

Public Document Pack



To: Councillor Boulton, (Chairperson for item 3) and Councillor Stewart, the Depute Provost, Chairperson (for item 2); and Councillors Henrickson and Reynolds (for items 2 and 3).

Town House,
ABERDEEN 10 June 2021

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Committee Room 2 - Town House** on **WEDNESDAY, 16 JUNE 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 thereafter published on the Council's website at the following [link](#).

B U S I N E S S

1.1 Procedure Notice (Pages 5 - 6)

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

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

[Local Development Plan](#)

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

PLANNING ADVISER - LUCY GREENE

- 2.1 Erection of single storey extension to front - 11 Marchburn Road Aberdeen - 201620 (Pages 7 - 30)
- 2.2 Delegated Report, Original Application Form and Decision Notice (Pages 31 - 46)
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.
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 47 - 48)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 49 - 72)
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.
- 2.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

PLANNING ADVISER - GAVIN EVANS

- 3.1 Formation of timber decking with external steps to rear (retrospective)'- 27 Birkhall Place Aberdeen - 201317 (Pages 73 - 94)
- 3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representations (Pages 95 - 118)
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 201317.
- 3.3 Planning Policies Referred to in Documents Submitted (Pages 119 - 120)
- 3.4 Notice of Review with Supporting Information Submitted by Agent (Pages 121 - 126)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 201317.

3.5 Determination - Reasons for Decision

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

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

Website Address: www.aberdeencity.gov.uk

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

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

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

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

DETERMINATION OF REVIEW

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

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

LOCAL REVIEW BODY



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

‘Erection of single storey extension to front’

