

Public Document Pack



To: Councillor Boulton (Chairperson) and Councillors Bell and Henrickson.

Town House,
ABERDEEN 9 November 2021

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely on **WEDNESDAY, 17 NOVEMBER 2021 at 10.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

1.1 Procedure Notice (Pages 5 - 6)

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

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

[Local Development Plan](#)

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

PLANNING ADVISER - GAVIN EVANS

2.1 **9 Kildrummy Road - Erection of Two Storey Side Extension with Integral Garage and Alterations to Boundary Wall and Rear Extension Roof - 210477/DPP** (Pages 7 - 26)

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 27 - 42)

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 210477.

2.3 Planning Policies Referred to in Documents Submitted (Pages 43 - 44)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 45 - 158)

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 210477.

2.5 Determination - Reasons for Decision

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

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

3.1 **13 Tollohill Place - Erection of Shed and Pergola to Rear (Retrospective) - 210913/DPP (Pages 159 - 178)**

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 179 - 200)

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 210913.

3.3 Planning Policies Referred to in Documents Submitted (Pages 201 - 202)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 203 - 210)

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 210913.

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

EHRIAs related to reports on this agenda can be viewed [here](#)
To access the Service Updates for this Committee please click [here](#)

Website Address: aberdeencity.gov.uk

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

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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

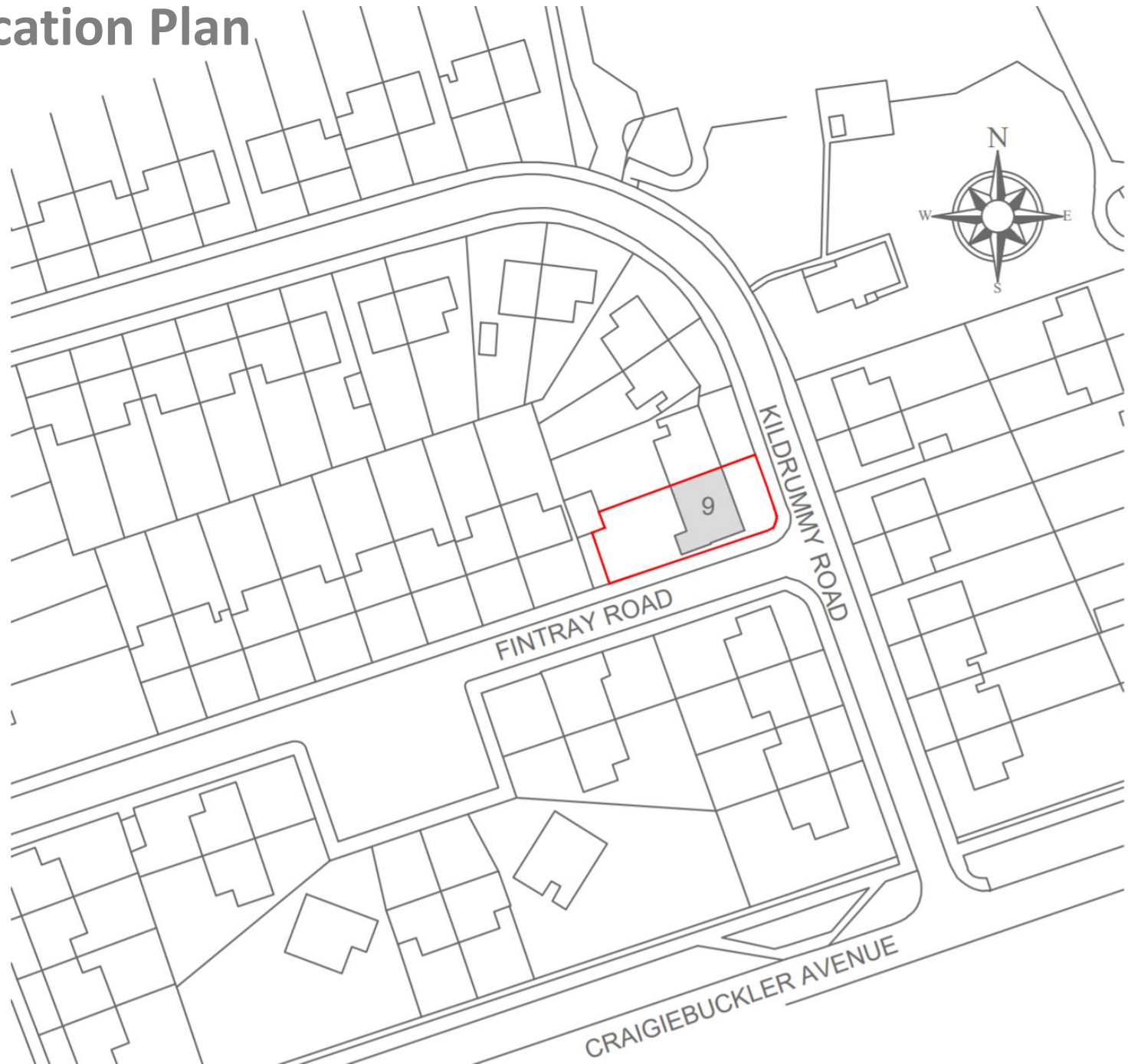


210477/DPP– Review against refusal of planning permission for:

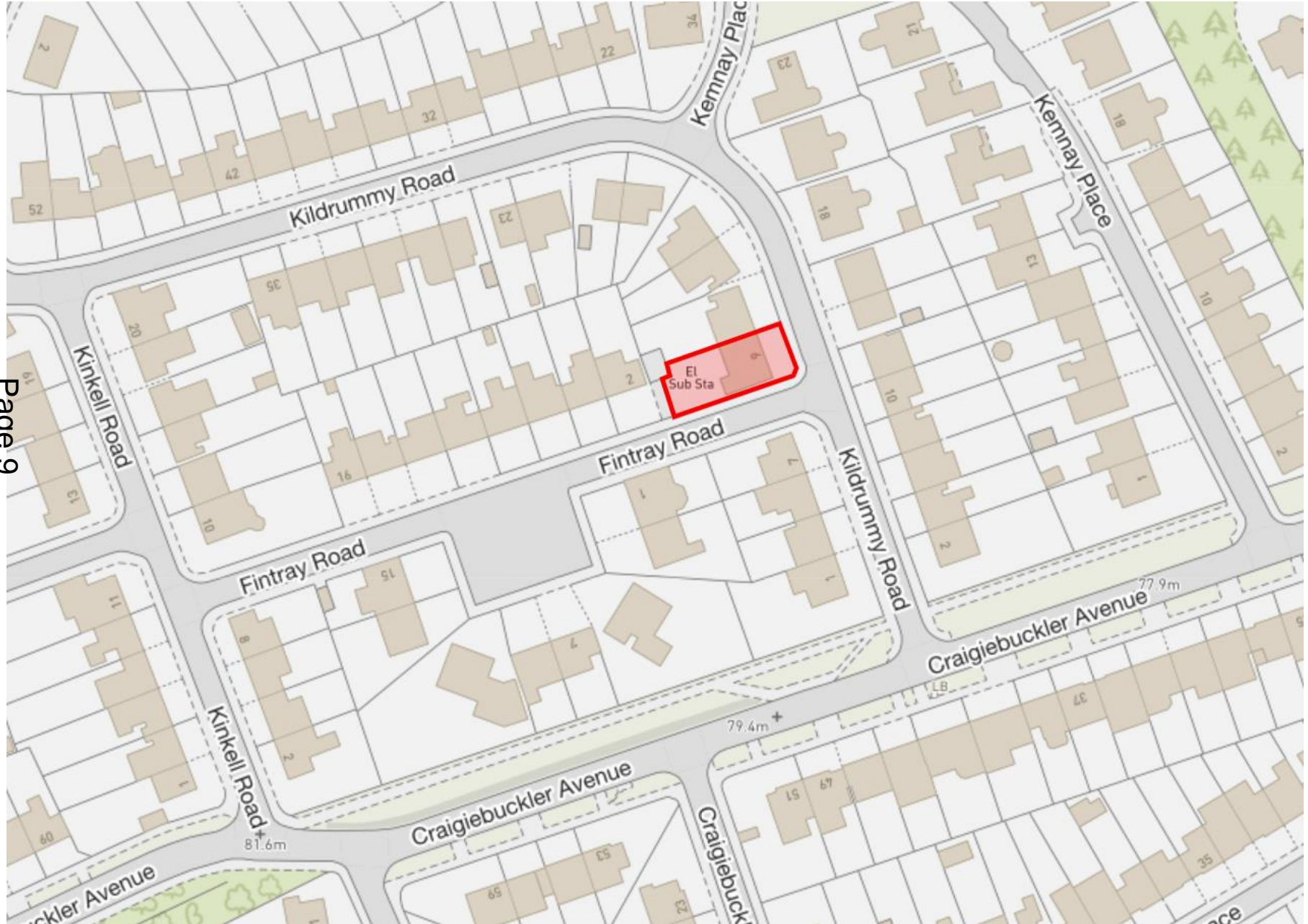
Erection of 2 storey side extension with integral garage and alterations to boundary wall and rear extension roof

9 Kildrummy Road, Aberdeen

Location Plan



Location - GIS

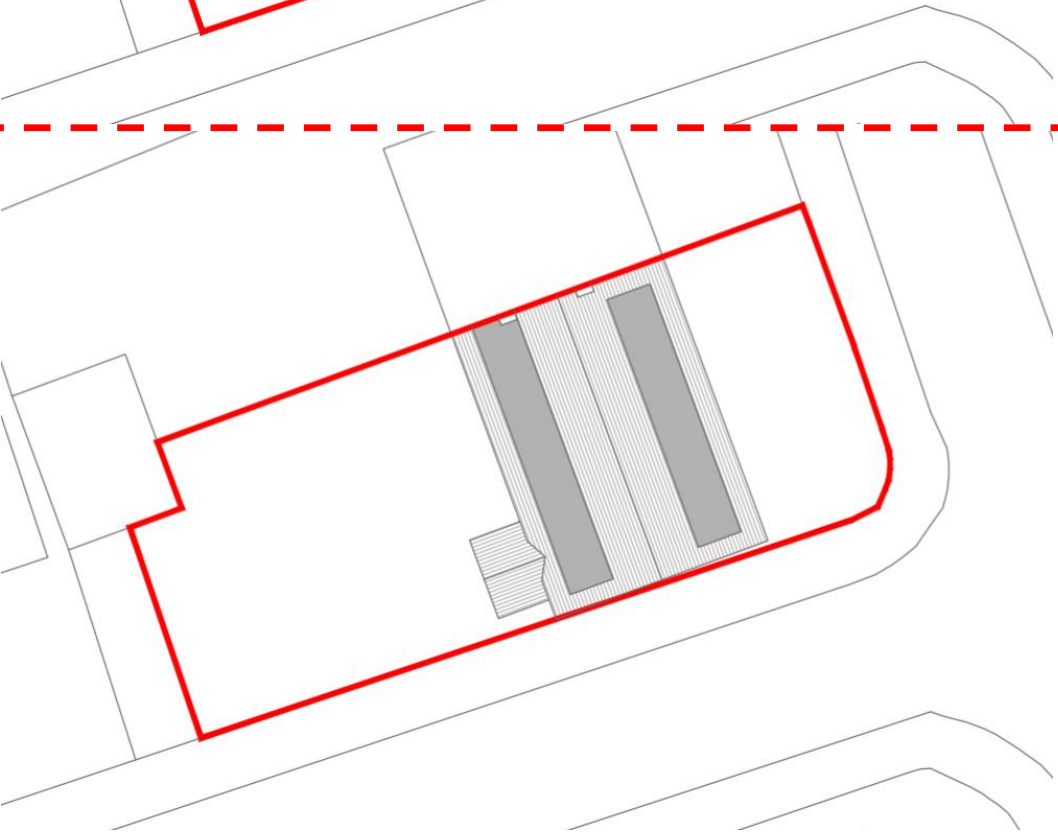
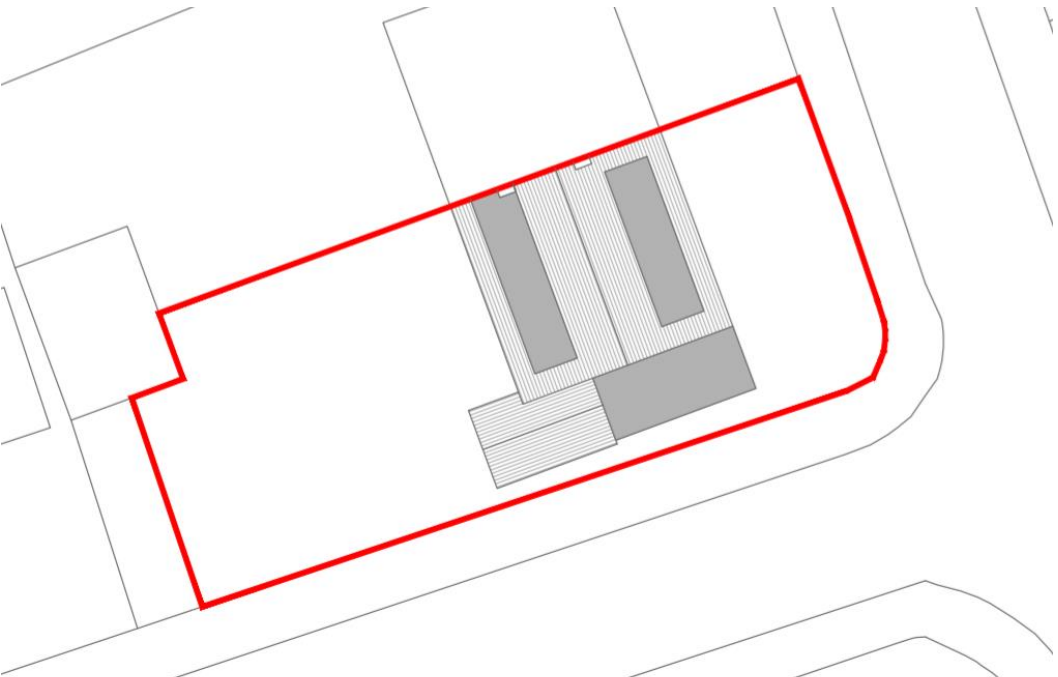


