

Public Document Pack



To: Councillor Boulton (Chairperson for item 4.1) and Councillor Stewart (Chairperson for items 2.1 and 3.1); and Councillors Duncan and Reynolds.

Town House,
ABERDEEN 20 May 2021

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely on **THURSDAY, 27 MAY 2021 at 9.30 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

In accordance with UK and Scottish Government guidance, meetings of this Committee will be held remotely as required. In these circumstances the meetings will be recorded and available on the Committee page on the website.

BUSINESS

1.1 Procedure Notice (Pages 5 - 6)

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

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

[Local Development Plan](#)

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

PLANNING ADVISER - AOIFE MURPHY

- 2.1 **Land at Baillieswells Road - Erection of a Detached two Storey Dwellinghouse, Detached Double Garage, Stable Block, Walled Garden and Associated Landscaping Works Including Creation of Pond, Orchard and Driveway - Planning Ref 200818/DPP (Pages 7 - 36)**
- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 37 - 114)
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 200818.
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 115 - 116)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 117 - 138)
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 200818.
- 2.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

PLANNING ADVISER - LUCY GREENE

- 3.1 **Marchbank, 11 Marchbank Road - Erection of Single Storey Extension to Front - Planning Ref 201620/DPP (Pages 139 - 162)**
- 3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 163 - 178)
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 201620.
- 3.3 Planning Policies Referred to in Documents Submitted (Pages 179 - 180)
- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 181 - 204)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 201620.

3.5 Determination - Reasons for Decision

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

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

PLANNING ADVISER - AOIFE MURPHY

4.1 **82 Whitehall Place - Erection of Summerhouse to Front/Side - Planning Ref 201165 (Pages 205 - 224)**

4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 225 - 242)

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 201165.

4.3 Planning Policies Referred to in Documents Submitted (Pages 243 - 244)

4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 245 - 274)

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 201165.

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: aberdeencity.gov.uk

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

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

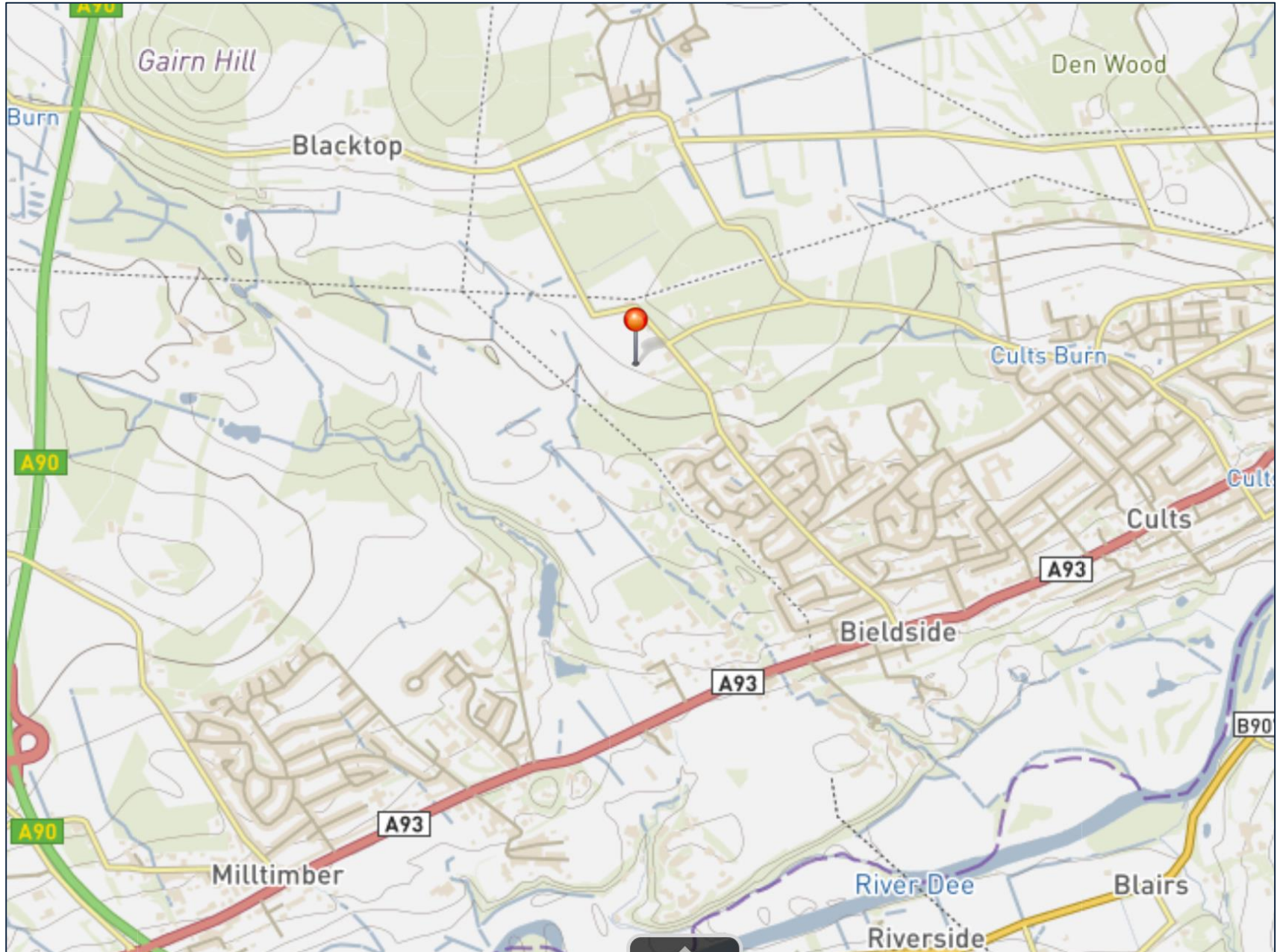


200818/DPP– Review against refusal of planning permission for:

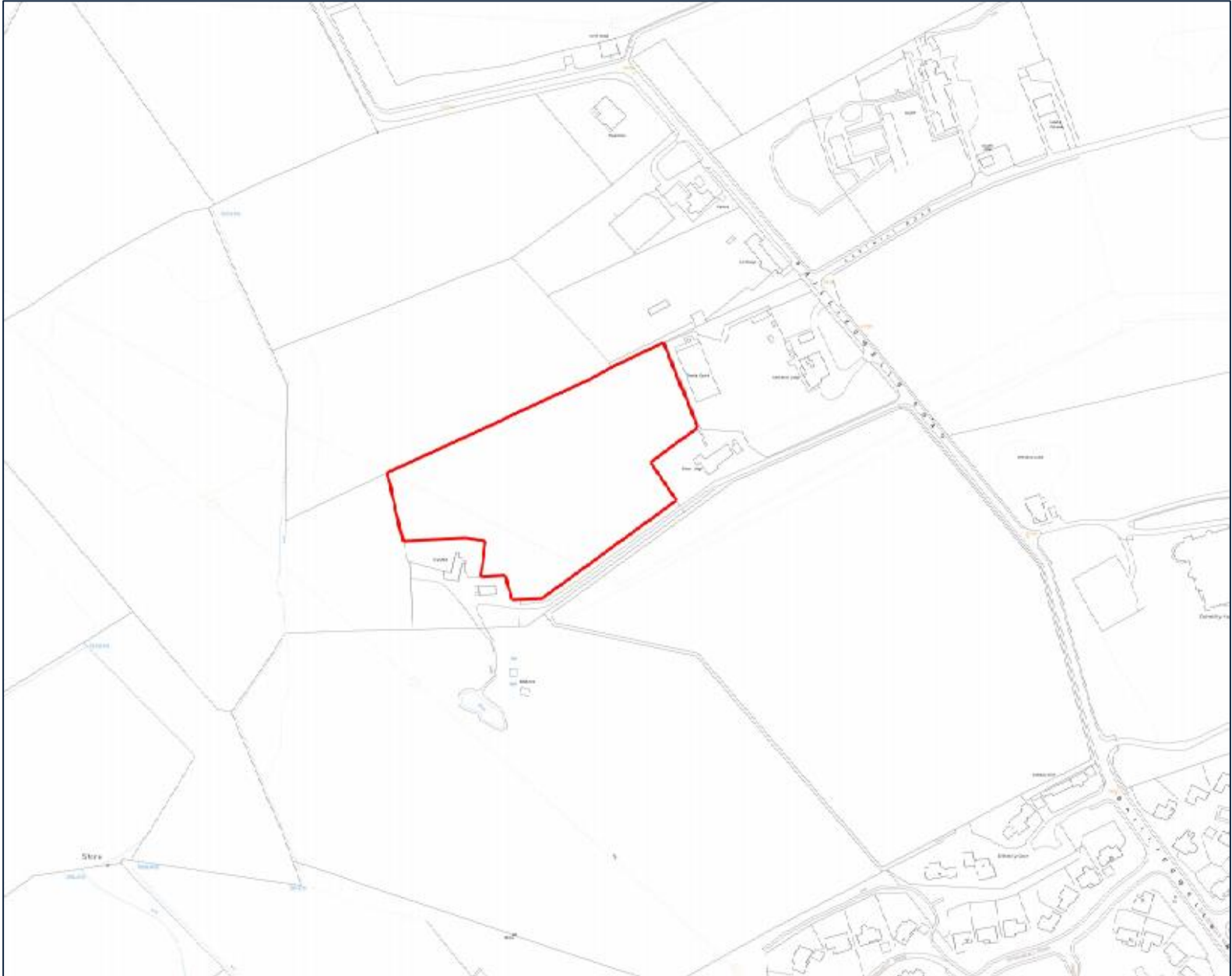
“Erection of a detached 2 storey dwellinghouse, detached double garage, stable block, walled garden, and associated landscaping works including creation of pond, orchard and driveway. ”

at Land At Baillieswells Road (East Of Drydykes)
Bielside, AB15 9BQ

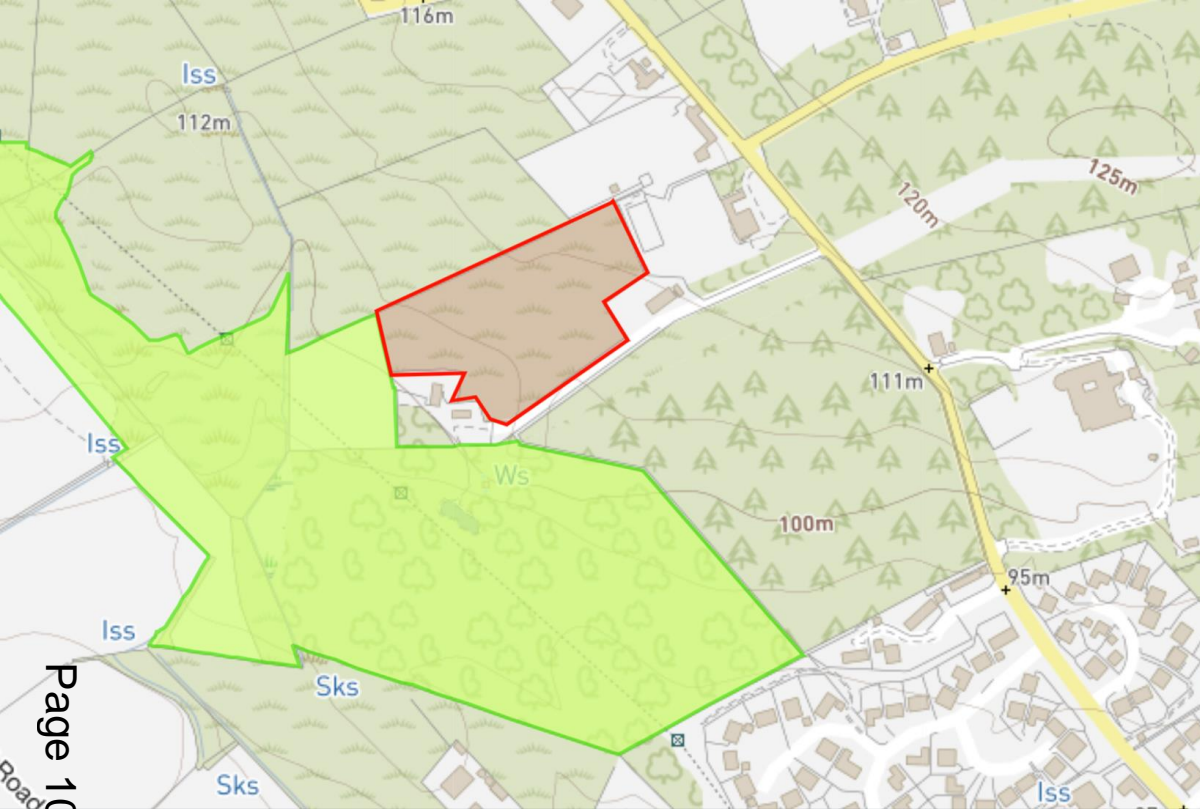
Location Plan (GIS)



Location Plan



Location Plan (GIS)



Page 10



Aerial Photo

Site Plan

- ① PROPOSED DWELLINGHOUSE
- ② PROPOSED GARAGE
- ③ 'WALLED' GARDEN (FENCED)
- ④ 'ORCHARD'
- ⑤ GARDEN
- ⑥ POND
- ⑦ Paddock
- ⑧ EXISTING ACCESS ROAD (FROM BALLIESWELLS ROAD)
- ⑨ STABLE



Site Photos

Looking north east



Site Photos



Looking north west



Looking west

Site Photos



Page 14

Existing private road
looking west



Existing private road
looking east



Existing field access

Elevations – Dwelling & Garage



NORTHEAST ELEVATION



SOUTHEAST ELEVATION

Elevations – Dwelling & Garage

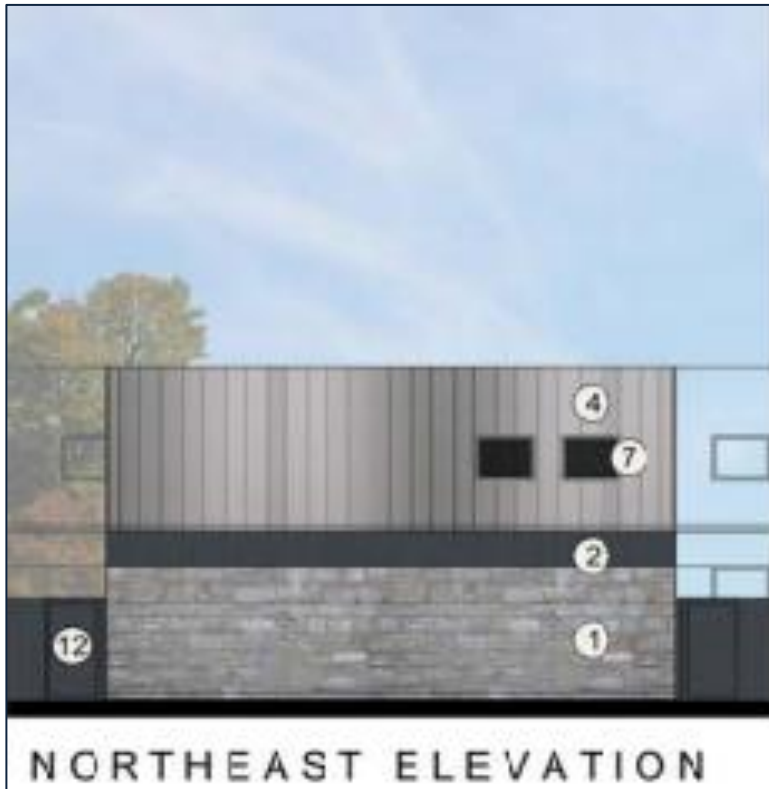


SOUTHWEST ELEVATION



NORTHWEST ELEVATION

Elevations – Garage



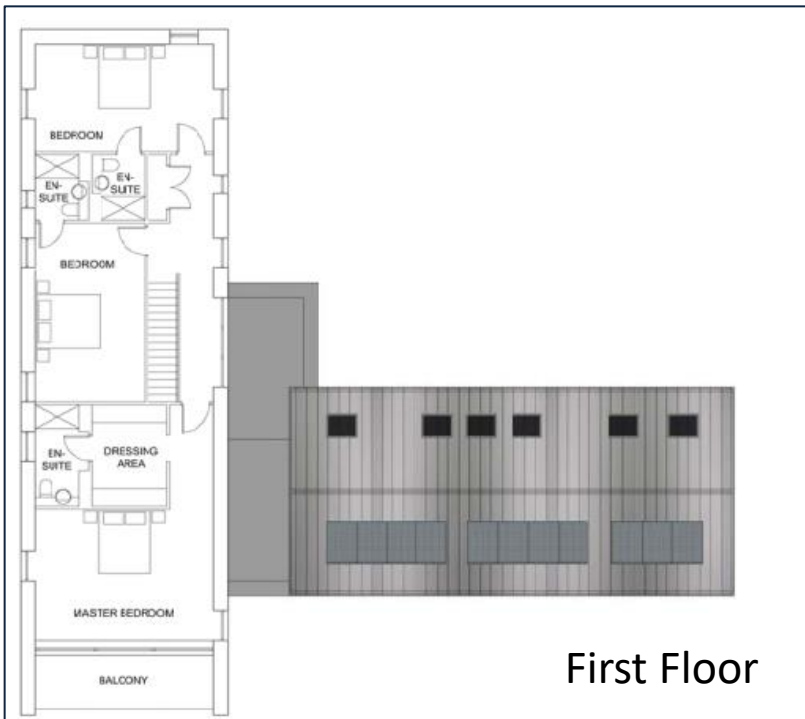
Proposed Materials

- | | |
|--------------------------------------|------------------------------------|
| ① STONE/FACING BLOCK (GREY) | ⑦ ROOFLIGHTS |
| ② BLACK TIMBER CLADDING (VERTICAL) | ⑧ INSULATED GARAGE DOOR |
| ③ BLACK TIMBER CLADDING (HORIZONTAL) | ⑨ BLACK TIMBER DOOR |
| ④ STANDING SEAM METAL ROOF CLADDING | ⑩ PROTECTIVE BARRIER (GLASS) |
| ⑤ PHOTOVOLTAIC PANELS | ⑪ FRESSED ALUMINIUM FASCIAS/SOFFIT |
| ⑥ TIMBER/ALUMINIUM COMPOSITE WINDOWS | ⑫ BLACK TIMBER FENCE/GATE |

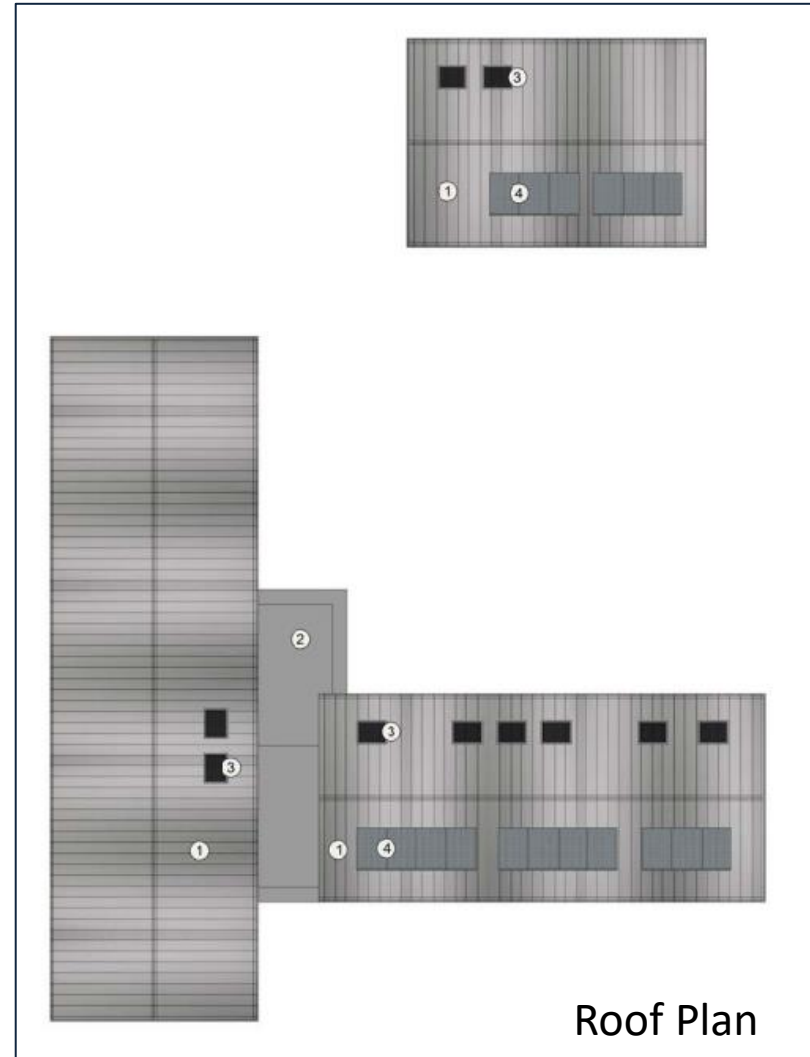
Floor and Roof Plans



Ground Floor



First Floor



Roof Plan

Elevations – Stables



NORTHWEST ELEVATION



NORTHEAST ELEVATION

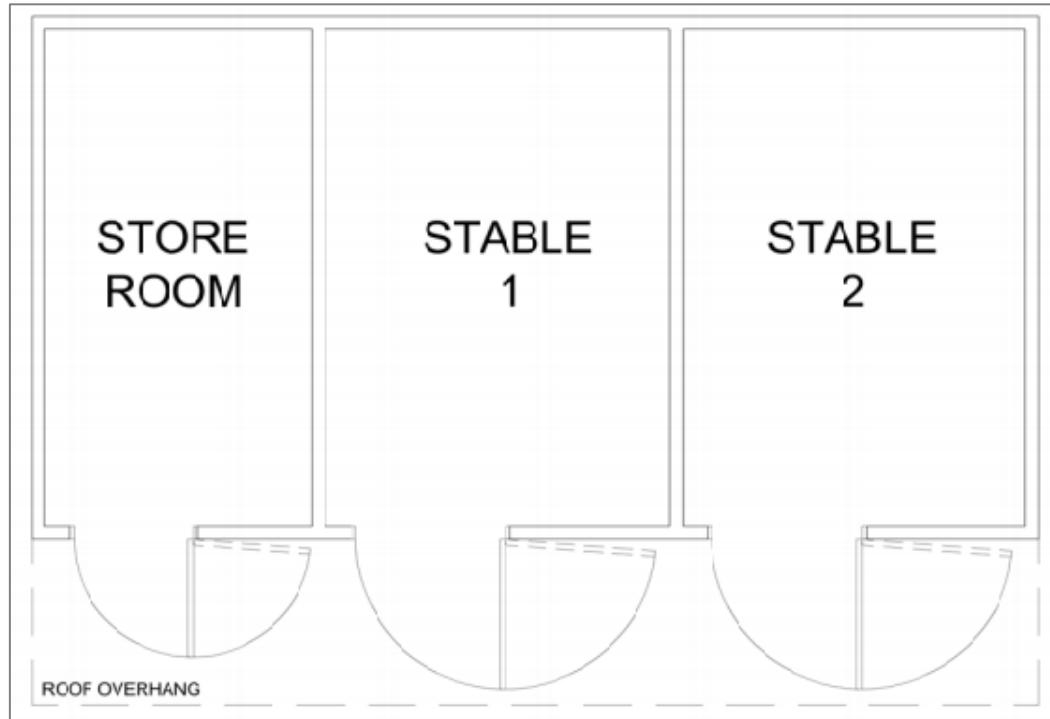
- ① STONE/FACING BLOCK (GREY)
- ② BLACK TIMBER CLADDING (VERTICAL)
- ③ BLACK TIMBER CLADDING (HORIZONTAL)
- ④ STANDING SEAM METAL ROOF CLADDING
- ⑤ BLACK TIMBER DOOR



SOUTHEAST ELEVATION



SOUTHWEST ELEVATION



Landscaping Plan



Proposed Access



T29 + T30 TO BE REMOVED TO FORM PERMANENT SITE ACCESS; REFER TO TREE SURVEY / ARBORICULTURAL IMPACT ASSESSMENT - 0003 S(94)C01

Proposed Context Plan



- KEY:-
- INDIVIDUAL HOUSING IN LANDSCAPED PLOTS
 - TYPICAL SUBURBAN HOUSING DEVELOPMENT
 - AGRICULTURAL / FARM BUILDINGS
 - COMMUNITY FACILITIES (CHURCH)
 - APPLICATION SITE (INDIVIDUAL HOUSE IN LANDSCAPED PLOT)

Reasons for Refusal

1. Policy NE2 (Greenbelt) makes no provision for new/additional dwellinghouses in the countryside, unless it has been demonstrated as being essential for an existing agriculture or forestry enterprise, which has not been done in this case and does not accord with any of the 'exceptions' within the policy. In addition, the proposal is at odds with Scottish Planning Policy which seeks the implementation of 'green belts' to protect the landscape setting of cities and towns.
2. The site would be located outwith a 400m radius of a bus stop, within a rural/greenbelt area, and therefore it is likely that occupants of the development would be unduly dependent on use of the private vehicle to transport themselves from the site to other parts of the city / essential supporting services. The proposal, therefore, would conflict with the policy objectives of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) and Transport and Accessibility supplementary guidance. Furthermore, the proposal would not accord with the Scottish Planning Policy expectation of sustainable development.
3. The proposed scale of the development would harm the open character of the rural landscape and its visual qualities to the west of Baillieswells Road, which would be particularly evident from western viewpoints by further extending residential development out into the countryside/greenbelt. As such, the proposal would not comply with policies NE2 (Greenbelt) and D2 (Landscape).

Applicant's Case

Reason 1 and 3

Whilst not specifically listed in Policy NE2 as an exception that would apply to development in the Green Belt, the proposal does not compromise the aims of the Green Belt and is consistent with previous planning decisions (181539/DPP & 181993/DPP).

The development has been informed by surrounding landscape context and has been specifically designed to be contained within existing landscape features so that it will not result in any coalescence.

The development would be well screened by broadleaf woodland supplemented by extensive new tree planting and would not, therefore, be visible from any public road or other public vantage point.

With regards to the impact of the proposed development on views from Hillhead Road and other locations to the west. It is noted that the site would only be partially visible from a short stretch of Hillhead Road, with only two properties accessed from that and the road being a dead end. As such, any impact would be extremely minor.

Applicant's Case

Reason 2

The target of 400m is dependent on the needs of the site, the scale of the proposal and its likely impact. This single dwelling house would generate minimal new traffic, particularly when it is taken into account surrounding larger developments.

Additionally, the site is in close proximity to core paths 50, 54, 55, 57 and 89, providing safe and attractive walking and cycling routes for residents to both Cults and Countesswells, with aspirational core path AP10 also close by.

Pages
35

Other Material Considerations

- Policy WB1 – Healthy Developments of the Proposed Aberdeen Local Development Plan 2020.
- Proposed Aberdeen Local Development Plan 2020 recognises the benefits of food growing projects in terms of placemaking, environmental and sustainability benefits and climate change mitigation, as well as other wellbeing benefits of this. Whilst not a food growing project, the proposed development includes extensive areas of garden ground to enable its occupants to experience the benefits of food growing.
- Policy D5 – Landscape Design specifically requiring new landscape design to maximise adaptation and resilience of the built and natural environment to the effects of climate change and mitigate the impacts of climate change.

Policies – Aberdeen Local Development Plan 2017

- Policy NE1 – Green Space Network
- Policy NE2 – Greenbelt
- Policy D1 – Quality Placemaking by design
- Policy D2 – Landscape
- Policy T2 – Managing the Transport Impact of Development
- Policy T3 – Sustainable and Active Travel
- Policy NE4 – Natural Heritage
- Policy NE5 – Trees and Woodlands
- Policy NE6 – Flooding, Drainage and Water Quality
- Policy R6 – Waste Management for New Development
- Policy R7 – Low and Zero Carbon Buildings, and Water Efficiency
- Policy CI1 – Digital Infrastructure

Supplementary Guidance

- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Resources for New Development
- Transport and Accessibility

Page 27 Scottish Planning Policy

The purpose of green belt designation is to:

- direct planned growth to the most appropriate locations and support regeneration,
- protect and enhance the quality, character, landscape setting and identity of towns and cities, and
- protect and give access to open space within and around towns and cities.

- **Policy NE1 – Green Space Network**

The Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network.

Proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted.

Development which has a negative impact on existing wildlife habitats and connections, or other features of value to natural heritage, open space, landscape and recreation, should be mitigated through enhancement of the Green Space Network.

• Policy NE2 – Greenbelt

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 will be permitted in the Green Belt for purposes other than those essential for:

- agriculture;
- woodland and forestry;
- recreational uses compatible with an agricultural or natural setting;
- mineral extraction/quarry restoration; or
- landscape renewal.

Exceptions:

1. Development associated with existing activities in the green belt will be permitted, only if the criteria of this exception are met.
2. Essential Infrastructure.
3. Change of Use of existing buildings of historic or architectural interest, or otherwise a valuable traditional character.
4. Extension of existing buildings as part of a conversion/rehabilitation scheme, subject to limitations.
5. Replacement Dwellinghouse on a one-for-one basis, subject to restrictions.

In all cases, development in the Green Belt must be *“of the highest quality in terms of siting, scale, design and materials”*.

- **Policy D1 – Quality Placemaking by Design**

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

Proposals to be assessment against the following six essential qualities:

- Distinctive
- Welcoming
- Safe And Pleasant
- Easy To Move Around
- Adaptable
- Resource Efficient

- **Policy D2 – Landscape**

Developments will have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form, provides shelter, creates local identity and promotes biodiversity. In order to secure high quality development, planning applications for new development must include a landscape strategy and management plan incorporating hard and soft landscaping design specifications. The level of detail required will be appropriate to the scale of the development.

- **Policy T2 – Managing the Transport Impact of Development**

Policy T2 requires development to be proportionate in terms of scale and anticipated impact.

New developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

- **Policy T3 – Sustainable and Active Travel**

While Policy T3 confirms that new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport penetration.

- **Transport and Accessibility SG**

The ability to access and to move around and through the built and natural environment by walking and cycling directly affects quality of life and is a major contributor to social inclusion. New development must be permeable to pedestrians and cyclists. Developments should be linked by the most direct, attractive, safe and secure pedestrian and cycle links to potential trip sources within 800 metres of the development.

All new developments should be accessible by public transport, suitable to the needs of the site. Sites should be designed to allow for public transport penetration and ideally public transport should be available within 400 metres of the origins and destinations of trips within the development. Where regular public transport services are not accessible from the site at present, developers should engage with commercial operators to ensure the site can be served by regular public transport services.

Other Relevant Policies

- 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.
- Policy NE6 – Flooding, Drainage and Water Quality – requires sufficient foul and surface water drainage for all development.
- Policy NE8 – Natural Heritage – requires meaningful and useful open space in new residential development.
- Policy R6 – Waste Management for New Development - all new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate.
- Policy R7 – Low and Zero Carbon Buildings, and Water Efficiency – all developments are provide low and zero carbon generating technology and water saving technologies.
- Policy CI1 – Digital Infrastructure - all new residential development will be expected to have access to modern, up-to-date high-speed communications infrastructure.