at ,11 Marchbank Road, Bielside



Aerial Photo: Location



Location Plan



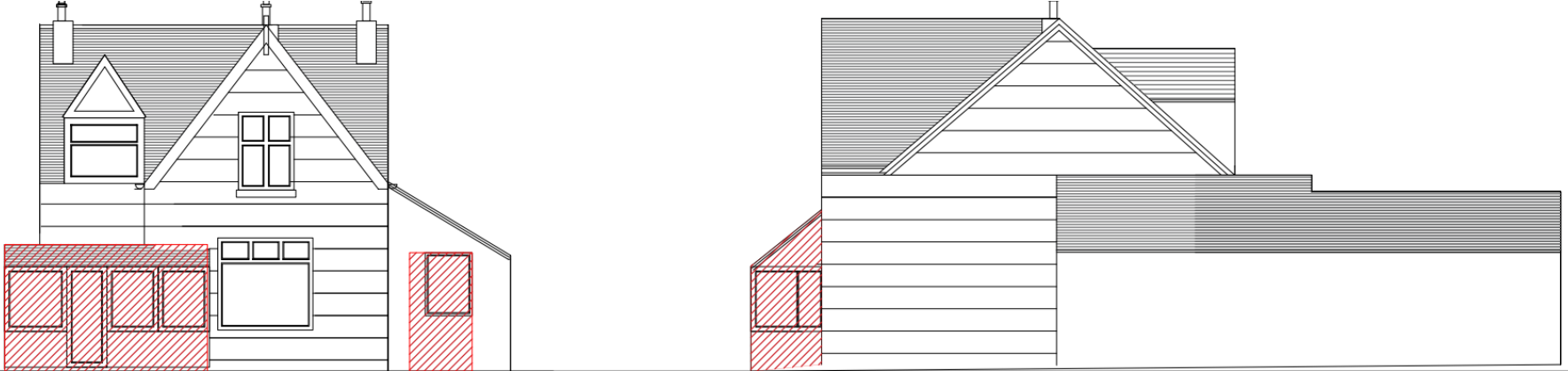
South elevation



View towards Deeside Way from house



Existing elevations



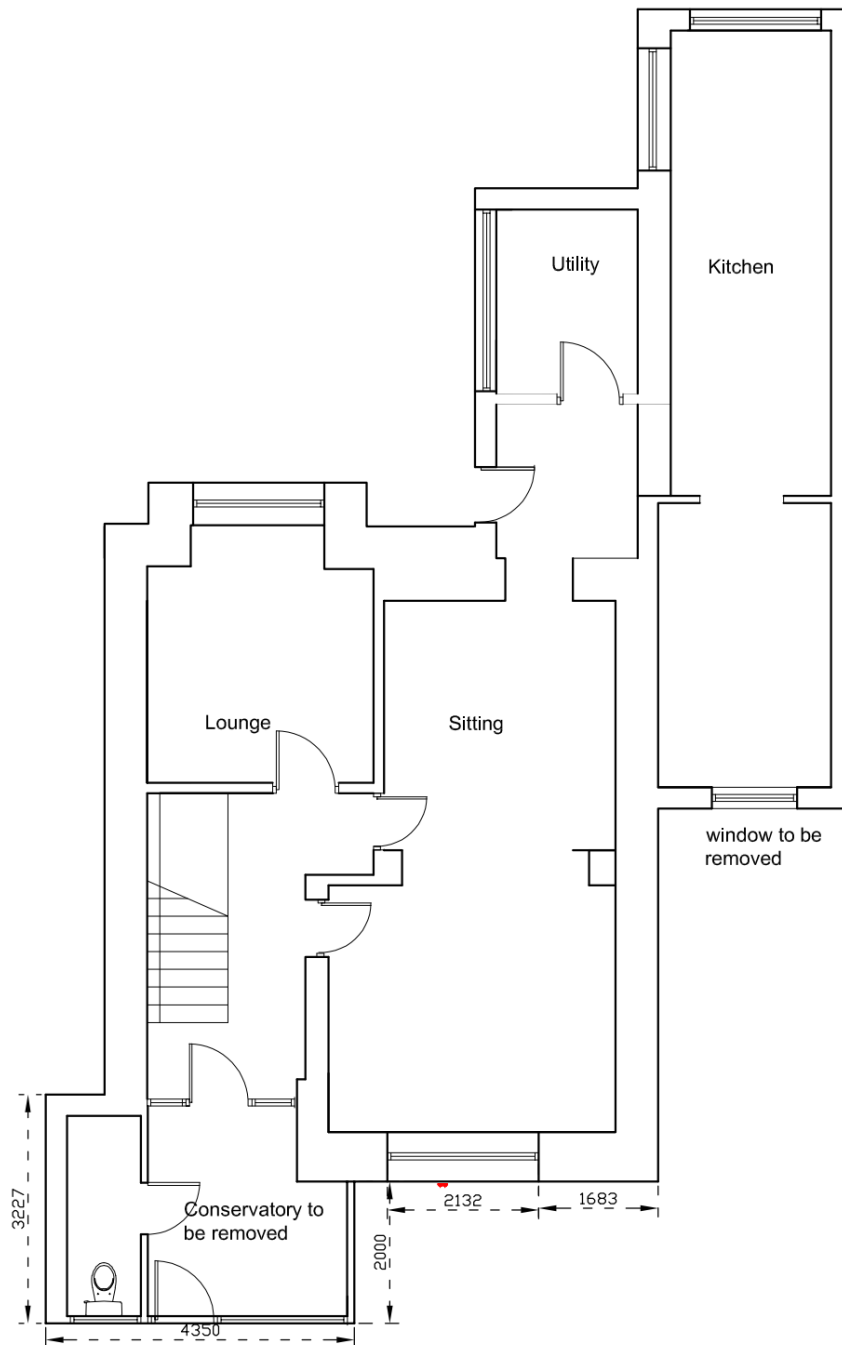
EXISTING SOUTH ELEVATION 1:100

EXISTING EAST ELEVATION 1:100



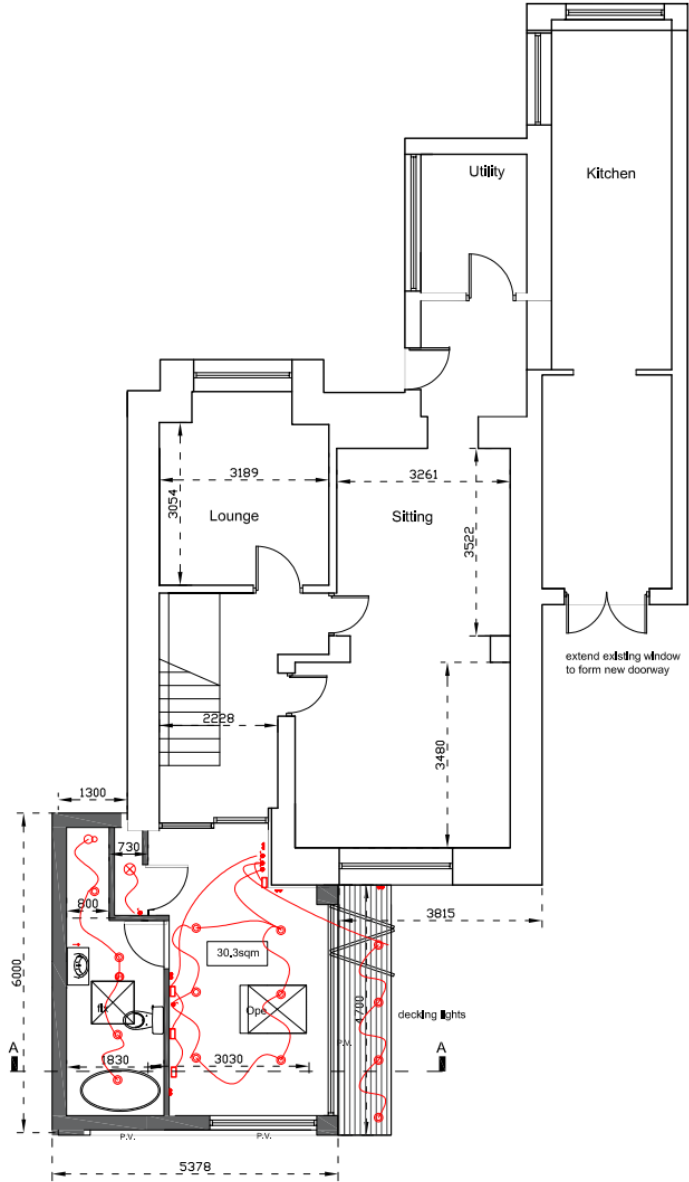
EXISTING NORTH ELEVATION 1:100

EXISTING WEST ELEVATION 1:100



GROUND FLOOR PLAN 1:100

Ground floor plan



PROPOSED GF PLAN 1:100

South Elevation: Proposed

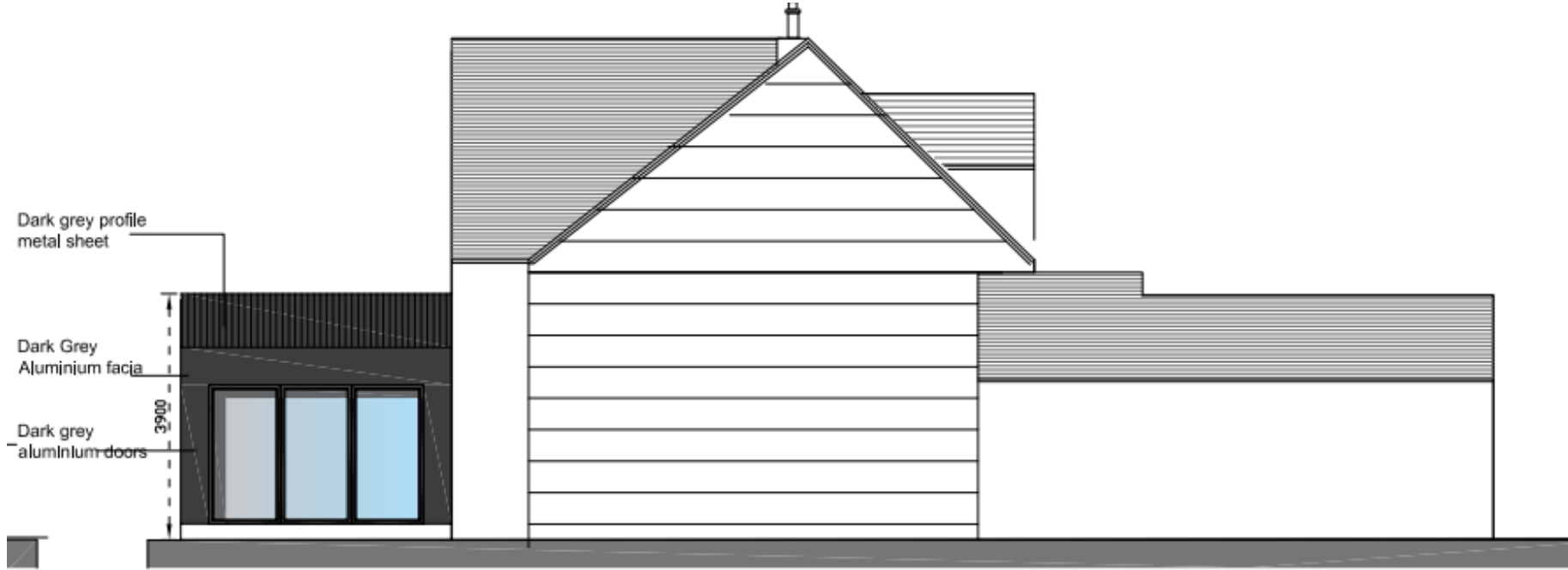
Page 10
Dark Grey
Aluminium fascia
Horizontal
Siberian larch
cladding



PROPOSED SOUTH ELEVATION 1:100

East Elevation: Proposed

Page 17



PROPOSED EAST ELEVATION 1:100

Side Elevation: Existing/Proposed

Page 18



PROPOSED WEST ELEVATION 1:100

North Elevation: Proposed



PROPOSED NORTH ELEVATION 1:100 - Unaltered



3D image 01 NTS

Roof plan



PROPOSED ROOF PLAN 1:100

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 of 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.

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'.

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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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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

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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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.

