EXISTING

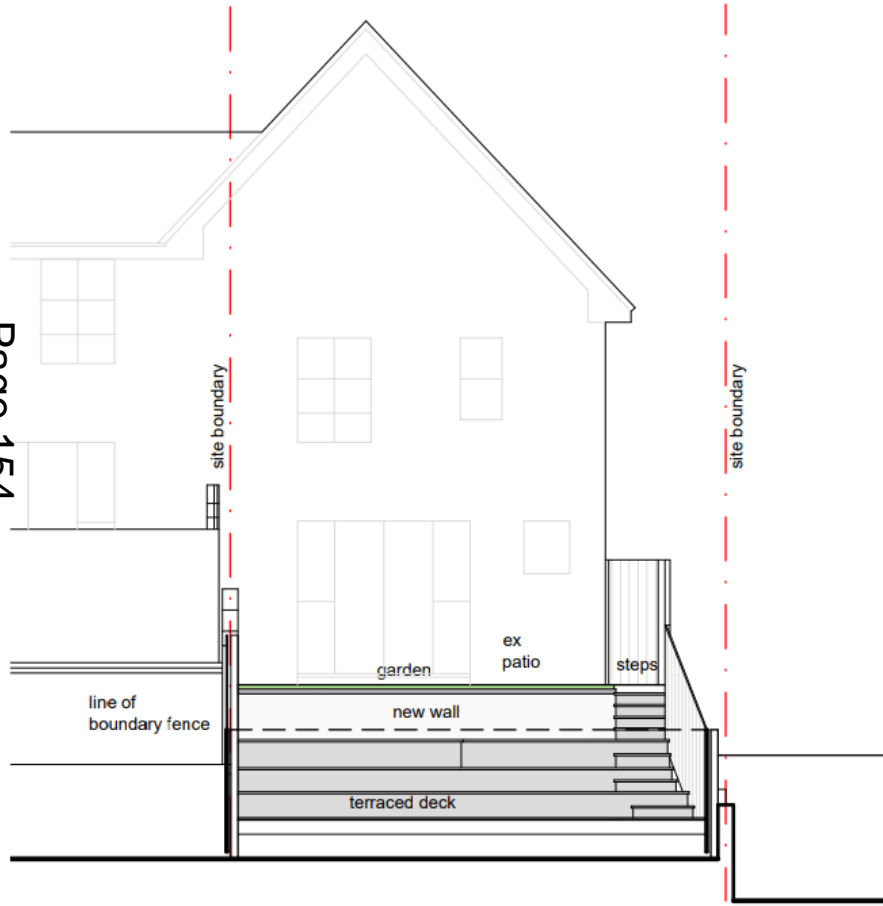
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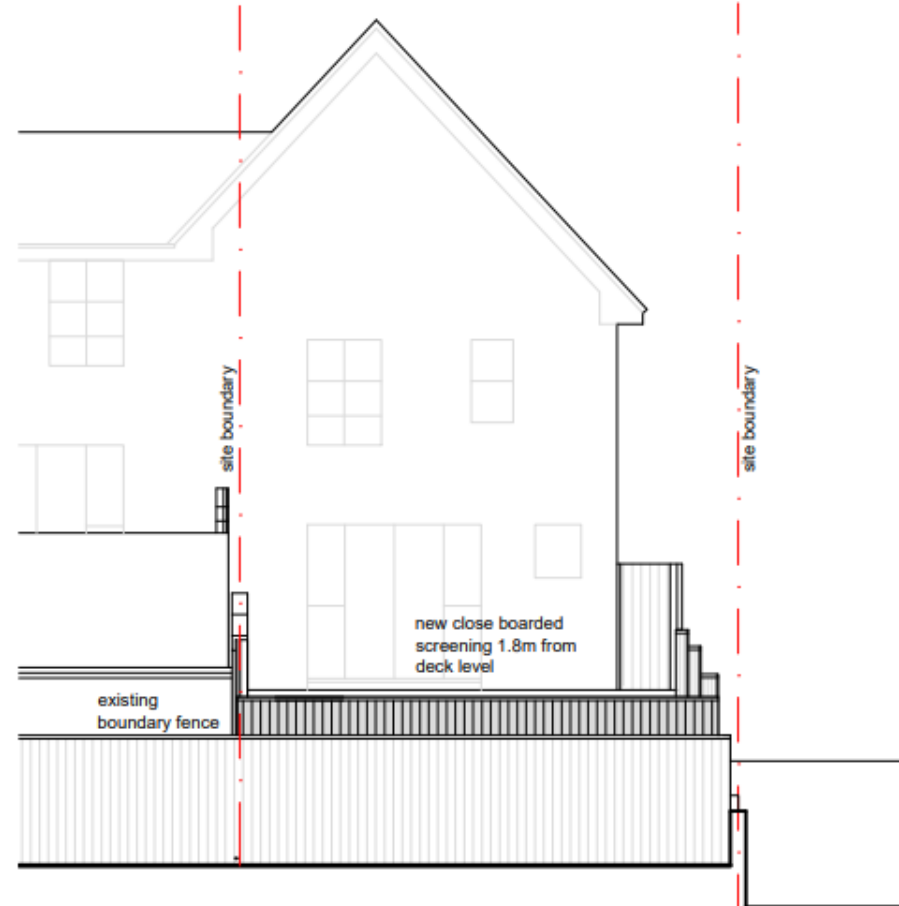
WITH
MITIGATION