Points for Consideration:

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

- Policy NE1 – Green Space Network: is the development likely to destroy or erode the character and/or function of the Green Space Network?
- Policy NE2 – Green Belt: would the development be appropriate in the Green Belt?
- Policy D1 – Quality Placemaking by Design: is the development acceptable in terms of layout, siting and design?
- Policy D2 – Landscape: would the development have a strong landscape framework which improves and enhances the setting and visual impact of the development?
- Policy T2 – Managing the Transport Impact of Development and T3 – Sustainable and Active Travel: would the development be acceptable for a sustainable travel perspective?

Do other material considerations weigh in favour of approval or refusal?

Such as, Scottish Planning Policy or the Proposed Aberdeen Local Development Plan

Decision and potential conditions (if approved number of conditions would be required and can be outlined by the Planning Advisor)

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	Land at Baillieswells Road, (East of Drydykes), Bielside, AB15 9BQ
Application Description:	Erection of a detached 2 storey dwellinghouse, detached double garage, stable block, walled garden, and associated landscaping works including creation of pond, orchard and driveway.
Application Ref:	200818/DPP
Application Type:	Detailed Planning Permission
Application Date:	23 July 2020
Applicant:	Mr Bruce Ballance
Ward:	Lower Deeside
Community Council:	Cults, Bielside And Milltimber
Case Officer:	Jamie Leadbeater

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a parcel of agricultural land equating to 1.83 hectares in area served by an unsurfaced tree lined private road off the western side of Baillieswells Road just before Netherton Lodge in Bielside. The site generally rise up from its western boundary towards the east boundary, the difference in levels being some 10 metres.

With regards to the surrounding context, similar agricultural land exists to the north and west of the site. Detached dwellinghouses known as Netherton Lodge and Birken Lodge exist to the east and south-east of the site respectively, which are part of a small cluster of five detached dwellinghouses to the east and northeast of the site which also includes properties known as Littleways, Kerrera and Rosenheim. All dwellinghouses within this cluster with the exception of Birken Lodge front onto and are accessible from Baillieswells Road. Birken Lodge is accessible off the private road serving the application site. An area of woodland and a Local Nature Conservation Site (LNCS) exist to the south, beyond the private road. A vacant detached dwellinghouse known as Drydykes exists to the west of the site which is accessible by the same private road as the application site.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought for the erection of a new detached two storey dwellinghouse with associated detached double garage and garden area, and erection of walled

garden and stable block with associated landscaping works including creation of pond, orchard, driveway and a paddock.

In terms of site layout, the proposed dwellinghouse and its associated dwellinghouse as well as the walled garden and orchard would be sited in the north-eastern corner of the site. An extensive garden area pertaining to the house would be set to the north and western sides of the proposed dwellinghouse with a large pond created at the far western end of the garden. A driveway access would be formed off the private road which runs parallel to the site's eastern boundary. The remaining two-thirds of the site area would be set aside as a paddock for the applicant's horses, which would be housed in a proposed single storey timber stable block close to the southern boundary of the site. Extensive tree planting is proposed around the perimeter of the site and some new low-density tree planting is various locations within the paddock area.

The proposed dwellinghouse would incorporate a contemporary design set upon an L-shape footprint split into two heights: two storey (up to 8.4m high, 22m long) along the northern wing and single storey (up to 6m high, 17m long) for the southern wing with a small single storey linking structure in between to allow definition between the two 'wings' of the house. The ground floor elevations would be finished in a grey facing stone with black vertical timber linings to the first-floor elevations in the northern wing and gables within the southern wing. The roof planes would be finished in standing seam metal cladding incorporating rooflights throughout and photovoltaic panels on the south-west roof plane of the southern wing. Windows made from timber/aluminium composite window frames would be located through all elevations at both ground and first floor levels. A first-floor balcony feature would be incorporated into the south-west gable.

The proposed detached single storey garage with pitched roof would be finished in the same materials as the existing. It would provide space for two vehicles and three other car parking spaces would be provided on the opposite side of the vehicle turning area at the driveway's northern terminus to the east of the southern wing.

The proposed stable block would measure 10m wide, 5.4m in depth and 3.5m to ridge finished in black timber cladding and a metal clad roof with overhand canopy feature to front (northwest elevation). Two horse enclosures and a storeroom would be provided inside.

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=QDRA47BZJ1I00> .

- Drainage Statement
- Environmental Walkover Assessment and Phase 1 Habitat Survey
- Planning, Design and Accessibility Statement
- Tree Survey (including Arboricultural Impact Assessment)

CONSULTATIONS

ACC - Roads Development Management Team – There should be a maximum of 3 car parking spaces. Given the private road serving the site is narrow, there is potential conflict so the applicant needs to demonstrate that a passing place could be formed to a parking space standard or provide a swept path analysis to demonstrate that two car can pass. Installation of Electric Vehicle charging point would be needed but this could be controlled through use of condition if the application is approved. Waste will comment separately on the proposed waste storage arrangements.

ACC - Waste & Recycling – No objection. The proposed house would be provided with 4no. bins. Bins would need to be presented on Baillieswells Road kerbside for collection.

ACC - Environmental Health – No response received.

Cults, Bielside and Milltimber Community Council – Object. The site is located within the Greenbelt and Green Space Network and therefore the development would be contrary to policies NE1 and NE2 in the Aberdeen Local Development Plan 2017 and policies NE1 and NE2 in the Proposed Aberdeen Local Development Plan.

REPRESENTATIONS

A total of 4 representations have been received (3 objections and 1 neutral). The matters raised can be summarised as follows –

- Proposed use of land is not consistent with Policy NE2 (Green belt) in the Aberdeen Local Development Plan, which is designated to prevent coalescence between suburban areas as set out in the Aberdeen and Aberdeenshire Strategic Development Plan
- Proposed dwelling would change the topography and character of the distinctive semi-rural landscape at Upper Bielside and therefore is not consistent with Policy D2 (Landscape) in the Aberdeen Local Development Plan;
- No other material considerations outweigh/justify non-compliance with the local development plan in consenting to the principle of development;
- The site has been rejected for development in the considerations of appropriate development sites in the forthcoming/next local development plan and therefore is proposed to be maintained as greenbelt in the Aberdeen Local Development Plan 2022;
- Proposal does not demonstrate that the development would have no detrimental impact on the Foggieton Local Nature Conservation Site (LNCS), which there is a policy presumption in favour to protect, and water bodies; and,
- Erection of a dwellinghouse in the proposed location would harm the pattern of development in Upper Bielside which characterises the area.
- In countering the applicant's assertions, the presence of existing electricity lines throughout the site does not constitute built development and does not provide a basis for approving a residential development on the site.
- The proposal would entail the removal of at least 3 trees.

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 (SPP)

Aberdeen City and Shire Strategic Development Plan (2020)

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

communities and improving accessibility.

Aberdeen Local Development Plan (ALDP) 2017

- Policy CI1 – Digital Infrastructure
- Policy D1 – Quality Placemaking by design
- Policy D2 – Landscape
- Policy NE1 – Green Space Network
- Policy NE2 – Greenbelt
- Policy NE4 – Natural Heritage
- Policy NE5 – Trees and Woodlands
- Policy NE6 – Flooding, Drainage and Water Quality
- Policy R6 – Waste Management for New Development
- Policy R7 – Low and Zero Carbon Buildings, and Water Efficiency
- Policy T2 – Managing the Transport Impact of Development
- Policy T3 – Sustainable and Active Travel

Supplementary Guidance (SG)

- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Resources for New Development
- Transport and Accessibility

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 and the following policies in the Proposed Plan are considered relevant to this proposal:

- NE1 – Greenbelt
- NE3 – Natural Heritage
- NE5 – Trees and Woodland
- D1 – Quality Placemaking
- D2 – Amenity
- D4 – Landscape
- R5 – Waste Management Requirements for New Development
- R6 – Low and Zero Carbon Buildings, and Water Efficiency
- T2 – Sustainable Transport
- T3 – Parking
- CI1 – Digital Infrastructure

EVALUATION

Principle of Development

The acceptability of the proposed development in principle falls under two different policy considerations – compliance with Policy NE1 and compliance with NE2 in the ALDP, and considerations of any other material considerations. Neither policy has any greater weight than the other, but in order for the proposal to be acceptable in principle it should comply with both policies. Furthermore, it should be noted that Scottish Planning Policy (SPP) is clear in identifying that the purpose of green belt designation in the development plan is: to direct planned growth to the most appropriate locations; protect and enhance the quality, character, landscape setting and identity of towns and cities; and, protect and give access to open space within and around towns and cities.

Policy NE1 states the Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network (GSN). Proposals for development that are likely to destroy or erode the character and/or function of the GSN will not be permitted.

The applicant has submitted a Walker Over and Extended Phase 1 Habitat Survey are part of their submission which describes the site as a disused parcel of agricultural land bound by trees along the north-eastern and south-eastern boundaries, which is considered a reasonable description of the site.

The Council's ecologist has considered the findings of the survey material and are content with the findings and recommendations for mitigating the impact of the development and habitat enhancement in respect of maintaining the site's connectivity and functionality within the GSN. Providing such recommendations are implemented (as set out in Section 3 of the survey report), which could be controlled by condition if it were the case that approval was being granted, then it is considered the development would not destroy the function of the GSN. It is accepted that the erection of the dwellinghouse and other associated structures would partially erode the openness of the GSN but not to the extent that it would unduly harm the functionality of it. Subsequently, on balance, it is not considered the proposal would have a significant adverse impact on the function of the GSN and therefore the proposal would not be at odds with Policy NE1 in the ALDP.

Policy NE2 in the ALDP states no development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible uses compatible with an agricultural or natural setting; mineral extraction/ quarry restoration; or landscape renewal. Beyond these provisions, the policy does make allowances for exceptions to accommodate development outwith these defined uses. The exceptions are:

- 1) Developments associated with existing activities;
- 2) Essential infrastructure;
- 3) Change of use to historic buildings;
- 4) Extensions to existing buildings; and,
- 5) Erection of replacement dwellinghouses.

The proposed development by virtue of its Class 9 use would not fall within any of the categories of permissible development set out in Policy NE2. No evidence has been provided to demonstrate that the house is essential on this site to facilitate the functional requirements of, or is directly associated with, an existing agricultural or forestry enterprise. Furthermore, the proposal would not fall within any of the 'exceptions' under the provisions of the policy. Taking into account the aforementioned points, the proposal is not considered compliant with Policy NE2, a point raised by the local Community Council and other objectors.

Overall, whilst the proposal would not be contrary to Policy NE1 in the ALDP, it would be contrary to Policy NE2 in the ALDP and SPP. Non-compliance with the latter local and national policy position relating to spatial planning matters are considered to materially outweigh compliance with Policy NE1 and therefore the principle of development is not considered acceptable.

The point raised by the objector in relation to the spatial strategy for the location of new developments as set out in the Aberdeen City & Shire Strategic Development Plan is noted given the site's location within the Greenbelt. However, given the proposed development's scale, it does not raise any strategic issues and due to the distance from the local authority boundary with Aberdeenshire, does not raise any cross-boundary issues. For that reason, it is considered to be of low materiality in the decision-making process on this application.

Access, Parking and Public safety

Policies T2 and T3 in the ALDP require new developments to be accessible by a range of transport modes in order to minimise traffic generated. The associated Supplementary Guidance (SG) titled Transport and Accessibility states all new developments should be accessible by public transport to take cognisance of what the aforementioned policies aim to achieve and therefore new developments should have access to public transport within 400m of the proposed dwellinghouse's origin/access.

The nearest permanent bus stops are located along North Deeside Road and Craigton Road set 1.5km to the south and 4km to the east walking distance away respectively – far in excess of the 400m requirement. There currently is a temporary shuttle bus which runs along Beech Tree Gardens and Countesswells Road to serve the residents of the new Countesswells settlement c. 1.8km to the north of the site, but this also falls well beyond 400m from the site.

Baillieswells Road does not benefit from any pedestrian pavement on either side of the road for 273m from the point the site's private access road converges with it and the defined residential area along Baillieswells Road, so the site is not served by a safe pedestrian access towards a bus route on North Deeside Road, Craigton Road or to Countesswells. Furthermore, in the absence of a defined cycle way along the same stretch of road coupled with a narrow bending road formation, the site discourages access by bicycles as well as pedestrians. As such, these factors are likely to discourage access to and from the site via a range of sustainable transport modes and merely place an undue likely level of dependency on the use of the private vehicle which is environmentally unsustainable. Therefore, the proposal is non-compliant with policies T2 and T3 in the ALDP.

The Council's Roads Development Team has been consulted on the proposed access and parking arrangements. In terms of access, they have identified that the proposed private road off Baillieswells Road is narrow and already serves two dwellinghouses (Drydykes and Birken Lodge) meaning that this could cause vehicle conflict. The application has shown that a passing place would be formed near the entrance of the site to allow the passing the car along this private road to deal with these concerns, however the passing place would be outside the application site and the land needed to implement it is under the ownership/control of another party and the applicant has yet to demonstrated conclusively that the passing place could be formed. As such, had the planning application been recommended for approval, it would have needed to be subject of a condition requiring the passing space to be implemented prior to commencement of development of the dwellinghouse to ensure that the applicant demonstrates control over the land and safety is maintained along the private road during construction. terms of parking, the proposal would provide 3 car parking spaces, which accords with the maximum standard set in the Transport and Accessibility SG. Electric Vehicle charging points are required to support movement to decarbonised vehicles by 2050. No details are shown on this, but adherence to this requirement could be competently controlled by use of condition is approval is granted.

Layout, Siting, Scale and Design

With regards to layout, the proposed development would be disproportionate to all residential sites for single dwellinghouses in the immediate surrounding area given the incorporation of a large paddock, even in the context of the existing low-density housing located to the north and east of the site. Although the site plan shows a paddock, under the proposals the paddock would be effectively in residential use as it would be used for domestic equestrian use. Thus, the result is that the proposed house would have garden grounds extending to some 1.8 hectares, which is of substantial size and out of keeping with the rural and landscape character of the area. Furthermore, the Planning Authority also needs to consider the possibility and visual implications that horses may not be kept in the paddock and instead being used as more typical garden ground with the grass regularly mown/increasingly refined in appearance. Notwithstanding whether the area identified as being a paddock would be used for that purpose or to function as part of the expansive garden, it would have a domestic appearance extending over a substantial area, at odds with the prevailing local landscape character and rural appearance of the locality. This would be particularly evident from western viewpoints, such as Hillhead Road.

Notwithstanding, the proposed development would likely offer a high standard of living and general residential amenity for its prospective residents given the size of the proposed dwelling, its internal floor layout and fenestration, generous sized garden area to the west, and orchard and walled garden to the east. Although the proposed dwellinghouse would be sited in the part of the site nearest the majority of existing neighbouring properties to the east, it would be sited far enough away from shared boundaries to the east and south to mitigate any undue loss of privacy to the residents of Birken Lodge and Netherton Lodge. The residents of Littleways would also not be unduly affected.

With regard to design, the proposed house and detached garage would incorporate a mixture of traditional and contemporary features and finishes which are considered suitable for the site's rural context. Furthermore, all elevations would contain an extensive level of glazing serving rooms to allow an internal sense of space and permeation of natural light which contribute to an acceptable level of general residential amenity. The first-floor balcony on the south-west elevation would allow for clear views over countryside to the west without harming neighbouring residents' privacy.

The submitted Landscaping Plan is considered reasonable in striking the balance between delivering the needs of prospective residents as well as trying to enhance the level of tree coverage across the site to enhance separation from existing neighbouring properties as well as potentially enhancing the level of biodiversity on the site. However, given the proposed specimens would be small initially i.e. 60 – 80cm in height most likely, it would take many years, potentially more than 20 years until they became sufficiently mature to offer a greater sense of screening/enclosure to the proposed buildings and site, and that's if the proposed new trees were to survive long-term. This is important when considered in the context of the application site and the proposed house, in particular, being in elevated positions relative to Hillhead Road and other viewpoints to the west. Subsequently, whilst the proposed additional planting would be welcome, it would not be sufficient to mitigate the landscape prominence of the proposed development from Hillhead Road and other viewpoints from the west for a significant length of time. Notwithstanding, had the planning application being recommended for approval, it have would been essential that a condition was applied which sought full implementation of the proposed landscaping works including the level of tree planting indicated on the site layout.

Overall, whilst the proposed scale and appearance of the proposed dwellinghouse and ancillary buildings could be considered acceptable in isolation, the layout in terms of size of garden space would be excessive for the site's greenbelt location, which would be harmful to Bieldside's rural landscape setting, which would be particularly evident as viewed from the west. Therefore, whilst the proposed house considered in isolation would be compliant with Policy D1, the totality of the

proposal, in particular the proposed siting and layout (for example, the expansive garden grounds), is not considered acceptable within the parameters of Policy D1 in the ALDP and therefore the proposal would not be compliant with Policy NE2 in the ALDP or with SPP.

Impact on the natural environment

Policy NE8 in the ALDP seeks to ensure that new developments would not adversely impact on nature conservation sites ranging from national to local designations, as well as protected species and carbon-rich soils.

The applicant has submitted an Environmental Walkover and Extended Phase 1 Habitat Survey carried out by an appropriate specialist to establish if any important flora and fauna exist within or adjacent to the site, and whether it would be harmed by the proposed development.

Foggieton LNCS (Local Nature Conservation Site) is the nearest environmental designation to the site, located just to the west and south-west of neighbouring property Drydykes. The site is not known to have carbon-rich soil.

The submitted survey states that the site has a low ecological value comprising of semi-improved neutral grassland, bracken and some young Rowan trees. Furthermore, the report also states that no rare or declining plant species are present on the site nor was any strong evidence recorded that any protected species live or regularly use the site other than possibly badgers for infrequent foraging purposes.

The Council's ecologist has considered the findings of the survey work and is content the proposed development would not have an undue adverse impact on the national or local nature conservation sites, including the Foggieton LNCS, or protected species. As such, the proposal would not have an adverse impact on natural heritage and therefore the proposal would comply with Policy NE8 in the ALDP and this should allay objectors concerns in this regard.

Impact on trees

Policy NE5 in the ALDP seeks to ensure the protection and long-term retention of trees which contribute to nature conservation, landscape character, and local amenity. In order to achieve this, buildings should be sited thus to minimise adverse impact on existing and future trees. Appropriate measures should be taken to protect existing trees and additional planting is encouraged, including compensatory planting for any trees that would be lost.

The proposal would involve the removal of two, possibly four existing trees which run along the southern boundary of the site to make way for the proposed driveway access into the site. These trees are set within a line of mature trees and are not individually of landscape character. The Council's Tree Officer has considered the proposal and is content with the proposed loss of these trees, mindful also that their loss would be significantly offset by the proposed scale of additional tree planting around the northern and western perimeters of the site. The Tree Officer is also content that the siting of the dwellinghouse and location of the driveway would not adversely impact on the long-term conservation of trees belonging to residential properties to the east of the site, but recommends that the implementation of tree protection fencing in line with identified the submitted Tree Protection Plan and additional tree planting controlled through use of condition approval is granted.

Subsequently, overall, it is considered the proposal would result in a net benefit to tree coverage within the site in the long-term had the planning application been approved and fully implemented and therefore the proposal does not pose a tension with Policy NE5 in the ALDP.

Landscape Impact

The immediate surrounding landscape comprises large detached dwellinghouses set in generous sized garden ground with tree lined boundaries to the east, woodland to the south, open farmland to the north and a variance of open farmland with intermittent trees and foliage to the west. The general surrounding topography is of subtle varied gradients.

The key public viewpoints to the site are from Baillieswells Road c. 210m to the north of the site and Hillhead Road c. 590m to the west of the site. The site is not readily from Baillieswells Road to the east, Blacktop Road to the north or Ladyhill Road to the east due to the presence of intervening mature woodland.

Given the proposed height of the dwellinghouse relative to existing trees along the northern boundary of Littleways to the north of the site, most of the proposed dwellinghouse (even at two storeys) would not be entirely visible from Baillieswells Road to the north. The proposed dwellinghouse would be more visible in its entirety from Hillhead Road. Although the existing dwellinghouses known as Littleways and Rosenheim are already visible in the landscape from this public thoroughfare viewpoint and by comparison the proposed darker finishing materials to the proposed dwellinghouse would not be as striking as those on neighbouring properties, the proposed dwellinghouse would sit closer to Hillhead Road on the highest part of the application site and would be c. 20m above the level of the Hillhead Road. Although Rosenheim and Littleways are visible, their separation distance of over 100m and their appearance of being recessed into the treed backdrop, results in these properties sitting more comfortably in the landscape. They appear as isolated dwellings in the landscape rather than as part of a cluster of houses. The proposed house would thus not be seen in the landscape in the context of any existing cluster or grouping of houses. Drydykes which lies further west of the site is not readily visible from Hillhead Road which further dilutes the prospect of the proposed dwellinghouse be read as part of any cluster of dwellinghouses from the west. Given the siting and scale of the other proposed ancillary structures and outbuildings, it is not considered any of these would have any greater impact than the dwellinghouse as set out above but they would contribute to the overall material change in appearance of the site in the landscape. Also, when viewed from the west, it would give the impression of Bielside as a suburban area that is migrating westwards, which is at odds with what Policy NE2 seeks to achieve never mind the fact the proposal would alter the landscape character which poses a tension with Policy D2 in the ALDP.

Taking all these considerations into account, it is considered the proposal would have an adverse visual presence on the landscape. Although the principal public vista would be from Hillhead Road c. 590m away to the west, the buildings and excessive garden area would be visible from other western and northern locations mindful of peoples' right to roam over land under the Land Reform Act. Therefore, the proposed dwellinghouse would have a harmful landscape visual impact given it alters the 'open character' and rural appearance of the site area on edge of Bielside's established settlement area. Additional tree planting proposed along the western boundary of the site may in the long-term block out views of the property from Hillhead Road entirely but this would take a significant amount of time for this to become effective and even then the planning authority would have no long term control over the retention of these trees as they would not benefit from any protective planning designation. On this basis, it is considered the proposal is at odds with Policy D2 in the ALDP which reflects objectors concerns.

Drainage

The applicant has submitted a Drainage Assessment setting out that both surface water and foul water would be dealt with using private drainage infrastructure. This is considered reasonable given the rural location of the site but further serves to demonstrate how far the site is away from a defined urban area which is served by public drainage infrastructure. Subsequently, the proposed drainage information is considered sufficient to satisfy the relevant requirements of Policy NE6 in

the ALDP. If the application is approved, implementation of such drainage infrastructure prior to occupation shall need to be controlled by condition.

Given the proposed drainage requirements would be private and not connect to the public network, especially for foul water, then it is likely the end user would need to obtain a separate CAR license from SEPA should approval be granted to ensure the proposed development does not have an adverse impact on the natural water environment. This would not need to be controlled by of a condition as this is controlled under separate legislation.

Other site servicing matters

All new residential development in the city are required to demonstrate that they would have access to modern, up-to-date high-speed communications infrastructure e.g. fibre optic broadband, under Policy CI1 in the ALDP. This has not been demonstrated but could be done and therefore would have been reasonable to secure this information through use of condition had the application been recommended for approval.

Policy R7 in the ALDP requires development to have a low carbon and high-water efficiency usage through their design. Given that such measures would not come to light until building warrant stage, it would be reasonable to allow this policy requirement to be controlled through use of condition had the application been recommended for approval.

Proposed Aberdeen Local Development Plan

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

Other matters raised in representations not yet addressed

- *Erection of a dwellinghouse in the proposed location would harm the pattern of development in Upper Bieldside which characterises the area* – This is considered to be a valid point. Erection of a dwellinghouse and associated structures and landscape features as set out in the site plan would alter the pattern of development with the site area and immediate surrounding area, creating a coalescence between Netherton Lodge, Birken Lodge and Drydykes in particular.

Conclusion

Overall, whilst it is accepted the proposed dwellinghouse and associated facilities could provide a high standard of living for its prospective residents without unduly harming the ecology/habitat in the locality and the residential amenity of existing neighbouring residents, the principle of development would not be acceptable in the absence of any appropriate justification for a new house in the greenbelt, the site's unsustainable location placing an undue over-reliance on private modes of transport to get to and from the site, and the harm it would cause to the open character of the rural landscape to the west of Baillieswells Road from western viewpoints. As such, the proposal's non-compliance with policies D1, D2, NE2, T2 and T3 in the Aberdeen Local Development Plan 2017 and relevant sections of Scottish Planning Policy are considered to materially outweigh any merits the proposal has set above. Therefore, the application is recommended for refusal.

RECOMMENDATION

Refuse

REASON(S) FOR RECOMMENDATION

The application is recommended for refusal for the following reasons set out below:

- 1) The application site lies within the Green Belt on the Aberdeen Local Development Plan (ALDP) Proposals Map 2017. Policy NE2 (Greenbelt) in the ALDP 2017 makes no provision for new/additional dwellinghouses in the countryside, unless it has been demonstrated as being essential for an existing agriculture or forestry enterprise, which the applicant has not been done in this case and does not accord with any of the 'exceptions' within the policy. In addition, the proposal is at odds with Scottish Planning Policy (SPP) which seeks the implementation of 'green belts' to protect the landscape setting of cities and towns. Therefore, collectively the principle of development is unacceptable.
- 2) The site would be located outwith a 400m radius of a bus stop, within a relatively undeveloped rural/greenbelt area, and therefore it is likely that occupants of the development would be unduly dependent on use of the private vehicle to transport themselves from the site to other parts of the city / essential supporting services. The proposal, therefore, would conflict with the policy objectives of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) in the Aberdeen Local Development Plan 2017 and their relevant supplementary guidance (Transport and Accessibility). Further, the green belt nature of the site, its location outwith the urban core and relative remoteness from a bus stop, together with the above policy considerations demonstrate that the proposal would not accord with the Scottish Planning Policy expectation of sustainable development.
- 3) The proposed scale of the development would harm the open character of the open rural landscape and its visual qualities to the west of Baillieswells Road, which would be particularly evident from western viewpoints from such as, but not limited to, Hillhead Road by further extending residential development out into the countryside/greenbelt. As such, the proposal would not comply with policies NE2 (Greenbelt) and D2 (Landscape) in the Aberdeen Local Development Plan 2017.

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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 100282955-001

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)

Planning permission is sought for a single dwelling house on land at Baillieswells Road, Bieldside, Aberdeen.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="bruce"/>	Building Number:	<input type="text" value="4"/>
Last Name: *	<input type="text" value="ballance"/>	Address 1 (Street): *	<input type="text" value="Oldfold Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Milltimber"/>
Telephone Number: *	<input type="text" value="07990674407"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB13 0JY"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="bruceballance@aol.com"/>		

Site Address Details

Planning Authority:

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

Address 1:	<input type="text"/>
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"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="803385"/>	Easting	<input type="text" value="387123"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1.83

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)

Agriculture

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?

0

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

5

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

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- Discharge to land via soakaway.
 Discharge to watercourse(s) (including partial soakaway).
 Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

It is understood that public sewerage is available on Baillieswells Road, this is a considerable distance and if available, a pumped drainage solution is likely to be required (considered cost prohibitive). Based on investigation, a filtration trench and septic tank/soakaway is likely to be viable and provision for this type of drainage solution has been made within the submitted proposals.

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

It is understood that waste containers will need to be presented the kerbside of Baillieswells Road only the collection day and would need to be removed from the kerbside as soon as possible. A storage area for refuse/recycling waste has been included with i the proposals, within the curtilage of the dwelling house site, with additional measures/space accommodated within he property itself to collect and manage this.

Residential Units Including Conversion

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

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

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

Do you have any agricultural tenants? *

Yes No

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

. Kenneth + Alison Graham

Address:

c/o Raeburn Christie Clark & Wallace, 399, Union Street, Aberdeen, UK, AB11 6BX

Date of Service of Notice: *

17/07/2020

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Mr Bruce Ballance

On behalf of:

Date: 17/07/2020

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 bruce ballance

Declaration Date: 17/07/2020

Payment Details

Online payment: ABSP00005373
Payment date: 17/07/2020 22:48:00

Created: 17/07/2020 22:48



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 100282955-006

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

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="bruce"/>	Building Number:	<input type="text" value="4"/>
Last Name: *	<input type="text" value="ballance"/>	Address 1 (Street): *	<input type="text" value="Oldfold Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Milltimber"/>
Telephone Number: *	<input type="text" value="07990674407"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB13 0JY"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="bruceballance@aol.com"/>		

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 bruce ballance

Declaration Date: 12/08/2020

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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

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Thank you for completing this application form:

ONLINE REFERENCE 100282955-005

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:

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Thank you for completing this application form:

ONLINE REFERENCE 100282955-004

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

Site Address Details

Planning Authority:

Aberdeen City Council

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

803385

Easting

387123

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
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ONLINE REFERENCE 100282955-003

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Planning Authority:

Aberdeen City Council

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Declaration Name: Mr bruce ballance

Declaration Date: 12/08/2020

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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 100282955-002

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:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

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Please identify/describe the location of the site or sites

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Applicant or Agent Details

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Applicant Agent

Applicant Details

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Application Details

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Document Details

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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 bruce ballance

Declaration Date: 12/08/2020

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Mr Bruce Ballance
4 Oldfold Crescent
Milltimber
Aberdeen
AB13 0JY

With reference to your application validly received on 23 July 2020 for the following development:-

Erection of a detached 2 storey dwellinghouse, detached double garage, stable block, walled garden, and associated landscaping works including creation of pond, orchard and driveway.

at Land At Baillieswells Road, (East Of Drydykes)

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
P(00)100	Location Plan
0003 P(20)C02	First Floor Plan (Proposed)
0003 P(20)001 A	Ground Floor Plan (Proposed)
0003 P(40)002	Elevations and Floor Plans
0003 P(90)001 A	Site Layout (Other)
0003 P(90)002 A	Site Layout (Proposed)
0003 P(94)001 A	Other Drawing or Plan
0003 - P(00)020 A	Other Floor Plan (Proposed)
0003 S(94)001	Aboricultural Assessment
0003 P(00)020	Site Layout (Other)
0003 P(90)004 A	Site Layout (Other)
0003 P(94)001	Other Drawing or Plan

REASON FOR DECISION

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

1) The application site lies within the Green Belt on the Aberdeen Local Development Plan (ALDP) Proposals Map 2017. Policy NE2 (Greenbelt) in the ALDP 2017 makes no provision for new/additional dwellinghouses in the countryside, unless it has been demonstrated as being essential for an existing agriculture or forestry enterprise, which the applicant has not been done in this case and does not accord with any of the 'exceptions' within the policy. In addition, the proposal is at odds with Scottish Planning Policy (SPP) which seeks the implementation of 'green belts' to protect the landscape setting of cities and towns. Therefore, collectively the principle of development is unacceptable.

2) The site would be located outwith a 400m radius of a bus stop, within a relatively undeveloped rural/greenbelt area, and therefore it is likely that occupants of the development would be unduly dependent on use of the private vehicle to transport themselves from the site to other parts of the city / essential supporting services. The proposal, therefore, would conflict with the policy objectives of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) in the Aberdeen Local Development Plan 2017 and their relevant supplementary guidance (Transport and Accessibility). Further, the green belt nature of the site, its location outwith the urban core and relative remoteness from a bus stop, together with the above policy considerations demonstrate that the proposal would not accord with the Scottish Planning Policy expectation of sustainable development.