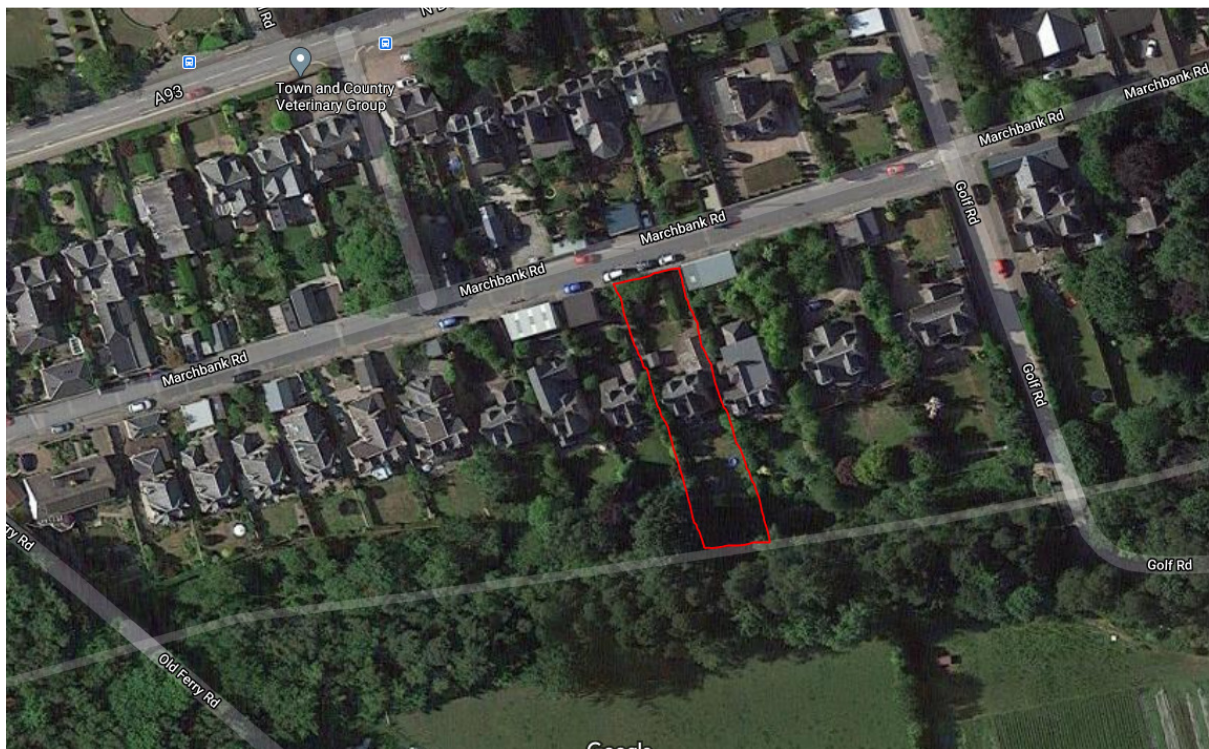
Policy D1 Quality Placemaking by design, is arguably targeted by its very title towards the planning of places, and not necessarily individual buildings. Notwithstanding, it states that “All development must ensure high standards of design and have a strong and distinctive sense of place which is a result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

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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:



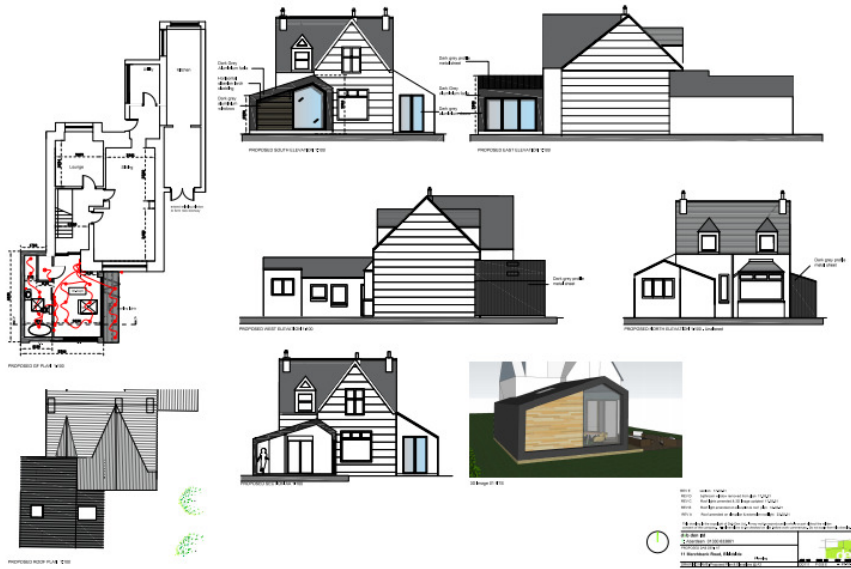
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Existing site plan:



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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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 BODY

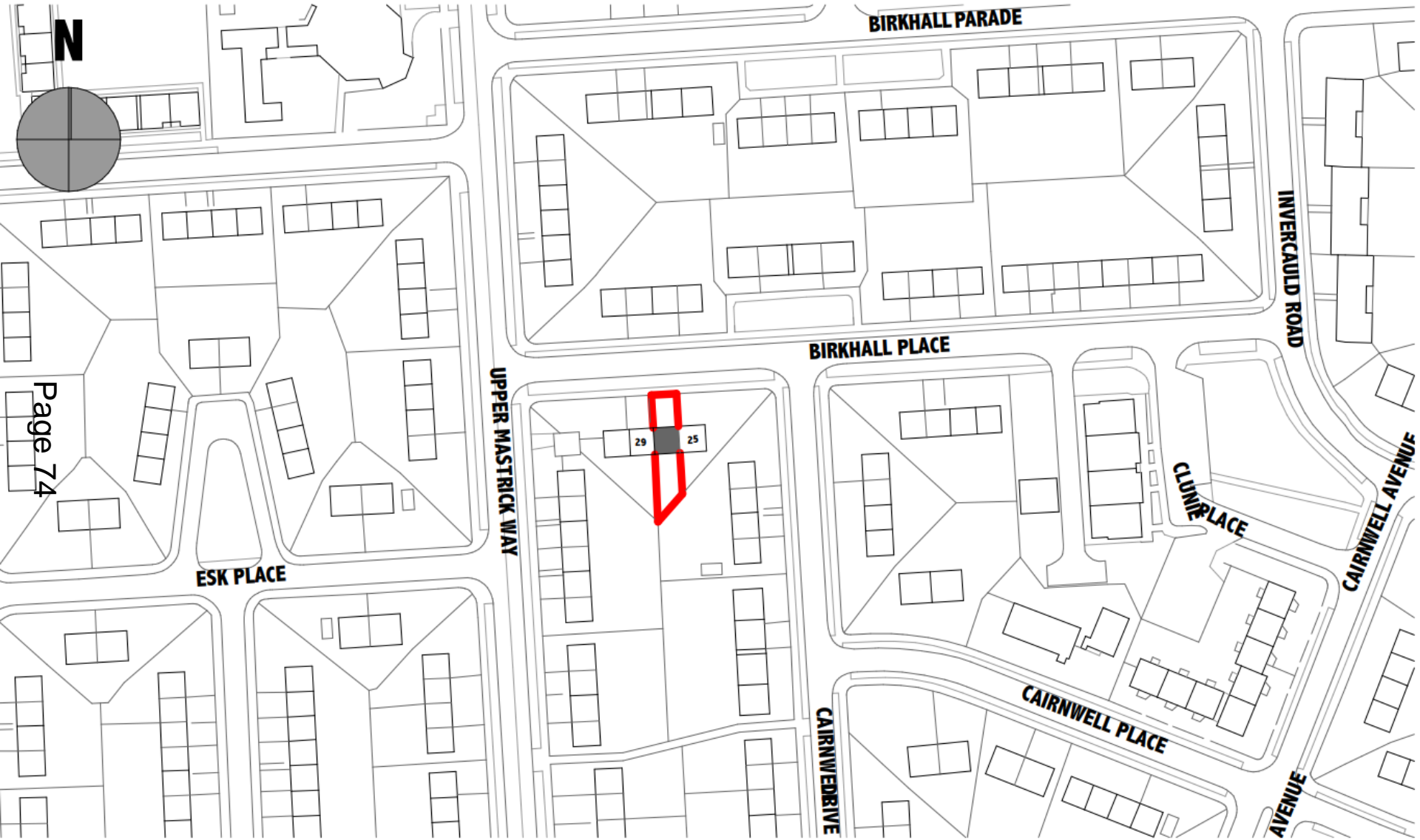


201317/DPP – Appeal against refusal of planning permission for:

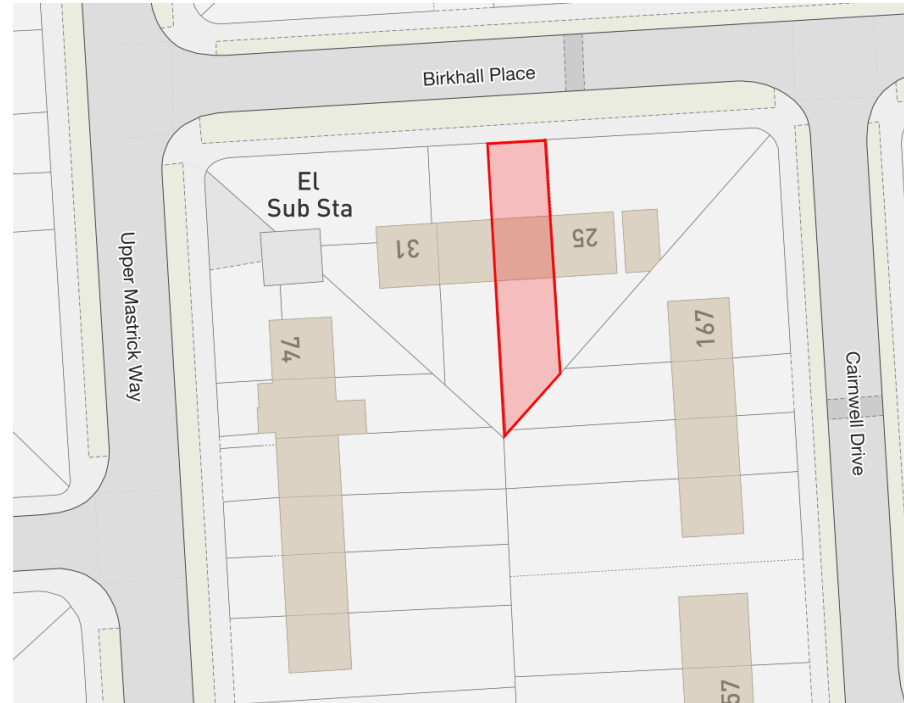
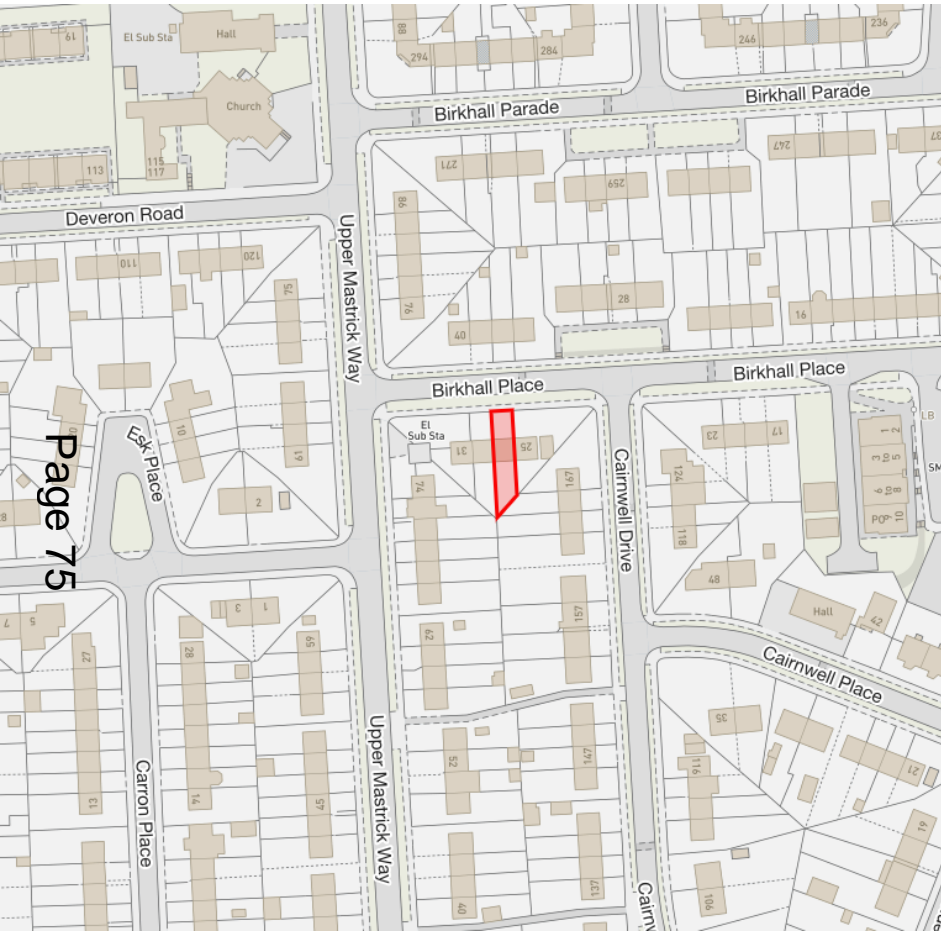
‘Formation of timber decking with external steps to rear (retrospective)’

27 Birkhall Place, Aberdeen

Location Plan



Location: GIS



Aerial Photos: Location



Photos – supplied by applicant



Photos – supplied by applicant



Photos – supplied by applicant



Photos – supplied by applicant



Photos – supplied by applicant



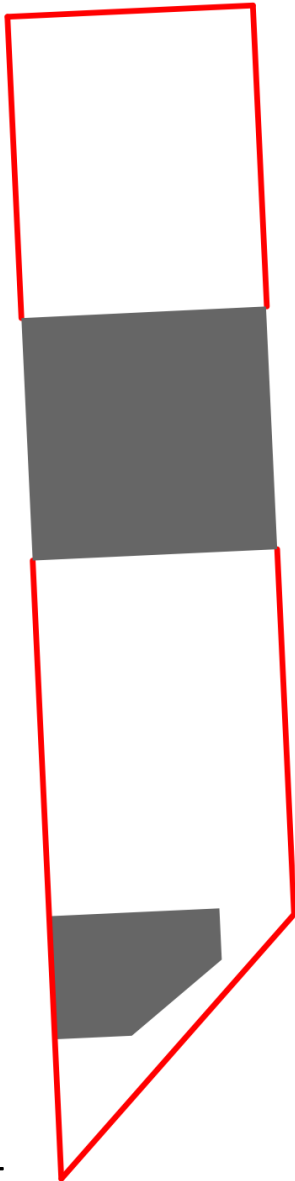
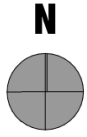
Photos – supplied by applicant