Location – Aerial Photo









Existing

Proposed

East (front) Elevation

EXISTING



PROPOSED



West (rear) Elevation

EXISTING



PROPOSED



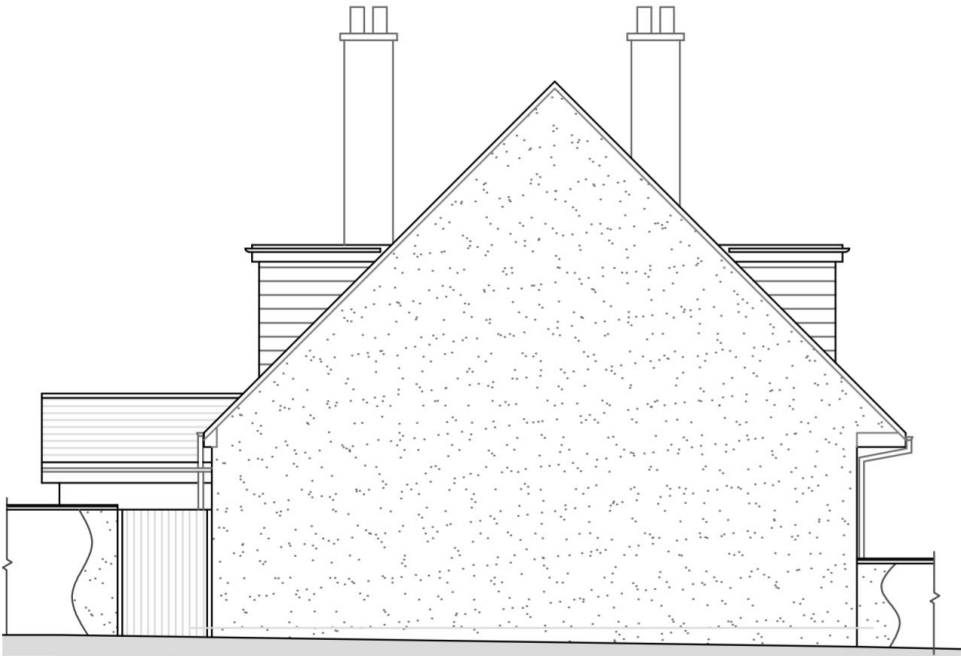
South (side) Elevation

EXISTING

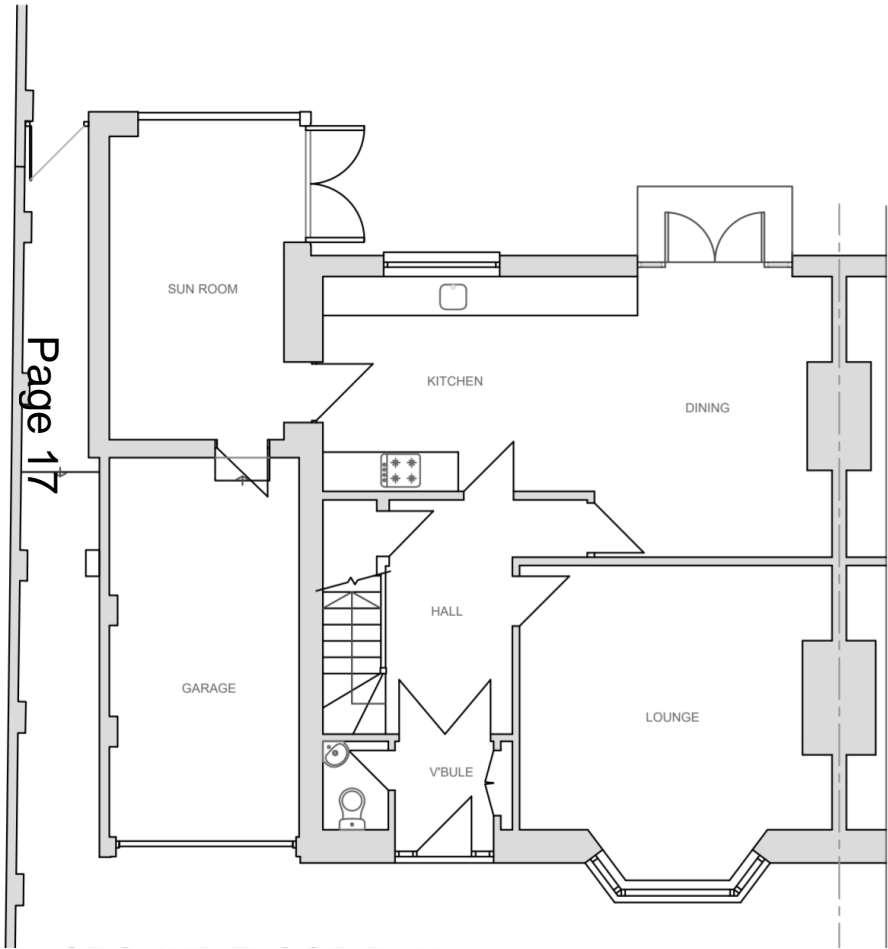


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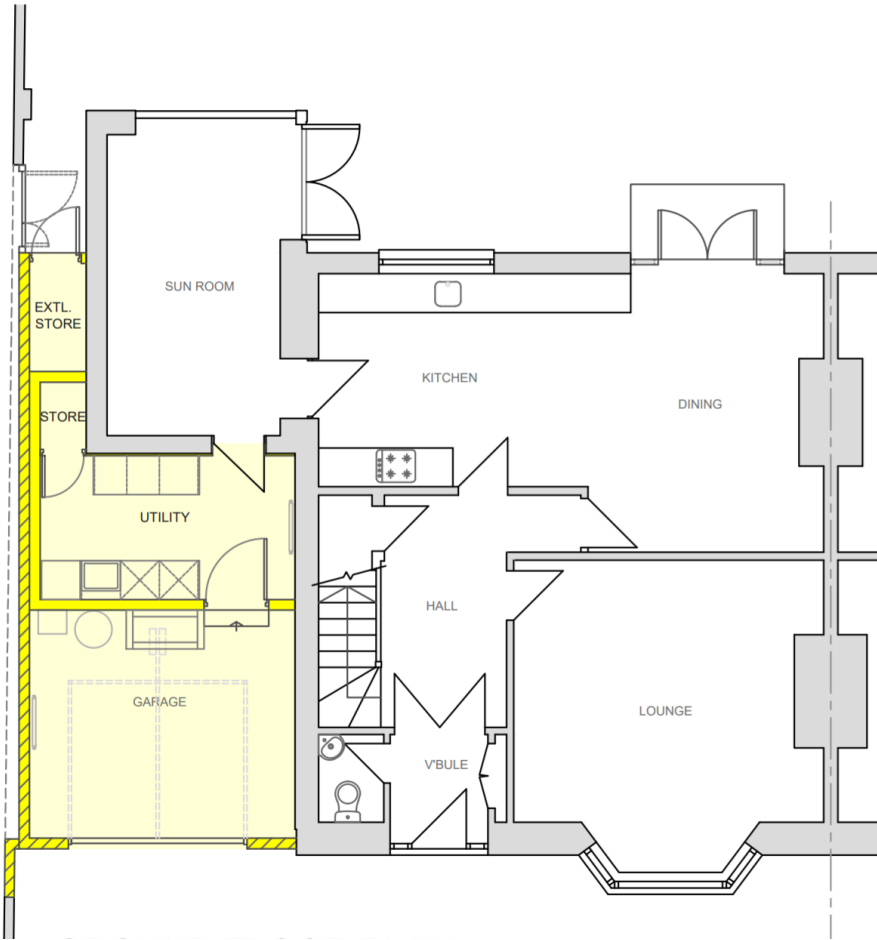
PROPOSED