Plans showing mitigation (N.B. Not part of refused proposal)

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PROPOSED/REFUSED



WITH MITIGATION

Reasons for Refusal

- Proposal would “*significantly worsen the level of privacy*” currently afforded to the rear gardens of numbers 20, 26, 28 and 30 Goodhope Road
- Would reduce the effective height and level of screening between mutual boundaries to an unacceptable level
- Considered to be contrary to Policy H2 (Mixed Use Areas) due to the conflict with the amenity of adjacent land uses, as well as the relevant "general principles" and guidance set out in Section 3.1.10 of the Householder Development Guide SG
- Also in conflict with policies D1, D2 and H2 in the Proposed ALDP
- No overriding material considerations in favour of approval

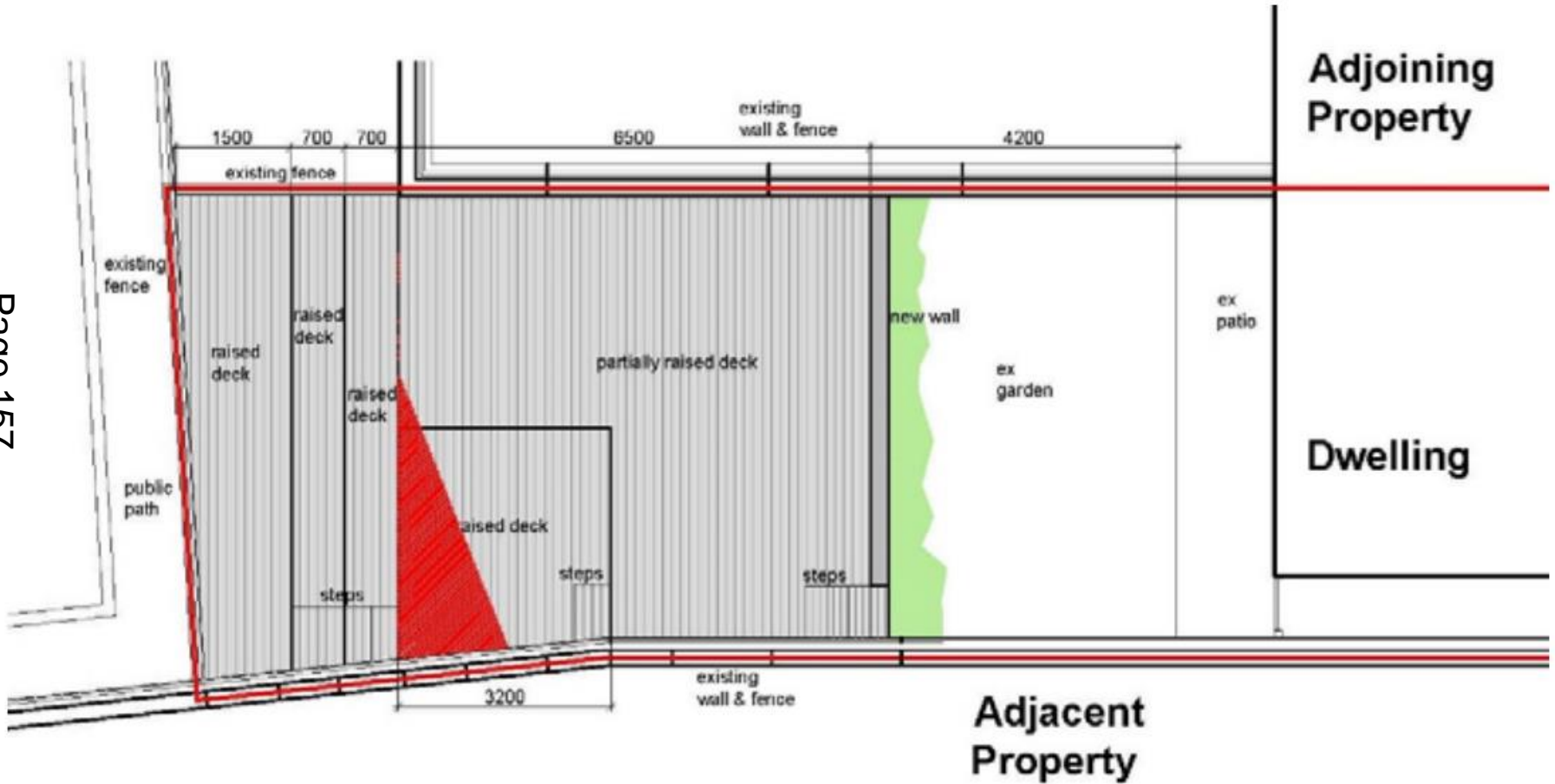
Applicant's Case for Review

Stated in Notice of Review and accompanying statement. Key points:

- Applicant's garden is steeply sloping, and this proposal is intended to reduce maintenance and increase useability of the garden
- Argue that the lack of a site visit has unduly affected the decision to refuse on grounds of overlooking
- Existing boundary fence already varies in height and the proposed deck levels have been designed to limit overlooking, with steps directly abutting boundary fence
- Highlights that neighbouring properties are already overlooked from the existing garden level and there would be no further loss of amenity due to the raised decking
- Due to the garden level sloping at an angle, there is only a small portion of the decking that brings it outwith the scope of current Permitted Development Rights (see provided plan on next slide)
- Applicants offered to increase height of fencing, but this was discounted on the basis that it would adversely affect neighbours' amenity. The case officer also stated that some areas of existing fencing are insufficient.
- Highlights that the appointed officer's decision was taken after the extended determination period agreed with the applicant
- Disputes officer's reference to the adjoining property to the south-east being affected, as this actually sits higher than the application property
- Concludes that impact on privacy would be negligible and does not warrant refusal

Applicant's Case for Review

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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

H2: Mixed Use Areas

Policy H2 - Mixed Use Areas

Applications for development or change of use within Mixed Use Areas must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. Where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity. Conversely, where new industrial, business or commercial uses are permitted, development should not adversely affect the amenity of people living and working in the area.