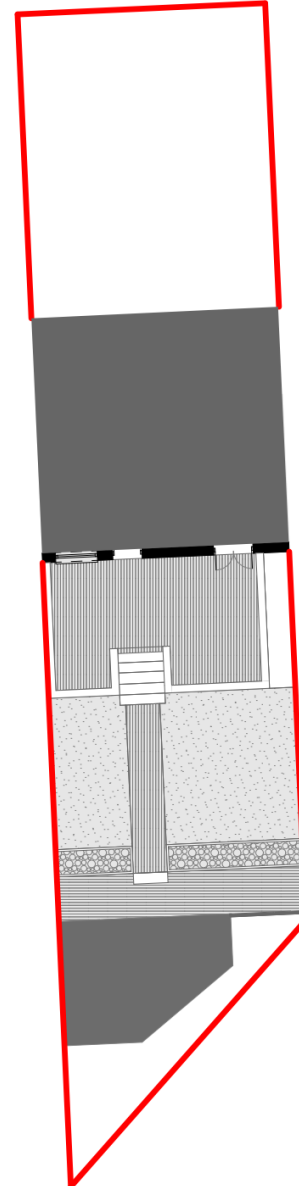
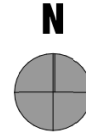
Photos – supplied by applicant



Site Plan

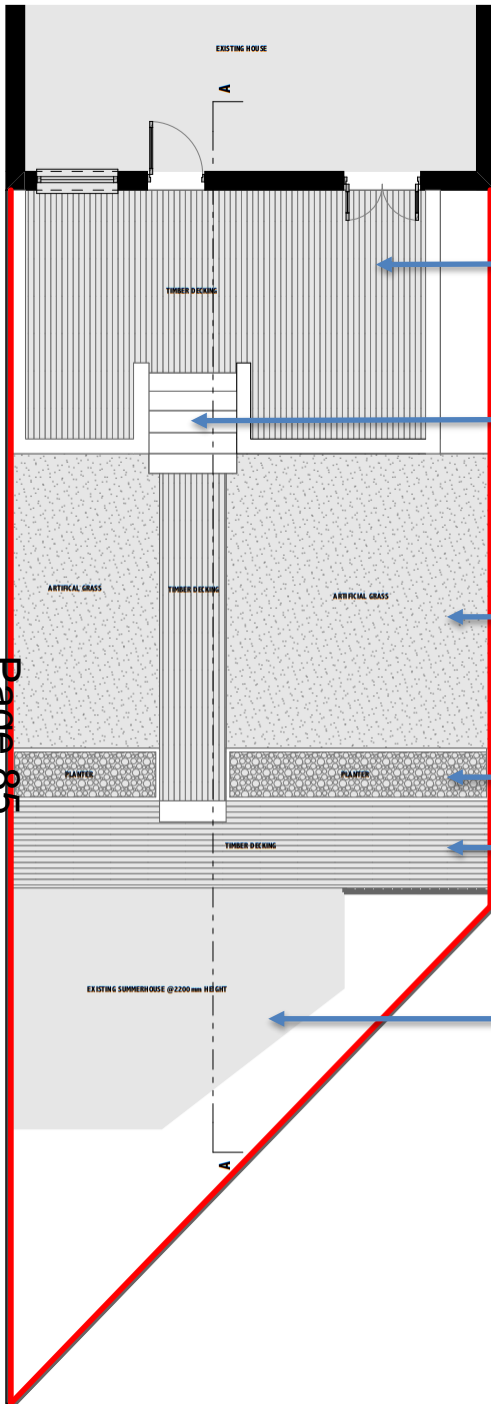


'EXISTING' /
PRE-DEVELOPMENT



PROPOSED /
IN SITU

Proposed Garden Plan



ELEVATED TIMBER DECKING

STAIRS DOWN

ARTIFICIAL GRASS WITH CENTRAL PATH FORMED IN DECKING

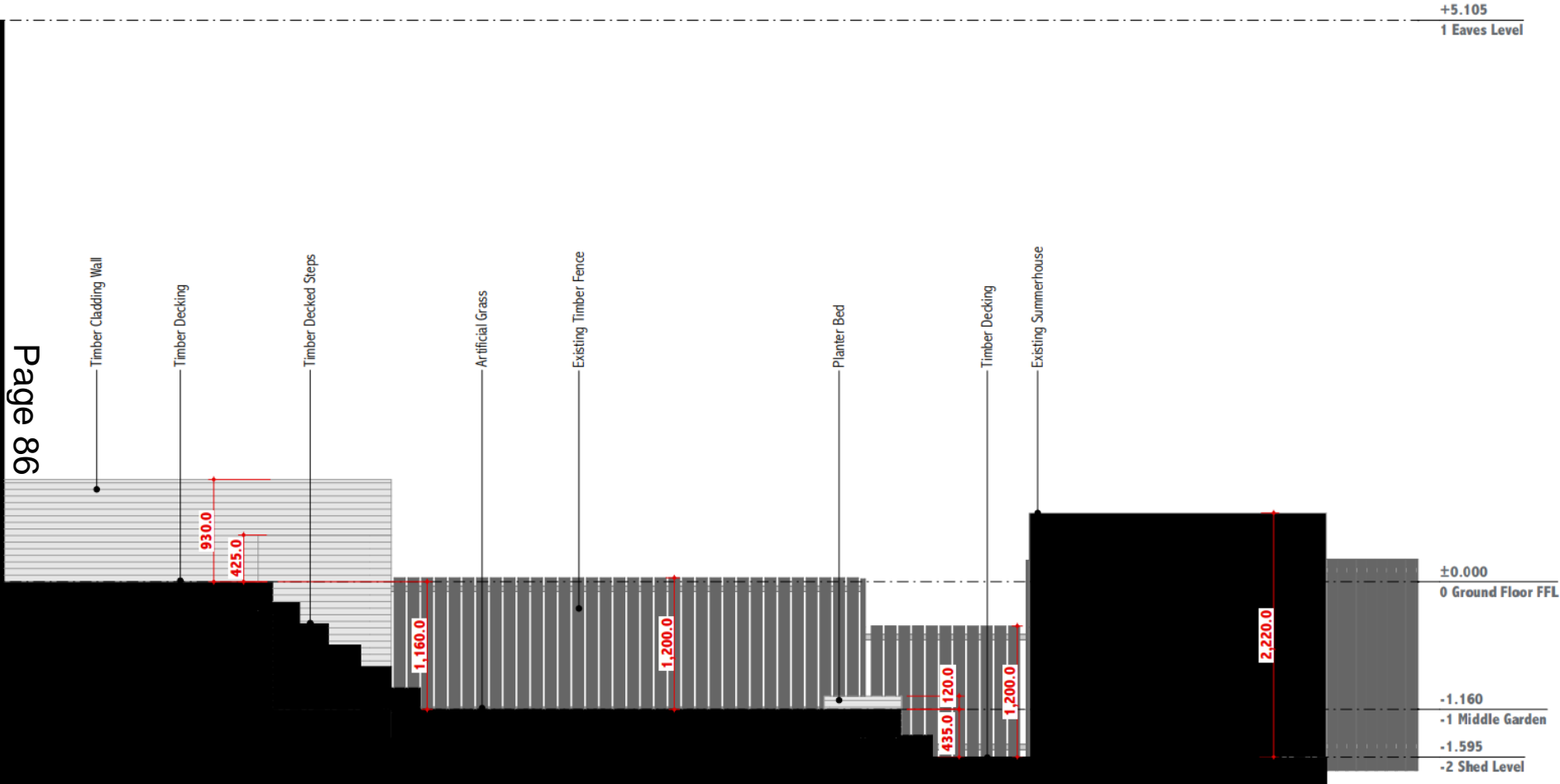
PLANTERS

TIMBER DECKING

EXISTING SUMMERHOUSE

Proposed Section

Page 86



Reasons for Refusal

- Proposal would have *“far-ranging impacts on the private amenity of both immediate adjoining properties (no. 25 and 29 Birkhall Place) and other neighbouring properties (no. 31 Birkhall Place, 74 Upper Mastrick Way and properties 165 and 167 Cairnwell Drive”* due to the height of the decking relative to neighbouring gardens and associated fences/enclosures;
- Impact on number 25 Birkhall Place, both in terms of rear garden and living room window, due to loss of privacy/increased overlooking. Similar, but less severe, impact to nos. 165 and 167 Cairnwell Drive.
- Considered to be contrary to Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the ALDP, as well as the relevant "general principles" and guidance set out in Section 3.1.10 of the Householder Development Guide SG
- Also in conflict with policies D1, D2 and H1 of the Proposed ALDP
- No overriding material considerations in favour of approval

Applicant's Case for Review

Stated in Notice of Review (no accompanying statement). Key points:

- The decking in the rear garden was upgraded as a result of the existing timber becoming damaged and rotting.
- The heights of the decking have not been altered from previous/existing decking levels.

There is a number of examples in the local area/neighbouring properties, in which similar works have been completed.

Both neighbouring properties to 27 Birkhall Place have decking at the same level. These works were carried out to be in keeping with the levels of both neighbours' decking.

Additional representations

- Parties who had made earlier representations on the planning application are invited to make any further comment on submission of the Notice of Review
- Neighbour at no.25 has indicated that they would be satisfied with the decking being 'decreased by a metre away from our living room window' and the lower area of decking being taken away from the boundary fence, to which it is affixed. A photo was enclosed (below), showing the garden of no.25



D1: Quality Placemaking by Design

All dev't must *“ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials”*.

Proposals will be assessed against the following six essential qualities:

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

H1: Residential Areas

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

(e.g. Householder Development Guide SG)

Householder Development Guide SG

Proposals should:

- Be ***“architecturally compatible with original house and surrounding area”*** (design, scale etc)
- Should not ***‘dominate or overwhelm’*** the original house. Should remain visually subservient.
- Should not result in adverse impact on **privacy, daylight, amenity**
- Approvals pre-dating this guidance do not represent a **‘precedent’**
- Footprint of dwelling should not exceed **twice that of original house**
- **No more than 50% of front or rear curtilage** may be covered (anything less than that considered on its merits)
- In relation to decking, states that proposals *“should not result in an adverse impact upon the amenity of adjacent dwellings, including both internal accommodation and external private amenity space”*
- In relation to fences and other boundary enclosures:
 - *‘in all instances, the scale and form of boundary enclosures should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact’: and*
 - *‘proposals for boundary enclosures will not be permitted where they would result in an unacceptable impact upon the amenity of neighbouring dwellings’*

Points for Consideration

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

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


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

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

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	27 Birkhall Place, Aberdeen, AB16 5RL,
Application Description:	Formation of timber decking with external steps to rear (retrospective)
Application Ref:	201317/DPP
Application Type:	Detailed Planning Permission
Application Date:	2 November 2020
Applicant:	Ms Cara Paterson
Ward:	Northfield/Mastrick North
Community Council:	Mastrick, Sheddocksley And Summerhill
Case Officer:	Jamie Leadbeater

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is the residential curtilage of a two storey mid-terraced dwellinghouse on the southern side of Birkhall Place in Mastrick.