Ground Floor

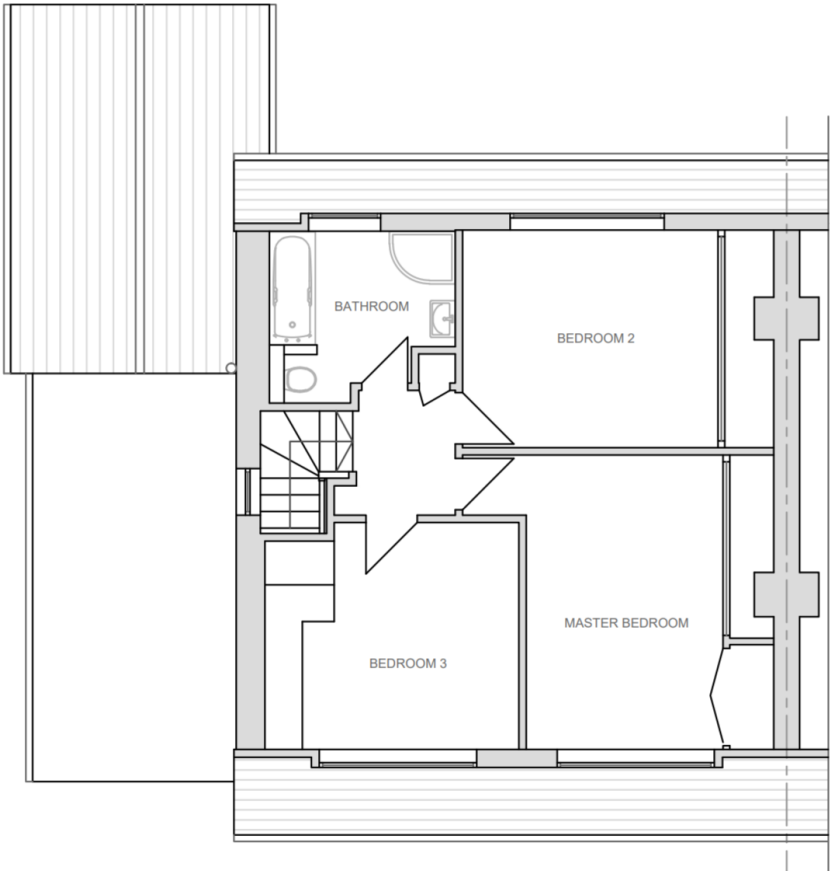


EXISTING

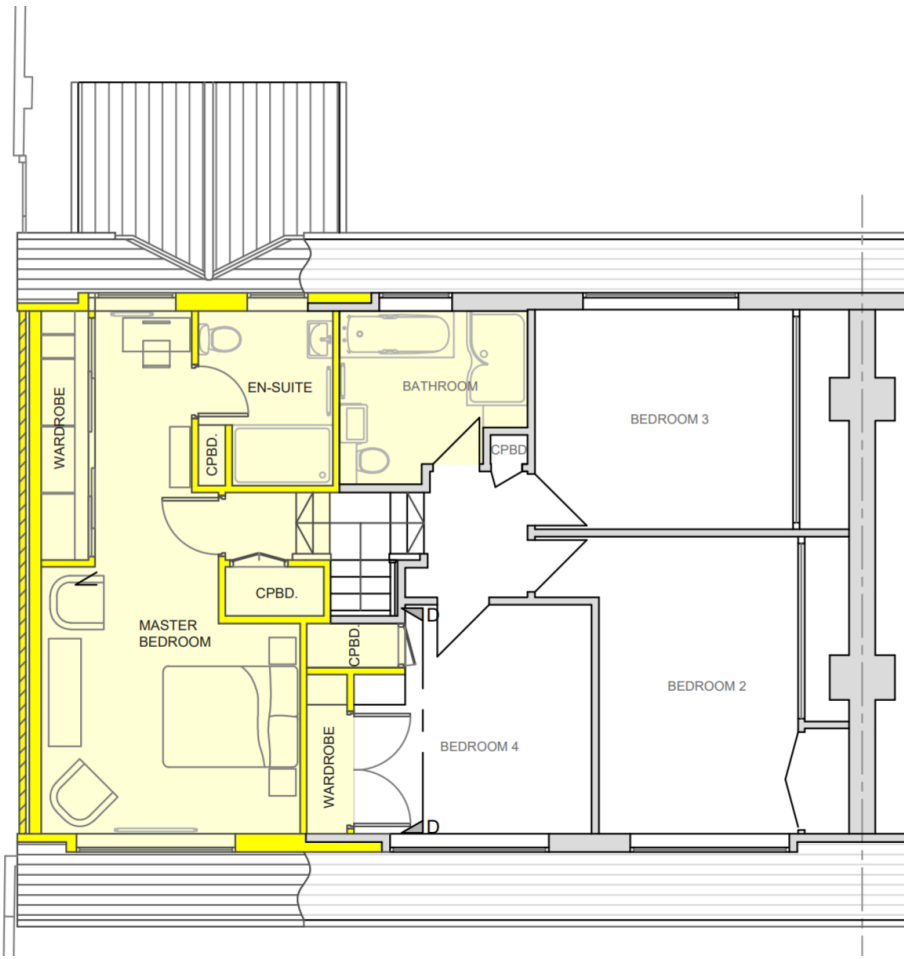


PROPOSED

Existing & Proposed First Floor



EXISTING



PROPOSED

Reasons for Refusal

- The proposed extension, due to its massing and location - extending entirely to the southern boundary of the site where it meets the public footpath - would create an oppressive, dominating structure, as a result of site specific characteristics, which would be to the detriment of the character and visual amenity of the surrounding area.
- The proposal has not been designed with due consideration for its context, having an unacceptable impact on the visual amenity of the area and thus, fails to accord with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan; its associated Supplementary Guidance: 'Householder Development Guide'; and Policies D1, D2 and H1 of the Proposed Aberdeen Local Development Plan.
- There are no material planning considerations that would warrant approval of permission in this instance.

Applicant's Case

- Highlights the positive elements of the proposal identified in officer's report – including: size and design of the extension; developed extent of the plot; design of dormer windows/roof extension; and amenity/privacy/light impact on neighbours;
- Concludes that corner plot location and relationship with wider context are the basis for refusal. Suggests that the scale of its impact is over-stated within the officer assessment;
- Advises that amendments suggested by case officer would significantly compromise the additional accommodation and queries whether this would be materially different in terms of its relationship with the street;
- Provides a detailed review of the proposal against the relevant ALDP policies;
- Provides numerous examples of existing properties which have been extended to directly abut the public footway/road, as well as traditional properties constructed in this manner;
- Includes a statement of the applicants' personal circumstances and motivations behind the proposal;
- Sets out the reasons why the applicant considers that the proposal does in fact comply with the relevant policies of the ALDP and is supported by similar examples locally;

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)

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

SG: Householder Development Guide

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

SG: Householder Development Guide

- The built footprint of a dwelling house as extended should not exceed twice that of the original dwelling.
- No more than 50% of the front or rear curtilage shall be covered by development.
- On properties of 2 or more storeys, two storey extensions will generally be possible, subject to the considerations set out in the 'General Principles'.

Points for Consideration:

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

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

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

2. Do other material considerations weigh for or against the proposal? Are they of sufficient weight to overcome any conflict with the Development Plan?

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

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	Strategic Place Planning
	Report of Handling

Site Address:	9 Kildrummy Road, Aberdeen, AB15 8HJ
Application Description:	Erection of 2 storey side extension with integral garage and alterations to boundary wall and rear extension roof
Application Ref:	210477/DPP
Application Type:	Detailed Planning Permission
Application Date:	8 April 2021
Applicant:	Mr Derrick Williamson
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Craigiebuckler and Seafield
Case Officer:	Jemma Tasker

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to a corner plot and comprises a one-and-a-half storey, semi-detached dwellinghouse located on the western side of Kildrummy Road, at its junction with Fintray Road. The dwelling has an east facing principal elevation fronting Kildrummy Road; adjoins No. 11 Kildrummy Road to the north; Fintray Road is located to the south; and an electricity substation is situated to the west. A single lean-to garage abuts the southern gable of the dwelling, measuring 3.1m in width, 6.1m in length and set 0.2m and 3.1m behind the original front and rear building line, respectively. The garage sits approximately 1.3m from the southern (side) boundary of the site and mirrors that of the property opposite Fintray Road (No. 7 Kildrummy Road). Additionally, the property has been extended by way of a single storey rear extension to form a sunroom. The extension projects 5.2m from the rear of the garage and 2.2m from the rear of the original dwelling, having a footprint of approximately 18sqm.

Relevant Planning History

Application Number	Proposal	Decision Date
171371/DPP	Erection of single storey extension to rear	09.01.2018
		Status: Approved Unconditionally.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission (DPP) is sought for the erection of a two storey side extension with integral garage and utility/storage space at ground floor level and living accommodation at first floor level, and alterations to the boundary wall and the rear extension roof.

The extension would be approximately 4.3m in maximum width, extending to the southern (side) boundary of the site, with a length of c.9.3m, lining through with the original front and rear elevations of the dwelling. Its roof would be pitched and would line through with the existing eaves and ridge height, having a maximum overall height of 8m. The existing dormers on both the front and rear elevations would be extended to sit 0.7m and 0.9m from the gable, respectively. Finishing materials would include white roughcast render, brown concrete roof tiles and white uPVC fascia, soffits and rainwater goods. To accommodate this, the roof of the existing single storey extension would be modified slightly.

The proposal includes the removal of a section of the existing southern boundary wall and the rebuilding of this to the same height to the front and rear of the proposed extension. This element is considered to constitute permitted development and therefore, will not be further assessed as part of this application.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QQXTH4BZ19U00>

Supporting Statement by Derrick and Stephanie Williamson (March, 2021) – sets out a personal statement; a summary of the proposal; an overview and appraisal of the Pre-Application Response for the proposal (which had advised the proposal was not acceptable); and examples of existing alleged precedents for side extensions.

CONSULTATIONS

Craigiebuckler and Seafeld Community Council – No comments received.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Aberdeen Local Development Plan (2017) (ALDP)

Policy D1 – Quality Placemaking by Design

Policy H1 – Residential Areas

Supplementary Guidance

The Householder Development Guide (HDG)

Proposed Aberdeen Local Development Plan (2020) (PALDP)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

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

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy H1 – Residential Areas

EVALUATION

Principle of Development

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

Design and Scale

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 (Quality Placemaking by Design) 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 proposed extension would meet two of the General Principles set out in the HDG; with respect to the increase in the footprint of the house and the resultant amount of undeveloped rear garden. It would add an additional 29sqm to the original footprint of 79sqm which, when considering the existing rear extension, is under the maximum 100% increase on original floorspace permitted; it would result in a negligible increase in site coverage, given it would replace the existing garage, taking the overall site coverage within the plot to 33%, thereby retaining an acceptable level of development which would not be at odds with that of neighbouring properties; and in excess of 50% of usable rear garden ground would be retained. The scale of the extension would therefore not constitute overdevelopment.

The proposed extension, in isolation, could be considered to be subservient to the original dwelling as the roof profile, eaves height and ridge height would tie in with the existing and given its scale and height, it would neither mask nor overwhelm the original dwelling, which would still remain apparent. However, the proposal cannot be seen in isolation and must be considered in the context of – and having regard to – the surrounding area. Policy D1 of the ALDP sets out 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. It then further details that placemaking requires a collaborative process to achieving

development that complements and enhances the site context and can be measured by six essential qualities: a distinct identity, welcoming, safe and pleasant, easy to move around, adaptable to changing circumstances and is resource efficient. As previously mentioned, the dwelling which sits on the opposite side of Fintray Road (No. 7 Kildrummy Road) essentially mirrors that of the application site. The two relatively low, lean-to garages abutting the gable ends of the properties sit c.1.3m from the boundary with Fintray Road, with the main one-and-a-half storey dwellings sitting c.4.3m from this boundary. This creates a sense of balance and openness within the streetscape which contributes to the overall character and amenity. The proposal would be located within this corner plot, extending up to the boundary with, and immediately abutting the pavement of, Fintray Road for the entire length of the existing gable – c.9.3m – where it would reach a maximum height of 8m. It is considered that this would close off this existing open-planned corner of the street and would be an imposing and prominent feature when viewed from Fintray Road, to the detriment of the overall residential character and amenity. The narrowing of the streetscape to this extent would be uncharacteristic of the prevailing built form of the Craigiebuckler area. Furthermore, the proposed extension located directly adjacent to the public footpath at an overall height of 8m would create an oppressive structure directly adjacent the public footway which – when considered in comparison to the existing situation – would not create a particularly ‘welcoming’ environment and thus, creates tension with Policy D1 of the ALDP.

Further to this, precedent can be a legitimate planning consideration, in particular where the potential for cumulative impacts could arise. If the property at No. 7 Kildrummy Road would also be extended in a similar manner to the one proposed, this would further exacerbate this concern and would significantly alter the original form and character of the street.

Moreover, the front and rear dormer extensions would continue the alignment, form and design of the existing dormers into the new roof space created. Whilst occupying almost the full length of the front and rear roofslopes, the dormers would be set over 600mm in from the new gable, as required by the HDG. Their scale, massing and design would be consistent with the surrounding area whereby dormers frequently cover the majority of the length of a property’s roofslope. While there would be a substantial proportion of solid panels, more than 50% of the extended dormers’ front faces would be glazed, with windows positioned at the extremities of the extended sections. It is thus considered that the dormer extensions are compliant with the guidance set out in the HDG and would not harm the character of the area.

Overall, the extension has not been designed with due consideration for its context, is inappropriate in relation to the immediate surrounding pattern of development and would have a negative impact on its setting. In attempt to address the issues discussed above, the applicant was requested to reduce the width of the extension; thus, taking it away from the southern (side) boundary of the site by approximately 1m. Such an amendment would still have allowed for the creation of considerable additional living accommodation, allowing for a good-sized master bedroom to be provided at first floor level. However, this request was rejected by the applicant. Therefore, the resultant extension, as proposed, would be an imposing, overbearing, incongruous structure that would introduce a visually intrusive element, which would have a detrimental impact on the character and appearance of the surrounding area and thus, fails to comply with Policies D1 and H1 of the ALDP and the guidance contained within the HDG.