Householder Development Guide SG

Proposals 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)
- In relation to decking, states that proposals *“should not result in an adverse impact upon the amenity of adjacent dwellings, including both internal accommodation and external private amenity space”*
- In relation to fences and other boundary enclosures:
 - *‘in all instances, the scale and form of boundary enclosures should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact’: and*
 - *‘proposals for boundary enclosures will not be permitted where they would result in an unacceptable impact upon the amenity of neighbouring dwellings’*

Points for Consideration

Zoning: Does the proposal comply with the tests set out in policy H2 (Mixed Use Areas)?

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

Does it accord with the general principles set out in the 'Householder Development Guide', and the specific commentary on decking?

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

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

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

Site Address:	24 Goodhope Road, Aberdeen, AB21 9NX,
Application Description:	Installation of raised timber decking with external steps in rear garden area
Application Ref:	201035/DPP
Application Type:	Detailed Planning Permission
Application Date:	1 September 2020
Applicant:	Ms Cheryl Junor
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Bucksburn And Newhills
Case Officer:	Jamie Leadbeater

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is the residential curtilage of a modern two storey semi-detached dwellinghouse on the eastern side of Goodhope Road in Bucksburn.

The site comprises a sloping garden to the rear which is 15m in depth. Whilst the first 12m has a moderate gradient the last 3m of the garden steeply slopes downhill. The garden area is treated by tiered 1.8m high timber hit and miss slatted fencing along its north-western and north-eastern boundary. Most of the south-eastern boundary, shared within the adjoining semi (No. 22 Goodhope Road), is treated by a combination of walling and fencing which is c. 3m in height but the bottom 3m of the garden is treated by 1.8m timber fencing which is shared with an area of amenity space. A public pathway exists beyond the far end of the rear garden area (north-eastern boundary) serving as an access lane to properties to the north and east. The rear garden pertaining to No. 20 Goodhope Road exists beyond the lane which is enclosed by 1.8m high timber fencing around its perimeter, but it sits at a lower land level than most of the applicant's rear garden.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought for the formation of tiered raised timber decking with associated steps in the rear garden of dwellinghouse. The proposed decking area would span the bottom 10.3m depth of the garden area and cover its full width equating to 70 square metres in

area. It would rise as high as 680mm (0.68m) above ground level at its highest point. Steps which would sit 140mm above each decking level would be positioned along the north-western side boundary.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QFZDGKBZK2S00> .

CONSULTATIONS

ACC - Roads Development Management Team – No objections

Bucksburn and Newhills Community Council – No response received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Aberdeen Local Development Plan (ALDP) 2017

- Policy H2 – Mixed-Use Areas

Supplementary Guidance (SG)

- Householder Development Guide

Proposed Aberdeen Local Development Plan (2020)

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

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

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

- Policy H2 – Mixed Use Areas
- Policy D2 – Amenity

EVALUATION

Principle of Development

The site is located in opportunity site OP16 on the ALDP 2017 Proposals Map which is allocated mixed-use development to which Policy H2 in the ALDP applies. Since the site was allocated in the plan, the site and immediate surrounding area has been developed into modern housing.

Policy H2 in the ALDP sets out the provisions for development in “mixed use areas” designation. The policy states that applications for development must take into account the existing uses and character of the surrounding area and avoid undue conflict with the amenity of adjacent land uses. Subsequently, in the context of this site, the primary consideration in determining whether the proposals would be acceptable or not is whether the proposal stands to unduly harm the private amenity currently afforded to immediate neighbouring residential properties. More specifically, Section 3.1.10 in the Householder Development Guide supplementary guidance is specific relevance. It states that raised decking proposals should not result in an adverse impact upon the amenity of adjacent dwellings, including internal accommodation and external private amenity space.

Design and Impact on Residential Amenity

The Planning Authority normally requires a minimum of 1.8m high fencing along mutual boundaries set at the same ground level to be satisfied that overlooking can be mitigated/privacy is maintained between garden areas, which is the existing fence heights along the north-western and north-eastern boundaries.