3) The proposed scale of the development would harm the open character of the open rural landscape and its visual qualities to the west of Baillieswells Road, which would be particularly evident from western viewpoints from such as, but not limited to, Hillhead Road by further extending residential development out into the countryside/greenbelt. As such, the proposal would not comply with policies NE2 (Greenbelt) and D2 (Landscape) in the Aberdeen Local Development Plan 2017.

Date of Signing 10 March 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)

- 1) proposed creation of a passing place at entrance to site, but outwith the site boundary, on the private road serving as access to the site which adjoins Baillieswells Road.

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 200818/DPP

Application Summary

Application Number: 200818/DPP

Address: Land At Baillieswells Road (East Of Drydykes) Bielside AB15 9BQ

Proposal: Erection of a detached 2 storey dwellinghouse, detached double garage, stable block, walled garden, and associated landscaping works including creation of pond, orchard and driveway. |cr|

Case Officer: Jamie Leadbeater

Consultee Details

Name: Mr Nathan Thangaraj

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

Email: nthangaraj@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note this application for the erection of a detached 2 storey dwellinghouse, detached double garage, stable block, walled garden, and associated landscaping works including creation of pond, orchard and driveway at the Land at Baillieswells Road (East Of Drydykes), Bielside AB15 9BQ. This site is located within outer City and outwith any controlled parking zone.

The proposal is to erect a 4-bedroom house with associated parking spaces. As per our guidelines, the parking requirement is 3 allocated spaces per dwelling. I note that currently 5 spaces per dwelling are proposed, as such, there is an over-provision 2 spaces for each dwelling. All parking bays should be at least 5m x 2.5m and require 6m clear aisle width, as well as a 0.5m turning head for end-spaces. The acceptable size of a double garage is 6m x 6m external, with a minimum internal size no less than 5.7m x 5.7m, with a height of 1.98m. Dimensions are required and should be shown in the revised plan.

The Scottish Government has committed to the almost complete decarbonisation of road transport by 2050. One way of achieving this is through encouraging and facilitating the uptake of electric vehicles (EVs). All new developments will, therefore, be required to install an appropriate EV charging infrastructure. As per our guidelines, one charge point (passive provision) is the minimum required for this application. Charge points should be connected to the domestic electricity supply. This provision should be conditioned.

I note that the site will take access via a private road which connects to Baillieswells Road. This access road which is narrow for the majority of its length and already serves two existing properties (Birken Lodge and Drydykes). Although the additional traffic generated by this proposed house will be small, there is a potential that vehicular conflicts may occur. Therefore, the applicant

has to justify that access road has sufficient width for a large car and a van to pass in tandem. This should be shown via Swept Path Analysis, This should be demonstrated via Swept Path Analysis, which should include 250mm buffer at the edge of the road/footpath/verge. Otherwise, the developer will require at a minimum to provide formal passing places to the relevant road standards. Minimum forward visibility should be achieved for vehicles entering/exiting their site access, this should be shown on the roads plan.

I would expect the waste management team to comment on the refuse collection plan. I note that the proposal is to leave the bins at the kerbside of Baillieswells Road on the collection day. The exact location should be shown in the revised plan.

The requirements for emergency service vehicles are normally dictated by the Fire Service, therefore, I would suggest the applicant should contact the Fire Authority for advise on the access route.

There are outstanding issues in respect of this planning application. I will be in a position to make further comment on receipt of the requested information.

Aberdeen City Council – Development Management Consultation Request

From: Jamie Leadbeater	Date: 24 July 2020
Email: JLeadbeater@aberdeencity.gov.uk	Ref: 200818/DPP
Tel.: 01224 523731	Expiry Date: 14 August 2020

Detailed Planning Permission

200818/DPP: Erection of a detached 2 storey dwellinghouse with detached double garage and associated works and landscaping

at Land At Baillieswells Road

(East Of Drydykes)

Bielside

AB15 9BQ

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=QDRA47BZJ1I00>

Please select one of the following

No observations/comments.	
Would make the following comments (please specify below).	
Would recommend the following conditions are included with any grant of consent.	
Would recommend the following comments are taken into consideration in the determination of the application.	Y
Object to the application (please specify reasons below).	

COMMENTS

Waste Services response regarding application: 200818/DPP: Erection of a detached 2 storey dwellinghouse with detached double garage and associated works and landscaping

at Land At Baillieswells Road

(East Of Drydykes)

Bielside

AB15 9BQ

I have consulted with colleagues across the waste operations team. I can confirm that Aberdeen City Council intend to provide the following services upon building completion.

Please note the information provided below by Waste Services is independent of the outcome of the planning application, which is being determined by the planning authority.

Each **new house** will each be provided with:

- **1 x 180 litre wheeled bin for general waste**
- **1 x 240 litre co-mingled recycling bin for recycling**
- **1 x 240litre wheeled bin for food and garden waste.**
- **1x kitchen caddy and caddy liners.**

The following costs will be charged to the developer:

- **Each 180l/ 240l bin costs £35.00**
- **Kitchen caddy and caddy liners £0.00**
- **A delivery of 10 or less bins will incur a £30 delivery fee.**

Specific concerns for houses:

It is pertinent to note that these services will be provided taking account of the following:

- Wheelie bins must be presented on **the kerbside only** on the collection day and must be removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.
- Due to the current Unadopted roads policy Waste vehicles will collect waste from Ballieswells Road and not from the property. An area or store for the bins may need to be allocated near the junction of Ballieswells Road and access to property road for crew to access bins.

Find out more about the Unadopted road policy here.

<https://www.aberdeencity.gov.uk/services/bins-and-recycling/waste-and-recycling-policies>

General points

- **No excess** should be stored out with the containment provided. This is fly tipping.
- Large item collections can be arranged by visiting www.aberdeencity.gov.uk
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/aberdeen-cms/files/7.1.PolicySG.ResourcesForNewDevelopmentTC.P.4.8.9.12.13.pdf>
- **Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied.** Bins MUST be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.
- Bin purchases are VAT free. Please do not include VAT in your PO

In the final stages of completion, a representative from Aberdeen City Council's Waste team will assess the site to ensure that all of our considerations have been implemented.

Should you have any further queries or wish to discuss these comments further, please do not hesitate to contact me.

Responding Officer: Jenny Jindra

Date: 06/07/2020

Email: jjindra@aberdeencity.gov.uk

Ext: 01224 387 651/ 07787667751

Please note: Unless agreed with the Case Officer, should no response be received by the expiry date specified above it will be assumed your Service has no comments to make.

Should further information be required, please let the Case Officer know as soon as possible in order for the information to be requested to allow timeous determination of the application.

There should be a minimum of 5 households located on the private road

Responding Officer:

Date:

Email:

Ext:

Please note: Unless agreed with the Case Officer, should no response be received by the expiry date specified above it will be assumed your Service has no comments to make.

Should further information be required, please let the Case Officer know as soon as possible in order for the information to be requested to allow timeous determination of the application.

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CULTS BIELDSIDE AND MILLTIMBER COMMUNITY COUNCIL

28 August 2020

Mr Jamie Leadbeater
Strategic Place Planning
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Jamie

200818/DPP: Erection of a detached 2 storey dwelling house, detached double garage, stable block, walled garden, and associated landscaping works including creation of pond, orchard and driveway. Land at Baillieswells Road (East of Drydykes) Bieldside AB15 9BQ

Cults, Bieldside and Milltimber Community Council (CBMCC) objects to this application.

The site is Green Belt and Green Space Network and we consider that development would be contrary to Policies NE1 and NE2 of the Aberdeen Local Development Plan (ALDP) 2017 and NE1 and NE2 of the proposed ALDP2020.

We note that the ALDP2022 proposal B0908 adjoins the Northern boundary of the site. CBMCC supports the ACC grading of this latter site as "unsuitable" for inclusion in ALP2022.

Yours sincerely

COLIN F MORSLEY

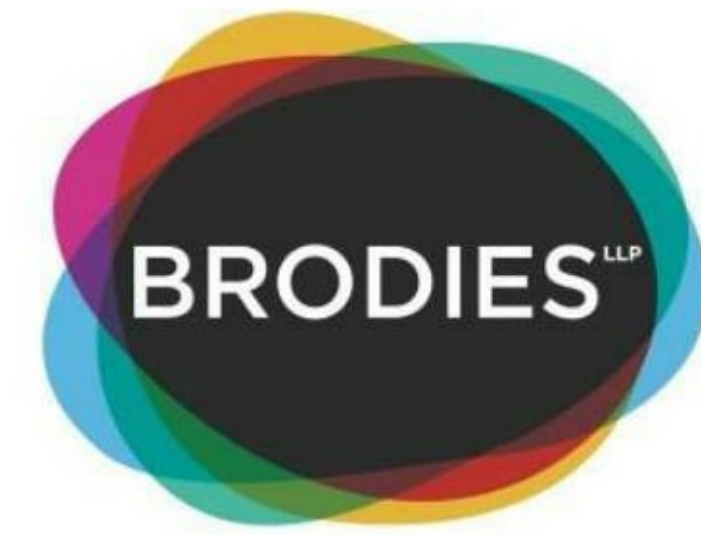
cc Cllrs Boulton, Malik, Bell

Colin Morsley: Planning Liaison Officer, CBMCC
188 North Deeside Road, Milltimber, Aberdeen AB13 0HL
☎ 01224 733108 ✉ planning@cbmcommunity.org.uk
Website: www.cbmcommunity.org.uk
The CBMCC website contains our Data Privacy Notice

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YOUR REF

Aberdeen City Council
Planning & Sustainable Development
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB



12 August 2020

Dear Sirs

**STEPHEN BOWRING - OBJECTION TO PLANNING APPLICATION REFERENCE 200818/DPP –
ERECTION OF DETACHED 2-STOREY DWELLINGHOUSE WITH DETACHED DOUBLE GARAGE AND
ASSOCIATED WORKS AND LANDSCAPING ON LAND EAST OF DRYDYKES, BAILLIESWELLS ROAD,
BIELDSIDE, ABERDEEN**

We are instructed by Stephen Bowring, who owns and resides at Netherton Lodge, Baillieswells Road, Bielside, Aberdeen, AB15 9BQ, to object to application reference 200818/DPP for the erection of a detached 2-storey dwellinghouse with detached double garage and associated works and landscaping on land at Baillieswells Road, East of Drydykes, Bielside, AB15 9BQ. The Neighbour Notification indicates that representations are invited until 14 August 2020. This letter of objection is, therefore, timeous and requires to be taken into consideration as part of the determination of the application.

Our client lives immediately adjacent to the application site and wishes to object to the application on the basis that it contravenes relevant policies within the Aberdeen City and Shire Strategic Development Plan 2014 ("the SDP"), and the Aberdeen Local Development Plan 2017 ("the LDP") relating to:

- 1 development within the Green Belt;
- 2 development within the Green Space Network;
- 3 accessibility; and
- 4 siting and design.

It is submitted that there are no material considerations which justify approving the application in light of these policy breaches.

Objection

1 Impact on the Green Belt

One of the objectives of the SDP is to make sure that new development maintains and improves the region's important natural assets. Paragraph 4.31 of the SDP advises that the Green Belt around Aberdeen will continue to play a vital role in protecting the character and landscape setting of the City.

The application site is located within the Green Belt which separates Bielside from Milltimber to the west, as shown on the Proposals Map in the LDP. The existing use of the land is stated to be agricultural.

Policy NE2 of the LDP clearly states that no development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal. The application seeks permission for the erection of a detached residential dwellinghouse, unrelated to any of the permitted purposes. It does not fall within the permitted exceptions to the policy in relation to existing activities carried on in the Green Belt. As such, the LDP contains a strong presumption against the proposed development. No justification is put forward by the applicant for granting permission contrary to Policy NE2.

On the basis that the development falls outwith the permitted developments in the Green Belt, and having regard to the plan-led system, consideration of whether the site should be removed from the Green Belt should be done through a review of the LDP. It is noted that the application site was not put forward as a bid site in the review of the LDP.

The Council has, however, previously considered whether the land immediately north west of the application site should be removed from the Green Belt. This land was promoted for residential development by Scotia Homes during the preparation of the current LDP (site B0921) and again in the review of the LDP (site B0908). Both times the Council has concluded that the land should remain within the Green Belt. This was upheld by the Reporter who conducted the examination into the LDP. There is no basis for the Council to adopt a different position in respect of the application site.

2 Impact on the Green Space Network

The SDP highlights that accessible green networks within and around Aberdeen will be important for achieving a high-quality environment. It looks for LDPs to take account of green networks when identifying land for development.

The application site is identified on the LDP Proposals Map as forming part of the Green Space Network (GSN) (Denwood – Westfield, No. 36) around Bielside. It is noted as a Core component of the GSN, with links to the River Dee and Countesswells. The site also forms part of a wider area which is classified as woodland and open semi-natural in terms of the Main Land Use Classifications documented in PAN 65, which is well used by the public for walking due to its good network of footpaths and convenient parking. This wider area has been identified as a potential Aberdeen Greenspace project.

Under Policy NE1, the Council seeks to protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the GSN.

The Policy further states that proposals for development that are likely to destroy or erode the character and/or function of the GSN will not be permitted, and that development which has a negative impact on existing wildlife habitats and connections, or other features including open space, landscape and recreation, should be mitigated through enhancement of the GSN.

The south west boundary of the application site is formed by the Foggieton Local Nature Conservation Site. The LNCS contains a variety of habitats, including upland birch woodland, wet woodland, a small area of upland oak woodland, pine woodland, rush pasture, acid grassland, heath, bracken and a small area of standing water.

When considering the suitability of development on Site B0921, the Council referenced an area of Priority Habitat to the south east of that site, including rushes which indicates poorly drained land. This must be in the vicinity of the application site, if not the application site itself. It is noted that the application proposes a septic tank and soakaway which could impact on the adjacent LCNS and Priority Habitat. No percolation tests have been submitted in support of the development to demonstrate that the development can be suitably drained without impact on the surrounding area.

It is submitted that the application offends Policy NE1 and the purpose of the GSN.

3 Accessibility

The SDP encourages people to walk, cycle or use public transport, and adopts a spatial strategy to direct development towards areas which can be accessed by a greater choice of environmentally friendly forms of transport. Policy T3 of the LDP echoes the SDP.

The application site is located approximately a mile from North Deeside Road and the nearest bus stop. Furthermore, there are no pavements on Baillieswells Road north of Dalheby Court. The speed limit on Baillieswells Road from Dalheby Court to the private access to the application site is 60mph, with a blind summit and sharp corner. It is not appropriate for walking as the verges are steep and narrow.

The Roads' response highlights that the access road to the site is narrow and requires evidence to demonstrate that a large van and car could pass each other in tandem. This would not be possible without considerably widening the access road, which would require the removal of trees which line the access, as shown on the submitted plans. The plans do not indicate that the applicant controls any of the land which would be required to widen the access road. Indeed, the access road itself is understood to be owned by the proprietors of Dykeside.

Poor accessibility was one of the reasons why residential development on site B0921 was rejected by the Council.

The application proposes 5 parking spaces which indicates that the applicant anticipates a considerable number of vehicles and thus traffic movements associated with the development. Given the limited opportunity to walk or use public transport, it is evident that private vehicles will be the main transport mode, which runs contrary to Policy T3.

4 Siting and design

Policy NE2 requires all developments within the Green Belt to be of the highest quality in terms of siting, scale, design and materials. It must also have regard to all other relevant LDP policies.

In line with Scottish Planning Policy, Policy D1 of the LDP requires all development to demonstrate high standards of design and have a strong and distinctive sense of place. Proposals are to be considered against six essential qualities, which are: -

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

Policy D1 also underlines the need for a range of transport opportunities ensuring connectivity. It has been demonstrated above that the location of the application site means that there is limited opportunity to walk or use public transport to access the dwelling.

There is no design statement accompanying the application and it is not clear that any regard has been had to the pattern of development in this part of Baillieswells Road. Properties are generally located fronting Baillieswells Road, with open fields to the west.

Our client is concerned that the proposed siting of the dwelling immediately adjacent to their boundary will introduce another line of housing to the rear of their property. Were this an urban location, it would be described as 'backland'. The enclosed photograph was taken from a bedroom window within our client's property. The proposed garage and dwelling would be located in the open area currently visible over the corner of our client's tennis court.

There is no justification for siting the dwelling on this part of the application site, other than presumably to secure views out to Lochnagar; views which our client currently enjoys, as can be seen from the photograph accompanying this letter. Given the size of the application site, there are plenty of locations which could have been selected for the dwelling which would have less of an impact on our client's amenity and enjoyment of his property.

The proposed dwelling would be more appropriately located fronting the private access, along the same building line as Birken Lodge and Dykeside. This would better reflect the existing pattern of dwellings.

In seeking to extend his own dwelling (reference P101753), our client had to ensure that the garaging and extension remained subservient to the existing dwelling; would not appear overbearing when viewed from neighbouring properties; and was sympathetic to the surrounding dwellings in terms of scale, design and materials. It does not appear that any of these considerations have been applied to the proposed development.

While there is no particular style of house in the area, the larger dwellings, such as our client's, are all rendered and have slate roofs. What is proposed here is a large contemporary dwellinghouse, with stone and black timber cladding with a standing seam metal roof. It is submitted that this design would be alien to the area.

As noted above, the proposal included parking for 5 cars. The Roads' response highlights that this exceeds the Council's standards by 2 spaces. Encouraging private car usage is contrary to the principles of sustainable development.

It is submitted that the applicant has failed to demonstrate that the proposal exhibits the six essential qualities of successful placemaking and, as such, the application is contrary to Policy D1 of the LDP.

5 Material Considerations

The applicant has put forward no material considerations which would justify granting permission for the development contrary to the terms of the aforementioned policies. The emerging development plan maintains the prohibition on development in the Green Belt and Green Space Network, and the application site remains located within both protected areas.

The emerging plan also places weight on the accessibility of developments and looks for high standards of design. As such, there is no support for the development in the proposed development plan.

Scottish Planning Policy also protects the natural environment and requires development to exhibit the six qualities of well-designed places. It has been shown that the development lacks the required design qualities for the area.

6 Conclusion

For the reasons outlined in this letter, the application is contrary to the relevant policies, aims and objectives of the extant development plan. In these circumstances, there is a presumption against granting permission for the proposed development. There are no material considerations which would justify setting aside that presumption. As such, it is submitted that the application requires to be refused.

We would be grateful if you could acknowledge receipt and confirm that the points raised in this letter will be taken into account in determining the application. Our client reserves the right to comment on any additional information which the applicant submits to address points raised in this objection or the objections of others.

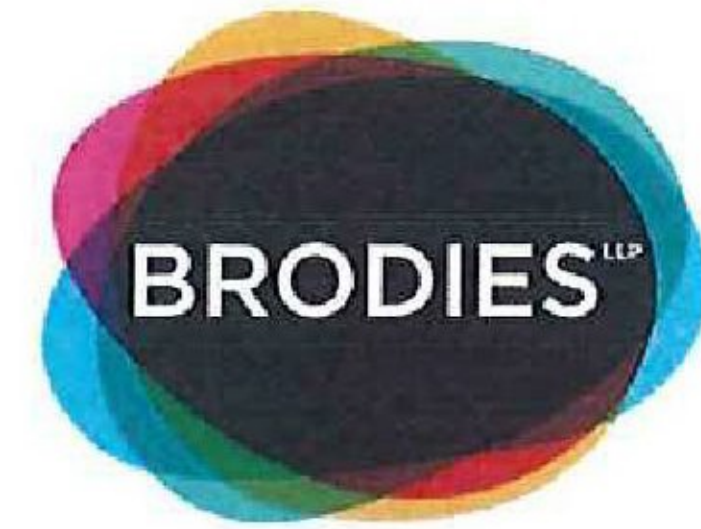
Yours faithfully





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Aberdeen City Council
Planning & Sustainable Development
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB



23 October 2020

Dear Sirs

STEPHEN BOWRING

ELAINE FARQUHARSON-BLACK

OBJECTION TO PLANNING APPLICATION REFERENCE 200818/DPP – ERECTION OF DETACHED 2-STOREY DWELLINGHOUSE, DETACHED DOUBLE GARAGE, STABLE BLOCK, WALLED GARDEN, AND ASSOCIATED LANDSCAPING WORKS INCLUDING CREATION OF POND, ORCHARD AND DRIVEWAY ON LAND EAST OF DRYDYKES, BAILLIESWELLS ROAD, BIELDSIDE, ABERDEEN

We refer to the above application and the objections submitted by this firm on behalf of Stephen Bowring and the personal objection submitted by Elaine Farquharson-Black, a Partner within this firm. Since submission of both objection letters further information has been submitted by and on behalf of the Applicant. Indeed the description of the proposal has changed to such an extent since the application was submitted that the proposals required to be re-notified.

Having considered the new information submitted in support of the application, we confirm that both Mr Bowring Ms Farquharson-Black wish to maintain their objections to the proposals.

We would also wish to respond on their behalf to certain statements made in the Planning Design and Accessibility Statement, as follows:

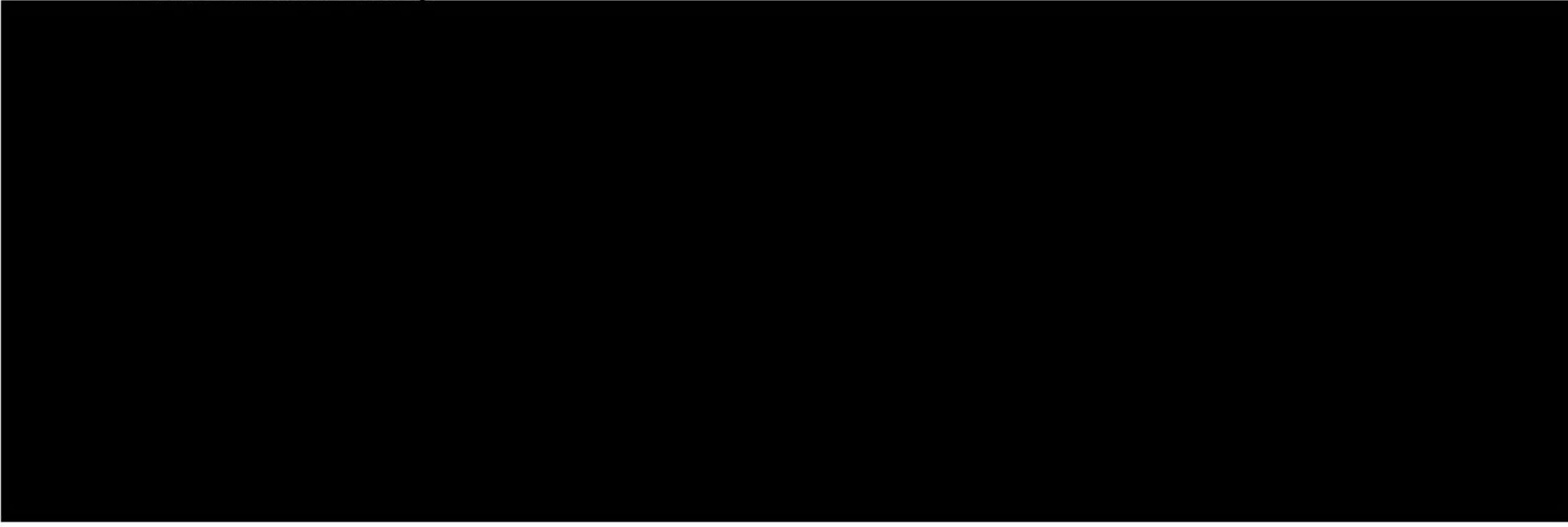
- (1) Under Site Appraisal, it claims that electricity lines which cross the western part of the application site provide an *"element of existing built development of the land"*. Electricity lines cross a number of rural areas and indeed run through the nearby fields and woodland. The presence of overhead lines does not constitute built development and certainly does not provide a basis for approving a residential dwelling on the application site, especially when one considers that there is a requirement to have a wide corridor beneath and adjacent to overhead lines kept free from development.
- (2) The Statement also indicates that the proposed development does not involve the removal of any trees or other landscape features. This is incorrect as the Arboricultural Survey and Protection Plan indicates that trees 29 and 30 require to be removed to form a permanent site access. It is submitted that there may also be a requirement to remove tree 31 to form the passing place. It should also be noted that while the removal of those specified trees and the formation of the access and parking space form part of the proposals, these works are actually outwith the redline of the application site. As such, the works

would not be covered by any planning consent which is issued. Further the works would be on land which is both outwith the control of the Applicant and not on land which forms part of the adopted road network.

- (3) The Statement advises that the proposed dwelling has been carefully located to "*optimise the amenity enjoyed by existing neighbouring properties*". It is also claimed that the layout does not borrow amenity from existing development. These claims are refuted. Despite the site extending to 4.52 acres, the proposed house and garage are located in close proximity to the boundaries with Netherton Lodge and Birken Lodge.
- (4) The claim that the layout is similar to the established pattern of development is also refuted. The Statement appears to suggest that there are only 40 metres between the existing houses in the area. This is clearly incorrect. Further, the existing houses are set out in a linear pattern, mainly along Baillieswells Road. The proposed house would form a second building line to the rear of Netherton Lodge.
- (5) The Statement indicates that the house design and external aesthetic has been influenced by traditional rural building form evident throughout Scotland and northern Europe. That may be the case, yet there is no reference to the design respecting the local vernacular.
- (6) It is claimed in the Statement that the proposal fully complies with Policy NE2 on Green Belt. This is a policy which contains a presumption against new development in the Green Belt for purposes other than those essential for agricultural; woodland and forestry; recreational uses compatible with agricultural and natural setting; mineral extraction/quarry restoration; or landscape renewal. There is no evidence that the proposals fall within any of the permitted exceptions despite the stated aspiration for self-sustainable living. Despite the bold claims that this development will offer an opportunity to contribute to addressing climate change, this is an application for a residential dwelling in an undeveloped field which is specifically protected from this type of development by Policy NE2. No amount of fruit trees can bring it within the framework of Policy NE2. What the Statement actually does is challenge the reason for the site being included within the Green Belt and that is something more appropriately pursued through the review of the Local Development Plan, not through a planning application.
- (7) The Statement claims that the site is easily accessible by a range of modes of transport, including active and sustainable transports and references the bus stops in Bielside and the emerging community of Countesswells. Neither Countesswells nor the existing bus stop in Bielside is within 400 metres of the application site and as such the site cannot be considered to wholly comply with Policies T2 and T3 as is claimed in the Statement.
- (8) It is also submitted that the proposal breaches policy requirements on providing a safe access. The Roads Department requested passing places so that a car and van can pass in tandem. The passing place which is proposed at the access to the development is some distance away from Baillieswells Road. This leaves a long stretch of the access road without a safe passing place such that if a car or van was entering the private access from Baillieswells Road while another vehicle was already on the private access heading towards Baillieswells Road, the one entering would have to stop on Baillieswells Road or even reverse until the drive was clear. This would be particularly evident during construction and after construction with horse box or lorry movements. The speed limit at this point of Baillieswells Road is 60mph.

In conclusion, we would respectfully suggest that the application needs to be seen for what it really is, namely a development which contravenes key policies of the Development Plan and in the absence of any material considerations outweighing those policies, the application requires to be refused permission.

Yours faithfully



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Comments for Planning Application 200818/DPP

Application Summary

Application Number: 200818/DPP

Address: Land At Baillieswells Road (East Of Drydykes) Bielside AB15 9BQ

Proposal: Erection of a detached 2 storey dwellinghouse with detached double garage and associated works and landscaping|cr|

Case Officer: Jamie Leadbeater

Customer Details

Name: Dr Bill Harrison

Address: 16 Summer Place Dyce Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

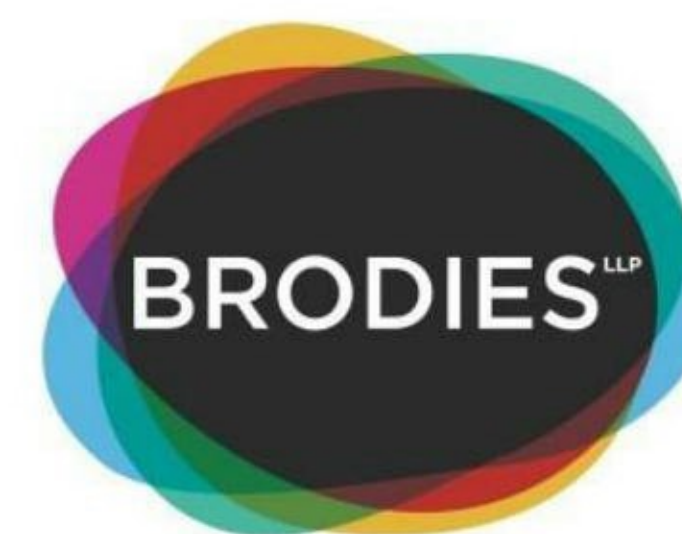
Comment Reasons:

Comment:I object to this application. Reasons: the proposed land use (domestic dwelling) is not consistent with policy NE2 (green belt) of the Aberdeen Local Development Plan. The proposed dwelling will completely change the topography and character of the distinctive 'semi-rural' landscape of upper Bielside and is therefore not consistent with policy D2 (landscape) of the Aberdeen Local Development Plan.

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Aberdeen City Council
Planning & Sustainable Development
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB



By email only

12 August 2020

Dear Sirs

OBJECTION TO PLANNING APPLICATION REFERENCE 200818/DPP – ERECTION OF DETACHED 2-STOREY DWELLINGHOUSE WITH DETACHED DOUBLE GARAGE AND ASSOCIATED WORKS AND LANDSCAPING ON LAND EAST OF DRYDYKES, BAILLIESWELLS ROAD, BIELDSIDE, ABERDEEN

I refer to the above application. I live at Littleways, Baillieswells Road, Bielside, Aberdeen, and have received notification as a neighbour of the proposed development. The application site adjoins my south western boundary. Having considered the application papers, I wish to register my objection to the proposed development.

In summary, the application conflicts with the terms of both the extant and the emerging development plan and no material considerations have been put forward which would justify setting aside the presumption against the grant of permission which is established under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended.

The application site, like my own property, sits within the Green Belt, which wraps around the settlement of Bielside. Policy NE2 of the Aberdeen Local Development Plan protects the Green Belt from development, other than in specified circumstances. This is consistent with the terms of the 2014 Strategic Development Plan, which emphasises the vital role that the Green Belt plays in protecting the character and landscape setting of the City. With the expansion of Milltimber at Oldfold and the new community at Countesswells, this part of the Green Belt is becoming increasingly important in preventing the coalescence of the various suburbs in the area.

The Council considered releasing adjacent land from the Green Belt as part of the adoption of the extant LDP, when faced with a development bid by Scotia Homes, and rejected the bid for a variety of reasons as set out in the Site Assessment forms and the evidence presented to the LDP examination. The Green Belt zoning was upheld by the Scottish Ministers.

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51430727v1

As part of the preparation of the proposed Aberdeen Local Development Plan 2022, the Council revisited the zoning of the Green Belt in this location in light of another development bid and has decided to retain the Green Belt in the emerging plan.

It can be seen from the enclosed aerial photograph that the proposed development would remove a large area of land from the Green Belt. This would call into question the justification for leaving the land around it as Green Belt, including my own property. Approving this application is also likely to make it difficult for the Council to defend its position at the LDP examination into objections relating to the adjacent site.