The rear curtilage comprises a split-level decking and artificial grass area with an outbuilding (not requiring planning permission in itself as it constitutes Permitted Development) at the far end. Decking nearest to the rear of the dwellinghouse is set c. 1.6m above ground level whilst the largest decking area comprising the artificial grass is set 435mm above ground level, the outbuilding is set at ground level. Side garden boundaries are treated by c 1.6m high timber fencing set at ground level, although the highest part of the decking nearest the house includes additional 930mm high fencing above its 1.6m deck level.

In terms of the wider site context, the application site and wider terrace it sits within is located perpendicular to the rear of properties on Upper Mastrick Way to the west and Cairnwell Drive to the east. Subsequently, the rear gardens of three residential streets (including Birkhall Place) converge, and views from the application property and rear garden area look out over a number of properties on different streets to varying degrees.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Retrospective planning consent is sought for the erection of raised timber decking in rear garden

area with associated steps and 0.93m high fencing above deck level along both side boundaries.

The decking sits c. 1.6m above ground level and at c.5.8m, spans nearly the full width of the rear garden area, leaving a gap of c.0.6m to the boundary with the neighbouring property at No. 25 Birkhall Place, projecting c.3.5m out from the rear elevation of the dwellinghouse, and covering a total area of c.20m².

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QIX5T4BZLMB00> .

CONSULTATIONS

Mastrick, Sheddocksley And Summerhill Community Council – No response received.

REPRESENTATIONS

Three representations have been received (2 objections and 1 in support). The letter in support provides no reasoning for supporting the proposal, whilst the following material matters are raised in the objections which can be summarised as follows and are addressed in the evaluation below:

- Raised decking invades the privacy of No. 25 Birkhall Place, allowing the neighbours to be able to see directly into neighbours living space; and
- Raised decking results in a loss of privacy into the garden of No. 163 Cairnwell Drive.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Aberdeen Local Development Plan (ALDP) 2017

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

Supplementary Guidance (SG)

- Householder Development Guide

Proposed Aberdeen Local Development Plan (2020)

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

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

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

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

EVALUATION

Principle of Development

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

- 1) Does not constitute “overdevelopment”;
- 2) Does not have an unacceptable impact on the character and amenity of the surrounding area;
- 3) Does not result in the loss of valuable and valued open space; and,
- 4) Complies with supplementary guidance (the Householder Development Guide in this case).

Overdevelopment

The proposal would not entail an extension to the dwellinghouse, so it could not more than double its existing footprint, and although the proposed decking and outbuilding would develop the entirety of the rear curtilage – which poses a tension with the Householder Development Guide SG general principles – the split-level decking areas do provide more than 50% of the rear garden ground for recreational use. Mindful of the latter, the proposal does not give rise to ‘overdevelopment’ of the site.

Impact on Character and Amenity to surrounding area

Character

Given the decking is located within the rear curtilage, it is screened from view from the front of the application property and the wider terrace it sits within. However, photographs from the applicant and others suggest that there is not a prevalence of raised decking, certainly of the proposed scale and dominance, within the rear garden spaces to properties in the immediate surrounding area. It is noted that the adjacent neighbour, No. 29 Birkhall Place, has unauthorised raised decking but this structure is not considered to be as visually imposing. Although the neighbours decking exists and is unauthorised, it is not known how long it has been in existence for and therefore may be immune to enforcement action. Notwithstanding the above, the neighbours decking does not set a precedent to justify support for the decking proposed under this application.