Impact on No. 26 Goodhope Road

The proposed tiered decking within the applicant’s garden area would effectively reduce the height of screening between the application property and the neighbouring No. 26’s garden ground on the applicant’s side down to between 1.3m and 1.4m at each proposed deck level. This then reduces the height of the mutual boundary down to an unacceptable level and gives the applicant a much more imposing platform in which to look directly into No. 26’s garden ground which would harm their privacy.

Impact on No. 20 Goodhope Road

Whilst the proposed decking at the far end of the garden – nearest the north-east boundary – would most likely to be least used due to its constrained levelled area, it would still be usable amenity space and therefore would still present an imposing threat to No. 20 Goodhope Road which is located immediately to the rear. This perceived impact arises from the fact that the existing fence along the north-east boundary would effectively become only 1.3m in height and although the intervening path is 900mm wide, given the garden area pertaining to No. 20 Goodhope Road is set at a lower land level, the presence of the path would not provide suitable mitigation and there would be significant harm caused to the level of privacy currently afforded to the rear garden space of the neighbour which would be unacceptable.

Impact on Nos. 28 and 30 Goodhope Road

The northern corner of the site adjoins the rear garden boundary fences of Nos. 26, 28 and 30 Goodhope Road. Subsequently, should the proposed decking be granted consent, it would provide a platform for clear views into the rear garden areas of Nos. 28 and 30 Goodhope Road as well as the other two neighbouring properties mentioned above. Whilst it is unlikely the northern corner of the decking would be regularly used, the proposed decking would nonetheless potentially have a harmful and lasting impact on the level of privacy afforded to these two properties also due to the decking reducing the height of the boundary treatment to only c. 1.3m on the applicant’s side.

Impact on adjoining semi (No. 22 Goodhope Road)

For purposes of completeness, the proposal would not have an unacceptable impact on the adjoining semi-detached property as the existing c. 3m high boundary treatment along the mutual boundary would remain of sufficient height from inside the site to be effective in designing out undue overlooking between garden areas.

Consideration afforded to mitigating privacy impacts

It has been considered whether the overlooking issues created by the proposed decking could be mitigated by introducing higher fencing (1.8m above deck level) along the northern-eastern and north-western boundaries. However, it is considered this would not be feasible without creating overshadowing amenity issues to No. 26 and No. 20 Goodhope Road's garden ground. There is also a strong possibility that any necessary increase in the fencing height would appear uncharacteristic of boundary treatments within the immediate locality from surrounding neighbours garden areas. Subsequently, such an intervention – as discussed with the agent - would conflict with section 3.1.10 in the Householder Development Guide SG which states that boundary enclosures will not be permitted where they would result in an unacceptable impact upon the amenity of neighbouring properties.

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. Should the Proposed Plan be adopted, it would entail the adoption of a policy D2 which focuses on amenity which the proposal would be in conflict with along with other relevant policies H2 and D1.