In addition to being within the Green Belt, the application site is identified in the LDP as forming part of the Green Space Network (GSN) (GSN 36: Denwood - Westfield). The SDP requires the Council to have regard to protecting the GSN when identifying sites for development, and this is done through Policy NE1, which seeks to protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the GSN.

Development which is likely to destroy or erode the character and/or function of the GSN will not be permitted.

We are fortunate that we are adjacent to the Foggieton Local Nature Conservation Site (LNCS). As noted in the supporting documentation in the LDP, the LNCS contains a variety of habitats, including upland birch woodland, wet woodland, a small area of upland oak woodland, pine woodland, rush pasture, acid grassland, heath, bracken and a small area of standing water. The application site potentially forms an area of Priority Habitat, as referenced in the assessment of the Scotia bid site. There would appear to be no information demonstrating that development of the application site will not have a detrimental impact on adjacent ecology and water bodies.

Development within the Green Belt, when permitted in terms of Policy NE2, must exhibit the highest quality in terms of siting, scale, design and materials. It must also have regard to all other relevant LDP policies.

It is submitted that the application falls short of what is required in this location.

If there is a pattern of development in this part of Bielside, then it is large houses located close to the road, with large gardens to the west as shown in the attached aerial photograph: Netherton Lodge, Littleways, Kerrera and Rosenheim. Birken Lodge was built in the grounds of Netherton Lodge and is subservient to the original dwelling. It is located adjacent to the private access road which currently serves it and Drydykes.

Locating a dwelling of the scale proposed immediately adjacent to the boundaries of Netherton Lodge, Birken Lodge and my own land will change the character of the area and lead to an enclave of housing much closer together than currently exists. No justification has been put forward for siting the dwelling in this location. What other parts of the site have been considered? If a dwelling was to be located on the application site, which is not accepted, then it should be located closer to the access road and in line with Drydykes and Birken Lodge.

It is also submitted that the design of the proposed dwelling is out of character with the surrounding dwellings. The properties are largely rendered with slate roofs, whereas this proposes black timber cladding and a metal roof. If it is seeking to draw on the wooden cladding of Drydykes, this is further reason for locating the new house closer to that property.

In fact, given that Drydykes is for sale, and could be redeveloped in line with policy as it is an existing property in the Green Belt, perhaps the applicant should be encouraged to pursue his development on that site.

It is noted that the development proposes space for 5 cars; two more than the Council's parking standards. Again, no justification is given for this and it suggests that there will be a number of private car movements to and from the property. This conflicts with the development plan's aim to improve the sustainability of new developments.

Part of the requirements of the design policy, Policy D1, is a need to provide a range of transport opportunities ensuring connectivity. This is also required by Policy T3.

The location of the application site is such that there is limited opportunity to walk or use public transport to access the dwelling. We have no pavements on this part of Baillieswells Road and, with the national speed limit applying, you take your life in your hands when walking down to the North Deeside Road to the nearest shop and bus stop. It is a distance of almost a mile. And the walk back is all uphill!

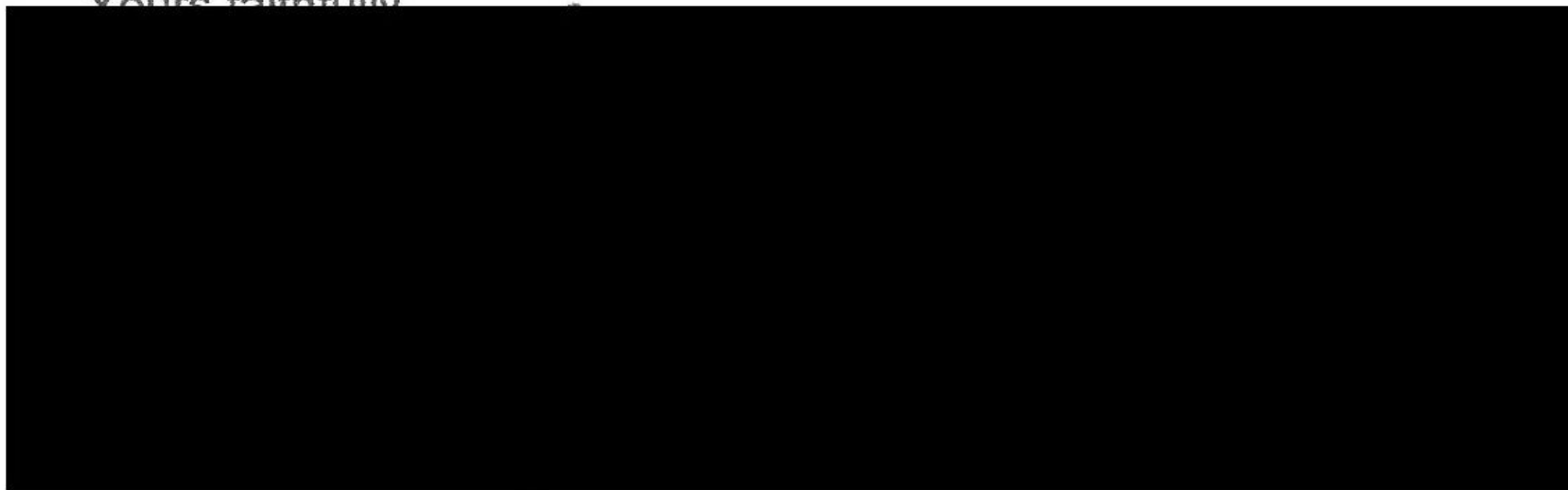
The Roads' response on the application points out that the access road to the site is narrow. It is doubtful whether a large van and car could pass each other on the access road. The Roads' response looks for passing places as a minimum. Provision of passing places would require the loss of trees which would breach the terms of Policy NE5.

It can be seen that the development breaches a number of SDP and LDP policies. This triggers a presumption against granting permission. As noted above, there have been no material considerations put forward by the applicant which would provide the Council with grounds for setting aside that presumption. The emerging plan and Scottish Planning Policy, which would form material considerations, all seek to protect the site from development given its Green Belt and Green Space Network allocation.

Against that background, I would respectfully request that the application is refused permission on the grounds that it contravenes relevant planning policy.

Kindly acknowledge safe receipt.

Yours faithfully,



Aerial Photograph



Aerial photograph of Baillieswells Road and application site

Comments for Planning Application 200818/DPP

Application Summary

Application Number: 200818/DPP

Address: Land At Baillieswells Road (East Of Drydykes) Bielside AB15 9BQ

Proposal: Erection of a detached 2 storey dwellinghouse with detached double garage and associated works and landscaping|cr|

Case Officer: Jamie Leadbeater

Customer Details

Name: Prof George Youngson

Address: Birken Lodge Baillieswells Rd Aberdeen

Comment Details

Commenter Type: Neighbour

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

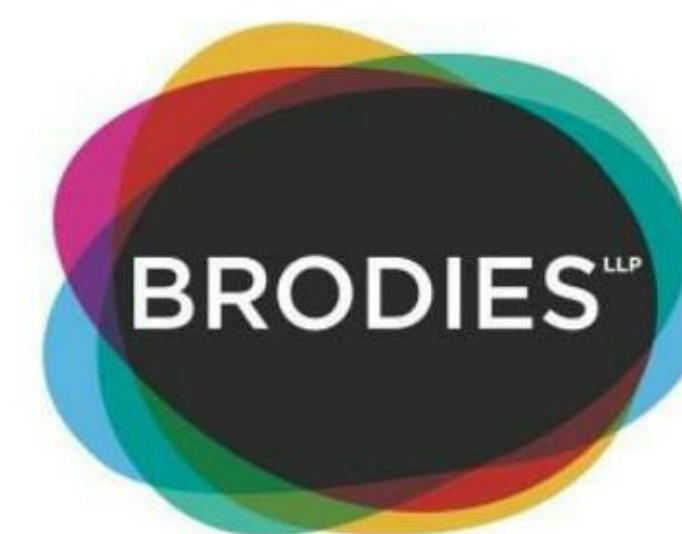
Comment Reasons:

Comment: Access to this proposed property will be via a privately owned road (ownership belongs to Drydykes which is currently unoccupied and remains for sale (~ 2 1/2 years to date). I have right of access to my property but maintenance +/- repair to this driveway requires clarification if Drydykes remains unsold. This is particularly relevant if, as anticipated heavy construction vehicle access is required. Liability for maintenance and /or repair of this driveway should be clarified. I currently maintain the driveway (grass cutting /pothole repair) as far as my property but wish to know what arrangements will be in place during construction of the proposed build for repair/ maintenance. Additionally the driveway dimensions are such that large vehicle access may be problematic. I wish to know what provision will be made for restoration of the current layout of my property

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YOUR REF

Mark Masson
Local Review Body
Aberdeen City Council
Town House
Broad Street
Aberdeen
AB10 1AQ



Email: mmasson@aberdeencity.gov.uk

04 May 2021

Dear Mr Masson

**PLANNING REFERENCE 200818/DPP
LAND AT BAILLIESWELLS ROAD – ERECTION OF DETACHED 2-STOREY DWELLINGHOUSE,
DETACHED DOUBLE GARAGE, STABLE BLOCK, WALLED GARDEN AND ASSOCIATED
LANDSCAPING WORKS INCLUDING CREATION OF A POND, ORCHARD AND DRIVEWAY
S BOWRING, NETHERTON LODGE, BAILLIESWELLS ROAD, BIELDSIDE**

We refer to your letter dated 21 April 2021 advising that the Applicant in the above application has requested that the officer's decision to refuse the application be reviewed by Elected Members.

We are instructed by our client, Mr S Bowring, to maintain his objection to the application as set in correspondence dated 12 August 2020 and 23 October 2020. Having reviewed the Notice of Review submitted on behalf of the Applicant, Mr Bowring wishes to make the further additional comments:-

1. The Executive Summary provided by the Applicant, who is an architect, and the Statement provided Aurora Planning on his behalf, both acknowledge that the proposals are contrary to the Green Belt Policy which applies to the application site. They suggest that the presumption against development within the Green Belt can be set aside because the construction of the house will be "*low impact, innovative, and sustainable*". These are qualities which the design policies in the Aberdeen Local Development Plan 2017 require all developments to aspire to and do not justify granting consent for a development which is clearly contrary to many other policies in the Plan.
2. The Executive Summary refers to the erosion of the Green Belt, but references housing developments which are taking place on sites which are allocated for development. These sites have been removed from the Green Belt as part of the development plan process. It is rather perverse of the Applicant to complain about erosion of the Green Belt when himself promoting development on a Green Belt site. The Applicant claims to be looking for a site which provides an opportunity to create a "*well-designed, sustainable family home*" within the boundaries of the City. That does not justify setting aside planning policy, especially when there are many sites within the City which are allocated for residential development.

3. The suggestion in paragraph 3.3 of the Notice of Review that safe access to the site can be provided is disingenuous. As highlighted by Mr Bowring, the Roads Development Team and the officer's Report of Handling, the passing place(s) which would be required would be outside the application site and outwith the ownership/control of the Applicant and the Applicant has failed to demonstrate conclusively that the passing place could indeed be formed.
4. Also with regard to paragraph 3.3, our client does not accept that the proposed dwelling has been sited far enough away from the shared boundary with Netherton Lodge to mitigate the loss of privacy which he and his family would endure. As the Notice of Review highlights, the application site is large and yet the Applicant has chosen to locate the dwelling very close to our client's boundary and indeed the boundary with Birken Lodge and Littleways. Had the proposed dwelling been located on the western part of the application site then the impact on the amenity of existing residents would, perhaps, have been mitigated.
5. In paragraph 3.11 of the Notice of Review the Applicant appears to be claiming that only 2 properties on Hillhead Road are relevant for considering the visibility of the proposed dwelling from that location. There are considerably more than 2 properties located on Hillhead Road and it is well used by walkers.
6. The claims at paragraph 3.13 that the proposed new planting will define the boundary of the Green Belt are misleading. This site is located within the Green Belt not on the periphery and any proposed planting will not therefore define the edge of the Green Belt. Rather, as the Report of Handling highlights, the proposed garden and paddock would *"have a domestic appearance extending over a substantial area, at odds with the prevailing local landscape character and rural appearance of the locality"*.
7. It is submitted that the examples of other approvals set out in paragraph 3.15 of the Notice of Review are not precedents for approving the current application. In both those examples the application site, whilst zoned as Green Belt, was adjacent to sites which were allocated for residential development in the Development Plan. As such the LRB identified that the urban edge of the City and the character of the surrounding area would be changing because of the allocations. That is not the case with the current application site. It and the surrounding area will remain within the Green Belt. It is also rather farfetched to claim that the site is located in *"close proximity to the southern end"* of the Countesswells (OP38) allocation.
8. Paragraph 3.20 the Notice of Review also tries to use the development at Countesswells to support the current proposals on the grounds that it will generate significantly less traffic than Countesswells and as such it does need to be accessible by public transport. Policy T2 requires all new development to be accessible by public transport. The developers at Countesswells have introduced public transport to that development to ensure that all the houses will be within 400 metres of public transport as required by Policy T2. In addition, the developers at Countesswells are providing new roadways and on and off-road public footpaths to serve the new housing. The application site is remote from public transport and there are no footways nor any street lighting in the vicinity of the application site. All the pathways referenced by the Applicant are recreational paths.
9. Section 4 of the Notice of Review seeks to argue that the proposed dwelling *"should be seen as an early example of the type of development"* which the proposed Local Development Plan with its increased focus on health and wellbeing seeks to encourage. This appears to simply be because it has a garden in which food can be grown. As with the sustainability of the design, simply because the occupants will be able to grow vegetables in their garden does not make this an acceptable location for development. The site is located within the Green Belt in which there is a presumption against this type of development. The Applicant's agents appear to want the Members to set aside the principle and only look at the detail of what is proposed. If that approach is adopted, it would ride roughshod over the Green Belt policy which looks to direct well designed development to appropriate locations.
10. Finally, it is claimed in the Notice of Review that the application is supported by the Development Plan and that there are no material considerations contrary to the proposed development. This position is

strenuously opposed by our client for all of the reasons set out the previous objections and further expanded upon in this letter.

In conclusion, there is nothing in the Notice of Review which justifies approving the application contrary to policy and our client maintains his objection to the proposals and respectfully requests that the Elected Members uphold the officer's reasons for refusal and dismiss the application.

Yours faithfully

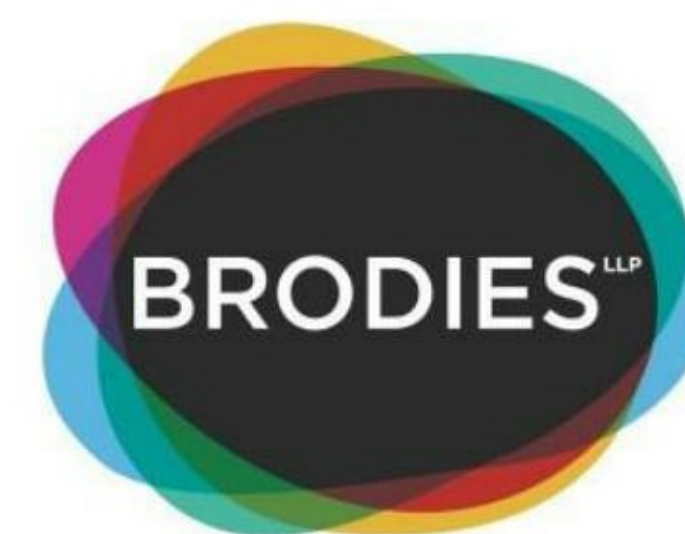


On behalf of Brodies LLP

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OUR REF EFB/VB
YOUR REF

Mark Masson
Local Review Body
Aberdeen City Council
Town House
Broad Street
Aberdeen
AB10 1AQ



Email: mmasson@aberdeencity.gov.uk

7 May 2021

Dear Mr Masson

**PLANNING REFERENCE 200818/DPP
LAND AT BAILLIESWELLS ROAD – ERECTION OF DETACHED 2-STOREY DWELLINGHOUSE,
DETACHED DOUBLE GARAGE, STABLE BLOCK, WALLED GARDEN AND ASSOCIATED
LANDSCAPING WORKS INCLUDING CREATION OF A POND, ORCHARD AND DRIVEWAY
E FARQUHARSON-BLACK, LITTLEWAYS, BAILLIESWELLS ROAD, BIELDSIDE**

I refer to your letter dated 21 April 2021 advising that the Applicant in the above application has requested that the officer's decision to refuse the application be reviewed by Elected Members. I confirm that I wish to maintain my objection to the proposed development, as set out in letters dated 12 August 2020 and 23 October 2020.

Having read the Notice of Review, there appears to me to be no new evidence or arguments which would justify granting planning permission contrary to the recommendation of the planning officer and contrary to the various planning policies in the Aberdeen Local Development Plan 2017 which the development offends.

In addition to the points outlined in my previous objections, I would respectfully request that the Local Review Body has regard to the following comments which respond to the Review Statement:

1. The Applicant appears to want to rewrite the Green Belt Policy in the Aberdeen Local Development Plan 2017 to add a sixth exception to the presumption against development in the Green Belt. That exception would be for "*development which is sustainable*". The Review Statement does not actually define what that would cover, but appears to suggest that because the proposed dwelling will "*target*" zero carbon design standards and allow food to be grown in the garden, this somehow makes it "*sustainable*" and something which can be supported within the Green Belt Policy. Such a narrow focus ignores the 6 qualities of success placemaking set out in paragraph 3.5 of the 2017 LDP which **every** development requires to meet. It also ignores the first principle of sustainable development which is directing development to appropriate locations. That is done through the Development Plan and the extant Plan has identified the application site as within an area where there is a presumption against development. If the Applicant's justification for being entitled to erect a house in the Green Belt is upheld, I would respectfully submit that it will be very hard for the Council to refuse other applications which exhibit similar, or indeed more, "*sustainable*" qualities. I shall return to this point below.
2. The Applicant has an existing dwelling in Milltimber, presumably within an area allocated for residential development. He takes exception to the Council's allocation of land in Milltimber for much needed additional housing. These sites were allocated through the Development Plan process and were

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subject to critical and detailed assessment by Planning Officers, the Members and ultimately the Reporter appointed to examine the LDP. Just because the Applicant does not like the fact that additional housing has been allocated in the settlement in which he currently resides, this does not provide adequate justification to grant him consent to build a new dwelling in the Green Belt. It is perverse for the Applicant to be complaining about the Council removing land from the Green Belt and allocating it for residential development, whilst seeking permission himself to construct a property within the Green Belt. I am sure that the housing developers in Milltimber are also striving to provide high quality, low impact family homes which comply with the policies in the LDP.

3. The Applicant suggests that the application site "*provides an opportunity for the erection of a dwelling*". This is not an opportunity site. This is a site which the Council has determined should remain part of the Green Belt. If the Applicant wishes to remove the Green Belt Zoning from the site, then this should have been pursued through the review of the 2017 LDP.
4. To try to justify departing from the presumption against development, the Applicant is arguing that the development will bring about significant broadleaf tree planting. Such tree planting could, of course, occur without erecting a dwelling as well.
5. Paragraph 3.2 of the Review Statement argues that the policies of the Plan "*must be carefully considered as a whole*", but then ignores the fact that many of the policies within the Plan are breached by the development proposals. The Applicant wants you to set aside all of the policies which try to direct development to the most appropriate locations and focus only on the type of development which is to be erected. That is not how the planning policy works. Consideration must be given both to the policies which apply to the site and the policies which apply to the type of development to be erected. The Applicant cannot escape the fact that there is a presumption against the type of development which he wishes to carry out in this location. The fact that this is not an appropriate location for a dwelling is further reinforced by the breach of the transport policies.
6. Paragraph 3.8 of the Review Statement appears to be characterising this particular part of Bielside as a rural area and argues that this additional dwelling will support a "*prosperous and sustainable community*". It is not clear what the additional dwelling brings to the existing dwellings in the area as it is not proposing to provide any additional amenities for existing residents, such as pavements on Baillieswells Road or modern, up-to-date communications for all of the properties in the area. Neither is the dwelling proposed as an affordable house for the benefit of the wider community.
7. The Review Statement appears to suggest that because the development can be contained within existing landscape features, it will not result in any coalescence and will not have a detrimental impact on the surrounding area. It should be noted that my own property is bounded by trees and an extensive beech hedge, as is Netherton Lodge, Kerrera, Rosenheim and Ladyhill. All of these existing properties have extensive grounds which could also accommodate additional dwellings within their existing feus. Arguably new dwellings in these feus would be less visible than the proposed dwelling which is the subject of the Review which has no existing planting. It could be argued that spitting the existing feus would be making better use of existing developed land in preference to developing on the application site which is currently an open field. Should the Review be upheld, the Planning Authority would find it hard to resist such proposals from the existing properties in the area.
8. Paragraph 3.12 of the Review Statement advises that the proposal will include animals to be kept to support a self-sustaining lifestyle. Other than horses there is no indication that any other animals are to be kept on the property and certainly no indication that they would be being bred to support a self-sustaining lifestyle. The fact that there may be fruit trees and other food grown within the garden does not justify granting consent for a dwelling. There is no specific agricultural need for this dwelling in this location.
9. Paragraph 3.13 of the Review Statement appears to suggest that approving the application will redefine the Green Belt Boundary. It is not clear how this could be achieved since the site is not on the edge of the existing settlement. It is within the Green Belt and the Green Belt extends westwards to Milltimber. Again if the Applicant's argument that the proposed planting around the site will define the Green Belt boundary, then the boundary of the Green Belt with regard to my property should be my own boundary hedge. The Green Belt boundary can only be redrawn through the development plan process.
10. The precedents which are quoted in paragraph 3.15 of the Review Statement are irrelevant to the current proposals. These relate to sites which were immediately adjacent/in close proximity to land which was to be allocated for development in the LDP. As noted above, the application site is located

within the middle of the Green Belt to the north of Bielside. To claim that it is close to OP38 (Countesswells) is rather stretching what could be considered to be a "close" relationship. It should be noted that through the review of the 2017 LDP, the Council decided not to extend the boundaries of OP38 to include fields immediately adjacent thereto. In light of that approach, it would be peculiar to justify granting consent on this site because it is in the general proximity of the Countesswells allocation.

11. Paragraph 4.2 of the Review Statement appears to be suggesting that this development will provide *"healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing"*. No evidence is provided to indicate in what ways the erection of a private family home will do this or how that will in some way benefit the wider community.

Despite the claims made in the Review Statement, the proposed development is contrary to the development plan. No material considerations have been put forward which would entitle the Local Review Body to set aside the presumption against the development and as such, I would respectfully request that the Local Review Body refuses the application.

Yours faithfully



On behalf of Brodies LLP

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200818/DPP

Aberdeen Local Development Plan (ALDP) 2017

Policy CI1 – Digital Infrastructure

Policy D1 – Quality Placemaking by design

Policy D2 – Landscape

Policy NE1 – Green Space Network

Policy NE2 – Greenbelt

Policy NE4 – Natural Heritage

Policy NE5 – Trees and Woodlands

Policy NE6 – Flooding, Drainage and Water Quality

Policy R6 – Waste Management for New Development

Policy R7 – Low and Zero Carbon Buildings, and Water Efficiency

Policy T2 – Managing the Transport Impact of Development

Policy T3 – Sustainable and Active Travel

Supplementary Guidance (SG)

Flooding, Drainage and Water Quality -

<https://www.aberdeencity.gov.uk/sites/default/files/6.3.PolicySG.Flooding.pdf>

Green Space Network and Open Space -

<https://www.aberdeencity.gov.uk/sites/default/files/6.4.PolicySG.OpenSpace.pdf>

Resources for New Development - <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

Transport and Accessibility -

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

Circular 4/1998 – The use of conditions in planning permissions

<https://www.gov.scot/publications/planning-circular-4-1998-use-of-conditions-in-planning-permissions/>

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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 100282955-007

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

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="bruce"/>	Building Number:	<input type="text" value="4"/>
Last Name: *	<input type="text" value="ballance"/>	Address 1 (Street): *	<input type="text" value="Oldfold Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Milltimber"/>
Telephone Number: *	<input type="text" value="07990674407"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB13 0JY"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="bruceballance@aol.com"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

803385

Easting

387123

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 a detached 2 storey dwellinghouse, detached double garage, stable block, walled garden, and associated landscaping works including creation of pond, orchard and driveway.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see paper apart

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)

Please see Appendix One to the paper apart

Application Details

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

200818/DPP

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

23/07/2020

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

10/03/2021

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

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)

The application site is accessed by private driveway (shared with 2 other dwelling houses). There are no physical barriers to prevent access to the site.

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 bruce ballance

Declaration Date: 21/04/2021

PROPOSED SUSTAINABLE DWELLING HOUSE
LAND AT BAILLIESWELLS ROAD
BIELDSIDE
ABERDEEN
AB15 9BQ



Supported by
Aurora Planning

NOTICE OF REVIEW UNDER
S.43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
in respect of
DECISION TO REFUSE PLANNING APPLICATION REFERENCE 200818/DPP

PAPER APART (0003 NOTICE OF REVIEW STATEMENT)



Executive Summary

It is accepted that the application site is located within the Green Belt and we recognise the importance of protecting the landscape setting of the city. At the same time, protecting that landscape should not in itself preclude development, but rather development which is sustainable, and which also complies with and indeed supports the objectives of the Green Belt policy should be encouraged for the benefit of the city as a whole.

As an resident in the local area (Milltimber) for the last 14 years we have seen large swathes the of the 'Green Belt' eroded in our community, not least by the construction of the AWPR, but we are losing areas of Green Belt to the east which is being developed into approximately 500 homes as part of the Oldfold Village development, we have construction underway for around 50 homes to the west on Contlaw Road, the community are trying hard to resist a significant housing development to the south of the North Deeside Road, and even to the north where there is some protected woodland, there have been pre-application consultations for a + 150 home retirement village...it feels like we have been in a building site for much of the last decade and not the 'village' we moved to.

It is largely for this reason that we made this application and why we have pursued this following refusal. In considering this appeal, I would ask that you look beyond policy alone and consider the detail of the application, which strives to provide a high quality, low impact family home; far removed from the large scale development referred above.

As an Architect, living, working, and employing within the city, this site provides an opportunity to create a well-designed, sustainable family home in a way that will deliver positive environmental benefits; and to do so within the boundaries of a city. The application proposes to retain over 93% of the site for garden ground/landscape (approximately 33% of which will be structured broadleaf woodland; in excess of 1 acre); this is just not possible on a brownfield city site. Given the climate emergency, the reality is that this and other ambitious projects are necessary if we hope to meet The Scottish Governments targets for transitioning to net-zero emissions in Scotland.

The goal is clear and achievable in seeking planning permission for a low impact, innovative, and sustainable dwelling house on land adjacent to Drydykes, Baillieswells Road, Bielside, Aberdeen. The project will target low and zero carbon design strategies, with an ambition to be a net-positive contributor during its designed life.

Bruce Ballance (Applicant / Architect)



1 Introduction

- 1.1 Planning application reference 200818/DPP was validly submitted to Aberdeen City Council on 23 July 2020 seeking planning permission for *“Erection of a detached 2 storey dwellinghouse, detached double garage, stable block, walled garden, and associated landscaping works including creation of pond, orchard and driveway.”*
- 1.2 The application was refused on 10 March 2020, with the Decision Notice [Document 0003_1] stating that:

“1) The application site lies within the Green Belt on the Aberdeen Local Development Plan (ALDP) Proposals Map 2017. Policy NE2 (Greenbelt) in the ALDP 2017 makes no provision for new/additional dwellinghouses in the countryside, unless it has been demonstrated as being essential for an existing agriculture or forestry enterprise, which the applicant has not been done in this case and does not accord with any of the 'exceptions' within the policy. In addition, the proposal is at odds with Scottish Planning Policy (SPP) which seeks the implementation of 'greenbelts' to protect the landscape setting of cities and towns. Therefore, collectively the principle of development is unacceptable.

2) The site would be located outwith a 400m radius of a bus stop, within a relatively undeveloped rural/greenbelt area, and therefore it is likely that occupants of the development would be unduly dependent on use of the private vehicle to transport themselves from the site to other parts of the city / essential supporting services. The proposal, therefore, would conflict with the policy objectives of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) in the Aberdeen Local Development Plan 2017 and their relevant supplementary guidance (Transport and Accessibility). Further, the green belt nature of the site, its location outwith the urban core and relative remoteness from a bus stop, together with the above policy considerations demonstrate that the proposal would not accord with the Scottish Planning Policy expectation of sustainable development.

3) The proposed scale of the development would harm the open character of the open rural landscape and its visual qualities to the west of Baillieswells Road, which would be particularly evident from western viewpoints from such as, but not limited to, Hillhead Road by further extending residential development out into the countryside/greenbelt.



As such, the proposal would not comply with policies NE2 (Greenbelt) and D2 (Landscape) in the Aberdeen Local Development Plan 2017.”

1.3 A review of the decision to refuse the application is now sought on the grounds that, as set out in the Planning, Design and Accessibility Statement submitted with the application [Document 0003_5] and in the following paragraphs, the proposed development:

- delivers the aims and objectives of the Strategic Development Plan;
- complies with the relevant policies of the Local Development Plan, specifically Policies NE2, NE1, D1, D2, NE5, NE6, NE9, T2, T3, R6, R7, CI1, I1 and related Supplementary Guidance; and
- is supported by relevant material planning considerations, including the Proposed Local Development Plan.

1.4 In particular:

- whilst not specifically listed in Policy NE2 as an exception that would apply to development in the Green Belt, the proposal does not compromise the aims of the Aberdeen Green Belt and, in that respect, is consistent with previous planning decisions;
- the proposed development will contribute to a sustainable future, providing a home targeting zero carbon design standards, which will ensure it does not contribute towards climate change during its life as well as enabling its residents to be self-sufficient in terms of food growing; and
- the proposed development will provide significant broadleaf tree planting, protecting the landscape setting of the site and delivering a carbon positive benefit to the environment and benefit indigenous biodiversity.



2 Policy context

- 2.1 Full details of both the proposed development and the policy context against which it requires to be considered are set out in the Planning, Design and Accessibility Statement submitted with the application, in terms of which it is submitted that the application complies with the Development Plan as outlined above. That Planning, Design and Accessibility Statement now forms part of the review documents, and its terms are incorporated herewith.
- 2.2 A full list of documents submitted with the application is provided in Appendix One, together with all other relevant documents referred to in this paper apart.
- 2.3 For the reasons given in both the Planning, Design and Accessibility Statement and this paper apart, read in conjunction with the documents listed in Appendix One, it is submitted that the review should be allowed, and the application granted.



3 Reasons for refusal

3.1 Each of the reasons for refusal is addressed in turn below. In doing that, it should be remembered that Section 25 of the Town and Country Planning (Scotland) act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.2 In this case, the application requires to be assessed against the Aberdeen City and Shire Strategic Development Plan (SDP) (2020) [Document 0003_27] and the Aberdeen Local Development Plan (ALDP) (2017) [Document 0003_28]. Importantly, as set out in the Planning, Design and Accessibility Statement, it must be recognised that paragraph 1.4 of the ALDP also expressly states that development proposals will be assessed against a number of policies within the Plan, and so "***it must be carefully considered as a whole***" with there being nothing in that to indicate that any one policy should outweigh any other policy. The following paragraphs demonstrate how the application complies with the development plan in terms of the issues raised in the Decision Notice.