Moreover, within the supporting statement submitted as part of this application, a personal statement has been provided detailing why the proposed extension is required. However, it should be noted that personal circumstances are not a material planning consideration in the determination of planning applications and thus, cannot be used to provide justification for a development proposal which otherwise fails to comply with policy and guidance. Further to this, a number of examples have been provided of side extensions to dwellings which are deemed to set a precedent for the development. Many of the examples provided are from across the City, with

varying contexts and house types noted; therefore, providing little correlation to the application site. Nevertheless, two out of the eight examples provided are in the surrounding neighbourhood and include No. 1 Fintray Road and No. 15 Fintray Road. The development at No. 1 Fintray Road relates to a single storey extension which extends to the boundary adjacent the public footpath. Given the single storey form, this is of a significantly lesser mass than the extension proposed at the application site and thus, does not have the same dominating or intrusive impact. Furthermore, while No. 15 Fintray Road has constructed a two storey extension which projects to the boundary adjacent the public footpath, the context of this site differs to that of the application site. Here, on the opposite side of the road is not another gable. Instead, it is a dwelling which is set back some 11m from the road and is therefore, different from the relationship between the two dwellings at No. 9 and 7 Kildrummy Road which both have gable ends c.4m from the road. Therefore, this does not have the same oppressive impact or the same potential for the overbearing cumulative impact as previously discussed. Notwithstanding, it is worthy of note that No. 15 Fintray Road is the only example of that type, design and scale of side extension on a corner side in the whole of the Craigiebuckler area and thus is not reflective of the prevailing character of the area.

Overall, it is considered that there are no material planning considerations which would warrant approval of the planning application contrary to policy and guidance.

Impact on Residential Amenity

No development should result in a situation where amenity is “borrowed” from an adjacent property, or there is an impingement on the amenity enjoyed by others. Given the location of the proposed extension adjacent a public road, the proposal would have no additional adverse impact on neighbouring properties in terms of internal daylight levels, overshadowing or privacy. Current levels of residential amenity would therefore be retained, in compliance with Policy H1 and the HDG.

Proposed Aberdeen Local Development Plan (2020) (PALDP)

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

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed extension, due to its massing and location – extending entirely to the southern boundary of the site where it meets the public footpath – would create an oppressive, dominating structure, as a result of site specific characteristics, which would be to the detriment of the character and visual amenity of the surrounding area. The proposal has not been designed with due consideration for its context, having an unacceptable impact on the visual amenity of the area and thus, fails to accord with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan; its associated Supplementary Guidance: ‘Householder Development Guide’; and Policies D1, D2 and H1 of the Proposed Aberdeen Local Development Plan. There are no material planning considerations that would warrant approval of permission in this instance.



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100389841-001

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)

Existing garage with lean-to roof to be partially demolished along with section of boundary wall. New two-storey extension to be constructed on side of existing dwelling house to create new, wider garage with utility room to the rear, and a master bedroom with en-suite at first floor level. Existing boundary wall to be re-built to abut extension at front at rear. Roof of existing single-storey sun lounge extension to be modified to tie in with new extension roof.

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

☒ No ☐ Yes - Started ☐ Yes – Completed

Applicant or Agent Details

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

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Derrick"/>	Building Number: <input type="text" value="9"/>
Last Name: *	<input type="text" value="Williamson"/>	Address 1 (Street): * <input type="text" value="Kildrummy Road"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text" value="Craigiebuckler"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: * <input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="AB158HJ"/>
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="9 KILDRUMMY ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 8HJ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805196"/>	Easting	<input type="text" value="390485"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☒ Letter ☐ Email

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

Pre-Application Enquiry submitted and written response received.

Title:

Ms

Other title:

First Name:

Jemma

Last Name:

Tasker

Correspondence Reference
Number:

210045/PREAPP

Date (dd/mm/yyyy):

18/02/2021

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

Trees

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

☒ Yes ☐ No

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

Access and Parking

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

☐ Yes ☒ No

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mr Derrick Williamson

On behalf of:

Date: 01/04/2021

☒ 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 Derrick Williamson

Declaration Date: 02/04/2021

Payment Details

Online payment: ABSP00006480

Payment date: 02/04/2021 13:32:00

Created: 02/04/2021 13:32

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DECISION NOTICE

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

Mr Derrick Williamson
9 Kildrummy Road
Craigiebuckler
Aberdeen
AB158HJ

With reference to your application validly received on 8 April 2021 for the following development:-

Erection of 2 storey side extension with integral garage and alterations to boundary wall and rear extension roof at 9 Kildrummy Road, Aberdeen

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

Drawing Number	Drawing Type
9KR-PL001	Elevations and Floor Plans (Proposed)
9KR-PL002	Location Plan

REASON FOR DECISION

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

The proposed extension, due to its massing and location - extending entirely to the southern boundary of the site where it meets the public footpath - would create an oppressive, dominating structure, as a result of site specific characteristics, which would be to the detriment of the character and visual amenity of the surrounding area. The proposal has not been designed with due consideration for its context, having an unacceptable impact on the visual amenity of the area and thus, fails to accord with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas)

of the Aberdeen Local Development Plan; its associated Supplementary Guidance: 'Householder Development Guide'; and Policies D1, D2 and H1 of the Proposed Aberdeen Local Development Plan. There are no material planning considerations that would warrant approval of permission in this instance.

Date of Signing 16 June 2021



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

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

None.

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

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

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

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

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

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

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

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Aberdeen Local Development Plan (ALDP)

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

Supplementary Guidance

Householder Development Guide

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

Other Material Considerations

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

Proposed Aberdeen Local Development Plan (2020)

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

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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 100389841-004

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

Applicant or Agent Details

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Derrick"/>	Building Number:	<input type="text" value="9"/>
Last Name: *	<input type="text" value="Williamson"/>	Address 1 (Street): *	<input type="text" value="Kildrummy Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Craigiebuckler"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB158HJ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

9 KILDRUMMY ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 8HJ

Please identify/describe the location of the site or sites

Northing

805196

Easting

390485

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 2 storey side extension with integral garage and alterations to boundary wall and rear extension roof

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? *	
<input checked="" type="checkbox"/> Refusal Notice. <input type="checkbox"/> Grant of permission with Conditions imposed. <input type="checkbox"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.	
<h3>Statement of reasons for seeking review</h3> <p>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)</p> <p>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.</p> <p>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.</p> <div style="border: 1px solid black; height: 60px; margin-top: 10px; padding: 5px;"> Refer to attached Planning Appeal Statement </div>	
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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) <div style="border: 1px solid black; height: 60px; margin-top: 10px;"></div>	
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) <div style="border: 1px solid black; height: 60px; margin-top: 10px; padding: 5px;"> Planning Appeal Statement & Appendices </div>	
<h3>Application Details</h3>	
Please provide the application reference no. given to you by your planning authority for your previous application.	<div style="border: 1px solid black; padding: 5px; display: inline-block;">210477/DPP</div>
What date was the application submitted to the planning authority? *	<div style="border: 1px solid black; padding: 5px; display: inline-block;">08/04/2021</div>
What date was the decision issued by the planning authority? *	<div style="border: 1px solid black; padding: 5px; display: inline-block;">16/06/2021</div>

Review Procedure

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

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

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☐ Yes ☐ No ☒ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Derrick Williamson

Declaration Date: 07/09/2021



PLANNING APPEAL STATEMENT

Derrick & Stephanie Williamson

9 Kildrummy Road, Aberdeen AB15 8HJ

1st September 2021

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1. INTRODUCTION

This statement has been prepared in order to formalise an appeal against the decision taken by Aberdeen City Council Planning Authority to refuse Planning Permission for works at 9 Kildrummy Road, Aberdeen AB15 8HJ, under Planning Application Reference 210477/DPP. The Application Description as assigned by the Planning Authority is: “Erection of 2 storey side extension with integral garage and alterations to boundary wall and rear extension roof.”

It is the intention of this statement to challenge the recommendation to refuse Planning Permission, by reviewing and addressing the justifications provided for the conclusions drawn.

2. PROPOSAL SUMMARY

The existing property is a one-and-a-half storey, semi-detached house with a lean-to garage at the side and a single-storey sun lounge extension to the rear. The house has a pitched roof with a gable end, and box dormers to the front and rear, and the existing extension also has a pitched roof with a rear-facing gable end.

The proposed extension would see the existing garage partially demolished, and a new, wider garage formed with a small utility room to the rear. A new master suite is to be created at first floor level, comprising a double bedroom, dressing area and en-suite. The existing single-storey extension to the rear would be retained, with the roof modified slightly to tie in with the roof of the proposed extension.

3. APPLICATION HISTORY

3.1 PRE-APPLICATION ADVICE - OVERVIEW

Prior to lodging the Planning Application, a Pre-Application Advice Form was submitted to Aberdeen City Council. The primary reason for this was to attain “peace of mind” that the proposal would be acceptable to the Planning Authority and allow us to progress with the technical drawings for Building Warrant and tendering purposes, in tandem with the Planning Application.

The Pre-Application Written Response (Ref: 210045/PREAPP) was received on 18th February 2021 (Appendix III).

The evaluation provided by Aberdeen City Council’s Planning Authority found the design and scale of the proposal to be acceptable, stating that *“the proposal would result in a negligible increase in footprint to the existing dwelling and thus, a negligible increase in site coverage and in excess of 50% of usable rear garden ground would be retained. The scale of the proposal would therefore, not constitute overdevelopment.”*

The planner also acknowledged that a similar house extension had been carried out within the street, at 16 Kildrummy Road, which is diagonally opposite the application property.

However, a concern was raised relating to the specific location of the application property, which sits on a corner plot at the junction between Kildrummy Road and Fintray Road.

The conclusion of the evaluation was that the Planning Authority would be unlikely to support the proposal on the basis that it *“would have a detrimental impact on the character and amenity of the surrounding area, contrary to Policies D1 and H1 of the Aberdeen Local Development Plan (ALDP).”*

We were extremely surprised by the conclusion reached and felt that the justification was not fair or reasonable. At this point we contacted the Planner by telephone to request a meeting to further discuss the proposals, in the hope that an agreement could be reached. However, the Planner refused our request and advised that there was no scope for compromise on the design of the extension.

3.2 PLANNING APPLICATION - OVERVIEW

After taking some time to reflect on the Pre-Application Written Response (PAWR) and fully appraise the Material Considerations quoted therein, we ultimately decided to proceed with the submission of a formal Planning Application. Whilst we appreciated the advice provided by the Planning Authority, we were not in agreement with the arguments put forward, and we took the decision to compile a Supporting Statement (Appendix IV) for submission along with the proposals.

We must stress that it was not our intention to criticise the Planning Authority's evaluation of the proposal, we were simply aiming to outline our reasons why we felt the application should be supported. We hoped that in doing so, our proposal would be reconsidered, or at the very least we would be given the opportunity to engage in some dialogue with the Planning Authority and come to a reasonable agreement.

Unfortunately, the response to the Planning Application subsequently received from the Planning Authority largely echoed the sentiments of the PAWR.

It should be acknowledged that the Planner did make contact via e-mail to suggest a potential alternative to the design. However, the suggested reduction in footprint significantly reduced the floor areas and made the extension unviable (this alternative proposal will be reviewed in more detail in sections 5.3 & 5.4).

The Planner then advised that our options were to revise our plans as per her proposal, or have the application refused. Ultimately, we concluded that there was no merit in obtaining Planning Permission for a heavily compromised design which would never be built, so it was agreed that the application would be refused.

The Report of Handling (Appendix V) and Decision Notice (Appendix VI) were issued on 16th June 2021.