Conclusion

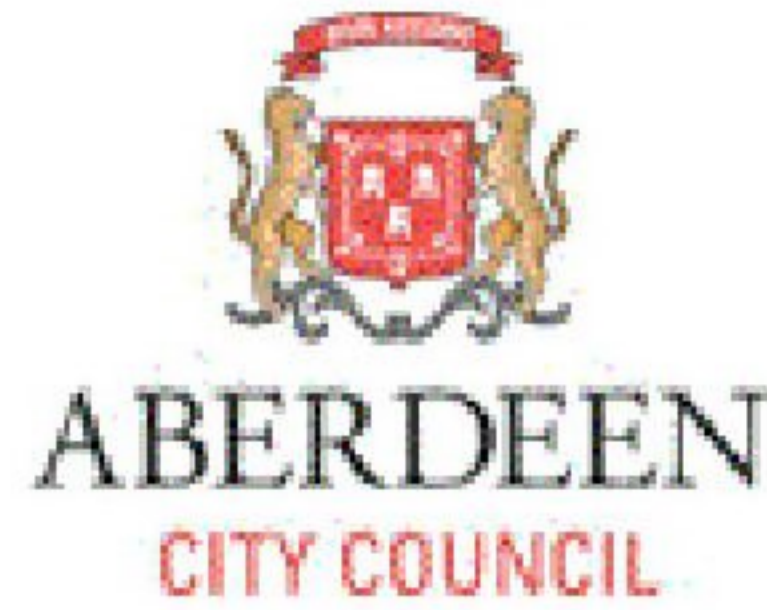
Overall, taking into account the above considerations, the proposed decking would significantly harm the level of private amenity currently afforded to neighbouring properties Nos. 20, 26, 28 and 30 Goodhope Road in their respective rear garden areas as it has not been designed to suit the site's context set amongst an intimate urban landscape with varying land levels. As such, the proposal would fail to comply with Policy H2 and its attendant SG the Householder Development Guide in the Aberdeen Local Development Plan 2017. In the absence of any other overriding material considerations, the proposal is recommended for refusal.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed raised decking platform and associated steps would significantly worsen the level of privacy currently afforded to number 20, 26, 28 and 30 Goodhope Road's rear private garden ground due to the fact it reduces the height and level of screening between mutual boundaries to an unacceptable level. Subsequently, the proposal is considered to be contrary to the requirements of Policy H2 (Mixed Use Areas) due to the conflict with the amenity of adjacent land uses and both the relevant "general principles" and guidance set out in Section 3.1.10 of the attendant supplementary guidance the Householder Development in the Aberdeen Local Development Plan 2017. The proposal would also be in conflict with policies D1, D2 and H2 in the Proposed Aberdeen Local Development Plan. In the absence of any other overriding material considerations, the proposal is considered worthy of refusal.



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 100300164-001

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.

Type of Application

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

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

Description of Proposal

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

Proposed terraced garden consisting of raised timber decks

Is this a temporary permission? *

Yes No

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

Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Groundwater Architectural Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Kevin	Building Name:	
Last Name: *	Groundwater	Building Number:	41
Telephone Number: *	01224782035	Address 1 (Street): *	Bracken Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Portlethen
Fax Number:		Country: *	Scotland
		Postcode: *	AB12 4TA
Email Address: *	info@groundwaterdesign.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Cheryl	Building Number:	24
Last Name: *	Junor	Address 1 (Street): *	Goodhope Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB21 9NX
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

24 GOODHOPE ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB21 9NX

Please identify/describe the location of the site or sites

Northing

809674

Easting

390181

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

246.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Dwelling

Access and Parking

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

Yes No

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

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

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

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

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

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

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

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

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

existing facilities

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Kevin Groundwater

On behalf of: Ms Cheryl Junor

Date: 31/08/2020

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Kevin Groundwater

Declaration Date: 31/08/2020

Payment Details

Online payment: ABSP00005532
Payment date: 01/09/2020 13:03:00

Created: 01/09/2020 13:03

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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 100300164-002

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:

24 GOODHOPE ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB21 9NX

Please identify/describe the location of the site or sites

Northing

809674

Easting

390181

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:	Groundwater Architectural Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Kevin	Building Name:	
Last Name: *	Groundwater	Building Number:	41
Telephone Number: *	01224782035	Address 1 (Street): *	Bracken Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Portlethen
Fax Number:		Country: *	Scotland
		Postcode: *	AB12 4TA
Email Address: *	info@groundwaterdesign.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Miss	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Cheryl	Building Number:	24
Last Name: *	Junor	Address 1 (Street): *	Goodhope Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB21 9NX
Fax Number:			
Email Address: *	[REDACTED]		

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: *

Document Details

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

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: Mr Kevin Groundwater

Declaration Date: 17/11/2020

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Kevin Groundwater
Groundwater Architectural Design
41 Bracken Road
Portlethen
AB12 4TA

on behalf of **Ms Cheryl Junor**

With reference to your application validly received on 1 September 2020 for the following development:-