3.3 In this regard, it should be noted that the Report of Handling acknowledges that there are a number of merits to the proposed development, in that:

- mitigation measures and habitat enhancements would maintain the site's connectivity and functionality within the green space network such that it would not be contrary to Policy NE1;
- safe access to the site would be provided with the formation of a new passing places near the entrance to the site, which could be secured by condition, and adequate parking provision can be made, with the inclusion of electric vehicle charging points also able to be secured by condition such that it would comply with Policies T2 and T3 in that regard;
- it would offer a high standard of living and general residential amenity for its prospective residents given the size of the proposed dwelling, its internal floor layout and fenestration, generous sized garden area to the west, and orchard and walled garden to the east;
- it would be sited far enough away from the shared boundaries with neighbouring properties to the east and south to mitigate any undue loss of privacy to the residents



of Birken Lodge and Netherton Lodge, with the residents of Littleways also not unduly affected;

- it would be of a design and finishes considered suitable for the site's rural context and complies with Policy D1 in that regard;
- the Landscaping Plan is considered reasonable in striking the balance between delivering the needs of prospective residents as well as enhancing the level of tree coverage across the site to enhance separation from existing neighbouring properties and the level of biodiversity on the site;
- it would not have any undue adverse impact on the national or local nature conservation sites, including the Foggieton LNCS, or protected species, such that it would comply with Policy NE8;
- the trees proposed to be removed are not individually of importance to the landscape character and their loss would be significantly offset by the proposed scale of additional tree planting around the northern and western perimeters of the site, in addition to which there would be no adverse impact on the long-term conservation of trees belonging to residential properties to the east of the site, such that the proposal does not conflict with Policy NE5;
- the proposed drainage infrastructure is considered reasonable and satisfies the relevant requirements of Policy NE6;
- connection to modern, up-to-date high-speed communications infrastructure could be secured by condition, as could the requirement for the development to have a low carbon footprint and high-water efficiency usage to comply with Policy CI1.

3.4 Where officers have however expressed concerns about the development proposed, these are looked at under each of the reasons for refusal below.

Reasons 1 and 3: non-compliance with ALDP Policy NE2 (Green Belt) and Policy D2 (Landscape)



- 3.5 Reasons for refusal 1 and 3 are considered together, as the concerns of officers in respect of the landscape and visual impact in terms of Policy D2 relate specifically to the site's location in the Green Belt and the stated aim of the Green Belt in terms of preventing coalescence.
- 3.6 While it is accepted that Policy NE2 – Green Belt generally permits development in the Green Belt only in specific circumstances, this must be read in the context of the purpose of the Green Belt as set out in paragraph 3.101 of the ALDP, this being to:
- maintain the distinct identity of Aberdeen and the communities within and around the city by defining their physical boundaries clearly;
 - avoid coalescence of settlements and sprawling development; and
 - maintain Aberdeen's landscape setting.
- 3.7 At the same time, the Green Belt is intended to direct planned growth to the most appropriate locations and support regeneration, as well as providing access to open space. This reflects Scottish Planning Policy (2014) (as amended in December 2020) (SPP) [Document 0003_30].
- 3.8 More specifically in terms of rural development, SPP stresses that the planning system should promote a pattern of development that is appropriate to the character of a particular rural area, and which encourages rural development that supports prosperous and sustainable communities, whilst protecting and enhancing environmental quality.
- 3.9 As set out in the Planning, Design and Accessibility Statement, the proposed development has been informed by the existing landscape context and features to ensure that it is consistent with the landscape character type of the wider area. The development has been specifically designed to be contained within existing landscape features so that it will not result in any coalescence.
- 3.10 It would also be well screened by broadleaf woodland supplemented by extensive new tree planting and would not, therefore, be visible from any public road or other public vantage point. Whilst the Report of Handling raises concerns regarding the length of time it may take for the new planting to mature, it does accept that the proposed landscaping would ultimately screen the site entirely, as well as enhancing the level of biodiversity (there is a willingness from the applicant to review the maturity of key planting to further address these



concerns). The Council could then serve a Tree Preservation Order in accordance with Section 160 of the Town and Country Planning (Scotland) Act 1997 to control the woodland management and ensure that, if trees are removed in the future, there is suitable replacement planting. This is the approach advocated in Circular 4/1998 paragraph 77 [Document 0003_32].

- 3.11 The Report of Handling specifically mentions the impact of the proposed development on views from Hillhead Road and other locations to the west in respect of which it should be noted that there the site would actually be partially visible from a short stretch of Hillhead Road (c.250m length from approximately 600m distance), with only two properties accessed from that and the road being a dead end. As such, any impact would be extremely minor. Illustrative photographs have been included to show the dwelling house will be largely screened when viewed from Hillhead Road and not visible at all from northern vantage points along Baillieswells Road [Document 0003_12].
- 3.12 Finally, although not referred to in the reasons for refusal of the application, the Report of Handling raises concerns about the inclusion of the paddock and the resulting size of the residential plot, as well as the potential landscape impact of that should the paddock area not be used for its intended purpose. Whilst the Report of Handling writes at length about horses, this is intended to be no more than a small enclosed field where animals will be kept to support a self-sustaining lifestyle planned by the applicants. The paddock area will clearly be well screened by the extensive new tree planting to ensure the natural nature of this part of the site will be maintained. Regarding the size of the residential plot this is not inconsistent with Dalheby House (c.300m to the east), Ladyhill (c.200m to the northeast), and Drydykes (immediately to the southwest), and indeed Netherton Lodge and Littleways, to east are located in plots measuring close to 2 acres.
- 3.13 Given the above, it is clear that the proposed development would have no adverse impact on the landscape setting of the city and therefore does not undermine the purpose of the Green Belt in that regard. In addition, the extensive proposed new planting will help to more clearly define the boundary of the Green Belt, also consistent with the underlying aims of the Green Belt listed above.
- 3.14 It should also be noted that, while the proposed development is not covered by any of the specific categories of development expressly permitted by Policy NE2, it is not always possible to list every set of potential circumstances in a policy, and each application must be determined on its own merits taking into account of the Development Plan and other



material considerations. As the primary objective of Policy NE2 is to protect the underlying aims of the Green Belt, and the proposed development is consistent with these underlying aims as set out above, it should be supported accordingly.

3.15 There are also precedents for this approach being taken as follows.

- In considering the Notice for Review for planning application reference 181539/DPP [Document 0003_33], the Local Review Body clearly accepted that the site was within the Green Belt but, at the same time, concluded that development there would not undermine the purpose of the Green Belt and granted consent for the proposed development accordingly, with the Decision Notice stating that:

“The LRB noted that the site, whilst zoned as Green Belt, is nevertheless immediately adjacent to two opportunity sites allocated in the Aberdeen Local Development Plan for residential development, and that the development of these sites in the long-term would move the urban edge of the city outwards to this point. The site was considered to be well screened from the road and generally not of great prominence in the landscape.”

- Likewise, the Local Review Body in determining the Notice of Review for application reference 181993/PPP [Document 0003_34] concluded that, although the site was within the Green Belt, it related well to existing residential development in the area and that the nearby housing allocation would alter the character of the surrounding area in the future. In that context, the Local Review Body was of the view that the proposed dwelling house *“...would not undermine the function of the wider Green Belt.”*

3.16 While there are of course some differences between the applications cited above and the application to which this review relates, they make it clear that development that does not otherwise fall into the categories expressly permitted by Policy NE2 may still be permitted in the Green Belt where it would not undermine the function of this. It is then entirely appropriate for the Local Review Body to take the same approach in respect of this application on the basis that the proposed development would not undermine the Green Belt’s aim of maintaining the distinct identity of Aberdeen and communities within and around the city. That is particularly so given the site’s location as part of an existing small cluster of houses within the Green Belt [refer to Document 0003_13] and its close proximity to the southern end of the extensive Countesswells (OP38) allocation to the east, which is



currently under development, and which will change the character of this area and to the northern end of Oldfold (OP48) (see Figure 1).

Figure 1 Application site as part of an existing cluster of houses within the Green Belt



- 3.17 Policy NE2 also emphasises that all proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials, in terms of which Report of Handling states that, in the case officer’s professional opinion *“the proposed house and detached garage would incorporate a mixture of traditional and contemporary features and finishes which are considered suitable for the site’s rural context”*. As such, it should also be considered appropriate in terms of Policy NE2.
- 3.18 Further detail on how the proposal meets all other policy requirements is set out in detail within the supporting Planning, Design and Accessibility Statement submitted with the application.



Reason 2 – conflicts with objectives of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel)

- 3.19 Policy T2 states that *“commensurate with the scale and anticipated impact, new development must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel”*, while Policy T3 looks for new development to be accessible by a range of transport modes, again with an emphasis on sustainable and active travel. Further detail is contained within Supplementary Guidance Transport and Accessibility [Document 0003_31] which states that *“All new developments should be accessible by public transport, suitable to the needs of the site. Sites should be designed to allow for public transport penetration and ideally public transport should be available within 400 metres of the origins and destinations of trips within the development.”*
- 3.20 It is then recognised in the Supplementary Guidance that the target of 400m is dependent on the needs of the site, the scale of the proposal and its likely impact. With regards to this application, the single dwelling house that is proposed will generate minimal new traffic, particularly when it is taken into account that there are 3,000 new houses allocated at Countesswells.
- 3.21 Also as noted in the Planning, Design and Accessibility Statement, the site is in close proximity to core paths 50, 54, 55, 57 and 89, providing safe and attractive walking and cycling routes for residents to both Cults and Countesswells, with aspirational core path AP10 also close by.
- 3.22 Given the scale of the proposed development, and that the impact of this will be minimal as outlined above, the available opportunities for sustainable and active travel and access to services, which is clearly commensurate with that for existing houses in the cluster adjacent to the application site, is considered to be more than appropriate and the application accordingly complies with Policies T2 and T3.

4 Proposed Aberdeen Local Development Plan [Document 0003_29]

- 4.1 Although the Report of Handling highlights that the Proposed Aberdeen Local Development (PLDP) is a material consideration in the determination of applications and lists policies considered relevant to this application, it then states that those policies substantially



reiterate those in the adopted ALDP and concludes that the proposed development is not acceptable in terms of both Plans for the same reasons. However, in doing that it fails to recognise that there are new provisions in the PLDP which lend support to the proposed development and, as the settled view of the Council, these require to be considered and accorded significant weight accordingly.

4.2 Significantly, as set out in the Planning, Design and Accessibility Statement, the PLDP has an increased focus on health and wellbeing as key components of creating successful, sustainable places, with improving health and wellbeing being one of the three aims of the Plan. In this regard, the Foreword to the Plan highlights that ensuring physical health and wellbeing goes beyond providing healthcare services, but that development should create a healthy environment, and a new chapter on health and wellbeing has been introduced. Within this, Policy WB1 – Healthy Developments requires developments to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing, all of which are key elements of the proposed development. In promoting a healthy environment, the proposed development should be seen as an early example of the type of development that the PLDP is looking to encourage, and this is a significant material consideration in support of the application.

4.3 Related to this, the PLDP recognises the benefits of food growing projects in terms of placemaking, environmental and sustainability benefits and climate change mitigation, as well as in terms of the health, social, physical and mental wellbeing benefits of this. Whilst not a food growing project as such, the proposed development includes extensive areas of garden ground to enable its occupants to experience the benefits of food growing identified in the PLDP.

4.4 The PLDP also highlights the benefits of good landscape design and the role of green infrastructure in adapting to climate change and sustainability with the proposed Policy D5 – Landscape Design specifically requiring new landscape design to maximise adaptation and resilience of the built and natural environment to the effects of climate change and mitigate the impacts of climate change. The extensive landscaping and tree planting proposed will achieve this.

5 Conclusion

5.1 While the application site is located within the Green Belt, it is part of an existing group of houses, and the proposed development does not undermine the aims of the Green Belt as set out in ALDP Policy NE2 and Scottish Planning Policy. In particular, the significant tree



planting will screen the development from surrounding views to ensure that the distinct identity of Aberdeen is protected, as well as ensuring compliance with Policy D2.

- 5.2 In addition, whilst recognising that the site is more than 400m away from public transport, that should be considered acceptable in terms of Policies T2 and T3, given the scale and nature of the proposed development.
- 5.3 Ultimately, the proposed new dwelling house would provide a well-designed, high quality and low impact family home which showcases the benefits of sustainable design within the boundaries of the city – something that the architect, homeowner and city can all be proud of in terms of facilitating a sustainable way of life and delivering positive environmental benefits to address climate change, whilst complying with all relevant ALDP and PLDP policies.
- 5.4 On the basis that the application is supported by the Development Plan, and no material considerations indicate otherwise, it is submitted that the Review should be allowed, and the application approved.



Appendix One – Documents submitted with Notice of Review

Application documents

0003_1 Decision Notice
0003_2 Application Form
0003_3 Location Plan
0003_4 Existing Site Plan
0003_5 Planning Design and Accessibility Statement
0003_6 Proposed Site Plan
0003_7 Ground Floor Plan
0003_8 First Floor Plan Roof Plan
0003_9 Proposed Elevations
0003_10 Stable Plan Elevation
0003_11 Delegated Report of Handling
0003_12 Site Context Views
0003_13 Existing Context Plan
0003_14 Existing Context Plan
0003_15 Proposed Context Plan
0003_16 Proposed Context Plan
0003_17 Site Landscaping Plan
0003_18 Site Landscaping Plan
0003_19 Drainage Assessment
0003_20 Environmental Walkover and Extended Phase 1 Habitat Survey
0003_21 Tree Survey and Arboricultural Impact Assessment
0003_22 Arboricultural Survey and Protection Plan

Consultation responses + associated correspondence

0003_23 Aberdeen City Council Waste Strategy
0003_24 Aberdeen City Council Roads Development Management Team
0003_25 Email from applicant in response to consultee comments
0003_26 Site Entrance-Passing Place

Policy documents

0003_27 Aberdeen City and Shire Strategic Development Plan
0003_28 Aberdeen Local Development Plan
0003_29 Proposed Aberdeen Local Development Plan 2020
0003_30 Scottish Planning Policy



0003_31 Supplementary Guidance Transport and Accessibility
0003_32 Circular 4_1998 The Use of Conditions in Planning Permissions

Precedent information

0003_33 LRB decision in respect of planning application reference 181539-DPP
0003_34 LRB decision in respect of planning application reference 181993-PPP



4 Oldfold Crescent
Milltimber
Aberdeen
Ab13 0JY

Mark Masson
Local Review Body
Aberdeen City Council
Town House
Broad Street
Aberdeen
AB10 1AQ

18th May 2021

Email: mmasson@aberdeencity.gov.uk

Dear Mr Masson

**PLANNING REFERENCE: 200818/DPP
LAND AT BAILLIESWELLS ROAD – ERECTION OF A DETACHED 2 STOREY DWELLINGHOUSE, DETACHED
DOUBLE GARAGE, STABLE BLOCK, WALLED GARDEN AND ASSOCIATED LANDSCAPING WORKS
INCLUDING CREATION OF A POND, ORCHARD AND DRIVEWAY**

Further to your letters of 4th May 2021 and 7th May 2021, enclosing additional comments from interested parties, please record my further response as follows:

As expected, the two objections from neighbours have been maintained, but importantly it should be noted that the closest neighbouring property (Birken Lodge) have not objected to the development. Whilst time has been taken by the sole author of both representations to cast the shadow as wide as possible, the additional comments reprise many of the same points outlined during the planning application process and have already been addressed in the submitted Notice of Review Statement, in addition to which they totally misrepresent my own submission with respect to development in the Milltimber area, which I have no objection to in principle.

As an informed applicant, familiar with the local planning process and applicable policies, I understand that it would not be appropriate to seek an allocation for a single house in the local development plan. At the same time, I recognise that an application for a new house in the green belt would need to be carefully considered but would reiterate that, although located in the green belt, approval of this application would not undermine the purpose of the green belt. That is particularly so given that the application site would merely be an addition to an existing housing group and would therefore be no less sustainable in terms of its location than those properties are.

In addition, the development plan must be considered as a whole, and in all other regards, including in terms of demonstrating the six qualities of successful placemaking, the application complies with the development plan, as set out in detail in the design statement submitted with the application and in the Notice of Review. All technical issues raised by statutory consultees have been incorporated into the proposals; including embracing all recommendations made in the Habitat Survey, the inclusion of a site wide landscaping plan providing extensive woodland areas and increased biodiversity, provision for waste management and inclusion of a passing place on the access road.

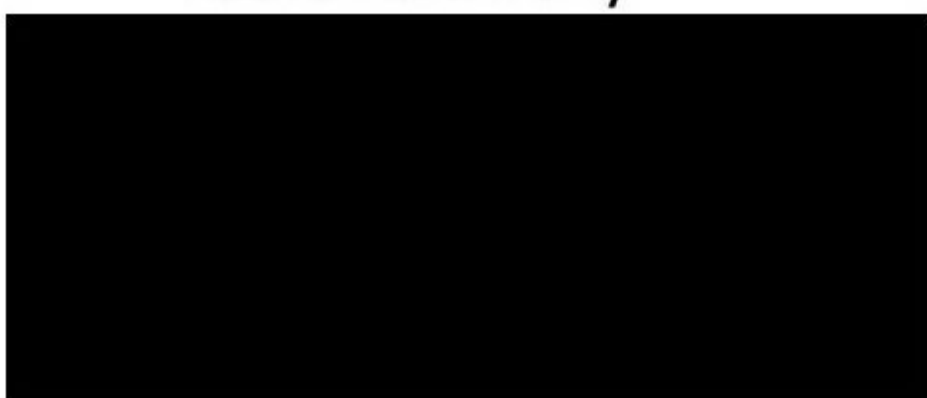
Also, and importantly, every application must be considered on its own merits, such that approval of this application would not set a precedent, including for the splitting of feus of neighbouring properties, which would of course also require to be considered against the specific requirements for such development as set out in the Supplementary Guidance: The Sub-Division and Redevelopment of Residential Curtilages.

It is maintained that the development of this site will bring positive benefits to those living in the house and to the local environment for the following reasons:

- The development proposed will provide a high quality, low impact, innovative and sustainable family home and landscape within the city boundary.
- The application is for a single house in a substantial plot (4.52 acres); this is similar to other properties in the immediate area and maintains the existing scale and pattern of development.
- The project will contribute to a sustainable future, incorporating zero carbon design strategies, with an ambition to be a net-positive contributor during its designed life; in its own way delivering the government emissions targets well before 2045.
- The existing site is isolated (in ownership) from the surrounding fields and has been left in its current state (unmanaged field) for some considerable time; the proposed development would significantly enhance the ecological value and biodiversity of the site.
- There are currently no trees on the site; the site landscaping proposal includes planting in excess of 750 broadleaf trees, across an area of 0.52 hectares (1.28 acres) which will deliver carbon offset over the life of the building, such planting will not be implemented by the current owners.
- The site is largely screened from surrounding view (not visible from Baillieswells Road); when viewed from a distance (from the west) the chosen palette of materials and finished ground levels will ensure the new house is less dominant than the neighbouring properties of Netherton Lodge and Littleways; as planting matures over time this will offer further screening.
- The site can be contained with the existing landscape features, as acknowledged by the objector, and as such will not on its own result in coalescence (with any potential applications from neighbours to split their existing feus required to be assessed on their own merits).
- Willingness to maintain access over part of the site for local residents who currently do so for recreation/dog-walking and providing access to adjacent woodland and fields.
- At a time when we are adjusting to major societal changes and the recognised norms of what is expected from a home is being reconsidered, this design includes provision for home working and flexible living space to meet the future need.
- The site offers a somewhat unique opportunity to self-build a sustainable design solution (aspiring towards self-sufficiency) within the city boundary.

In conclusion, this application is not about rewriting Green Belt Policy, but it is about challenging the application of such policy in rigid isolation and it is for this and the reasons outlined above that I ask you to consider the Notice of Review and find favourably upon the application.

Yours Faithfully



Bruce Ballance

LOCAL REVIEW BODY



201620/DPP – Appeal against refusal of planning permission for:

‘Erection of single storey extension to front’

at ,11 Marchbank Road, Bielside



Aerial Photo: Location



Marchbank road



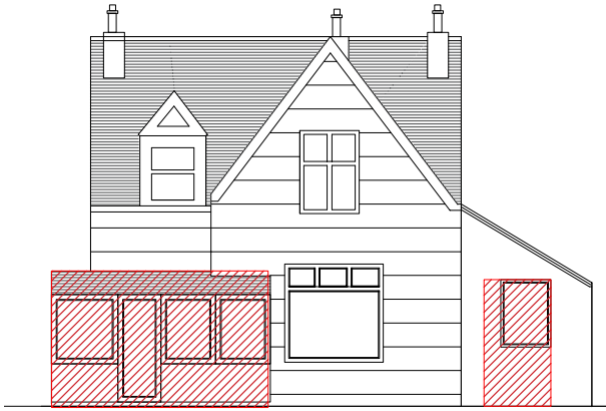
South elevation



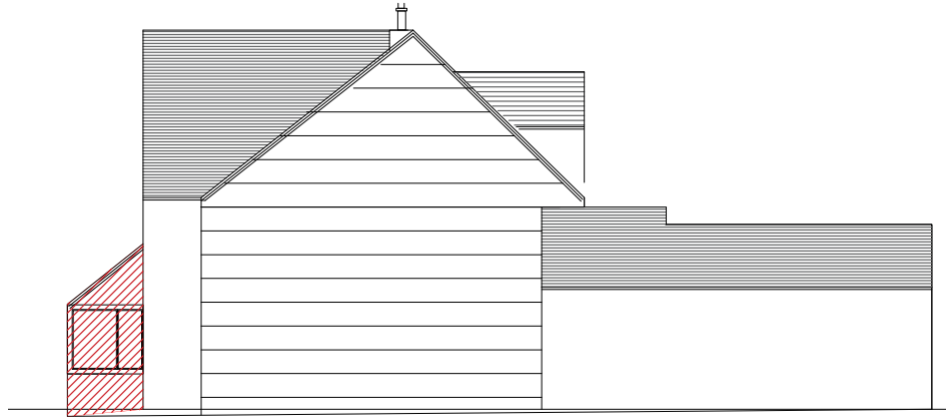
View towards Deeside Way from house



Existing elevations



EXISTING SOUTH ELEVATION 1:100



EXISTING EAST ELEVATION 1:100

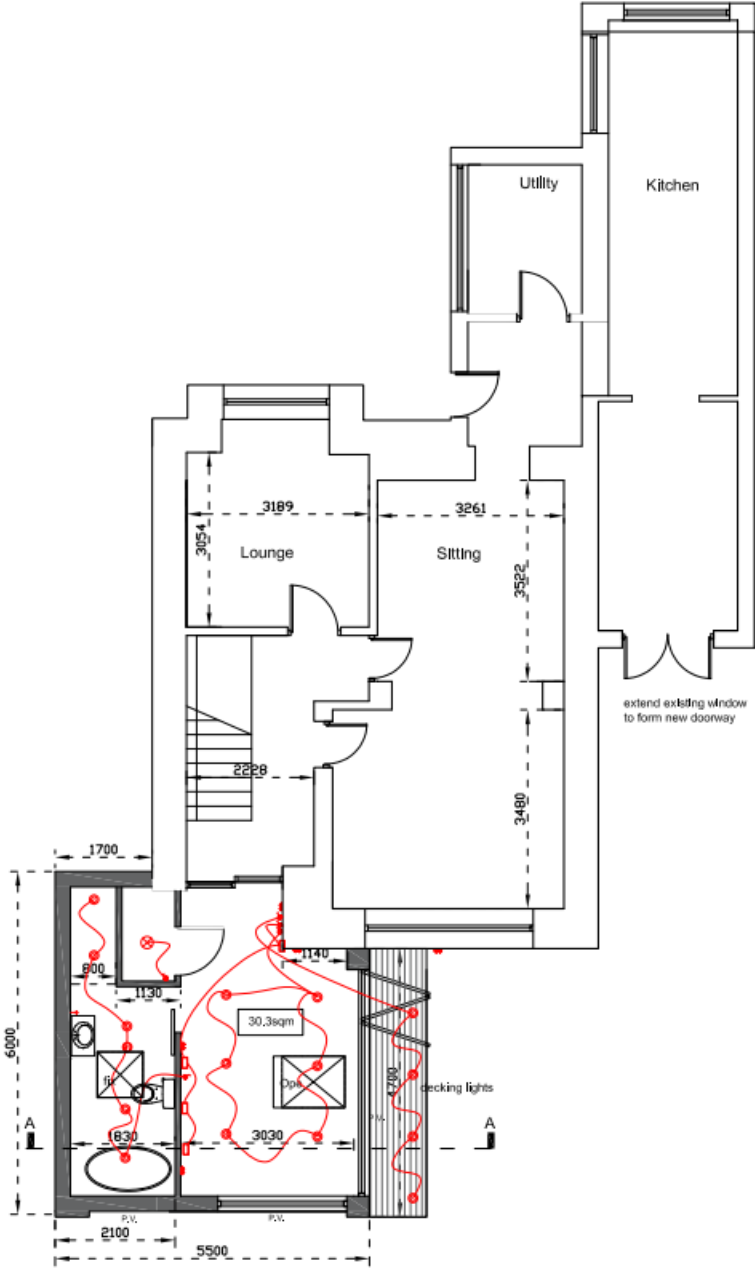


EXISTING NORTH ELEVATION 1:100

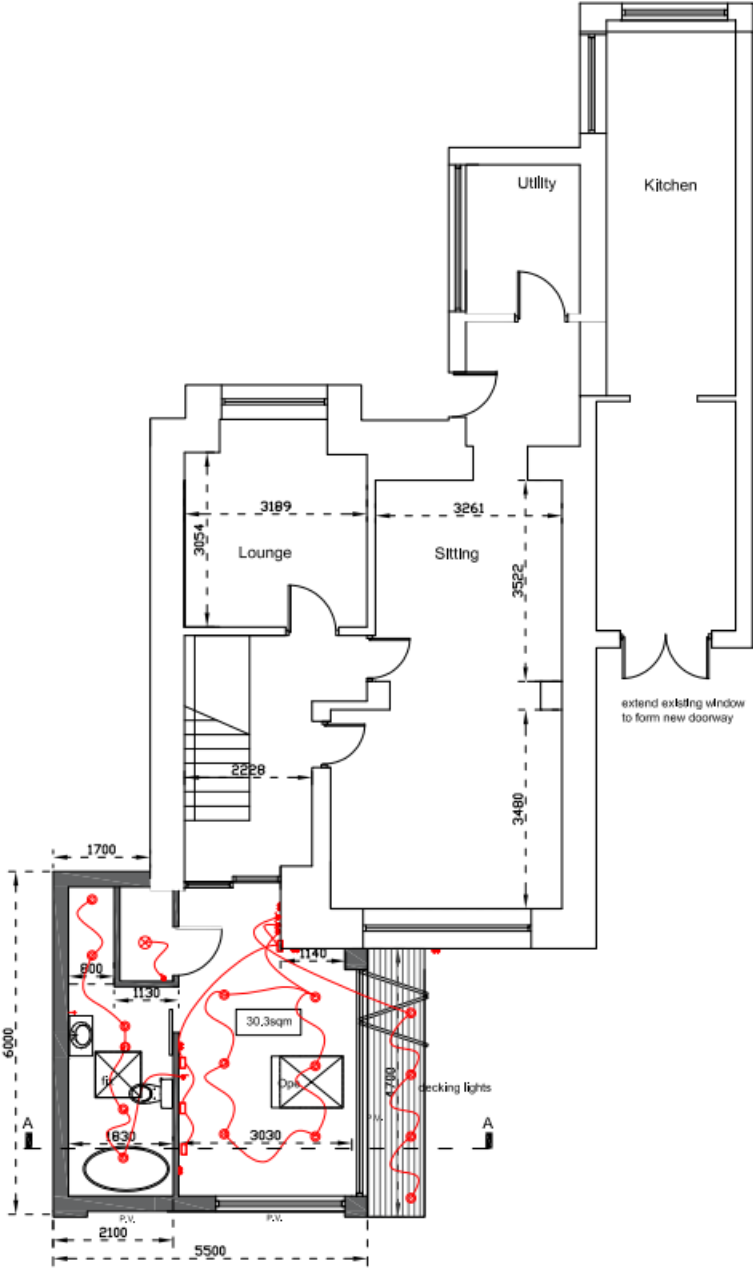


EXISTING WEST ELEVATION 1:100

Ground floor plan



Ground floor plan



South Elevation: Proposed

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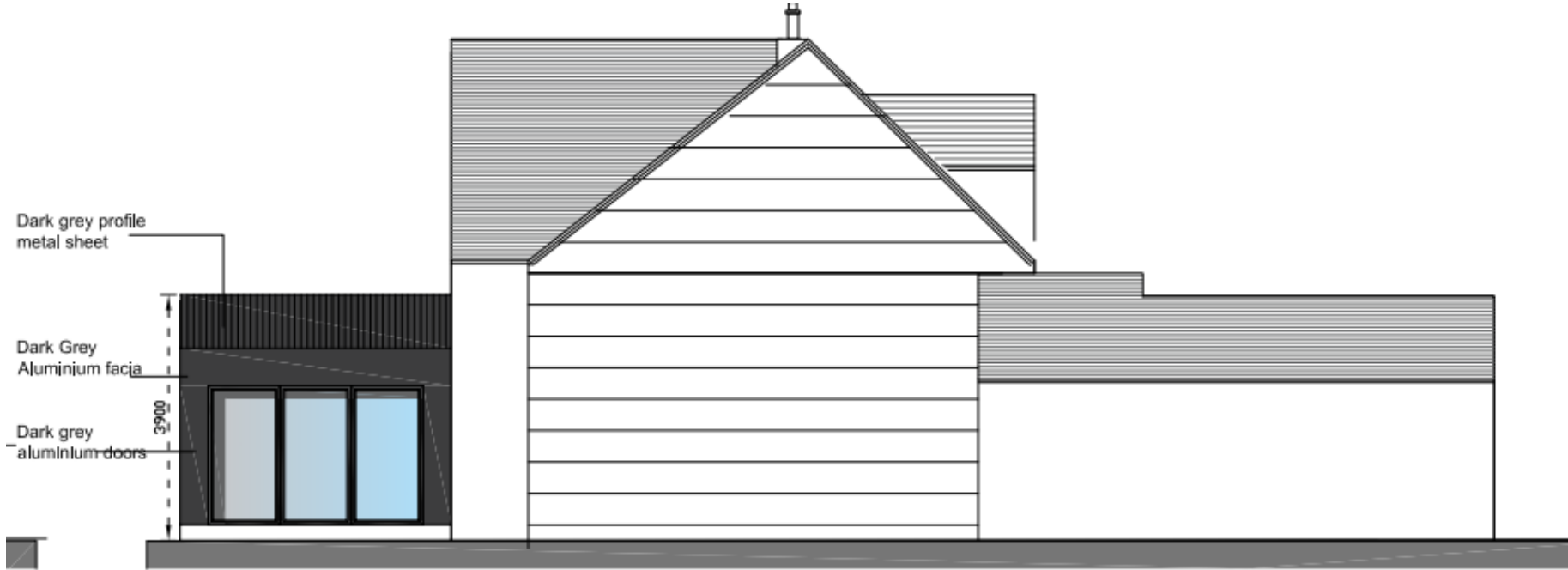
- Dark Grey Aluminium fascia
- Horizontal siberian larch cladding
- Dark grey aluminium windows



PROPOSED SOUTH ELEVATION 1:100

East Elevation: Proposed

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PROPOSED EAST ELEVATION 1:100

Side Elevation: Existing/Proposed

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PROPOSED WEST ELEVATION 1:100

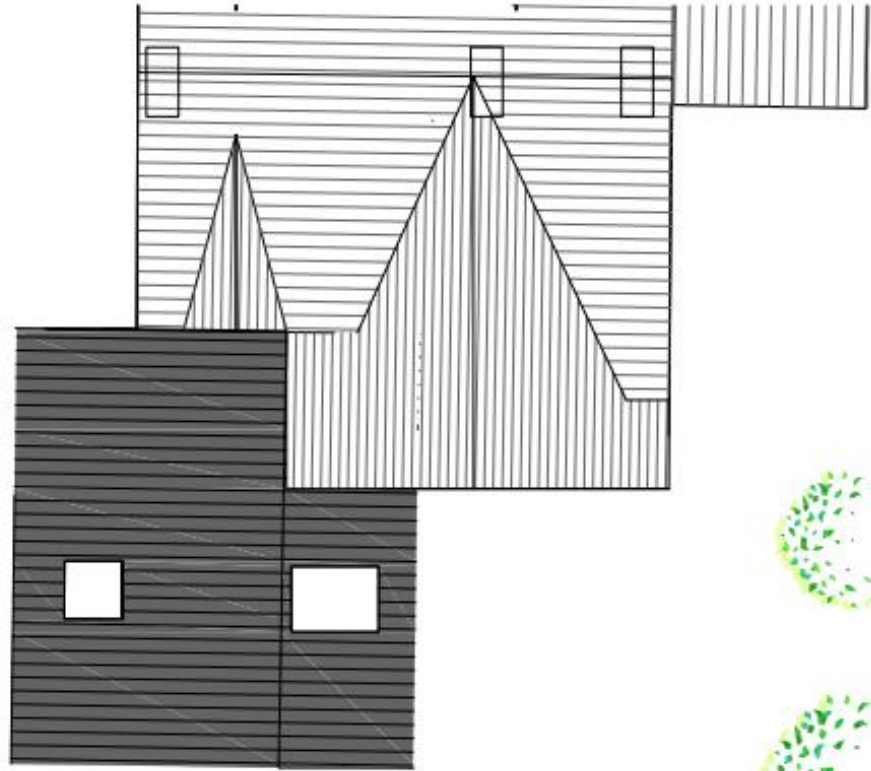
North Elevation: Proposed



PROPOSED NORTH ELEVATION 1:100 - Unaltered



3D image 01 NTS



PROPOSED ROOF PLAN 1:100



Roof plan

Looking towards no. 13



Looking towards no. 9



Reasons for Refusal

The proposed extension would not be architecturally compatible in its design, scale and form with the original building by way of its substantial projection forward of the principal elevation of the dwelling. It would partially cover the primary gable on the principal elevation of the dwelling; and would not have roof pitches which would correspond with those of the principal elevation. As such, the proposed extension is considered to considerably detract from, and would have a dominating impact on the character and appearance of the original dwelling, in conflict with policies D1 and H1 of the ALDP and the Supplementary Guidance 'Householder Development Guide'.