4. MATERIAL CONSIDERATIONS

The following policies and guidance were quoted within the Report of Handling:

Legislative Requirements

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

Aberdeen Local Development Plan (2017) (ALDP)

Policy D1 – Quality Placemaking by Design

Policy H1 – Residential Areas

Supplementary Guidance

The Householder Development Guide (HDG)

Proposed Aberdeen Local Development Plan (2020) (PALDP)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;*
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.*

5. REPORT OF HANDLING

5.1 POSITIVES

In assessing the proposal, the Planner acknowledged several positive aspects of the design as noted within the following paragraphs copied from the Report of Handling (RoH):

“The proposed extension would meet two of the General Principles set out in the HDG; with respect to the increase in the footprint of the house and the resultant amount of undeveloped rear garden. It would add an additional 29sqm to the original footprint of 79sqm which, when considering the existing rear extension, is under the maximum 100% increase on original floorspace permitted; it would result in a negligible increase in site coverage, given it would replace the existing garage, taking the overall site coverage within the plot to 33%, thereby retaining an acceptable level of development which would not be at odds with that of neighbouring properties; and in excess of 50% of usable rear garden ground would be retained. The scale of the extension would therefore not constitute overdevelopment.”

“The proposed extension, in isolation, could be considered to be subservient to the original dwelling as the roof profile, eaves height and ridge height would tie in with the existing and given its scale and height, it would neither mask nor overwhelm the original dwelling, which would still remain apparent.”

“Moreover, the front and rear dormer extensions would continue the alignment, form and design of the existing dormers into the new roof space created. Whilst occupying almost the full length of the front and rear roofslopes, the dormers would be set over 600mm in from the new gable, as required by the HDG. Their scale, massing and design would be consistent with the surrounding area whereby dormers frequently cover the majority of the length of a property’s roofslope. While there would be a substantial proportion of solid panels, more than 50% of the extended dormers’ front faces would be glazed, with windows positioned at the extremities of the extended sections. It is thus considered that the dormer extensions are compliant with the guidance set out in the HDG and would not harm the character of the area.”

“Impact on Residential Amenity: No development should result in a situation where amenity is “borrowed” from an adjacent property, or there is an impingement on the amenity

enjoyed by others. Given the location of the proposed extension adjacent a public road, the proposal would have no additional adverse impact on neighbouring properties in terms of internal daylight levels, overshadowing or privacy. Current levels of residential amenity would therefore be retained, in compliance with Policy H1 and the HDG.”

It is clear from these words that there are many aspects of the proposal which the Planner considers to be acceptable, and although the references to the planning policies are somewhat vague, it is fair to assume that many of the design criteria set out within said policies have been satisfied.

5.2 NEGATIVES

However, the central plank of the Planner’s reasoning for recommending that the application be refused appears to be regarding the context of the property – in other words, the fact that it is located on a corner plot. This is covered within the following paragraphs, again copied directly from the RoH:

“The dwelling which sits on the opposite side of Fintray Road (No. 7 Kildrummy Road) essentially mirrors that of the application site. The two relatively low, lean-to garages abutting the gable ends of the properties sit c.1.3m from the boundary with Fintray Road, with the main one-and-a-half storey dwellings sitting c.4.3m from this boundary. This creates a sense of balance and openness within the streetscape which contributes to the overall character and amenity. The proposal would be located within this corner plot, extending up to the boundary with, and immediately abutting the pavement of, Fintray Road for the entire length of the existing gable – c.9.3m – where it would reach a maximum height of 8m. It is considered that this would close off this existing open-planned corner of the street and would be an imposing and prominent feature when viewed from Fintray Road, to the detriment of the overall residential character and amenity. The narrowing of the streetscape to this extent would be uncharacteristic of the prevailing built form of the Craigiebuckler area. Furthermore, the proposed extension located directly adjacent to the public footpath at an overall height of 8m would create an oppressive structure directly adjacent the public footway which – when considered in comparison to the existing situation

– would not create a particularly ‘welcoming’ environment and thus, creates tension with Policy D1 of the ALDP.”

“Further to this, precedent can be a legitimate planning consideration, in particular where the potential for cumulative impacts could arise. If the property at No. 7 Kildrummy Road would also be extended in a similar manner to the one proposed, this would further exacerbate this concern and would significantly alter the original form and character of the street.”

“Overall, the extension has not been designed with due consideration for its context, is inappropriate in relation to the immediate surrounding pattern of development and would have a negative impact on its setting.”

“Therefore, the resultant extension, as proposed, would be an imposing, overbearing, incongruous structure that would introduce a visually intrusive element, which would have a detrimental impact on the character and appearance of the surrounding area and thus, fails to comply with Policies D1 and H1 of the ALDP and the guidance contained within the HDG.”

Again, although the Planner makes passing references throughout the RoH to *“Policies D1 and H1 of the ALDP and the guidance contained within the HDG”* there are few direct references to any specific legislation with which the proposal is deemed not to comply.

Moreover, the Planner’s use of such emotive language – e.g. *“an imposing, overbearing, incongruous structure”* – seems utterly disproportionate with the nature of the proposal being assessed. It is a modest, one-and-a-half storey domestic extension, the likes of which has been constructed countless times throughout Aberdeen City and elsewhere for decades. The use of such hyperbole leads the reader to wonder whether the Planner felt the need to embellish their justification in the absence of any clear breach of planning policy.

5.3 PROPOSED ALTERNATIVE DESIGN

Although the Planner was unwilling to support the proposal submitted, she did, to her credit, make contact via e-mail to suggest an alternative design. This is noted within the RoH as follows:

“In attempt to address the issues discussed above, the applicant was requested to reduce the width of the extension; thus, taking it away from the southern (side) boundary of the site by approximately 1m. Such an amendment would still have allowed for the creation of considerable additional living accommodation, allowing for a good-sized master bedroom to be provided at first floor level. However, this request was rejected by the applicant.”

Whilst this offer was appreciated, we do not agree with the Planner’s claim that the reduced extension width would still provide adequate accommodation. The suggested 1m reduction equates to over 26% of the clear internal width proposed, which represents a significant compromise.

At first floor level, whilst it may just have been possible to accommodate a modest-sized double bedroom, there would not be sufficient floor area for the creation of an en-suite with dressing area, as proposed. One must bear in mind that there would be roof “lie-ins” at the front and rear, which further reduce the usable floor area and restrict options for accommodating built-in wardrobes & showers. Spatial layouts are further restricted by the requirement to position windows at the outer extremities of dormers, in accordance with the Householder Development Guide.

At ground floor level, the 1m reduction would result in the loss of the internal and external walk-in stores proposed and reduce by almost 50% the storage volume & worktop area that could be accommodated within the utility room. The garage area, already significantly reduced by the proposed works, would be further compromised.

These factors combined, along with the increased cost-per-square-metre of building on a smaller scale, make the extension design suggested by the Planner unviable.

When notifying the Planner that we were not willing to proceed based on the suggested 1m reduction, we enquired as to whether a compromise could be agreed on the extension width, i.e. a width somewhere between the original proposal and the suggested alternative,

but we were advised that a 1m reduction was the absolute minimum that would be considered.

In a further attempt to reach an agreement with the Planner we also proposed, as an alternative to reducing the extension width, to change the roof design to a raised hip in lieu of a gable, but the Planner responded that:

“While it is noted that the half hip would somewhat reduce the massing of the extension, this is not to a sufficient degree and would somewhat unbalance the pair of semi-detached properties given that the adjoining property has a full gable, as per the existing dwelling.”

Based on the foregoing correspondence with the Planner, it became clear that it would not be possible to reach a compromise which would be acceptable to all parties.

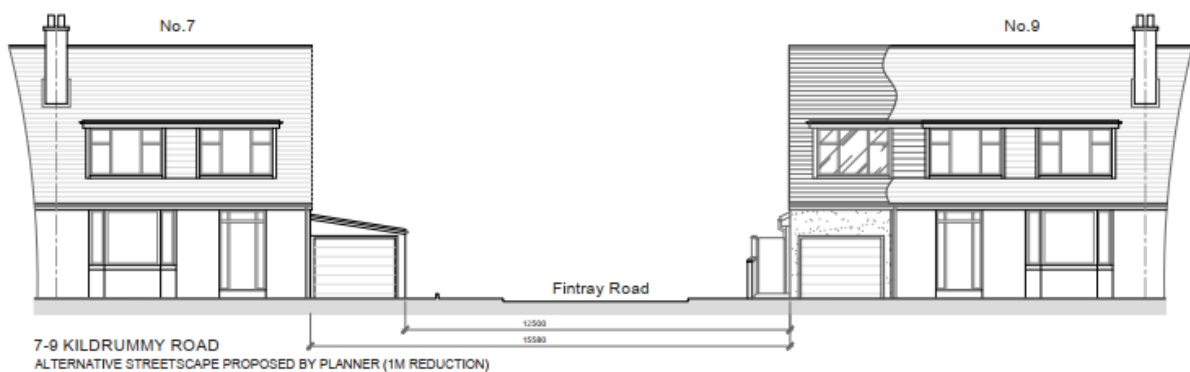
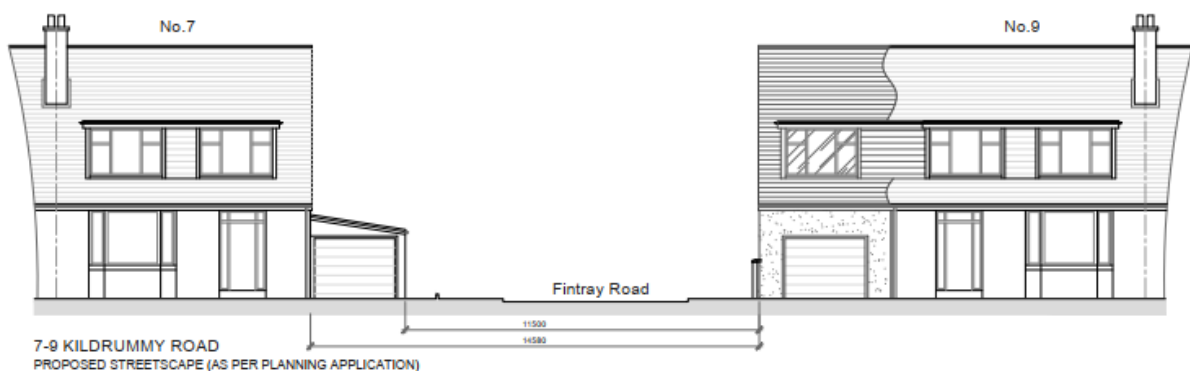
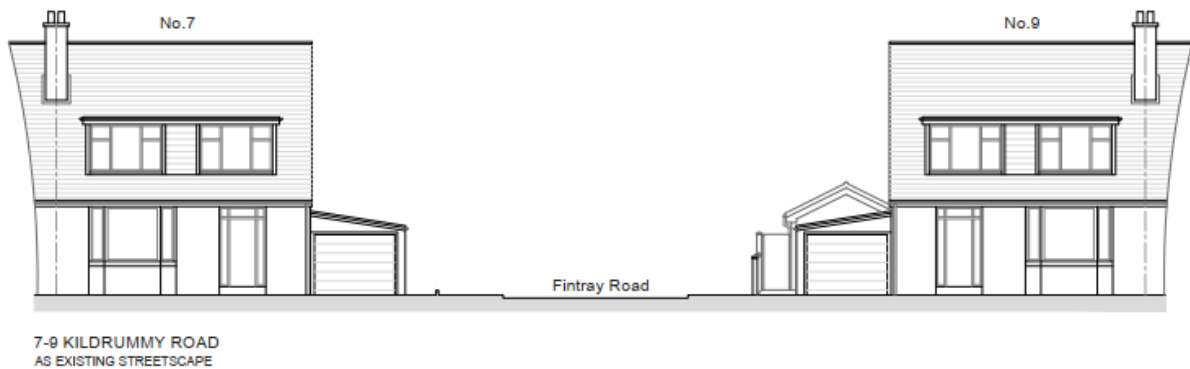
5.4 PROPOSED ALTERNATIVE DESIGN IN CONTEXT

Although the aforementioned negotiations with the Planner ultimately proved fruitless, we did welcome her willingness to engage with us in an attempt to find a potential compromise. However, whilst considering the suggestion of reducing the extension width by 1m, we found ourselves unable to comprehend the logic behind her proposal.

Shown on the following page are three streetscapes showing the application property at no. 9 Kildrummy Road together with the neighbouring house at no. 7, which is located at the other side of Fintray Road and is specifically referenced by the Planner within the RoH. These streetscapes have been produced in order to show the proposed extension in context and allow evaluation of the Planner's primary concern, that:

"It is considered that [the extension] would close off this existing open-planned corner of the street..." and "The narrowing of the streetscape to this extent would be uncharacteristic of the prevailing built form of the Craigiebuckler area."