Installation of raised timber decking with external steps in rear garden at 24 Goodhope Road, Aberdeen

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

Drawing Number	Drawing Type
20-343-01	Location Plan
20-343/03	Elevations and Floor Plans

REASON FOR DECISION

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

The proposed raised decking platform and associated steps would significantly worsen the level of privacy currently afforded to number 20, 26, 28 and 30 Goodhope Road's rear private garden ground due to the fact it reduces the height and level of screening between mutual boundaries to an unacceptable level. Subsequently, the proposal is considered to be contrary to the requirements of Policy H2 (Mixed Use

Areas) due to the conflict with the amenity of adjacent land uses and both the relevant "general principles" and guidance set out in Section 3.1.10 of the attendant supplementary guidance the Householder Development in the Aberdeen Local Development Plan 2017. The proposal would also be in conflict with policies D1, D2 and H2 in the Proposed Aberdeen Local Development Plan. In the absence of any other overriding material considerations, the proposal is considered worthy of refusal.

Date of Signing 2 February 2021



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

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

None.

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

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

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

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

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

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

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any

development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Consultee Comments for Planning Application 201035/DPP

Application Summary

Application Number: 201035/DPP

Address: 24 Goodhope Road Aberdeen AB21 9NX

Proposal: Installation of raised timber decking with external steps and boundary wall to rear

Case Officer: Jamie Leadbeater

Consultee Details

Name: Mr Michael Cowie

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

Email: micowie@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for the installation of raised timber decking with external steps and boundary wall to rear at 24 Goodhope Road, Aberdeen AB21 9NX.

It is confirmed that Roads Development Management have no observations or objections to this application.

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Aberdeen Local Development Plan (ALDP)

- Policy H2 – Mixed Use Areas
- Policy D1 - Quality Placemaking by Design

Supplementary Guidance

Householder Development Guide

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

Other Material Considerations

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

Proposed Aberdeen Local Development Plan (2020)

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100300164-003

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Cheryl"/>	Building Number:	<input type="text" value="24"/>
Last Name: *	<input type="text" value="Junor"/>	Address 1 (Street): *	<input type="text" value="Goodhope Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB21 9NX"/>
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="24 GOODHOPE ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB21 9NX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="809674"/>	Easting	<input type="text" value="390181"/>
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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)

Proposed terraced garden consisting of raised timber decks

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.

Review statement 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)

19-343-01 – drawing: Location Plan 19-343-02 – drawing: As Existing 19-343-03 – drawing: As Proposed 19-343 Statement – Application supporting statement. 19-343 Photos – Photographs of the existing site 19-343-03a – drawing: suggested mitigation 19-343-04 – drawing: suggested mitigation email 251120 – email from Planning department. email 261120 – email from Planning department. 1937401 Refusal – Planning Permission Refusal notice

Application Details

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

201035/DPP

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

31/08/2020

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

02/02/2021

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

The Planning officer has made his decision without visiting the site, therefore has not determined the minimal impact this proposal will have on the neighbouring properties before making his determination

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 Kevin Groundwater

Declaration Date: 16/02/2021

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GROUNDWATER
ARCHITECTURAL DESIGN

Ref: 20-343

16 February 2021

PROPOSED RAISED DECKING AT 24 GOODHOPE ROAD, ABERDEEN

NOTICE OF REVIEW SUPPORTING STATEMENT

We would seek review of the refusal of the application reference: 201035/DPP dated 1st September 2020, refused permission on 2nd February 2021.

Background

Our clients own this property which has a steeply sloped rear garden which is difficult to maintain and wishes to create a terraced garden to reduce maintenance and increase the usability and their enjoyment of the garden.

A small wall will be formed at the start of the slope and the initial deck will be partially cut into the ground to reduce the impact of the raised elements.

The terraces will be formed in timber to mitigate any surface water issues.