In the context of the surrounding area, whereby the majority of the historic granite dwellings on this line of Marchbank Road retain their original form, the proposed extension would detract from the established character and the pattern of development in the surrounding area. The grant of planning permission could set an unwelcome precedent for similarly designed extensions to the front of the historic pink granite properties on Marchbank Road, many of which are readily visible, which would result in the loss of the original urban form and detract from the character of the surrounding area, in conflict with Policies D1 and H1 of the ALDP and the Supplementary Guidance 'Householder Development Guide'.

The proposed extension would conflict with policies D1 - Quality Placemaking by Design and H1 - Residential Areas of the adopted Aberdeen Local Development Plan 2017; Policy D1 - Quality Placemaking and H1 - Residential Areas of the proposed Aberdeen Local Development Plan 2020; and the Supplementary Guidance: 'The Householder Development Guide'. There are no material planning considerations that warrant the recommendation of approval in this instance.

Applicant's Case for Review

- Site is not within a conservation area
- Property has dual frontage, relationship to Deeside Way and public visibility, not taken into account.
- Policies do not require extensions to replicate the host dwelling
- Policy D1 requires high quality design and materials, whilst the existing extensions are low quality, with different eaves levels, roof pitches, window proportions and finishes, none complement each other.
- Property is largely hidden from public view from Deeside Way
- Existing extension partially covers south elevation, as does the proposed.
- Assertion that design would detract from dwelling , is subjective
- Variety of styles and graduated building lines exist
- A precedent would not be created, each proposal on its merits. This is barely visible.

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?

Householder Development Guide

GENERAL

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)

SG: Householder Dev't Guide – front extensions

- Only acceptable where they would not have negative impact on character and amenity
- Established building line should be respected.
- Should be compatible with original dwelling
- Modest porches should not incorporate additional rooms
- To incorporate substantial proportion of glazing

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

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?*


The proposal involves an extension on the principal elevation of the house which is not generally accepted by the Householder Development Guide SG. Do members consider that there is anything specific to the context here which would mitigate any adverse impact on character or visual amenity?

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>
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Site Address:	Marchbank, 11 Marchbank Road, Aberdeen, AB15 9DJ
Application Description:	Erection of single storey extension to front
Application Ref:	201620/DPP
Application Type:	Detailed Planning Permission
Application Date:	23 December 2020
Applicant:	Mr Nick Peach
Ward:	Lower Deeside
Community Council:	Cults, Bielside and Milltimber
Case Officer:	Roy Brown

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a 1½ storey detached pink granite dwelling dating from the early twentieth century and its associated front and rear curtilage in a residential area in Bielside. The application site is bounded by an access path and the Deeside Way to the south; 9 Marchbank Road to the east; 13 Marchbank Road to the west; and Marchbank Road to the north.

Like most of the properties of its age to the north of the Deeside Way along Lower Deeside, the dwelling has a south facing principal elevation orientated towards the Deeside Way. The original dwelling is cross gabled in form and has a gable on the principal elevation. The principal elevation has an existing single storey porch / conservatory to its front (south) and single storey extensions to its rear (north) and side (east).

Relevant Planning History

Planning permission was granted in 1998 for the erection of a house extension and a domestic garage at the property (Ref: P980713; 98/0723).

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the erection of a single storey extension to the principal elevation of the dwelling.

The extension would be contemporary in its design and would have an asymmetric gable roof with a maximum height of c.3.9m and eaves heights of c.2.6m and c.3.1m. It would project c.4.7m

forward of the south facing gable on the principal elevation, would be c.5.5m in width to project c.1.7m forward of the west elevation. Fenestration would include a full height window and small slot window in the south elevation; fully glazed sliding doors to the east elevation; and a total of three rooflights of varying sizes in the west roofslope.

It would be finished in dark grey aluminium fasciae, Siberian larch cladding to the front, dark grey profiled metal sheeting to the west elevation and roof; and dark grey aluminium windows and doors.

Supporting Documents

All drawings and the supporting document listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QLQUWKBZFJC00>

Supporting Statement (Dab Den Ltd)

This sets out why the development is considered by the agent to comply with local planning policies by considering Policies D1 and H1 of the ALDP, neighbouring amenity and privacy, the scale of development, and the impact to appearance and character.

CONSULTATIONS

Cults, Bielside and Milltimber 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)

Policy D1 - Quality Placemaking by Design

Policy H1 - Residential Areas

Supplementary Guidance (SG)

The Householder Development Guide (HDG)

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be, and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether – these matters have been subject to public consultation through the Main Issues Report; and, the level of objection raised in relation these matters as part of the Main Issues Report; and, the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. The following policies of the Proposed ALDP are of relevance in the assessment of this planning application: Policy D1 - Quality Placemaking, D2 – Amenity and H1 - Residential Areas.

EVALUATION

Principle of Development

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

Design, Scale and Impact on the Character of the Surrounding Area

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

The Supplementary Guidance: 'The Householder Development Guide' states that front extensions of any type should be of a scale and design which is complementary to, and consistent with, the original dwelling and that modest porches will generally be acceptable, but these should not incorporate additional rooms (e.g. toilet, shower room), and should not detract from the design of the original building or the character of the street.

In this instance, the principal elevation of the property is orientated to its south on the elevation that faces away from the street that the property is accessed from. This is an established characteristic across Lower Deeside whereby it is common that the principal elevations of properties face south down over the Dee Valley. It is particularly a characteristic of dwellings immediately to the north of the Deeside Way dating from the early 20th century, when the Royal Deeside Railway was in operation. Across Lower Deeside, many of the principal elevations of these properties have been the subject of incremental substantial extensions, which has changed the urban form.

However, the principal elevation of the application property, and all other properties on this stretch of Marchbank Road bounding the Deeside Way are orientated to the south. Most of these properties have been extended to their (north) rear, including the application property, which has a single storey annexe to its side and rear. The pattern of development along this line of historic properties is such that the principal elevations have not been the subject of significant intervention. Where these properties have been extended to their south, the existing extensions have been ancillary in scale and projection and have been substantially glazed and light weight in appearance, thus not dominating the overall appearance of the principal elevation. The existing conservatory extension on the application property is reflective of this existing pattern of development as it is light weight in its appearance because it is substantially glazed, ancillary in its scale and form to the original building and has the appearance reflective of being a front porch. The south facing elevations of these properties retain the appearance that they are principal elevations, as they retain their original architectural form and primary architectural features, such as the south facing gable on the application property.

Design, Scale and Massing

The proposed extension would replace the existing conservatory with an extension which is substantially greater in its scale and massing and would not be of a scale, design or form that is compatible with the principal elevation of the dwelling. In conflict with the Householder Development Guide, it would incorporate multiple rooms. The proposed extension would not

correspond with the architectural detailing and form of the original dwelling by way of its design whereby it would uncomfortably project partially over the main architectural feature of the dwelling, the south facing gable of the principal elevation and outwards beyond the side elevation; its substantial c.4.7m projection to the rear, which would be of substantial massing and serve to overwhelm the principal elevation; and its asymmetric roof form with pitches which do not correspond with any of those on the original dwelling. Whilst the original dwelling incorporates different roof pitches, the addition of further roof pitches which do not correspond to those of the original building would appear uncomfortable and compete with the original primary architectural features on the principal elevation.

It must be highlighted that the contemporary design and finish of the extension is not in itself considered to detract significantly from the architectural character of the original building or the character and visual amenity of the surrounding area. Indeed, had the other issues been addressed in terms of it being lesser in projection to the front; it not extending over the primary feature, the south facing gable, of the principal elevation; its roof form and pitches corresponding with the original dwelling; and its door being orientated to the south, the contemporary design and use of larch timber cladding and dark grey aluminium fasciae could have been considered an acceptable contrast to the historic finishing materials of the original building and the wooded setting of the Deeside Way to the south. However, for the reasons above, the proposed extension is considered to considerably detract from, and would have a dominating impact on the character and appearance of the original dwelling, in conflict with policies D1 and H1 of the ALDP and the Supplementary Guidance 'Householder Development Guide'.

Pattern of Development and the Impact on the Character of the Surrounding Area

By way of its design, scale and form, the proposed extension would not be architecturally compatible the pattern of development of the surrounding area, in conflict with Policies D1 and H1 of the ALDP. It is recognised that the development would be somewhat screened by vegetation along the south boundary, that the Deeside Way is set below the site and thus it would not be readily publicly visible, and that the southern curtilage can be used as relatively private usable garden ground. However, because of its design, form and substantial projection to the (south) front, the proposed extension would disrupt the original urban form of the historic buildings on Marchbank Road and the original pattern of development along this line of properties. As the adjacent properties are of a similar architectural character, materials and design to the application property, the proposed extension would serve to adversely affect the established character of the surrounding area. There are no examples of similarly designed extensions being granted planning permission under current policies and guidance along this line of properties on Marchbank Road. Notwithstanding that every planning application is assessed on its own merits in accordance with the relevant material considerations at the time, the grant of planning permission in this instance could set an unwelcome precedent for similarly designed extensions to the front of the historic pink granite properties on Marchbank Road, many of which are readily visible, which would result in the loss of the original urban form and detract from the character of the surrounding area, in conflict with Policies D1 and H1 of the ALDP.

Intensity of Use

The proposal would not result in over 50% of the south (front) curtilage being covered by development as c.11% of garden ground would be developed upon. The proposal would not result in the built footprint of the dwelling being doubled because the footprint of the original dwelling was c.86sqm and as a result of the development (and the other existing extensions) it would be c.146sqm, which is c.72% larger than the built footprint of the original dwelling. The proposal would not significantly increase the intensity of use of the site. The proposal would not necessarily constitute overdevelopment in terms of ground built upon, which is in accordance with Policy H1 of the ALDP.

Amenity

Because of the extensive screening on the east boundary and no glazing is proposed on the west elevation, the proposed extension would not adversely affect the existing level of privacy afforded to the adjacent properties. The proposed extension would not serve to adversely affect the level of amenity afforded to the neighbouring properties by way of sunlight or daylight because of its c.2.6m height where closest to the west boundary and its siting off from the east boundary.

The proposed extension would have a negligible impact on residential amenity in terms of privacy, sunlight and background daylight, in accordance with Policies H1 and D1 of the ALDP, and the SG.

Matters Raised in the Supporting Statement

The supporting statement notes that the original historic form of the extension has been covered by low quality extensions to the north, south and east elevations and that the existing building has several different eaves levels, roof pitches, exterior finishes and window sizes that do not complement each other. This is noted; however, the existing principal elevation has an existing ancillary conservatory, and otherwise the architectural form is the original dwelling which retains its primary features. Notwithstanding the side extension is visible, the extensions to the north of the building are not read in the same context as the principal elevation which retains its original form. For the reasons stated above (under *Design, Scale and Impact on the Character of the Surrounding Area*), the proposed extension would not be compatible with its context.

The supporting statement notes that the extension type is an award-winning architectural product and that has been recognised for its quality of design and that they have been approved in conservation areas by numerous local authorities. It must be highlighted that every planning application is assessed on its own merits and that the design and scale of this extension is considered in the context of its compatibility with the principal elevation of this particular historic building in the context of the character of the surrounding area.

Proposed Aberdeen Local Development Plan

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

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed extension would not be architecturally compatible in its design, scale and form with the original building by way of its substantial projection forward of the principal elevation of the dwelling. It would partially cover the primary gable on the principal elevation of the dwelling; and would not have roof pitches which would correspond with those of the principal elevation. As such, the proposed extension is considered to considerably detract from, and would have a dominating impact on the character and appearance of the original dwelling, in conflict with policies D1 and H1 of the ALDP and the Supplementary Guidance 'Householder Development Guide'.

In the context of the surrounding area, whereby the majority of the historic granite dwellings on this line of Marchbank Road retain their original form, the proposed extension would detract from the established character and the pattern of development in the surrounding area. The grant of planning permission could set an unwelcome precedent for similarly designed extensions to the front of the historic pink granite properties on Marchbank Road, many of which are readily visible, which would result in the loss of the original urban form and detract from the character of the

surrounding area, in conflict with Policies D1 and H1 of the ALDP and the Supplementary Guidance 'Householder Development Guide'.

The proposed extension would conflict with policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the adopted Aberdeen Local Development Plan 2017; Policy D1 – Quality Placemaking and H1 – Residential Areas of the proposed Aberdeen Local Development Plan 2020; and the Supplementary Guidance: 'The Householder Development Guide'. There are no material planning considerations that warrant the recommendation of approval 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 100343349-001

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)

Ground floor rear extension to replace lean to

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:	Dab Den Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Katherine	Building Name:	Unit 6&7
Last Name: *	Byers	Building Number:	
Telephone Number: *	01330 833861	Address 1 (Street): *	Brathens Eco-business Park
Extension Number:		Address 2:	Hill of brathens
Mobile Number:		Town/City: *	Banchory
Fax Number:		Country: *	Aberdeenshire
		Postcode: *	AB31 4BW
Email Address: *	info@dabden.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Nick	Building Number:	11
Last Name: *	Peach	Address 1 (Street): *	Marchbank Road
Company/Organisation	EDA Consultants	Address 2:	
Telephone Number: *		Town/City: *	Bielside
Extension Number:		Country: *	scotland
Mobile Number:		Postcode: *	AB15 9DJ
Fax Number:			
Email Address: *	nickpeach340@outlook.com		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

MARCHBANK

Address 2:

11 MARCHBANK ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 9DJ

Please identify/describe the location of the site or sites

Northing

802288

Easting

388033

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: Katherine Byers

On behalf of: Mr Nick Peach

Date: 22/12/2020

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 Katherine Byers

Declaration Date: 22/12/2020

Payment Details

Online payment: ABSP00006049
Payment date: 22/12/2020 13:39:00

Created: 22/12/2020 13:39

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Katherine Byers
Dab Den Ltd
Unit 6&7
Brathens Eco-business Park
Hill of brathens
Banchory
Aberdeenshire
AB31 4BW

on behalf of **Mr Nick Peach**

With reference to your application validly received on 23 December 2020 for the following development:-

Erection of single storey extension to front at Marchbank, 11 Marchbank 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
LP 001	Location Plan
DD111 P 001B	Site Layout (Proposed)
DD111 P 002E	Elevations, Sections and Floor Plans (Proposed)

REASON FOR DECISION

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

The proposed extension would not be architecturally compatible in its design, scale and form with the original building by way of its substantial projection forward of the principal elevation of the dwelling. It would partially cover the primary gable on the principal elevation of the dwelling; and would not have roof pitches which would correspond with those of the principal elevation. As such, the proposed extension is considered to considerably detract from, and would have a dominating impact on the character and appearance of the original dwelling, in conflict with policies D1 and H1 of the ALDP and the Supplementary Guidance 'Householder Development Guide'.

In the context of the surrounding area, whereby the majority of the historic granite dwellings on this line of Marchbank Road retain their original form, the proposed extension would detract from the established character and the pattern of development in the surrounding area. The grant of planning permission could set an unwelcome precedent for similarly designed extensions to the front of the historic pink granite properties on Marchbank Road, many of which are readily visible, which would result in the loss of the original urban form and detract from the character of the surrounding area, in conflict with Policies D1 and H1 of the ALDP and the Supplementary Guidance 'Householder Development Guide'.

The proposed extension would conflict with policies D1 - Quality Placemaking by Design and H1 - Residential Areas of the adopted Aberdeen Local Development Plan 2017; Policy D1 - Quality Placemaking and H1 - Residential Areas of the proposed Aberdeen Local Development Plan 2020; and the Supplementary Guidance: 'The Householder Development Guide'. There are no material planning considerations that warrant the recommendation of approval in this instance.

Date of Signing 18 March 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)

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

Supplementary Guidance

Householder Development Guide

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

Other Material Considerations

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

Proposed Aberdeen Local Development Plan (2020)

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100343349-004

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Dab Den Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Katherine	Building Name:	Unit 6&7
Last Name: *	Byers	Building Number:	
Telephone Number: *	01330 833861	Address 1 (Street): *	Brathens Eco-business Park
Extension Number:		Address 2:	Hill of brathens
Mobile Number:		Town/City: *	Banchory
Fax Number:		Country: *	Aberdeenshire
		Postcode: *	AB31 4BW
Email Address: *	info@dabden.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Nicholas"/>	Building Number:	<input type="text" value="11"/>
Last Name: *	<input type="text" value="Peach"/>	Address 1 (Street): *	<input type="text" value="Marchbank Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Bieldside"/>
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="AB15 9DJ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="nickpeach340@outlook.com"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="MARCHBANK"/>
Address 2:	<input type="text" value="11 MARCHBANK ROAD"/>
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 9DJ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="802288"/>	Easting	<input type="text" value="388033"/>
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Description of Proposal

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

Erection of single storey extension to front at Marchbank, 11 Marchbank Road

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to Supporting Document

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)

Drawings: DD111 Plans_Elevations DD111 Planning Appeal 3rd May 2021

Application Details

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

201620/DPP

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

23/12/2020

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

18/03/2021

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 *

Further written submissions on specific matters

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

Further in depth assessment of the proposal in describes in the attached supporting Statement: DD111 Planning Appeal 3rd May 2021

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)

This is a unique site, where the 'front' elevation is not on the public road side. An inspection of the site is necessary to fully appreciate the how secluded the site is, and the positive impact the proposal will have on the property and the inhabitants. Please refer to attached supporting document for a more detailed explanation.

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)

There is no reason that they would be unable to undertake an unaccompanied site inspection.

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: Mrs Katherine Byers

Declaration Date: 05/05/2021

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LOCAL REVIEW SUBMISSION ON BEHALF OF MR NICK PEACH

APPLICATION REF NO. 201620/DPP

ERECTION OF SINGLE STOREY EXTENSION TO FRONT

at MARCHBANK, 11 MARCHBANK ROAD, BIELDSIDE, ABERDEEN

This review submission relates to a planning application which was submitted to Aberdeen City Council on 23 December 2020, and to which a decision was issued on 18 March 2021. As such, this review submission has been prepared well within the 3 month deadline, which shall expire on 17 June 2021.

Reason for Refusal

The somewhat lengthy reason for refusal stated *“The proposed extension would not be architecturally compatible in its design, scale and form with the original building by way of its substantial projection forward of the principal elevation of the dwelling. It would partially cover the primary gable on the principal elevation of the dwelling; and would not have roof pitches which would correspond with those of the principal elevation. As such, the proposed extension is considered to considerably detract from, and would have a dominating impact on the character and appearance of the original dwelling, in conflict with policies D1 and H1 of the ALDP and the Supplementary Guidance 'Householder Development Guide'.*

In the context of the surrounding area, whereby the majority of the historic granite dwellings on this line of Marchbank Road retain their original form, the proposed extension would detract from the established character and the pattern of development in the surrounding area. The grant of planning permission could set an unwelcome precedent for similarly designed extensions to the front of the historic pink granite properties on Marchbank Road, many of which are readily visible, which would result in the loss of the original urban form and detract from the character of the surrounding area, in conflict with Policies D1 and H1 of the ALDP and the Supplementary Guidance 'Householder Development Guide'.



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The proposed extension would conflict with policies D1 - Quality Placemaking by Design and H1 - Residential Areas of the adopted Aberdeen Local Development Plan 2017; Policy D1 - Quality Placemaking and H1 - Residential Areas of the proposed Aberdeen Local Development Plan 2020; and the Supplementary Guidance: 'The Householder Development Guide'. There are no material planning considerations that warrant the recommendation of approval in this instance”.

At the outset, while Bielside is itself is notably one of Aberdeen’s more prosperous suburbs, as the City stretches out into Deeside, importantly the area is not a designated Conservation Area, nor is the application property, or any of its neighbours Listed Buildings. As such, the stated reason appears to be particularly heavy handed in its assessment, and on the face of the text appears to take no cognisance of the site-specific factors of the application site, and its dual frontage, nor its relationship with the former Deeside Railway Line, and its wider visibility from public areas.

Each aspect of the reason for refusal and material planning considerations shall be addressed in turn.

Reason for refusal

While the case officer asserts that the extension would not be architecturally compatible with the design, scale and form of the original building neither policies D1 or H1, or indeed the Householder Development Guide, stipulate that extensions must represent the host dwelling exactly.

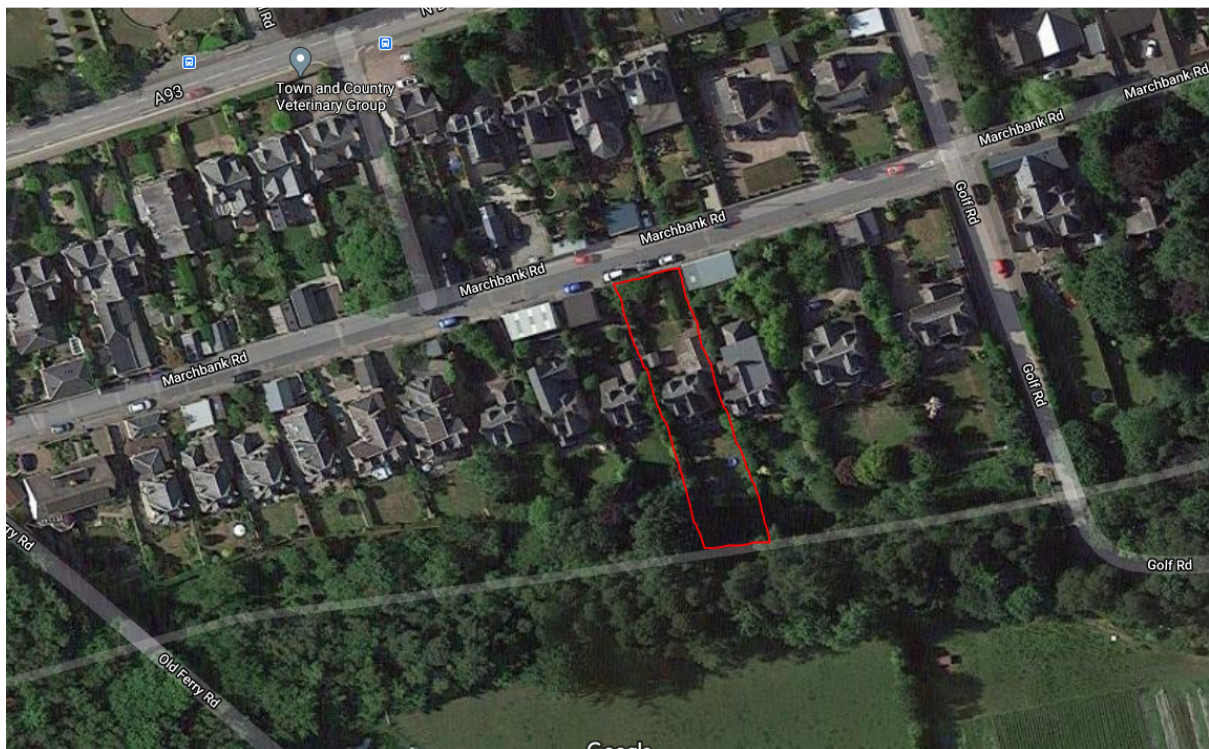
Policy D1 Quality Placemaking by design, is arguably targeted by its very title towards the planning of places, and not necessarily individual buildings. Notwithstanding, it states that “All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials”.

In this instance and as outlined in section 2.2 of the Supporting Statement dated 23 February, “The existing buildings original historical form has been covered up by low quality design extensions to the north, south and east elevations. The existing building has several different eaves levels, roof pitches, exterior finishes and window sizes / shapes that neither complement, nor enhance, each other”.

While great emphasis is placed upon the principal elevation and the alleged domination of the main elevation, at no point does the case officer seem to appreciate that the frontage of this site is almost entirely secluded from public view, as noted in the photograph below, with the Deeside line located approximately 5 metres lower than the level of the dwelling. Now while that should not in itself allow for any design to be permissible, it should have significant weight as to what could ultimately be allowed in this instance.



Next, the reason refers to the fact that the principal elevation would be partially covered, which it is already. The assertion that the extension would detract from the dwelling is subjective, and very much to debate. The use of contemporary architecture should ultimately be encouraged, with scope for an element of artistic flair and a willingness to take a bold step, whilst still being subservient in scale and form.



Extract from Google Maps

Building line and site context

From the above aerial extract it can be noted that of the 15 no. properties along this section of Marchbank Road, there are a variety of styles, which have a graduated building line, with those to the east generally projecting slightly further than those at the western end towards Old Ferry Road.



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In respect of the second paragraph of the reason for refusal, it makes reference to the context of the area. In particular, of the type similar to our clients, there are 4 largely similar properties from 11 to 17, with no. 15 in particular having been altered significantly. Notably, at present, the distance from the south most point of the existing conservatory to the Deeside Line is 26 metres away. As such, while the extension would encroach 2.7 metres further from the house at present, that would still leave approximate 23.3 metres to the boundary. At that sort of distance, and with hugely restricted views into the site, it is questionable that anyone would be able to tell that the proposal, which is also of wrap round form, would dominate the frontage or not. However, the increase in width of the extension is largely to the west, as it would still be stepped inwards from the existing sitting room window. The extension would also sit beneath the existing eaves level. Therefore, while its design admittedly contrasts to the original dwelling, it is considered to compliment the dwelling as opposed to dominating it.

While the reason refers to the potential to act as an undesirable precedent, planning legislation is clear in identifying that each application must be assessed on its own merits. It is therefore necessary to contest the suggestion that the site is readily visible as suggested in the reason. It would be accepted if the site were towards a road frontage, on a traditional street, or alongside the A93 North Deeside Road, that you could consider it to be readily visible. However as noted from the photograph above showing the dense landscaping at the bottom of the garden, and as also noted on the aerial photograph too, the site is densely vegetated, and is some distance from the public footpath along the Deeside Way. Therefore, what significant if any, detriment would this proposal have to the wider character or amenity of the area – None, it is argued.

Policy H1 Residential Areas

In considering Policy H1 Residential Areas, its criteria are as follows:

1 does not constitute over development;

2 does not have an unacceptable impact on the character and amenity of the surrounding area;

3 does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and

4 complies with Supplementary Guidance.



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The proposal can in no way be considered overdevelopment. The curtilage of his property is significant, with a vast percentage of garden ground remaining undeveloped. With a desire to provide a small additional area of floorspace, there are no opportunities to develop further to the rear which could then impinge upon existing car parking and turning, and the rear (which is public street facing) has already been altered significantly.

As noted above, it is not considered that the extension would have a detriment to the character or amenity of the area as it can barely be seen given that there is already significant tree cover. Similarly, the proposal would not result in the loss of any open space. Therefore, it falls solely as to whether the proposal complies with the supplementary guidance or not.

Supplementary Guidance 'Householder Development Guide'

The exact text of the SG has been pasted below, with simple responses provided to each in blue text:

Para 3.1.4 General Principles

1. Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale. *The extension is visually subservient to the original dwelling. The details merely require that material compliment. It does not require that they match. The design is a contemporary take on the pitched roof design. The roof remains below eaves of the original building. The proposal is in proportion to the mass of the existing building and is more complementary to the original building than the previous extensions carried out on it. The materials proposed are commonly used in modern city construction throughout Aberdeen and create a more diverse pallet of materials that complement the existing granite stone.*



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2. No extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected. Significant adverse impact on privacy, daylight and general amenity will count against a development proposal. [This development does not adversely affect the amenity of any neighbouring properties.](#) Existing boundaries are heavily defined by mature planting, and fencing, and there would be no impacts on privacy, daylight or amenity as a result.

3. No existing extensions, dormers or other alterations which were approved prior to the introduction of this supplementary guidance will be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document. [Not relevant to this application](#)

4. The built footprint of a dwelling house as extended should not exceed twice that of the original dwelling. [The proposal would not result in this figure being breached](#)

5. No more than 50% of the front or rear curtilage shall be covered by development. [Interesting this aspect refers to either the front or rear curtilage, this suggestion that in some instances, larger front extension may be permissible.](#) Again, the proposal would come nowhere near to breaching 50% of the 'front curtilage'.