Amenity

In its ‘General Principles’, the Householder Development Guide SG sets out that no development should result in a situation where the amenity of any neighbouring properties would be adversely affected, and significant adverse impact on privacy, daylight and general amenity will count against a development proposal. Furthermore, section 3.1.10 of the Householder Development Guide SG states that raised decking proposals should not result in an adverse impact upon the amenity of adjacent dwellings, including internal accommodation and external private amenity space. Upon review of the proposals, site photos from both the applicant and objectors, as well as

use of other information sources, it is considered the proposed decking impacts on other properties which stray beyond merely the adjoining properties Nos. 25 and 29 Birkhall Place. Subsequently, the assessment set out below addresses each property in descending relevance:

Impact on adjoining properties – Nos. 25 and 27 Birkhall Place.

The proposed decking sits c. 1.6m above ground level – similar in height to the existing historic fencing running along the shared boundary with No. 25 Birkhall Place. Additional fencing has been erected on the proposed raised deck area which sits 0.93m above deck level and 0.6m in from the mutual boundary with No. 25 Birkhall Place. Similar height fencing has been erected above deck level but along the mutual boundary with the other adjacent neighbour No. 29 Birkhall Place. The minimal height normally required to be erected above deck level to satisfy the Planning Authority that overlooking can be mitigated/privacy is maintained between garden areas is 1.8m. The existing screening is circa half this height.

Photographic information provided by the applicant demonstrates that the height of the decking above ground level coupled with the low-rise fencing along and near to shared mutual side boundaries presents a situation whereby the applicants can clearly see into both adjacent neighbours' gardens which would result in an unacceptable increase of overlooking of these properties. Furthermore, it should also be noted that the decking does adversely harm the sense of privacy in the living room of No. 25 Birkhall Place based on photographic evidence they have provided the Planning Service, as there are clear views across from the deck towards the windows of this main habitable room, which significantly and unacceptably erodes their privacy inside their main living space. It is noted that whilst the applicant has set the existing 0.93m high fence in 0.6m from the mutual boundary, it still presents an oppressive outlook from No. 25's rear living room window and their privacy within their house would be compromised on days that the proposed decking is used. As such, the concerns raised by the adjacent neighbour No. 25 Birkhall Place are considered valid. Although the other adjacent neighbour residing in No. 29 Birkhall Place has submitted a representation in support of the application, the Planning Service considers that the raised decking does, without doubt, adversely harm their private amenity in their rear garden ground and most likely could harm their privacy within their rear ground floor rooms.

It has been considered whether the overlooking issues created by the proposed decking could be mitigated by introducing higher fencing (1.8m above deck level) along the shared side boundaries with Nos. 25 and 29. However, it is considered this would not be feasible without appearing an oppressively high when viewed from the garden of No. 25 Birkhall Place - based on the photographic information they have supplied in support of their objection. Subsequently, it would conflict with section 3.1.10 in the Householder Development Guide SG which states that boundary enclosures will not be permitted where they would result in an unacceptable impact upon the amenity of neighbouring properties.

Impact on No. 31 Birkhall Place

Photographic evidence provided by the applicant demonstrates that the proposed decking enables views into the garden ground of this neighbouring property situated on the end of the terrace that the application property sits within.

This appears to be a result of the lack of screening above deck level along the mutual boundary with No. 29 Birkhall Place – as discussed above – coupled with height of the shared fence between Nos. 29 and 31 Birkhall Place. Privacy within the rear garden ground of mo. 31 Birkhall Place is therefore harmed by the development, which is an unacceptable impact. Therefore, the proposal is considered to be at odds with General Principle 2 in Section 3.1.4 of the Householder Development Guide. For the avoidance of doubt, the proposed decking would have no undue daylighting or overshadowing impacts on this property.

Impact on No. 74 Upper Mastrick Way

The level of impact on this property would be similar to, but not quite as severe, as the loss of privacy to No. 31 Birkhall Place. The proposed raised decking area sits as close as 10m to the rear boundary with the garden ground with this property and given the lack of intermittent screening along property boundaries in-between, would be too short a separation distance to mitigate overlooking. Subsequently, the proposed/existing decking has an unacceptable impact on the privacy of residents No. 74 Upper Mastrick Way in their garden ground. Furthermore, the decking lies as close as 17.7m away from the rear window of this property believed to serve habitable living space. The Planning Service is concerned this distance arrangement likely harms the privacy inside this dwellinghouse to a certain degree.

Impact on Nos. 165 and 167 Cairnwell Drive

The proposed decking area sits at a height above ground level which is similar to the height of intermittent boundary treatments (including those serving the rear garden of No. 25 Birkhall Place). As such, the proposed decking provides an elevated and imposing platform to peer into the rear garden ground and windows of these properties. Photographs from the applicant demonstrate that seating is located as close as c.12m away from windows within the rear of No. 167 and c.15m away from No. 165, an arrangement which adversely harms the privacy of these two properties situated perpendicular to the east both in their respective garden grounds but also within their respect internal living spaces. This is unacceptable.

Impact on No. 163 Cairnhill Drive

The concerns raised by the resident of No. 163 Cairnwell Drive, which adjoins the far end of the application property's rear garden area at 90 degrees, are understood given the raised deck is as close as 13m from the far end of the neighbour garden and there is an impact, but the impact is not as severe as those on the other properties and therefore is considered acceptable.

Loss of Open Space

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

Compliance with Householder Development Guide SG and Policy H1

As set out above, the proposal would fail to accord with all the General Principles of the SG set out in Section 3.1.4 of the SG, and more specifically, the relevant requirements of Section 3.1.10 in the SG as the raised decking significantly harms the private amenity of the adjacent dwellinghouses in both their respective rear garden area and internally. Subsequently, the proposal fails to comply with Policy H1 in the ALDP 2017. Furthermore, given the siting, scale and design of the proposal clearly causes significant harm to the residential amenity of surrounding residents, it is considered the proposal has not been appropriately designed to suit the site's context and therefore is considered to be of inadequate quality of design. Subsequently, it is considered that the proposal fails to accord with Policy D1 in the ALDP 2017.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan. Should the Proposed Plan be adopted, it would entail the adoption of a policy D2 which focuses on amenity which proposal would be in conflict with along with other relevant policies H1 and D1.

Conclusion

Overall, the proposed height of the raised decking relative to the height of mutual rear garden

boundaries adversely harm the private amenity of both adjacent properties, both in their rear garden ground and living spaces served by ground floor windows in the rear of their properties. Furthermore, site photos from the applicant also demonstrate that the adverse private amenity impact strays beyond adjacent garden areas and into the rear garden areas of properties 165 and 167 Cairnwell Drive, 31 Birkhall Place, and 74 Upper Mastrick Way. No satisfactory mitigation is considered feasible to implement without giving rise to other adverse amenity impacts on adjacent dwellinghouses. Subsequently, the proposal is considered to be at odds with policies H1 and D1 in the Aberdeen Local Development Plan 2017, including relevant guidance set out in attendant SG the Householder Development Guide. In the absence of any other overriding material considerations, the application is recommended for refusal.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed raised decking has far-ranging adverse impacts on the private amenity of both immediate adjoining properties (no. 25 and 29 Birkhall Place) and other neighbouring properties (no. 31 Birkhall Place, 74 Upper Mastrick Way and properties 165 and 167 Cairnwell Drive) in their garden areas within the immediate surrounding area, due to the height the decking sits relative to the height of neighbours garden boundaries. Furthermore, the height and proximity of the decking to neighbours windows has a very imposing/oppressive impact on no. 25 Birkhall Place, both within the neighbour's rear garden space and also within their habitable living room and does result in a significant loss of privacy/increased overlooking to this property. This said unacceptable impact on neighbours windows and internal living space is also felt by the residents of no. 167 and 165 Cairnwell Drive, although the impact would not be quite as severe due to the lesser proximity to the proposed decking area.