Grounds for refusal [see attachment: [1937401 Refusal](#)]

The proposed raised decking platform and associated steps would significantly worsen the level of privacy currently afforded to number 20, 26, 28 and 30 Goodhope Road's rear private garden ground due to the fact it reduces the height and level of screening between mutual boundaries to an unacceptable level. Subsequently, the proposal is considered to be contrary to the requirements of Policy H2 (Mixed Use Areas) due to the conflict with the amenity of adjacent land uses and both the relevant "general principles" and guidance set out in Section 3.1.10 of the attendant supplementary guidance the Householder Development in the Aberdeen Local Development Plan 2017. The proposal would also be in conflict with policies D1, D2 and H2 in the Proposed Aberdeen Local Development Plan. In the absence of any other overriding material considerations, the proposal is considered worthy of refusal.

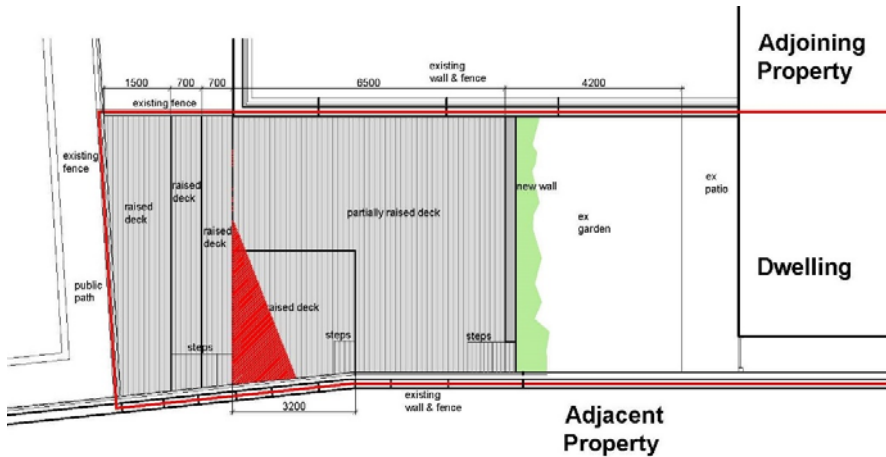
Reasons for review

In response to the grounds for refusal, we believe the following have not been adequately considered in respect to our application:

While we appreciate that current circumstances prohibit site visits the lack of one in this instance has unduly affected the decision to refuse on the ground of overlooking.

The existing boundary fence already varies in height and the terraced decking has been designed to limit overlooking with the steps being located against this boundary which means that any perceived additional overlooking would be not prolonged. The properties to the north east are separated from the site by a public footpath and they are also already overlooked from the existing garden level there would be no further loss of amenity due to the raised decks.

The sloping ground falls at an angle to the site and this results in only a small fraction of the deck to exceed the constraints of permitted development as shown in red below:



We further offered to increase the height of the fence which were declined on the grounds that they would adversely affect the neighbours whilst simultaneously say the existing fences were insufficient. [see attachments: email 261120.& 20-343-03A & 20-343-04]

We also consider in this instance the planning officer has not been diligent in his assessment of the application. The original decision date for the application was 31st October and in spite of seeking an extension of time till 30th November to consider the application we did not receive the formal notification of refusal until 2nd February. Also, during the process referring to the adjoining property to the southeast as being affected while it actually sits considerably higher than our clients site [see attachment: email 251120].

Conclusion

Our contention is that the grounds for refusal do not reflect the negligible impact the proposal will have on the amenity of the neighbouring properties.

Record of Attachments

- 19-343-01 – drawing: Location Plan
- 19-343-02 – drawing: As Existing
- 19-343-03 – drawing: As Proposed
- 19-343 Statement – Application supporting statement.

19-343 Photos – Photographs of the existing site

- 19-343-03a – drawing: suggested mitigation
- 19-343-04 – drawing: suggested mitigation

email 251120 – email from Planning department.

email 261120 – email from Planning department.

1937401 Refusal – Planning Permission Refusal notice