In particular, the SG Householder Design Guide also has specific aspects on front extensions:

3.1.5 House Extensions

FRONT EXTENSIONS

Front extensions will only be considered acceptable in situations where they would not impact negatively on the character or amenity of the original dwelling and the surrounding area. In all cases the established building line of the street should be respected. In assessing applications of this nature, the following will apply:

- Front extensions of any type should be of a scale and design which is complementary to, and consistent with, the original dwelling. Modest porches will generally be acceptable, but these should not incorporate additional rooms (e.g toilet, shower room), and should not detract from the design of the original building or the character of the street. [As noted above, it is considered that the](#)



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proposal does complement the existing dwelling as would have no negative impacts on the character or amenity of the original dwelling or surrounding area.

- In all cases, careful consideration will be given to (i) impact on adjacent property; (ii) visual impact; and (iii) the extent of any building line and the position of the adjacent buildings generally. [As a result of the development proposal, the new distance would be 4.7 m from the face of the building in comparison to 2 m at present. This would be broadly in line with No . 9 Marchbank Road, however this would be largely negligible from public viewpoints, or from within the curtilages of adjoining properties.](#)
- Within a Conservation Area, it will not be permitted to add a front extension to any property which forms part of an established building line. [Not applicable](#)
- Given the wide variety of house types across the city and the existence of ‘dual-frontage’ dwellings, it will be for the planning authority to determine which elevation forms the principal elevation of a dwelling for the purposes of this guidance. [While it is accepted that this is a dual frontage property, and this this is to the front, it is respectfully requested that due consideration be given by the Local Review Body to the unique circumstances of this site, to which a site visit could be happily accommodated.](#)
- Any front porch extension should incorporate a substantial proportion of glazing, in order to minimise its massing and effect on the streetscape. [The proposal does incorporate a significant proportion of glazing, although it is contested that there is no streetscape to impact upon.](#)

Ironically, the Councils own Supplementary Guidance has an illustration/photograph on page 13 of the Supplementary Guidance Householder Development Guide which shows a very contemporary extension read against a traditional build. This image is shown on the following page.



While that may be to the rear of said building, and there are the debates over the alterations being to the front/principal elevation, it still demonstrates that a significantly different extension of form, design and materials can be considered acceptable.

Our client has from the outset shown a strong desire to demonstrate some individuality in the design. They wish to avoid the provision of pastiche architecture. The application relates to a small-scale development to the property, replacing what is already a dated, and somewhat unattractive extension. The materials are appropriate and although the roof design is a slight juxtaposition, for such a small-scale development in a discreet, heavily wooded location it would be considered a welcome and interesting addition to the dwelling.



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Summary

The decision of the planning officer appears to be slavishly adhering to planning policy as opposed to taking a welcoming stance to new development, as encouraged through Scottish Planning Policy. Our client has a desire to provide a high-quality contemporary addition to the dwelling, whilst replacing a somewhat dated conservatory from the south facing elevation.

While in contrast to the original design, there is nothing within the quoted policies that outline that the design for new development must match that of the original. In this instance, the scale is clearly subservient to that of the two-storey property. Furthermore, the general form and roof pitches actually match those extended on the north elevation of the property to an extent.

As illustrated in the photographs of my client's property (Appendix 1), it is clear that the existing extensions are of limited architectural merit. As such, their replacement with contemporary living space, which is almost entirely hidden from public view, should not be questioned. The proposal would in our opinion, significantly better the appearance of the dwelling, and freshen it up to a bold and attractive future.

The Dab Den extensions are an award-winning architectural product, that have been recognised for its quality of design and materials by a number of respectable bodies. The contemporary designs of the extensions have been approved by numerous Local authorities for conservation areas in Aberdeen and throughout Scotland, as the simple but elegant designs are sympathetic to the existing buildings and are seen to complement the old traditional details.

Proposed Site Plan:



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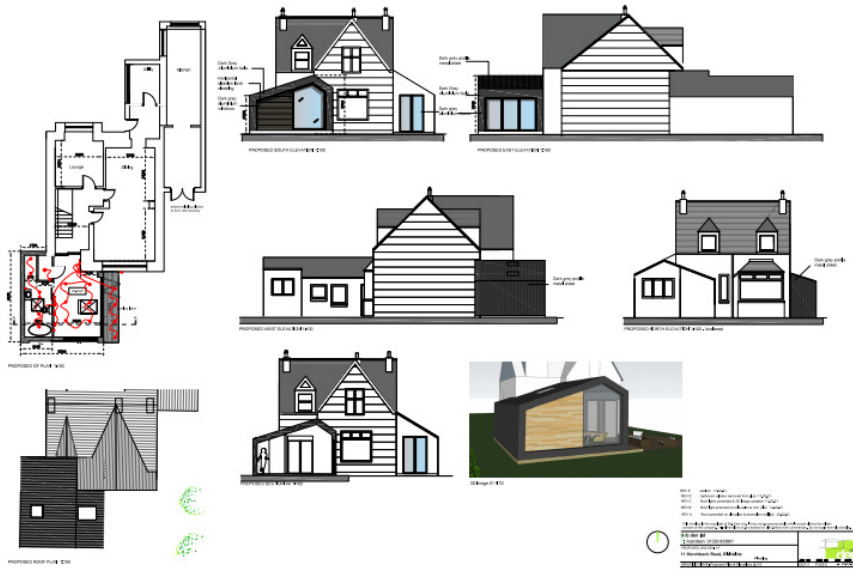
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Existing site plan:



Proposed Elevations:



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Existing elevations:



APPENDIX 1



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APPENDIX 2

Aberdeen City Local Development Plan 2017

Policy D1 – Quality placemaking by design

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

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

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

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

Policy H1 – Residential Areas

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

- 1 does not constitute over development.
- 2 does not have an unacceptable impact on the character and amenity of the surrounding area;
- 3 does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and
- 4 complies with Supplementary Guidance.



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Supplementary Guidance – Topic Area 2: Modifications to existing buildings and curtilages

Householder Development Guide

Para 3.1.4 General Principles

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1. Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale.
2. No extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected. Significant adverse impact on privacy, daylight and general amenity will count against a development proposal.
3. No existing extensions, dormers or other alterations which were approved prior to the introduction of this supplementary guidance will be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document.
4. The built footprint of a dwelling house as extended should not exceed twice that of the original dwelling.
5. No more than 50% of the front or rear curtilage shall be covered by development.

3.1.5 House Extensions

FRONT EXTENSIONS

Front extensions will only be considered acceptable in situations where they would not impact negatively on the character or amenity of the original dwelling and the surrounding area. In all cases the established building line of the street should be respected. In assessing applications of this nature, the following will apply:

- Front extensions of any type should be of a scale and design which is complementary to, and consistent with, the original dwelling. Modest porches will generally be acceptable, but these should not incorporate additional rooms (e.g. toilet, shower room), and should not detract from the design of the original building or the character of the street.

- In all cases, careful consideration will be given to (i) impact on adjacent property; (ii) visual impact; and (iii) the extent of any building line and the position of the adjacent buildings generally.
- Within a Conservation Area, it will not be permitted to add a front extension to any property which forms part of an established building line.
- Given the wide variety of house types across the city and the existence of 'dual-frontage' dwellings, it will be for the planning authority to determine which elevation forms the principal elevation of a dwelling for the purposes of this guidance.
- Any front porch extension should incorporate a substantial proportion of glazing, in order to minimise its massing and effect on the streetscape.



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LOCAL REVIEW BODY

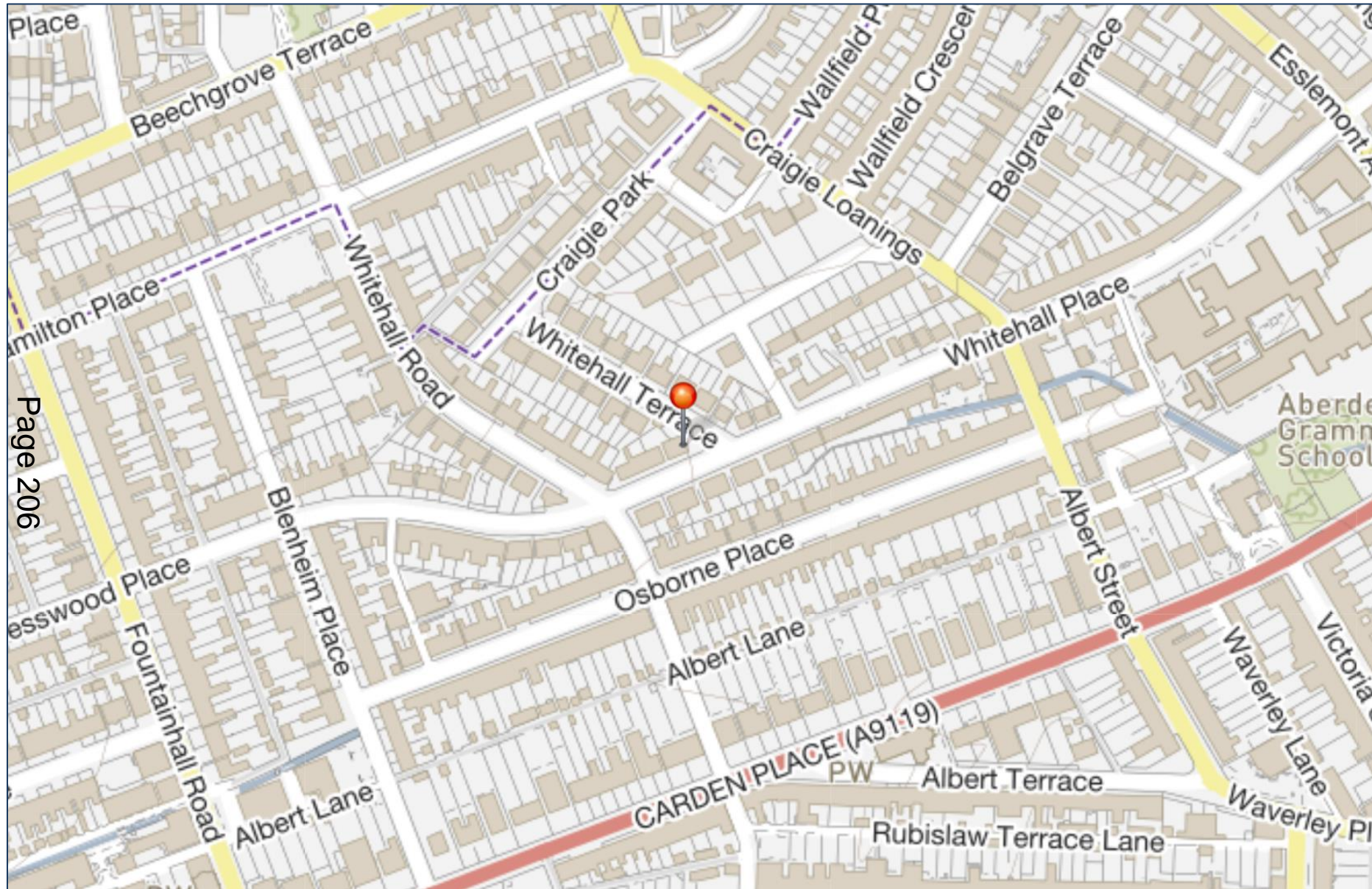


201165/DPP– Review against refusal of planning permission
for:

“Erection of summerhouse”

at 82 Whitehall Place, Aberdeen, AB25 2RZ

Location Plan (GIS)



Location Plan



Site Plan



Site Photo



Site Photos

Page 210



Site Photo



Elevations

The 8 sided Wraysbury Summerhouse

1:50 @ A4

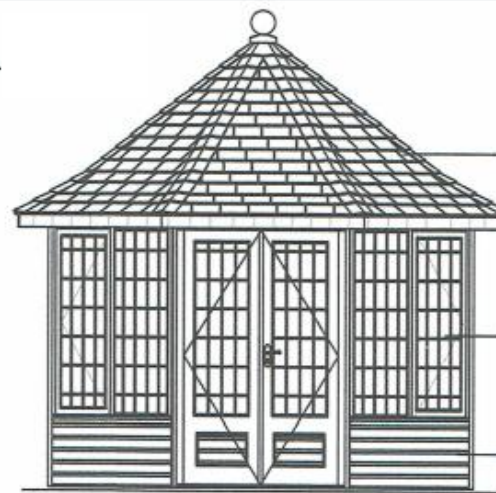


SOUTH FACING ELEVATION

NORTH FACING ELEVATION



EAST FACING ELEVATION



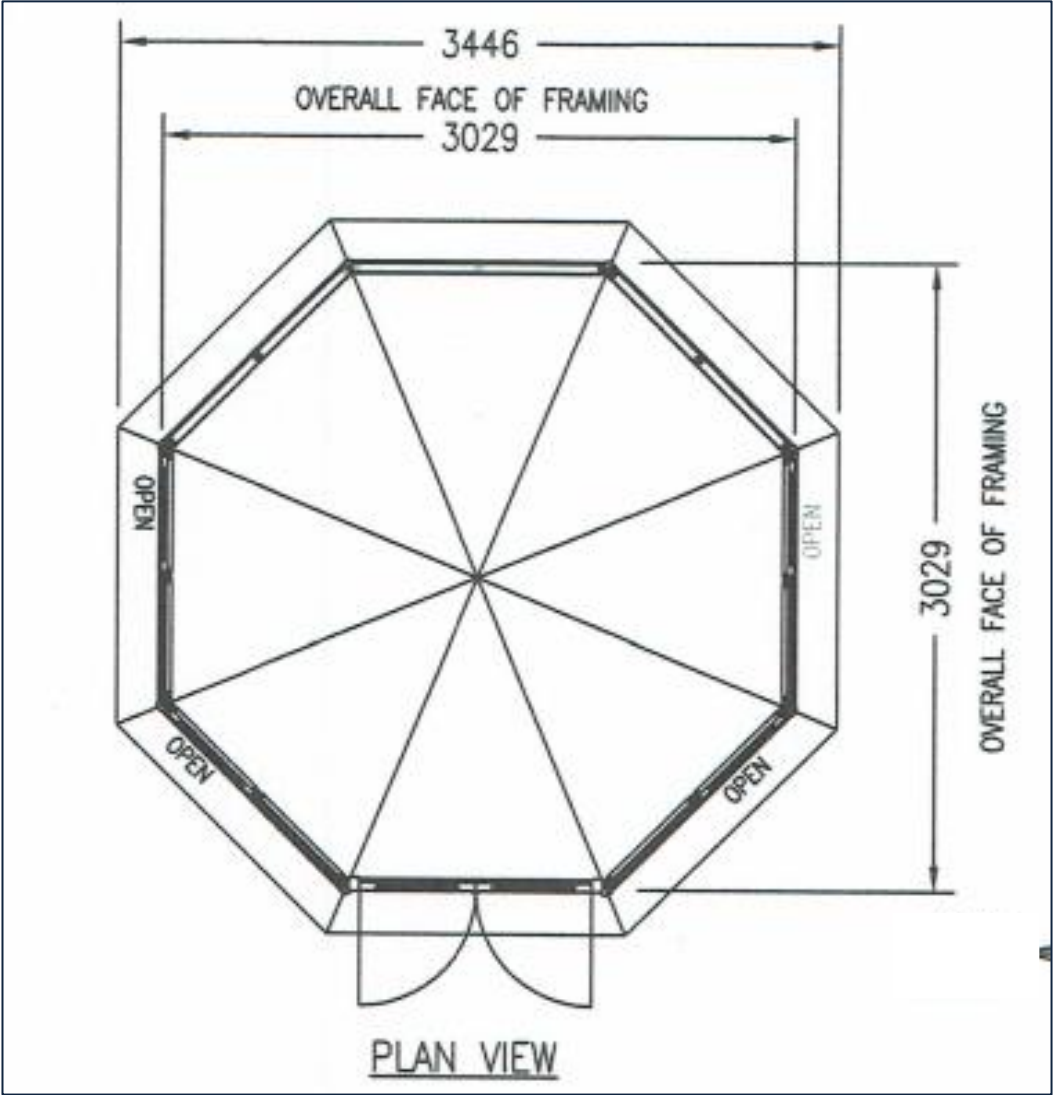
WESTERN RED CEDAR
SHINGLE ROOF, NATURAL
FINISH

WESTERN RED CEDAR FRAMES &
TRADITIONAL LEADED GLAZING

WESTERN RED CEDAR CLADDING
PAINTED OLD ENGLISH
CREAM

WEST FACING ELEVATION

Ground Floor Plan



Reasons for Decision

The proposal has failed to consider the context of the site and its surrounding area, and on the basis that the proposed summerhouse would occupy a prominent location within the front garden of a residential curtilage and lie forward of the front building line, it is considered that such development would be incompatible with the established pattern of development on the streetscape, and have an adverse effect on the existing built environment. The proposal is therefore considered to be contrary to the requirements of Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen City Local Development Plan, and does not comply with the Council's Supplementary Guidance on 'Householder Development'.

The proposal would fail to preserve the character and appearance of the Rosemount and Westburn Conservation Area in line with the legislative requirements of Scottish Planning Policy and Historic Environment Policy Scotland, and would therefore also fail to address the requirements of Policy D4 (Historic Environment) of the Aberdeen City Local Development Plan.

Applicant's Case

Policy H1 – Residential Areas

Agrees with the appointed officers report that the proposal does not constitute over development; does not have an unacceptable impact on the character and amenity of the surrounding area and does not result in the loss of valuable and valued areas of open space.

With regards to compliance with Supplementary Guidance – The Householder Development Guide does not state that outbuildings will never be permitted in front gardens, but that locations will be restricted in the interest of ensuring that development forward of a front building ensuring no negative visual impact on the area.

The proposal is not considered to project forward of the existing building line along either Whitehall Place or Whitehall Terrace, which in some cases have development right up to the footway. Additionally, any potential visual impact would be minimised by the existing hedge and those elements which will be visible have been designed to be unobtrusive and to complement the streetscape.

Noted that the proposed development complies with all other criteria of the Supplementary Guidance.

Applicant's Case

Policy D1 - Quality Placemaking by Design

Applicant sets out that the development complies with the six qualities of successful placemaking. Although it is noted that not all qualities are relevant to all applications.

Policy D4 – Historic Environment

The proposed summerhouse would not alter the pattern of the streets in the area, nor would it have any impact on any existing buildings or the identified parkland settings, it presents no conflict with this designation.

Page 216
Rosemount and Westburn Conservation Area Appraisal - does not identify it as being a key or notable building within this character area, nor are either the house itself or the views along the street as a whole described as making any particular contribution to the character area, as such there would be no impact on the character area as a whole.

Nothing within the appraisal that justifies refusal of the proposed summerhouse at 82 Whitehall Place.

Policy D4 also needs to be read in the context of relevant national policy on the historic environment, including Scottish Planning Policy, the Historic Environment Policy for Scotland, and Historic Environment Scotland guidance notes on Managing Change in the Historic Environment.

Applicant's Case

Makes reference to planning application 131045 and 182030/DPP - lend significant support to this application also being approved.

Conclusion:

- The proposed summerhouse would not project forward of the existing building line established by other development on both Whitehall Place and Whitehall Terrace;
- The summerhouse would be largely screened from view by the existing hedge that bounds the site, with scope for a condition to be applied to any grant of planning permission to ensure that continues to be the case in future, such that the visual impact would be minimal; and
- Precedent decisions make it clear that the Conservation Area has capacity to absorb far more significant changes than that proposed in terms of this application, including development that does project forward of the existing building line.

Considerations

Policies

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

Supplementary Guidance (SG)

- Householder Development Guide

Page 218

Other Material Considerations

- Rosemount and Westburn Conservation Area Appraisal
- Scottish Planning Policy
- Historic Environment Policy for Scotland
- Managing Change Guidance “Setting”

Policy H1 – Residential Areas

Policy H1 - Residential Areas

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

- 1 does not constitute over development;
- 2 does not have an unacceptable impact on the character and amenity of the surrounding area;
- 3 does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and
- 4 complies with Supplementary Guidance.

Does the proposal comply with all criteria?

Householder Development Guidance – 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.

Policy D1 - Quality Placemaking by Design

Policy D1 - Quality Placemaking by Design

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

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

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

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

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

Policy D4 - Historic Environment

Policy D4 - Historic Environment

The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP and its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. There will be a presumption in favour of the retention and reuse of listed buildings and buildings within conservation areas that contribute to their character. High quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas and historic gardens and designed landscapes, will be supported.

Page 222

Does the proposal present a high quality design that respects the character appearance and setting of the conservation area?

Points for Consideration:

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

Zoning: Does the proposal comply with the tests set out in policy H1 (Residential Areas) and does it accord with the principles set out for outbuildings in the 'Householder Development Guide'?

Design: Is the proposal of sufficient design quality to be considered compliant with Policy D1 - *having regard for factors such as scale, siting, materials etc?*


Historic Environment: Would the proposed development impact the character and appearance of the Rosemount and Westburn Conservation Area/be compliant with the criteria of Policy D4?

2. Do other material considerations (e.g. Proposed ALDP, SPP, HEPS, Managing Change Guidance etc.) weigh in favour of approval or refusal?

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	82 Whitehall Place, Aberdeen, AB25 2RZ,
Application Description:	Erection of summerhouse to front/side
Application Ref:	201165/DPP
Application Type:	Detailed Planning Permission
Application Date:	29 September 2020
Applicant:	Mr Denby Pettitt
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Queen's Cross and Harlaw
Case Officer:	Jane Forbes

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site, which is located within the Rosemount and Westburn Conservation Area, lies on the north side of Whitehall Place and comprises a 1½ storey semi-detached dwelling house in pink granite with single storey rear extension, and slated mansard style roof. The site forms a corner plot, where the principal elevation of the property fronts onto Whitehall Place, and the gable (side) and rear elevations front onto Whitehall Terrace. To the rear of the property a single garage lies within the northern corner of the site, accessed directly off Whitehall Terrace.

The rear and side garden is fully enclosed by means of a 2 metre high traditional granite rubble wall which extends a distance of some 20 metres along the site boundary fronting Whitehall Terrace, then dropping to a height of some 0.6m for approximately 10 metres, before continuing at this height onto Whitehall Place, where it delineates the front boundary of the site. In addition to the aforementioned low level boundary wall, there is a 2.15m high hedge which also extends along the southern section of the site boundary facing Whitehall Place, and along part of its boundary with Whitehall Terrace, enclosing the easternmost section of the front garden.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a summerhouse within the south-east corner of the front garden of the property, at a distance of 1.5m from the boundary with Whitehall

Place and 1.5m from Whitehall Terrace. The structure would be octagonal in shape and extend to a width of 3m, at a height of 3.1m to the top of the roof, and reaching 3.4m to the top of the finial. The structure would be in timber, painted in cream, with a red cedar shingle roof and would contain windows and glazed doors on the northern, southern and western elevations, with solid timber along the eastern elevation.

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=QHEZSIBZKRT00>

CONSULTATIONS

Queen's Cross and Harlaw Community Council – No comments

REPRESENTATIONS

1 letter of representation has been received, objecting to the proposal. The matters raised can be summarised as follows:

1. The proposed land use (front-garden summerhouse) is not consistent with Policy H1 (residential areas) of the Aberdeen Local Development Plan, including supplementary guidance, which states: "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."

MATERIAL CONSIDERATIONS

Legislative Requirements

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

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

National Planning Policy and Guidance

Scottish Planning Policy

Historic Environment Policy for Scotland

Aberdeen Local Development Plan (2017)

Policy H1 (Residential Areas)

Policy D1 (Quality Placemaking by Design)

Policy D4 (Historic Environment)

Proposed Aberdeen Local Development Plan (2020)

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

to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

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

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

Policy H1 (Residential Areas)

Policy D1 (Quality Placemaking)

Policy D2 (Amenity)

Policy D6 (Historic Environment)

Supplementary Guidance (SG) and Technical Advice Notes

Householder Development Guide

EVALUATION

Principle of Development

The application site lies within an area zoned as residential within the Aberdeen City Local Development Plan (2017) and the proposed development must therefore be considered against Policy H1 (Residential Areas) of the ALDP. The proposal, which is for the erection of a summerhouse, relates to householder development, and complies with Policy H1 in principle provided it does not constitute overdevelopment; does not adversely affect the character and amenity of the surrounding area; and complies with the associated Supplementary Guidance 'Householder Development Guide'. These issues are assessed in the evaluation below.

Impact of Proposed Development

In assessing the proposal against the relevant criteria of Policy H1 (Residential Areas) and in terms of the Council's Supplementary Guidance on Householder Development, it is considered that the scale, massing and proportions of the proposed summerhouse, when viewed in isolation, would be appropriate in terms of the existing dwelling house and plot size and would not result in overdevelopment, given that the summerhouse would occupy a footprint of some 7m² within the front curtilage, which extends to an area of some 155m², and would therefore remain within the 50% of development allowed in terms of the aforementioned SG.

However, under Policy H1 (Residential Areas) there is a fundamental requirement that development should not adversely affect the character and amenity of an area, and in terms of the basic principles of the aforementioned SG, that due consideration is given to the scale, context and siting of development. In the context of this application site, which lies within the Rosemount and Westburn Conservation Area, such consideration is clearly of particular relevance.

The aforementioned SG outlines specific criteria to be addressed when considering outbuildings, which would include this type of summerhouse development, and in this respect there is further emphasis that such development should not have a negative impact on the character of the surrounding area, and a clear statement within the SG that '*Outbuildings will not usually be acceptable in front gardens because of the damaging impact which development forward of a front building line can have on the visual character of an area*'.

In assessing the proposal against Policy D1 (Quality Placemaking by Design) of the ALDP, whilst there is an acceptance that not all development will be of a scale that makes a significant placemaking impact there is nevertheless a recognition that good design and detail adds to the attractiveness of the built environment. Under Policy D1 the design of the proposed development

is considered within the context of the site and surrounding area, with factors such as siting, scale, massing, materials, design detail, proportions and the established pattern of development all deemed to be relevant in assessing its contribution and impact.

Taking all of the above into account it is considered that the proposal has failed to address the context of the site and its surrounding area. The proposed summerhouse would occupy a prominent location within the front garden of a residential curtilage, it would lie forward of the front building line of the dwellinghouse, and result in development which would not be compatible with the established pattern of development on the streetscape, thereby having a negative impact on the character of the area and adversely affecting the built environment.

As such the proposal would fail to address the expectations of the Supplementary Guidance on Householder Development and would be contrary to the requirements of both Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) of the ALDP.

Impact upon Character and Appearance of the Conservation Area

The application site lies within the Rosemount and Westburn Conservation Area. Scottish Planning Policy (SPP) states that 'Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.' Historic Environment Policy for Scotland (HEPS) meanwhile outlines the importance of fully understanding the impact of decisions, with full consideration given to the level of impact of proposals on the historic environment, with negative impact avoided where possible. Finally, Policy D4 (Historic Environment) of the ALDP states that 'high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings and conservation areas will be supported.'

In this instance the general design and material finish of the proposed summerhouse does not raise any particular concerns, and whilst potentially of an appropriate scale in terms of its intended use, when the scale of such development is considered in the context of the application site, where it relates to the erection of an ancillary building within the front garden of a residential curtilage, forward of the front building line of the dwelling, and where the front garden forms part of a particularly prominent corner at the junction of Whitehall Place and Whitehall Terrace, then the resulting negative impact on the appearance and character of the conservation area is apparent. The height of the proposed summerhouse is such that it would be clearly visible from outwith the site, and whilst the existing hedge provides some level of screening at present, its long-term retention cannot be guaranteed.

For the reasons stated above, it is considered that the proposed development would have an adverse impact on the character and appearance of the Rosemount and Westburn Conservation Area, and as such the proposal would be contrary to Policy D4 (Historic Environment) of the ALDP, and would fail to address the aims of SPP and HEPS.

Proposed Aberdeen Local Development Plan

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

Matters raised in Representations

The point raised in the letter of representation has been addressed in the foregoing evaluation.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposal has failed to consider the context of the site and its surrounding area, and on the basis that the proposed summerhouse would occupy a prominent location within the front garden of a residential curtilage and lie forward of the front building line, it is considered that such development would be incompatible with the established pattern of development on the streetscape, and have an adverse effect on the existing built environment. The proposal is therefore considered to be contrary to the requirements of Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen City Local Development Plan, and does not comply with the Council's Supplementary Guidance on 'Householder Development'

The proposal would fail to preserve the character and appearance of the Rosemount and Westburn Conservation Area in line with the legislative requirements of Scottish Planning Policy and Historic Environment Policy Scotland, and would therefore also fail to address the requirements of Policy D4 (Historic Environment) of the Aberdeen City Local Development Plan.

Taking the above into account and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations of sufficient weight, including evaluation under the Proposed Aberdeen Local Development Plan 2020, that would warrant approval of the application in this instance.

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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 100311801-001

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)

Western red cedar summerhouse with traditional leaded glazing, painted in old English cream and cedar shingled roof to be positioned in the garden area of the property.

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:	Chelsea Summerhouses Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Grahame	Building Name:	
Last Name: *	Burn	Building Number:	51
Telephone Number: *	07703726202	Address 1 (Street): *	Station Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Sedgefield
Fax Number:		Country: *	United Kingdom
		Postcode: *	TS21 2BY
Email Address: *	grahame.burn@chelseasummerhouses.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: *	Denby	Building Number:	82
Last Name: *	Pettitt	Address 1 (Street): *	82 Whitehall Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB25 2RZ
Fax Number:			
Email Address: *	grahame.burn@chelseasummerhouses.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

82 WHITEHALL PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB25 2RZ

Please identify/describe the location of the site or sites

Northing

806155

Easting

392702

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: Grahame Burn

On behalf of: Mr Denby Pettitt

Date: 29/09/2020

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 Grahame Burn

Declaration Date: 29/09/2020

Payment Details

Online payment: ABSP00005643
Payment date: 29/09/2020 10:08:00

Created: 29/09/2020 10:08

DECISION NOTICE

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

Grahame Burn
Chelsea Summerhouses Ltd
51 Station Road
Sedgefield
TS21 2BY

on behalf of **Mr Denby Pettitt**

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

**Erection of summerhouse to front/side
at 82 Whitehall Place, Aberdeen**

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

Drawing Number	Drawing Type
	Location Plan
	Site Layout (Proposed)
CH12220-1 A	Elevations and Floor Plan
CH12220-2 A	Multiple Elevations (Proposed)

REASON FOR DECISION

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

The proposal has failed to consider the context of the site and its surrounding area, and on the basis that the proposed summerhouse would occupy a prominent location within the front garden of a residential curtilage and lie forward of the front building

line, it is considered that such development would be incompatible with the established pattern of development on the streetscape, and have an adverse effect on the existing built environment. The proposal is therefore considered to be contrary to the requirements of Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen City Local Development Plan, and does not comply with the Council's Supplementary Guidance on 'Householder Development'

The proposal would fail to preserve the character and appearance of the Rosemount and Westburn Conservation Area in line with the legislative requirements of Scottish Planning Policy and Historic Environment Policy Scotland, and would therefore also fail to address the requirements of Policy D4 (Historic Environment) of the Aberdeen City Local Development Plan.

Taking the above into account and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations of sufficient weight, including evaluation under the Proposed Aberdeen Local Development Plan 2020, that would warrant approval of the application in this instance.

Date of Signing 9 March 2021

A handwritten signature in blue ink that reads "Daniel Lewis". The signature is written in a cursive, slightly slanted style.

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

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

None.