The first streetscape shows the existing front elevation of 9 Kildrummy Road, comprising a lean-to garage with single-storey extension behind, and a boundary wall. The second streetscape shows the proposed extension as per the Planning Application and the third shows the alternative design suggested by the Planner, with the 1m reduction in width.



Although, as noted in the previous section, the reduction in width proposed by the Planner would result in a significantly compromised floor area within the extension, it is clear when comparing the second and third streetscapes that the difference in external appearance is negligible.

We therefore find it incomprehensible that the alternative design suggested by the Planner is considered to be completely acceptable, whereas the original proposal, in the Planner's words, would be *"an imposing, overbearing, incongruous structure that would introduce a visually intrusive element, which would have a detrimental impact on the character and appearance of the surrounding area."*

6. EVALUATION OF PROPOSAL IN RELATION TO MATERIAL CONSIDERATIONS

It is the intention of this Appeal Statement to take a more reasoned approach to the proposed extension and measure it directly against the various criteria contained within the planning policies and guidance cited by the Planner.

Much of the assessment that follows was put forward within the Supporting Statement which accompanied the Planning Application. However, this was disregarded by the Planner who made no reference to the justification provided, other than seeking to discredit the examples of precedents which were referenced (more on that in the next chapter).

6.1 ALDP POLICY D1 - QUALITY PLACEMAKING BY DESIGN

This policy 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. 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.”

We firmly believe that the proposal successfully meets the criteria outlined within Policy D1. The proposed extension has been carefully designed to ensure it complements the original dwellinghouse design in terms of scale, form, and choice of materials. The architectural quality is surely evidenced by the fact that a near-identical extension has been granted Planning Permission and constructed at 16 Kildrummy Road, diagonally opposite the application site. This is acknowledged by the Planner within the PAWR.

We strongly disagree with the Planner's opinion that the proposed extension would have a detrimental impact on the area. As mentioned in Chapter 5, the Planner's sole reason for not supporting the application centres on the fact that the application property is on a corner plot. The Planner confirmed verbally that had an application been lodged to build an identical extension on the adjoining property (no. 11), or for that matter any other house on Kildrummy Road (save for no. 7, which is at the opposite side of the junction), it would have been recommended for approval. Whilst we fully understand that each application must be judged on its individual merits, we feel that this stance is grossly unfair.

Fintray Road, the street which meets Kildrummy Road at a T-junction adjacent to the application property is, including pavements, approximately 10.5m wide. This clear width would remain should the proposed extension be built, the only difference would be that the height of the structure on the site boundary would increase.

It simply does not follow that the existing lateral extension, which is deemed to be perfectly acceptable by the Planning Authority, becomes "*an imposing, overbearing, incongruous structure*" simply by increasing the width by 1m and adding another half-storey on top.

We would note that the guidance set out within Policy D1 is not prescriptive and therefore gives rise to subjectivity, hence the divergence of opinion between Planner and Applicant. Consequently, we shall seek to further demonstrate that the proposal is acceptable based on existing domestic extensions constructed on corner plots within the surrounding area, which have previously been granted Planning Permission by Aberdeen City Council and do not have a detrimental impact on the character or amenity of the surrounding area. This will be covered in the next chapter.

6.2 ALDP POLICY H1 - RESIDENTIAL AREAS

This policy states that:

“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.”

With regards to the four criteria set out above, the RoH acknowledges that the scale of the proposal does not constitute over development, therefore item no. 1 is satisfied.

Item no. 3 is not applicable as no open space will be lost, and item no. 4 directs the reader to the Householder Development Guide (HDG), which is also referenced within the RoH and will be covered in Section 6.2.

Item no. 2 relates to the *“character and amenity of the surrounding area.”* Again, no exact metric exists for evaluation these qualities, so one must use their own judgement.

The question of “character” is surely addressed by the architectural strategy, which places a strong emphasis on respecting the design of the existing dwellinghouse, in terms of style, form and finish. The proposed extension follows the same roof profile as the existing property, with the existing box dormers extended and the existing gable end replicated. Furthermore, all finishing materials have been selected to match those used on the original house, and indeed the vast majority of the properties throughout the Craigiebuckler area, with the notable exception of the “new-build” houses at the north end of Kildrummy Road and Kemnay Place. We feel that these factors combine to ensure that the proposed extension is very much in keeping with the character of the surrounding area.

The question of “amenity” is perhaps more difficult to assess. The HDG defines amenity as *“The attributes which create and influence the quality of life of individuals or communities.”*

We felt the only way of accurately gauging this was to seek the opinions of those living in the area. Whilst we were happy to put our faith in the Neighbour Notification process, we were keen to engage with our immediate neighbours prior to submitting the Planning Application, to talk through our proposals with them and provide them with the opportunity to ask any questions they may have.

Without exception, the neighbours we spoke to were very supportive of our proposal, with several commenting that they were pleased to see a young family looking to settle in the area and wishing us well with our application.

In total, 13 neighbours were notified of the proposal by Aberdeen City Council during the Planning Application process (Appendix VII), and there were no objections whatsoever. The RoH also states that Craigiebuckler and Seafield Community Council were consulted during the planning process, and again no comments were received. It is clear therefore that the overwhelming consensus of our neighbours and the wider Craigiebuckler community is that the proposal will not have an adverse impact on their quality of life, and therefore Item no. 2 of Policy H1 is satisfied.

6.3 HOUSEHOLDER DEVELOPMENT GUIDE (HDG)

Section 3.1.4 of the HDG sets out the following 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.

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.”

There is acknowledgement within the RoH that the proposal satisfies items 1, 2, 4 & 5.

With regards to item no. 3, the HDG (unlike the ALDP) is prescriptive and sets out clear guidance on what is considered to be acceptable householder development. When measured against the guidance within the HDG, there is no part of the proposed works which could be described as non-compliant, therefore Item no. 3 is satisfied.

7. SETTING A PRECEDENT

7.1 INTRODUCTION

It is noted within the RoH that *“Precedent can be a legitimate planning consideration”* and we feel it is worth exploring the question of precedent when considering the acceptability of the proposed extension. We fully recognise that it is not always appropriate to reference existing developments as a means of justifying a proposal. However, there are numerous examples of comparable domestic extensions, within similar contexts, throughout Aberdeen City and we believe that this provides the strongest possible vindication of our proposal.

We have catalogued some of these examples on the following pages, along with a brief description of each development (these examples were all included within the Supporting Statement submitted with the Planning Application). This list is by no means exhaustive and all properties identified are within a two-mile radius of the application property.

7.2 EXAMPLE PROPERTIES

A) 1 Fintray Road



This extension, albeit only single-storey, is built on the boundary line at the rear of the pavement in the same fashion as the proposed extension at 9 Kildrummy Road. This property is a stone's throw from the application site, the gable wall of which can be seen on the left-hand side of the photo above.

B) 15 Fintray Road



This property sits directly opposite the previous example on Fintray Road. This one-and-a-half storey extension with a gable wall built on the boundary line is almost identical to the proposal at 9 Kildrummy Road. Both of the above properties on Fintray Road occupy a corner plot and are located within 100m of the application site.

c) 10 Balmoral Road



This one-and-a-half storey extension with a mansard roof has the gable wall built on the boundary line. The property occupies a corner plot, not dissimilar to the application property, at the junction with Gairn Road.

D) 34 Balmoral Road



Another one-and-a-half-storey extension on a corner plot on the same street. The adjacent single-lane street, which provides vehicular access to Gairn Road, does not have pavements and as a result the side wall of the extension is built right at the edge of the carriage way.

E) 53 Ashley Road



This two-storey extension at the junction of Ashley Road and Ashley Gardens has its gable built right on the boundary line. The scale of this gable is significantly larger than the proposed extension at 9 Kildrummy Road, as a result of the elevated eaves height.

F) 33 Braeside Place



This example has a hipped roof rather than a gable, but again the property occupies a prominent corner plot and the extension is constructed right on the boundary line.

G) 59 Craighton Road



This one-and-a-half-storey extension with a raised hip is on a corner plot at the junction of Craighton Road and Craighton Avenue. Although the wall is set back slightly off the boundary, the property is elevated in relation to the adjacent street and as a result the extension appears considerably higher than the proposal at 9 Kildrummy Road. This property has recently been further extended to the rear, on the same line as the previous extension.

H) 60 Cranford Road



This recently approved development is currently under construction at the junction of Cranford Road and Cranford Terrace, and although again set back slightly from the boundary, the overall length of the side elevation significantly exceeds that of the proposed extension at 9 Kildrummy Road.

7.3 SUMMARY

The foregoing examples are all located on corner plots, and their side walls are all built on, or close to, the site boundary.

The Planner chose to completely disregard all but two of the examples provided on the basis that they are not in the immediate vicinity of the application property, stating that:

“Many of the examples provided are from across the City, with varying contexts and house types noted; therefore, providing little correlation to the application site.”

Whilst we appreciate that the different localities within Aberdeen City exhibit varying architectural characteristics, the eight examples provided are of similar house types, all within walking distance of the application property. It seems unfathomable that these can be considered any less valid just because they are not in Craigiebuckler. The principle remains exactly the same.

In considering the two properties in close proximity to the application site, the Planner commented that

“Two out of the eight examples provided are in the surrounding neighbourhood and include No. 1 Fintray Road and No. 15 Fintray Road. The development at No. 1 Fintray Road relates to a single storey extension which extends to the boundary adjacent the public footpath. Given the single storey form, this is of a significantly lesser mass than the extension proposed at the application site and thus, does not have the same dominating or intrusive impact. Furthermore, while No. 15 Fintray Road has constructed a two storey extension which projects to the boundary adjacent the public footpath, the context of this site differs to that of the application site. Here, on the opposite side of the road is not another gable. Instead, it is a dwelling which is set back some 11m from the road and is therefore, different from the relationship between the two dwellings at No. 9 and 7 Kildrummy Road which both have gable ends c.4m from the road. Therefore, this does not have the same oppressive impact or the same potential for the overbearing cumulative impact as previously discussed. Notwithstanding, is worthy of note that No. 15 Fintray Road is the only example of that type, design and scale of side extension on a corner side in the whole of the Craigiebuckler area and thus is not reflective of the prevailing character of the area.”

Whilst we acknowledge that the extension at No. 1 Fintray Road is single storey, it was included in order to provide context given that it sits immediately opposite No. 15.

In evaluating the extension at No. 15 Fintray Road, the Planner reasons that this development is acceptable on the basis that the property at the opposite side of the road is further away than No. 7 Kildrummy Road is from No. 9, before noting that it is the only example of its type in Craigiebuckler.

We find this analysis staggering. The extension at No. 15 Fintray Road is **almost identical** to the proposed extension and is located less than 100 metres from the application site. Even without considering the other examples of precedents provided here, and there are countless others which could've been included, surely No.15 Fintray Road provides enough justification on its own merits for supporting the application.

7.4 TRADITIONAL PRECEDENTS

Looking at this another way, throughout Aberdeen City there are dozens of examples of traditional, unextended, two-storey properties built right on the site boundary adjacent to junctions. The two examples below show Kenfield Crescent at its junction with Craigton Road and Claremont Place where it meets Union Grove. The original gable walls of these granite dwellings are much larger than the one proposed at 9 Kildrummy Road, and the adjacent streets are no wider than Fintray Road.



Are these fine illustrations of Aberdeen City's vernacular architecture considered to be "imposing, overbearing, incongruous structures"?

8. PERSONAL STATEMENT

The Personal Statement which follows was included within the Supporting Statement submitted as part of the Planning Application.

We recognise that a proposal will not be justified by personal circumstances alone, but we feel it is important to provide some background information outlining why the proposed extension is considered necessary.