Taking these considerations into account, the proposal is considered to be in conflict with the requirements of Policy H1 (Residential Areas) and relevant provisions of Policy D1 (Quality Placemaking by Design) and both the relevant "general principles" and guidance set out in Section 3.1.10 of their attendant supplementary guidance the Householder Development in the Aberdeen Local Development Plan 2017. The proposal would also be in conflict with policies D1, D2 and H1 in the Proposed Aberdeen Local Development Plan. In the absence of any other overriding material considerations, the proposal is considered worthy of refusal.



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100320761-001

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)

Retrospective planning application for erection of timber decking in rear garden

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

No Yes - Started Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

31/08/2020

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

Unaware of requirement for planning approval for rear garden decking

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

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

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Cara	Building Number:	27
Last Name: *	Paterson	Address 1 (Street): *	Birkhall Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB16 5RL
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

27 BIRKHALL PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB16 5RL

Please identify/describe the location of the site or sites

Northing

807678

Easting

390337

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Jonathan Cheyne

On behalf of: Ms Cara Paterson

Date: 28/10/2020

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

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

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

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

Declare – For Householder Application

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

Declaration Name: Mr Jonathan Cheyne

Declaration Date: 28/10/2020

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Jonathan Cheyne
MAC Architects
24 Oldmeldrum Road
Newmachar
AB21 0PJ

on behalf of **Ms Cara Paterson**

With reference to your application validly received on 2 November 2020 for the following development –

Formation of timber decking with external steps to rear (retrospective) at 27 Birkhall Place, Aberdeen

Aberdeen City Council in exercise of their powers under the abovementioned 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
488(PA)001	Elevations and Floor Plans (Proposed)

REASON FOR DECISION

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

The proposed raised decking has far-ranging adverse impacts on the private amenity of both immediate adjoining properties (no. 25 and 29 Birkhall Place) and other neighbouring properties (no. 31 Birkhall Place, 74 Upper Mastrick Way and properties 165 and 167 Cairnwell Drive) in their garden areas within the immediate surrounding area, due to the height the decking sits relative to the height of neighbours garden boundaries. Furthermore, the height and proximity of the decking to neighbours windows has a very imposing/oppressive impact on no. 25 Birkhall Place, both within the neighbour’s rear garden space and also within their habitable living room and does result in a significant loss of privacy/increased overlooking to this property. This said unacceptable impact on neighbours windows and internal living space is also be felt by the residents of no. 167 and 165 Cairnwell Drive, although the impact would not be quite as severe due to the lesser proximity to the proposed decking area.

Taking these considerations into account, the proposal is considered to be in conflict with the requirements of Policy H1 (Residential Areas) and relevant provisions of Policy D1 (Quality Placemaking by Design) and both the relevant "general principles" and guidance set out in Section 3.1.10 of their attendant supplementary guidance the Householder Development in the Aberdeen Local Development Plan 2017. The proposal would also be in conflict with policies D1, D2 and H1 in the Proposed Aberdeen Local Development Plan. In the absence of any other overriding material considerations, the proposal is considered worthy of refusal.

Date of Signing: 28 January 2021



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

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

None.

RIGHT OF APPEAL

1. If the applicant is aggrieved by the decision of the planning authority –
 - a) to refuse planning permission for the proposed development;
 - b) to refuse approval, consent or agreement require by a condition imposed on a grant of planning permissions;
 - c) to grant planning permission or 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 it's 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 201317/DPP

Application Summary

Application Number: 201317/DPP

Address: 27 Birkhall Place Aberdeen AB16 5RL

Proposal: Formation of timber decking with external steps to rear (retrospective)

Case Officer: Jamie Leadbeater

Customer Details

Name: Mr John Macleod

Address: 29 Birkhall Place Mastrick Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: No Objection

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Comments for Planning Application 201317/DPP

Application Summary

Application Number: 201317/DPP

Address: 27 Birkhall Place Aberdeen AB16 5RL

Proposal: Formation of timber decking with external steps to rear (retrospective)

Case Officer: Jamie Leadbeater

Customer Details

Name: Mrs Brenda Cooper

Address: 25 Birkhall Place Mastrick Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Lower Decking-Nailed to our Fence, we requested not to have it nailed to our Fence and to keep the distance from the fence so we could replace fence at a future date

Raised Decking- invading our Privacy and can see directly into our living room as it's further out than the previous raised decking they had by approx 1m

Raised decking should only be stairs down to ground level

All we require is for them to take the decking away from our fence and decrease the size of the raised decking which we requested before they went on to rebuild which they ignored.

B Cooper

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Comments for Planning Application 201317/DPP

Application Summary

Application Number: 201317/DPP

Address: 27 Birkhall Place Aberdeen AB16 5RL

Proposal: Formation of timber decking with external steps to rear (retrospective)

Case Officer: Jamie Leadbeater

Customer Details

Name: Mrs Mary Mitchell

Address: 163 Cairnwell Drive Mastrick Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I fenced in my garden to get some privacy, but since this raised decking went up they can see right into my garden, so I am back to square one as no privacy at all again

Also since the hot tub shed and raised decking went up there has been numerous very noisy day and night party's, which resulted in the police being called. Suggest you check police reports

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All we require is the raised decking to be decreased by a metre away from our living room window and their lower decking to be taking away from our fence they have actually nailed it on to.

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Aberdeen Local Development Plan (ALDP)

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

Supplementary Guidance

Householder Development Guide

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

Other Material Considerations

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

Proposed Aberdeen Local Development Plan (2020)

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

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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 100320761-003

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Cara"/>	Building Number:	<input type="text" value="27"/>
Last Name: *	<input type="text" value="Paterson"/>	Address 1 (Street): *	<input type="text" value="Birkhall Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB16 5RL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="27 BIRKHALL 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="AB16 5RL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="807678"/>	Easting	<input type="text" value="390337"/>
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Description of Proposal

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

Formation of timber decking with external steps to rear (retrospective)

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

The decking in the rear garden was upgraded as a result of the existing timber becoming damaged and rotting. The heights of the decking have not been altered from previous/existing decking levels. There is a number of examples in the local area/neighbouring properties, in which similar works have been completed. Both neighbouring properties to 27 Birkhall Place have decking at the same level. These works were carried out to be in keeping with the levels of both neighbours' decking.

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)

488(PA)001 PROPOSED GARDEN LAYOUT.

Application Details

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

201317/DPP

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

02/11/2020

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

28/01/2021

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

To see in context the garden and neighbouring properties decking.

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)

Passage through dwelling required to access rear garden.

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Jonathan Cheyne

Declaration Date: 26/04/2021

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