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

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

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

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

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

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

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Comments for Planning Application 201165/DPP

Application Summary

Application Number: 201165/DPP

Address: 82 Whitehall Place Aberdeen AB25 2RZ

Proposal: Erection of summerhouse to front/side

Case Officer: Jane Forbes

Customer Details

Name: Dr Bill Harrison

Address: 16 Summer Place Dyce Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application. Reason: the proposed land use (front-garden summerhouse) is not consistent with policy H1 (residential areas) of the Aberdeen Local Development Plan (including supplementary guidance, which states: "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").

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201165/DPP

Aberdeen Local Development Plan (2017)

Policy H1 (Residential Areas)

Policy D1 (Quality Placemaking by Design)

Policy D4 (Historic Environment)

Supplementary Guidance

Householder Development Guide -

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

National Planning Policy and Guidance

Historic Environment Policy for Scotland

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

Managing Change in the Historic Environment – Setting

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=80b7c0a0-584b-4625-b1fd-a60b009c2549>

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>

Circular 4/1998 – The use of conditions in planning permissions

<https://www.gov.scot/publications/planning-circular-4-1998-use-of-conditions-in-planning-permissions/>

Rosemount Conservation Area

https://www.aberdeencity.gov.uk/sites/default/files/2017-11/Rosemount%20and%20Westburn%20Conservation%20Area%20Appraisal_0.pdf

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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 100395859-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="c/o agent"/>
First Name: *	<input type="text" value="Denby"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Pettitt"/>	Address 1 (Street): *	<input type="text" value="c/o agent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="c/o agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="c/o agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="c/o agent"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="info@auroraplanning.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="82 WHITEHALL PLACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB25 2RZ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806155"/>	Easting	<input type="text" value="392702"/>
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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 summerhouse to front/side

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see paper apart

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)

Please see Appendix One to the paper apart

Application Details

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

201165/DPP

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

29/09/2020

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

09/03/2021

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)

A site inspection would allow members to see the site context and the extent to which the site is screened when viewed from the street.

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: Miss Pippa Robertson

Declaration Date: 16/04/2021

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**82 WHITEHALL PLACE
ABERDEEN
AB25 2RZ**

**NOTICE OF REVIEW
UNDER
S.43a(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

in respect of

DECISION TO REFUSE PLANNING APPLICATION REFERENCE 201165/DPP

PAPER APART



1 Introduction

1.1 Planning application reference 201165/DPP was validated by Aberdeen City Council on 29 September 2020, seeking planning permission for the “Erection of summerhouse to front/side” at 82 Whitehall Place, Aberdeen.

1.2 The application was refused by officers under delegated powers on 9 March 2021, with the Decision Notice [Document 8] giving the reasons for refusal as being:

“The proposal has failed to consider the context of the site and its surrounding area, and on the basis that the proposed summerhouse would occupy a prominent location within the front garden of a residential curtilage and lie forward of the front building line, it is considered that such development would be incompatible with the established pattern of development on the streetscape, and have an adverse effect on the existing built environment. The proposal is therefore considered to be contrary to the requirements of Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen City Local Development Plan, and does not comply with the Council’s Supplementary Guidance on ‘Householder Development’.

The proposal would fail to preserve the character and appearance of the Rosemount and Westburn Conservation Area in line with the legislative requirements of Scottish Planning Policy and Historic Environment Policy Scotland, and would therefore also fail to address the requirements of Policy D4 (Historic Environment) of the Aberdeen City Local Development Plan.

Taking the above into account and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations of sufficient weight, including evaluation under the Proposed Aberdeen Local Development Plan 2020, that would warrant approval of the application in this instance.”

1.3 A review of the decision to refuse the application is now sought on the grounds that the proposed development:

- complies with the Aberdeen Local Development Plan (ALDP) [Document 9], including relevant associated Supplementary Guidance [Document 10]; and
- is supported by other relevant material considerations, including:



- the Draft Rosemount and Westburn Conservation Area Appraisal (CAA) [Document 11];
- Scottish Planning Policy (SPP) [Document 12];
- Historic Environment Policy for Scotland [Document 13];
- Historic Environment Scotland’s Managing Change series of guidance notes – Setting (2020) [Document 14]; and
- the decisions in respect of planning application reference P131045 and planning application reference 182030/DPP [Documents 16 to 22].

1.4 In relation to the above points, the Report of Handling for the application [Document 7] makes it clear that:

- when viewed in isolation, the scale, massing and proportions of the proposed summerhouse would be appropriate in terms of the existing dwelling house and plot size and would not result in overdevelopment;
- the general design and material finish of the proposed summerhouse does not raise any particular concerns; and
- there are no concerns regarding any impacts on neighbouring residential amenity resulting from the proposed development.

1.5 It should also be noted that there were no objections to the application from any neighbours on either Whitehall Terrace or Whitehall Place, or from the Community Council.

1.6 The sole concerns with regards to the application then relate to the location of the proposed summerhouse within the site and the impact that the development might have on the surrounding Conservation Area as a result, and these concerns are addressed in Section 5 below. Importantly, Section 5 requires to be read in the context of Section 4, which demonstrates that the proposed development complies with all relevant development plan policies, supplementary guidance and other material considerations, including those relating to the protection of the historic environment. In particular, it should be noted that:



- the proposed summerhouse would not project forward of the existing building line established by other development on both Whitehall Place and Whitehall Terrace;
- the summerhouse would be largely screened from view by the existing hedge that bounds the site, with scope for a condition to be applied to any grant of planning permission to ensure that continues to be the case in future, such that the visual impact would be minimal; and
- precedent decisions make it clear that the Conservation Area has capacity to absorb far more significant changes than that proposed in terms of this application, including development that does project forward of the existing building line (see planning application reference 182030/DPP) and, taking into account the factors above, these lend significant support to the conclusion that the proposed development would not have a negative impact on the character of the area.

1.7 A full list of documents submitted in support of this Review is provided in Appendix One.

2 Background

2.1 As set out in the Report of Handling for the application, 82 Whitehall Place is located on the corner of Whitehall Place and Whitehall Terrace, within the Rosemount and Westburn Conservation Area. It is not however listed or subject to any other protective designations.

2.2 In terms of assessing the site context, key features of the Rosemount and Westburn Conservation Area as identified in the CAA are set out in paragraph 4.17 below, in terms of which it should in particular be noted that building lines in the area often extend right up to the pavement edge, with no one fixed building line per se. Examples of development fronting directly or almost directly onto the pavement include garages on Whitehall Terrace (including the garage associated with 82 Whitehall Place) and Westfield Terrace, a greenhouse at 80 Whitehall Place, and houses at 50 and 52 Whitehall Place, with 104 Whitehall Place also projecting further forwards than the existing house at 82 Whitehall Place does (see images 1 - 4 at Appendix Two).

2.3 The area also features a range of house sizes and materials, from traditional granite properties to contemporary designs incorporating zinc and other metals such as, for example, the house at 58B Whitehall Place (see image 9 at Appendix Two). Likewise, whereas roofs on traditional properties in the area are typically slate, a number of



variations on this can be seen, including both grey and red tiles and coloured detailing on many roofs (including that of 82 Whitehall Place) (see images 5 - 8 at Appendix Two).

- 2.4 Within the site, 82 Whitehall Place is a 1½ storey semi-detached dwelling in pink granite, with garden ground to the front, side and rear, and a single garage in the northern corner of the site which is accessed directly off Whitehall Terrace. The garden areas are enclosed by means of a traditional granite rubble wall which is approximately 0.6m high along the boundary fronting Whitehall Place and the first 10m or so along the boundary fronting Whitehall Terrace, and then increases to 2m in height for the remaining 20m or so of the boundary wall fronting Whitehall Terrace. The boundary treatment also includes a hedge of approximately 2.15m high which tops the boundary wall to the south and the east of the garden area to the side of the house, such that there are direct no views into it from the street, and a fence and planting on the west side of the side garden which screens this from the view of anyone travelling eastwards along Whitehall Terrace.
- 2.5 While the corner location of 82 Whitehall Place means that it benefits from a relatively generous area of garden ground, the majority of this is located to the north of the house, which limits the amount of sunlight it receives, particularly in the late afternoon and evening. In contrast, the south eastern corner of the garden to the side of the house benefits from sunshine throughout most of the day, with this having informed the choice of location for the proposed summerhouse accordingly.

3 Proposed development

- 3.1 Against the above background, the application seeks planning permission for the erection of a summerhouse in the south eastern corner of the garden in order to further enhance the amenity value of this area, with there being no other location within the garden where it would be practical to locate this. As also set out in the Report of Handling for the application, the structure would be located 1.5m from the boundary with Whitehall Place and 1.5m from Whitehall Terrace, and would be octagonal in shape, with a width of 3m and a height of 3.1m to the top of the roof, reaching 3.4m to the top of the finial. As such, the proposed summerhouse would be significantly smaller than the dwellinghouse and, while the height of the proposed summerhouse would exceed that of the existing hedge to the south and east of it, the height of that hedge means that only the upper part roof of the structure would be visible.



- 3.2 Importantly, while it is noted that the Report of Handling raises concerns about the potential for the existing hedge to be removed in future, the applicant would be happy to accept a condition which prevented this from being done without the consent of the planning authority. This would be in line with **Planning Circular 4/1998 Model Planning Conditions Addendum** [Document 15], model condition ‘e’ under the heading ‘Landscaping’ of which makes it clear that a condition preventing existing trees or shrubs being lopped, topped, felled, removed or disturbed in any way without the prior written consent of the planning authority is a valid condition to impose. In addition, if the existing hedge were to die for any reason, the applicant would propose to replace it with a similar hedge of an equivalent height. The application should therefore be assessed on the basis that the existing hedge would be retained, and this should be considered as part of the proposal accordingly.
- 3.3 In terms of materials, the summerhouse would be timber, painted in cream, with a red cedar shingle roof, windows and glazed doors on the northern, southern and western elevations, and solid timber along the eastern elevation. Of these features, the red cedar shingle roof in particular has been chosen to complement the pink granite and tiled roof of the house at 82 Whitehall Place while providing a visual differentiation between the two buildings to ensure that the summerhouse is seen as separate from – and, importantly, subordinate to – the house. At the same time, this is in keeping with other roofs in the wider area, which include a number of examples of red coloured roofs as highlighted in paragraph 2.3 above.

4 Policy context

- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, the relevant Local Development Plan is the Aberdeen Local Development Plan (ALDP), paragraph 1.4 of which states that:

*“It is important to remember that development proposals will be assessed against a number of policies within the Local Development Plan so it **must be carefully considered as a whole**” (emphasis added).*

- 4.2 This also includes Supplementary Guidance adopted under the ALDP, which has the same weight in decision making as the ALDP itself.
- 4.3 It should also be noted that the ALDP is currently under review, with consultation on the Proposed Local Development Plan 2020 (PLDP) having been carried out last year,



and responses to that consultation now being considered by the Council. As the settled view of the Council, the PLDP is a significant material consideration. As noted in the Report of Handling however, the relevant policies of the PLDP substantially re-iterate those in the adopted ALDP, and so these are not considered in detail here, with it submitted that the proposed development complies with the PLDP for the same reasons it is submitted that it complies with the ALDP as set out below.

- 4.4 In addition, section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that, in determining a planning application with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 4.5 In terms of the ALDP, 82 Whitehall Place is located within a residential area, within which **Policy H1 – Residential Areas** states that proposals for new development and householder development will be approved in principle provided that these comply with certain criteria, each of which is addressed in turn below.

Does not constitute over development

- 4.6 As set out in paragraph 1.4 above, the Report of Handling for the application makes it clear that this criterion is satisfied.

Does not have an unacceptable impact on the character and amenity of the surrounding area

- 4.7 As also set out in paragraph 1.4 above, the Report of Handling for the application raises no concerns about the potential for the proposed development to have any impact on existing residential amenity in the area, with the nature and location of this meaning that it would not result in any overlooking, overshadowing or loss of privacy at any neighbouring properties.
- 4.8 In terms of the character of the area, the way in which the proposed development complies with both the ALDP and other relevant policy documents in terms of both design and development in the historic environment is set out in paragraphs 4.14 to 4.28 below, in light of which it is clear that there are no grounds for concluding that there would be a negative impact in this regard. The same goes for the nature of the development, this being a domestic summerhouse which would be ancillary to an existing residential property, in a residential area, such that there would be no impact on the character of the area in this regard.



Does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010

- 4.9 This aspect of the Policy is not applicable to this application; there will be no loss of valuable or valued open space as a result of the development proposed.

Complies with Supplementary Guidance

- 4.10 The relevant supplementary guidance in this case is **Supplementary Guidance: Householder Development Guide**, which supports Policy H1 by providing guidelines as to what types of householder development, including ancillary buildings, may be permissible and where. Of relevance to this application, the Guidance sets out a number of criteria with which outbuildings are generally expected to comply, including that these should not have a negative impact on the character of the surrounding area, and that they will not usually be acceptable in front gardens because of the impact that development forward of a front building line can have on the visual character of the area. Notably though, this does not state that outbuildings will never be permitted in front gardens, just that the siting of them in such locations will be restricted in the interest of ensuring that development forward of a front building line does not have a negative visual impact on the area.
- 4.11 In this regard, paragraph 2.2 above and the last bullet point of paragraph 4.17 below highlight that building lines in the surrounding area often extend right up to the pavement edge, examples of which include the garage at 82 Whitehall Place and the greenhouse at 80 Whitehall Place, in light of which it can be seen that the proposed summerhouse would not project forward of the existing building line along either Whitehall Place or Whitehall Terrace. At the same time, any potential visual impact of the proposed summer house would be minimised by the fact that the existing hedge means that most of this would not in any event be visible from the street, and those elements which will be visible have been designed to be unobtrusive and to complement the streetscape. As these factors mean that the proposed summerhouse would not have a negative impact on the character of the surrounding area, applying the general restriction on development in front gardens is not justified in this instance.
- 4.12 The proposed development then also complies with all other relevant criteria of the Supplementary Guidance, in that this would be:
- subordinate in scale to the existing dwellinghouse;
 - single storey;



- of a design and scale that respects the prevalent context of the surrounding area; and
 - have no impact on the amenity of the area in terms of loss of daylight or privacy.
- 4.13 In light of the above, the application should be supported as being in accordance with the Supplementary Guidance and with Policy H1.
- 4.14 For all development, good quality design, careful siting and due consideration of scale, context and design are key, in terms of which consideration needs to be given to **Policy D1 – Quality Placemaking by Design**. This requires all development to ensure high standards of design and to have a strong and distinctive sense of place, with all proposals to be considered against the six qualities of successful placemaking set out in the Policy. Not all of the qualities are relevant to all applications but, where relevant to this application, these support the proposed development as set out below:
- **Distinctive** – in that the proposed summerhouse would be both subservient to and architecturally compatible with the original property and other properties in the area, as set out in paragraph 3.3 above;
 - **Welcoming** – by being attractively detailed in terms of materials, colour and proportion, as also set out in paragraph 3.3 above;
 - **Safe and pleasant** – in terms of which the proposed summerhouse would have no impact on adjoining residential amenity, as set out in paragraph 4.7 above;
 - **Adaptable** – by being suitable for a range of uses (including, for example, a home office) that will improve the amenity value of the property; and
 - **Resource efficient** – with all the timber for the proposed summerhouse being ethically sourced and PEFC certified.
- 4.15 As the proposed development reflects all relevant qualities of successful placemaking as set out above, it clearly complies with Policy D1.
- 4.16 Also related to design, **Policy D4 – Historic Environment** makes it clear that the Council will look to protect, preserve and enhance the historic environment in line with Scottish Planning Policy, Scottish Historic Environment Policy (SHEP) and its own



Supplementary Guidance and Conservation Area Character Appraisals and Management Plans.

4.17 With regards to the historic interest of the Conservation Area specifically, the proposed development requires to be assessed in the context of the **Draft Rosemount and Westburn Conservation Area Appraisal (CAA)**, in terms of which the following should be noted:

- the two main reasons for the Conservation Area being designated are the preservation of the street pattern and granite buildings in this, and the preservation of the parkland setting of both Westburn and Victoria Parks, and the Cornhill Estate – as the proposed summerhouse would not alter the pattern of the streets in the area, nor would it have any impact on any existing buildings or the identified parkland settings, it presents no conflict with this designation.
- within the Conservation Area, 82 Whitehall Place is located within character area A, but the CAA does not identify it as being a key or notable building within this character area, nor are either the house itself or the views along the street as a whole described as making any particular contribution to the character area – in the absence of 82 Whitehall Place being of any particular importance to the character of the area, or of the proposed summerhouse having any impact on any buildings that are, there would be no impact on the character area as a whole.
- notably, the CAA describes Whitehall Place and Whitehall Terrace as being very different to the rest of the character area in terms of its typical building forms and features, with the CAA’s focus being 6 houses on the north side of Whitehall Place which can be seen on the 1915 map of Aberdeen (see image 10 at Appendix Two, with this also showing that 82 Whitehall Place had not yet been built at that time) – again, as the proposed summerhouse would have no impact on any buildings of importance to the character area as shown on the 1915 map, it would have no impact on the character of the area as established by these.
- in terms of materials, the CAA refers to granite, slate and timber as all being high quality material materials which are understood to be appropriate to the area, with a number of examples of all of these visible in the area – as the proposed summerhouse would be constructed of timber, it would be in keeping with these typically used materials in the area.
- the CAA also notes that there are a number of tenement flats in the area which open straight onto the back of the pavement, while houses on Belgrave Terrace



and to the west of Craigie Loan are set back a maximum of 3m from the road – in contrast, the house at 82 Whitehall Place is set back some 4m from Whitehall Place, with a distance of at least 10m from the junction of Whitehall Place and Whitehall Terrace, leaving ample space for the proposed summerhouse to be located in the front garden without coming any further forwards than other properties in the area.

4.18 As set out above, there is then nothing in the CAA that would justify refusal of the proposed summerhouse at 82 Whitehall Place.

4.19 Policy D4 also needs to be read in the context of relevant national policy on the historic environment, including Scottish Planning Policy, SHEP (now replaced by Historic Environment Policy for Scotland), and Historic Environment Scotland guidance notes on Managing Change in the Historic Environment. These are each considered in turn below, in light of which it is again clear that there are no grounds for concluding that there would be any negative impact on the historic environment as a result of the proposed development, but rather the application should be supported in line with the relevant policy provisions.

4.20 **Scottish Planning Policy (SPP) (2014, as revised December 2020)** includes a policy principle which states that

“The planning system should: enable positive change in the historic environment which is informed by a clear understanding of the important of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise any adverse impacts on the fabric and setting of the asset and ensure that its special characteristics are protected, conserved or enhanced.”

4.21 In accordance with this principle, the design and materials of the proposed summerhouse have been informed by existing development in the Conservation Area as set out in paragraph 3.3 above and, for the reasons given in paragraph 4.17 above, it is clear that it will have no adverse impact on the special characteristics of the area as described in the CAA.

4.22 SPP also makes it clear that proposals for development within Conservation Areas should preserve or enhance the character and appearance of the area, and that proposals that do not harm the character or appearance of the Conservation Area should be treated as doing this. Again, on the basis that the proposed works will not have any negative impact on the key characteristics or aims of the Conservation Area



identified in the CAA as set out in paragraph 4.17 above, the application should be supported accordingly.

4.23 **Historic Environment Policy for Scotland** sets out six policies for managing the historic environment, amongst which it is emphasised that decisions on proposed changes should ensure that enjoyment and benefits of the historic environment are secured for present and future generations, and that opportunities for enhancement should be identified where appropriate. In doing this, the core principles highlight that change can be necessary for places to thrive, and that good decisions take a long-term view and, amongst other things, are well-informed and proportionate.

4.24 In this regard, a well-informed and proportionate decision requires due account to be taken of the specific characteristics for which the Conservation Area has been designated (none of which would be affected by the proposals as outlined above), as well as the benefit that the proposed development would deliver for present and future occupants of 82 Whitehall Place (as also set out above). As such, the proposed development should be supported in line with the Policy.

4.25 **Historic Environment Scotland’s Managing Change series of guidance notes – Setting (2020)**

4.26 Historic Environment Scotland’s Managing Change series of guidance notes on setting sets out principles that apply to developments affecting the setting of historic assets or places, including conservation areas. In particular, it sets out three stages to be followed in assessing the impact of a development on the setting of a historic asset or place as follows:

- **Stage 1: identify the historic assets that might be affected by the proposed development** – in terms of which the one historic asset that might be affected by the proposed summerhouse is the Rosemount and Westburn Conservation Area;
- **Stage 2: define and analyse the setting by establishing how the surroundings contribute to the ways in which the historic asset or place is understood, appreciated and experienced** – the starting point for which should be the analysis of the CAA which has been carried out in paragraph 4.17 above, from which it is clear that neither 82 Whitehall Place itself nor the street as a whole make any particular contribution to the character area, with these properties having been developed after those which are identified in the CAA as establishing the character of the area.



- **Stage 3: evaluate the potential impact of the proposed changes on the setting, and the extent to which any negative impacts, can be mitigated** – in light of the conclusions with regards to the way the application site and its surrounds contribute to the Conservation Area above, and the fact that there would be very limited views of the summerhouse house from the street, as also set out in paragraph 3.1 above, the potential impact of this would clearly be minimal, with no requirement for any further mitigation beyond a condition preventing the existing hedge being removed without consent if that is considered desirable.

4.27 The above paragraphs demonstrate that the proposed development complies with all relevant guidance and, on the basis that this would have no negative impact on the historic environment when assessed against this, it clearly complies with Policy D4.

4.28 It should also again be highlighted that 82 Whitehall Place is not listed or subject to any other special designations, and the application requires to be assessed accordingly.

4.29 In terms of other material considerations, it is recognised that each application requires to be assessed on its own merits. However, previous decisions can provide guidance as to how relevant policies should be interpreted and applied. In this regard, consideration should in particular be given to the following applications, which the case officer would have been aware of:

- **Planning application reference P131045**, in terms of which planning permission was granted for the demolition of an existing garage and erection of a new dwelling house in its place on land adjacent to 58 Whitehall Place (now 58B Whitehall Place), with the Committee Report for this [Document 16] highlighting that the area is characterised by a variety of design types, and the introduction of a very contemporary building with zinc cladding was considered to have a negligible impact on the Conservation Area as a result – while this application was determined under the previous local development plan, the relevant policies were substantially the same, with this decision making it clear that the Conservation Area has the capacity to absorb far more significant changes than that proposed in terms of this application, and it should likewise be concluded that the development proposed in terms of this application would have a negligible, if any, impact on the Conservation Area accordingly.
- **Planning application reference 182030/DPP**, in terms of which planning permission was granted for the erection of a new dwellinghouse to the rear of 4 Westfield Terrace, with the new dwellinghouse introducing a new building line and



extending built development right up to the pavement edge in a location where there had not been any built development previously, with the Committee Report for that application [Document 21] raising no concerns about the impact that this would have on the character of the Conservation Area – again, this makes it clear that the Conservation Area has the capacity to absorb far more significant changes than that proposed in terms of this application, including changes with regards to the building line, and it should likewise be concluded that the development proposed in terms of this application would have a negligible, if any, impact on the Conservation Area accordingly.

- 4.30 For the reasons given above, the decisions in respect of planning application P131045 and 182030/DPP lend significant support to this application also being approved.
- 4.31 Having assessed the proposed development against all relevant Development Plan Policies, Supplementary Guidance and material considerations as set out above, it is submitted that the application should be approved on the basis that it complies with the Development Plan and is also supported by other relevant material considerations, with no material considerations to indicate otherwise.

5 Reasons for refusal

- 5.1 Each of the reasons for refusal to which this Notice of Review relates are addressed in turn below.

“The proposal has failed to consider the context of the site and its surrounding area, and on the basis that the proposed summerhouse would occupy a prominent location within the front garden of a residential curtilage and lie forward of the front building line, it is considered that such development would be incompatible with the established pattern of development on the streetscape, and have an adverse effect on the existing built environment. The proposal is therefore considered to be contrary to the requirements of Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen City Local Development Plan, and does not comply with the Council’s Supplementary Guidance on ‘Householder Development’.”

- 5.2 ALDP Policies D1 and H1 and the related Supplementary Guidance are addressed in detail in paragraphs 4.14 and 4.5 to 4.13 above respectively, demonstrating how the proposed development does comply with these. In particular with regards to this reason for refusal, it should be noted that:



- an assessment of the site context as set out in paragraphs 2.2 and 2.3 and referred to in paragraph 4.11 shows that the proposed summerhouse respects this in terms of both its siting and its design;
- the existing hedge means that the proposed location is not prominent, with scope for a condition to be applied to any grant of planning permission to ensure that continues to be the case in future, as set out in paragraph 3.2 above;
- building lines in the area often extend right up to the pavement edge, and the summerhouse would not in fact project forward of the existing building line on either Whitehall Place or Whitehall Terrace;
- the Council’s Supplementary Guidance: Householder Development Guide does not say that outbuildings will never be permitted in front gardens, just that the siting of them in such locations will be restricted in the interest of ensuring that development forward of a front building line does not have a negative visual impact on the area; and
- as the proposed summerhouse would not project forward of the existing building line, while the existing hedge means that it would not be visually prominent, there are no grounds for concluding that it would have a negative visual impact or for this being precluded accordingly.

5.3 In light of the above, this reason for refusal is clearly not justified, and it should instead be concluded that the application does comply with Policies H1 and D1 and the Householder Development Guide for the reasons given in paragraphs 4.5 to 4.15.

“The proposal would fail to preserve the character and appearance of the Rosemount and Westburn Conservation Area in line with the legislative requirements of Scottish Planning Policy and Historic Environment Policy Scotland, and would therefore also fail to address the requirements of Policy D4 (Historic Environment) of the Aberdeen City Local Development Plan.”

5.4 Notably, in reaching this conclusion, the Committee Report makes no reference to the CAA, which should be the starting point for assessing the capacity of the Conservation Area to accommodate the development proposed. When relevant provisions of the CAA as set out in paragraph 4.17 above are taken into account, it is clear that there is nothing in it that would preclude the development of the proposed summerhouse, with this presenting no conflict with the reasons for which the Conservation Area was



designated, or having any impact on features which are identified as contributing to the character of the area.

- 5.5 All other relevant national guidance cited in this reason for refusal and which requires to be read in connection with Policy D4 is also addressed in paragraphs 4.20 to 4.27 above, in light of which it is clear that the proposed summerhouse would have no negative impact on the historic environment when assessed against this. As such, this reason for refusal is also not justified, and it should be concluded that the application does comply with Policy D4 for the reasons given in paragraph 4.27.

“Taking the above into account and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations of sufficient weight, including evaluation under the Proposed Aberdeen Local Development Plan 2020, that would warrant approval of the application in this instance.”

- 5.6 As the application complies with the ALDP for the reasons given in paragraphs 4.5 to 4.28, it should be approved unless material considerations indicate otherwise, with it not being necessary to consider whether there are other material consideration that support the application. This notwithstanding, it is submitted that the precedent decisions referred to in paragraph 4.29 above are such material considerations, with these lending significant further support to the application and requiring to be taken into account accordingly. This reason for refusal is therefore also not justified, and the application should instead be granted for the reasons given in paragraph 4.31 above.

6 Conclusion

- 6.1 For the reasons given in this paper apart, it is submitted that the proposed development:

- complies with the Aberdeen Local Development Plan (ALDP), including relevant associated Supplementary Guidance; and
- is supported by other relevant material considerations.

- 6.2 As there are no material considerations to indicate otherwise, the application therefore requires to be granted.



Appendix One – List of documents

Application Documents

- 1 Application Form
- 2 Location Plan
- 3 Site Plan
- 4 Proposed Floor Plan and West Elevation
- 5 Proposed Elevations
- 6 Design and Access Statement

Delegated Report and Decision Notice

- 7 Report of Handling
- 8 Decision Notice

Policy Documents

- 9 Aberdeen Local Development Plan
- 10 Supplementary Guidance: Householder Development Guide
- 11 Draft Rosemount and Westburn Conservation Area Appraisal
- 12 Scottish Planning Policy (as revised December 2020)
- 13 Historic Environment Policy for Scotland
- 14 Historic Environment Scotland's Managing Change series of guidance notes – Setting
- 15 Planning Circular 4/1998 Model Planning Conditions Addendum

Other documents

- 16 Committee Report in respect of planning application reference 131045
- 17 Decision Notice in respect of planning application reference 131045
- 18 Existing site plan submitted with planning application reference 182030/DPP
- 19 Proposed plans approved pursuant to planning application reference 182030/DPP
- 20 Proposed elevations approved pursuant to planning application reference 182030/DPP
- 21 Committee Report in respect of planning application reference 182030/DPP
- 22 Decision notice in respect of planning application reference 182030/DPP

Appendix Two – Images



1 - Garages and outbuildings abutting Whitehall Terrace



2 - Greenhouse at 80 Whitehall Place



3 - 50/52 Whitehall Place



4 - Registers of Scotland extract showing mix of building lines in the area



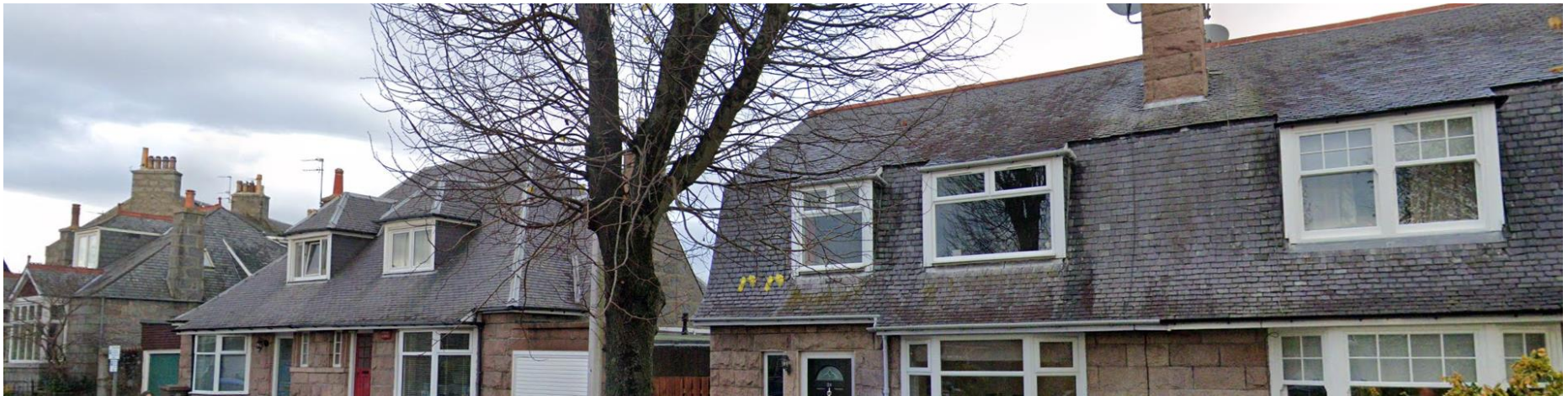
5 - Red tile roof at 28 Craigie Park



6 - Red tile roof at 16/18 Craigie Park



7 - Different coloured roofs on Whitehall Place



8 - Coloured detailing on the roofs of 82/84 and 104 Whitehall Place



9 - 58B Whitehall Terrace



10 - 1915 map of Aberdeen