When we were initially looking to purchase a “forever” family home in 2015, Craigiebuckler was our preferred area for the following reasons:

- We felt that with the budget we had at the time, we could get a 3 bedroom home that would accommodate our needs in both 2015 and going forward, with a view to extending the property (like so many others have done in the area). We bought this house with the full intention of extending to the boundary in the future, when we felt the time was right to start a family. We even ended up bidding over the asking price, as we thought we would not need to move again.*
- Stephanie was brought up on Kemnay Place, which is immediately adjacent to Kildrummy Road, and thoroughly enjoyed growing up in the area, where her parents still reside.*
- Craigiebuckler is close to town and a short walk to Hazlehead Park*
- Work locations were a significant factor: Stephanie works at Hill of Rubislaw, which is roughly a 10 minute walk, and Derrick has worked at various construction sites around Aberdeen City centre. The house is therefore excellently located to supplement a good work-life balance in terms of very favourable commuting times.*
- When we decide to have a family, there would be obvious benefits of having parents in close proximity for child-care. However, more importantly the opportunity to foster a very close relationship between grand-parents and grand-children.*

We feel it is evident given the vast number of extended properties in the area, that the houses in this area which were built in the 1950/60s no longer lend themselves to modern living.

Our need to extend the property has been accelerated in the past year, given the changes in the landscape for office workers due to the ongoing Covid-19 pandemic. We have both been working from home for the past 12 months and both of our employers have indicated that they do not expect us to ever return to the office five days per week. They have stated that we should continue to work from home for at least two days with the other three days in the office once the pandemic is over or it is safe to do so. The current layout of our home does

not work well for 2 people working from home currently and the situation will be exacerbated once we start our family.

In addition, Derrick's parents and extended family still reside in Central Scotland. His parents, sister, brother in law, and our two nephews are all frequent visitors at weekends and holidays which means we have managed to maintain a loving relationship despite the distance between us. The current size of the property would not facilitate hosting the family for overnight visits, reducing the opportunity for both us and our future children to spend time with their visiting grandparents, auntie, uncle, and cousins. Due to financial restrictions, our family would be unable to afford numerous hotel stays to come and visit. Therefore, we feel to maintain a relationship with this side of the family, we need to be able to provide some form of accommodation. We believe the creation of the extra bedroom as proposed would leave at least one of the existing bedrooms available as a guest room and along with the use of a sofa bed in one of the living areas we could ensure we can maintain the close relationship we have going forward.

Over the past 5 years living in this property, we have made several upgrades with the long-term view of staying at this address:

- Knocked down the existing sunroom which was not fit for purpose. We had a local company (Thistle Windows) build a new one and we also removed the asbestos cement sheets that were on the garage roof and replaced them with a felt roof covering.*
- There was a wall that ran the length of our boundary down Fintray Road that was disintegrating and creating a health and safety hazard, so we had the wall demolished and rebuilt.*
- We rebuilt the rear fence that runs parallel with the electricity box for the area as the previous fence was damaged.*

All the above work was done at great cost, with a view of a long-term plan to build an extension to the boundary line once we were able to finance the build and when we were planning to start a family. If we had to sell this property because we could not get agreement on our proposed extension, we would never re-coup these monies.

If we are unable to build the proposed extension, the alternative would be to relocate to a bigger house. However, looking at similar sized properties in the area, in comparison to the proposed extended property we wish to create, we feel we could not sustain the substantially increased mortgage. We are very keen to stay in this area to enable us to maintain the same support network of friends and family.

We love where we live and fully expected when we bought this house that we could raise our family here. Building this extension would allow us to continue living in this lovely area for years to come.

In acknowledging the Personal Statement, the Planner stated that *“it should be noted that personal circumstances are not a material planning consideration in the determination of planning applications and thus, cannot be used to provide justification for a development proposal which otherwise fails to comply with policy and guidance.”*

We recognised within the first sentence of the statement that the proposal would not be justified by personal circumstances alone, whilst noting that the main purpose of the statement was to provide background as to why the extension is required.

However, it should be noted that whilst the design of an extension cannot be justified by the Applicant’s accommodation requirements, there is a social argument that may be considered. The demographic of Craigiebuckler has been steadily evolving over recent years with many young families moving to the area, which in turn provides local investment and a positive contribution to the community. The application property in its current form is not suitable for a modern family with children, and the proposed extension is considered necessary in order to create the required accommodation, which would allow us to stay in Craigiebuckler. With this in mind, it would not be unreasonable to hope that the Planning Authority would be more supportive when considering such applications.

9. CONCLUSION & SUMMARY

9.1 CONCLUSION

In summarising their reason for recommending the refusal of the application, the Planner concludes that:

“The proposal has not been designed with due consideration for its context, having an unacceptable impact on the visual amenity of the area and thus, fails to accord with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan; its associated Supplementary Guidance: ‘Householder Development Guide’; and Policies D1, D2 and H1 of the Proposed Aberdeen Local Development Plan. There are no material planning considerations that would warrant approval of permission in this instance.”

As mentioned previously, the Planner has made the somewhat sweeping statement that the proposal does not meet the requirements of any of the policies or guidance referenced, but without specifically quoting any precise legislation with which the proposal is deemed not to comply.

Whilst this Planning Appeal Statement has conceded that some parts of the Planning Policy are open to interpretation and therefore give rise to subjectivity, it has also proved that the notion of the proposal failing to comply on all aspects is factually incorrect.

This document demonstrates clearly that the proposal is compliant with all parts of the Material Considerations which are measurable, and provides a coherent argument for supporting the proposal on any parts which are open to interpretation.

9.2 SUMMARY

It has been established that the proposal:

- is architecturally compatible in design and scale with the original house and its surrounding area;
- uses materials which are complementary to the original building;
- does not constitute over development;
- does not serve to overwhelm or dominate the original form or appearance of the dwelling and is visually subservient in terms of height, mass and scale.

Moreover, we feel steadfastly that the proposal:

- demonstrates high standards of design and has a strong and distinctive sense of place which is a result of context appraisal, detailed planning and quality architecture;
- does not have an unacceptable impact on the character and amenity of the surrounding area;

Finally, it has been evidenced that the proposal:

- is supported by all the Applicant's neighbours, both through the Neighbour Notification process and through pre-application consultation;
- is almost identical to an existing one-and-a-half storey domestic extension less than 100m from the application site abutting the same street;
- is in keeping with the design of numerous other existing dwellinghouses, old & new, traditional & modern, original & extended, within Aberdeen City.

On the basis of the points noted above, we believe the proposal satisfies all aspects of Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan; its associated Supplementary Guidance: 'Householder Development Guide'; and Policies D1, D2 and H1 of the Proposed Aberdeen Local Development Plan.

We trust that having taken the time to read this Planning Appeal Statement and carefully consider the points raised, that the Local Review Body will find in favour of the Applicant and **OVERTURN** the decision of the Planning Authority.

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10. APPENDICES

- I. APPLICANT - DRAWING NO. 9KR-PL001: EXISTING & PROPOSED PLANS & ELEVATIONS (AS SUBMITTED)**



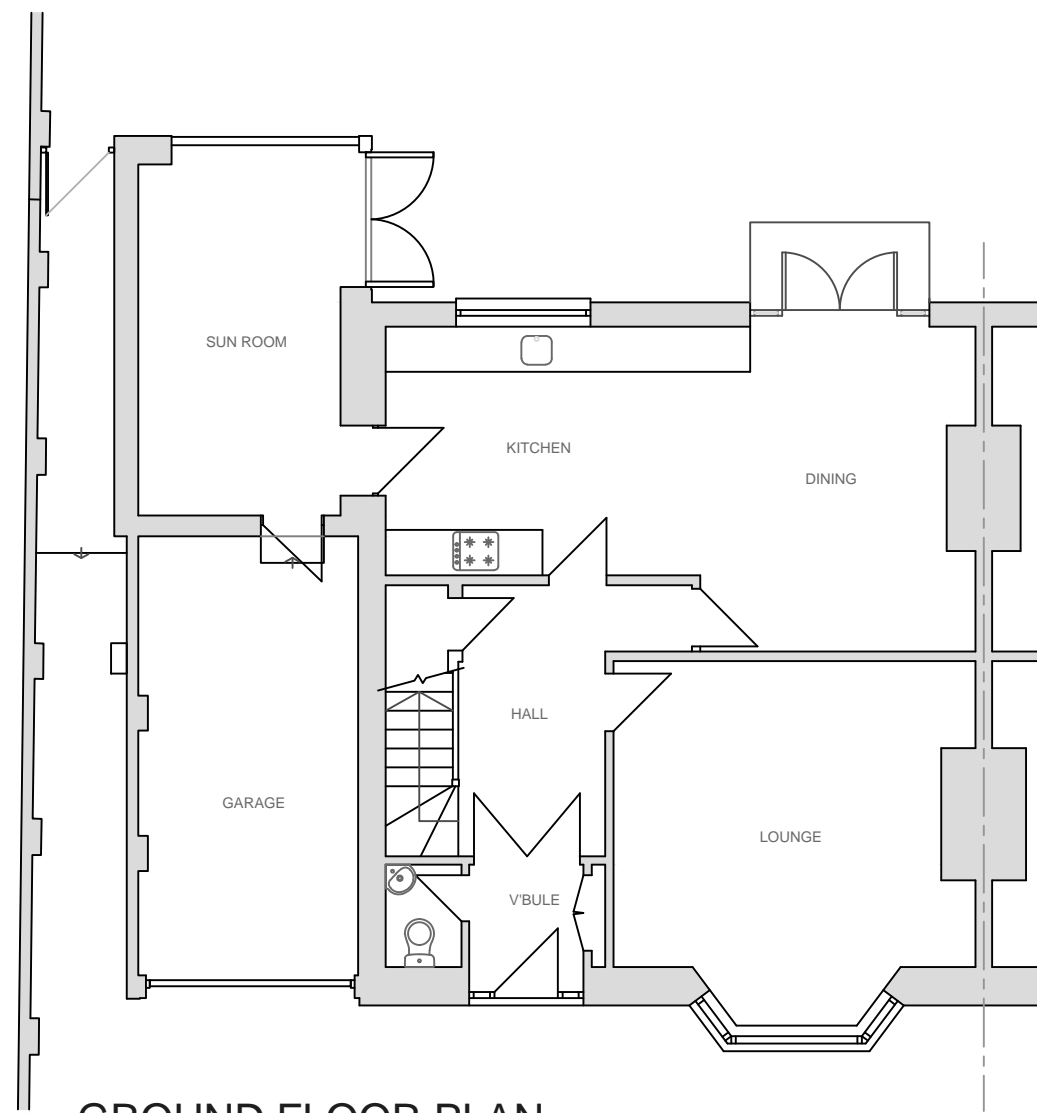
WEST ELEVATION



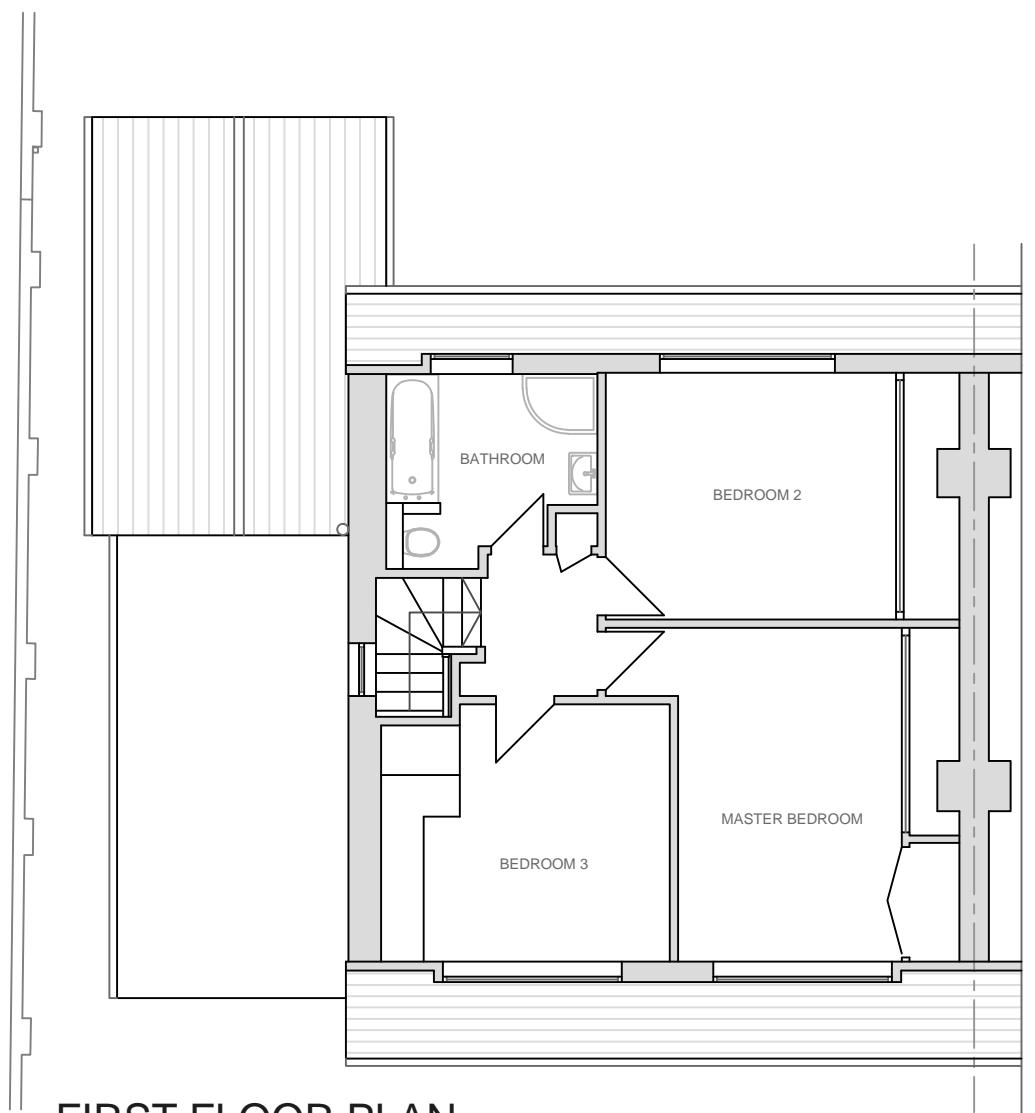
SOUTH ELEVATION



EAST ELEVATION



GROUND FLOOR PLAN

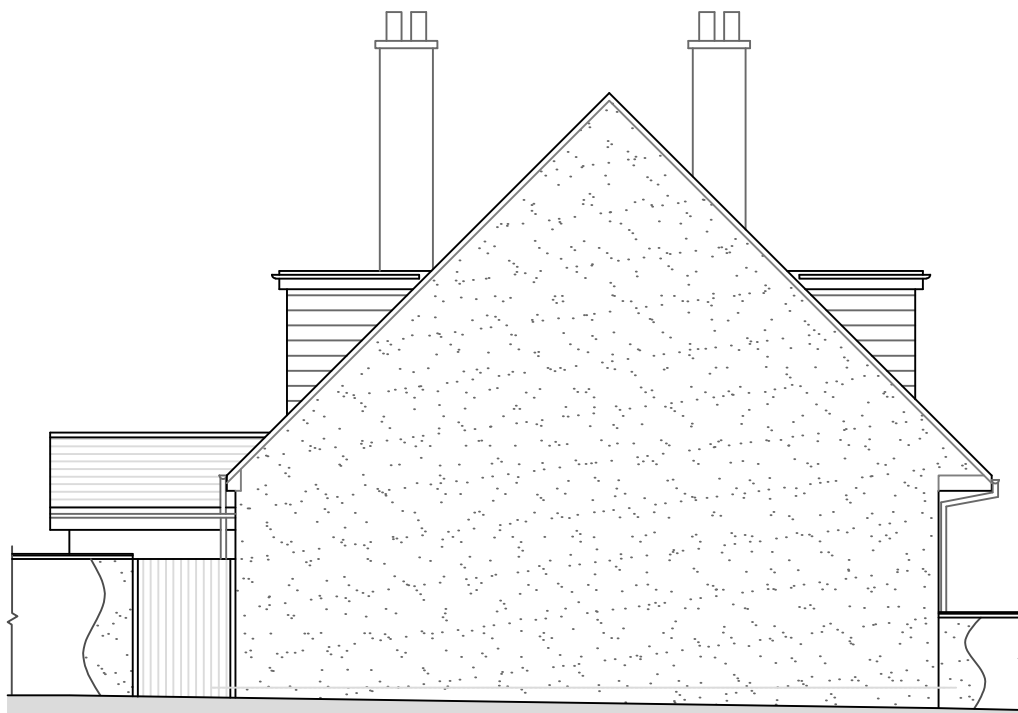


FIRST FLOOR PLAN

EXISTING PLANS & ELEVATIONS 1:100 @ A1



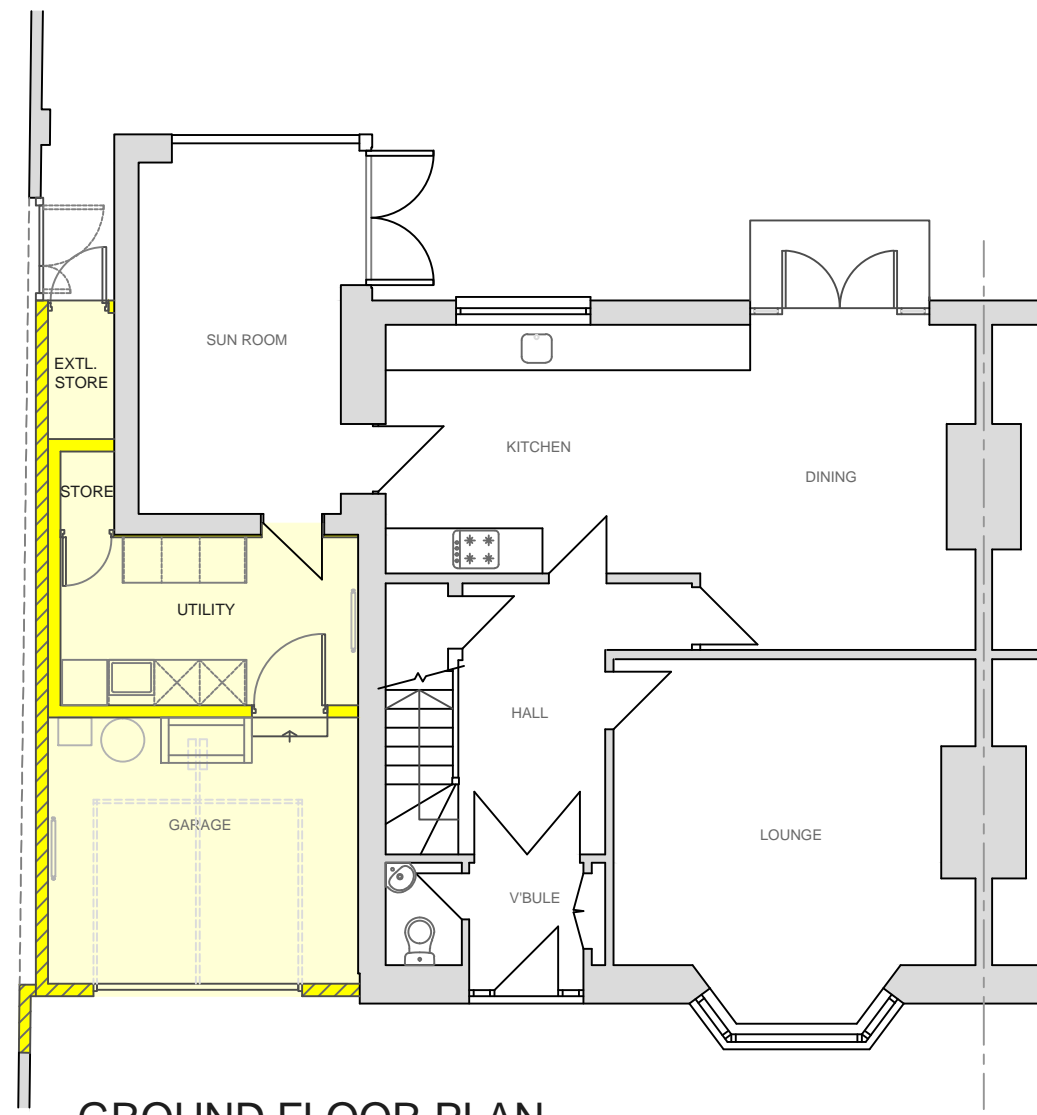
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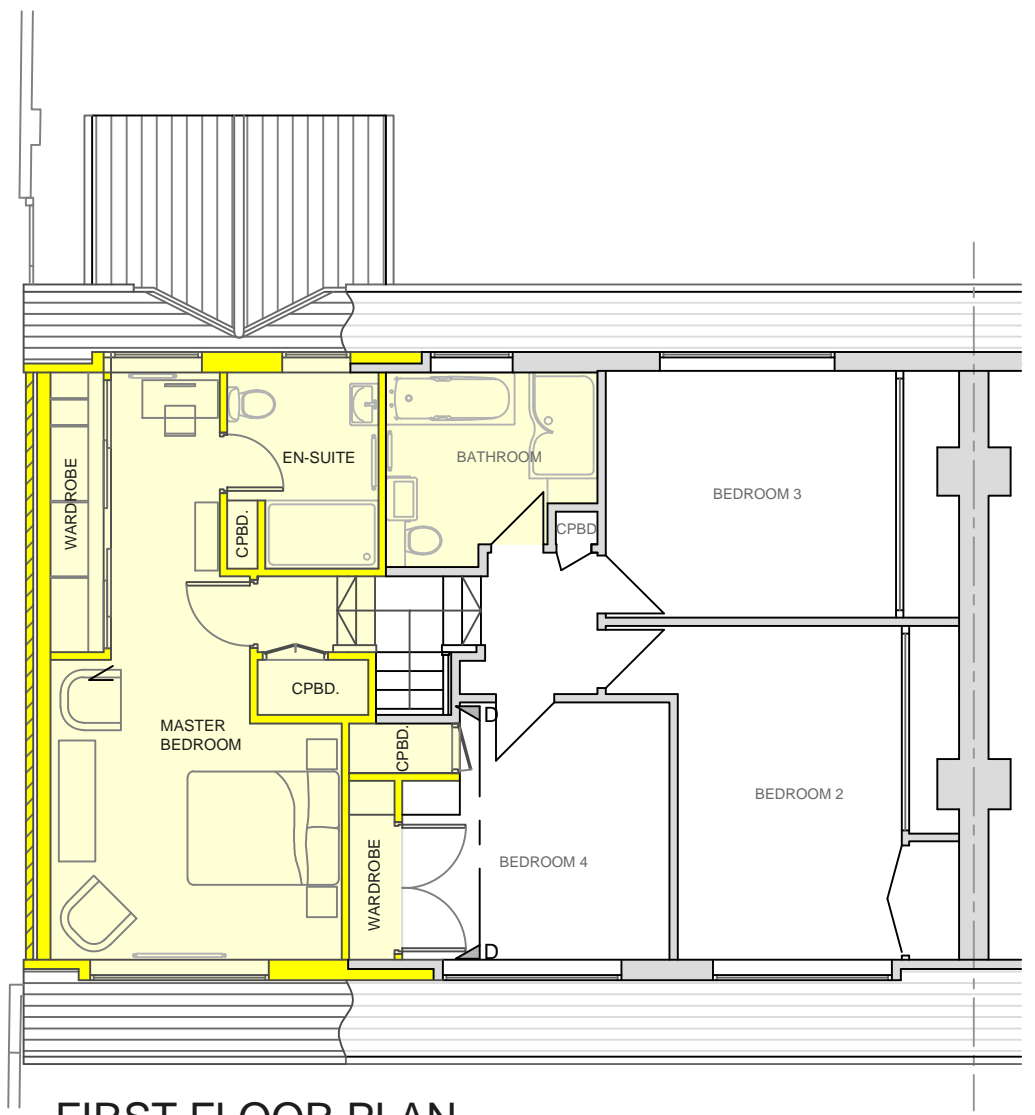
SOUTH ELEVATION



EAST ELEVATION

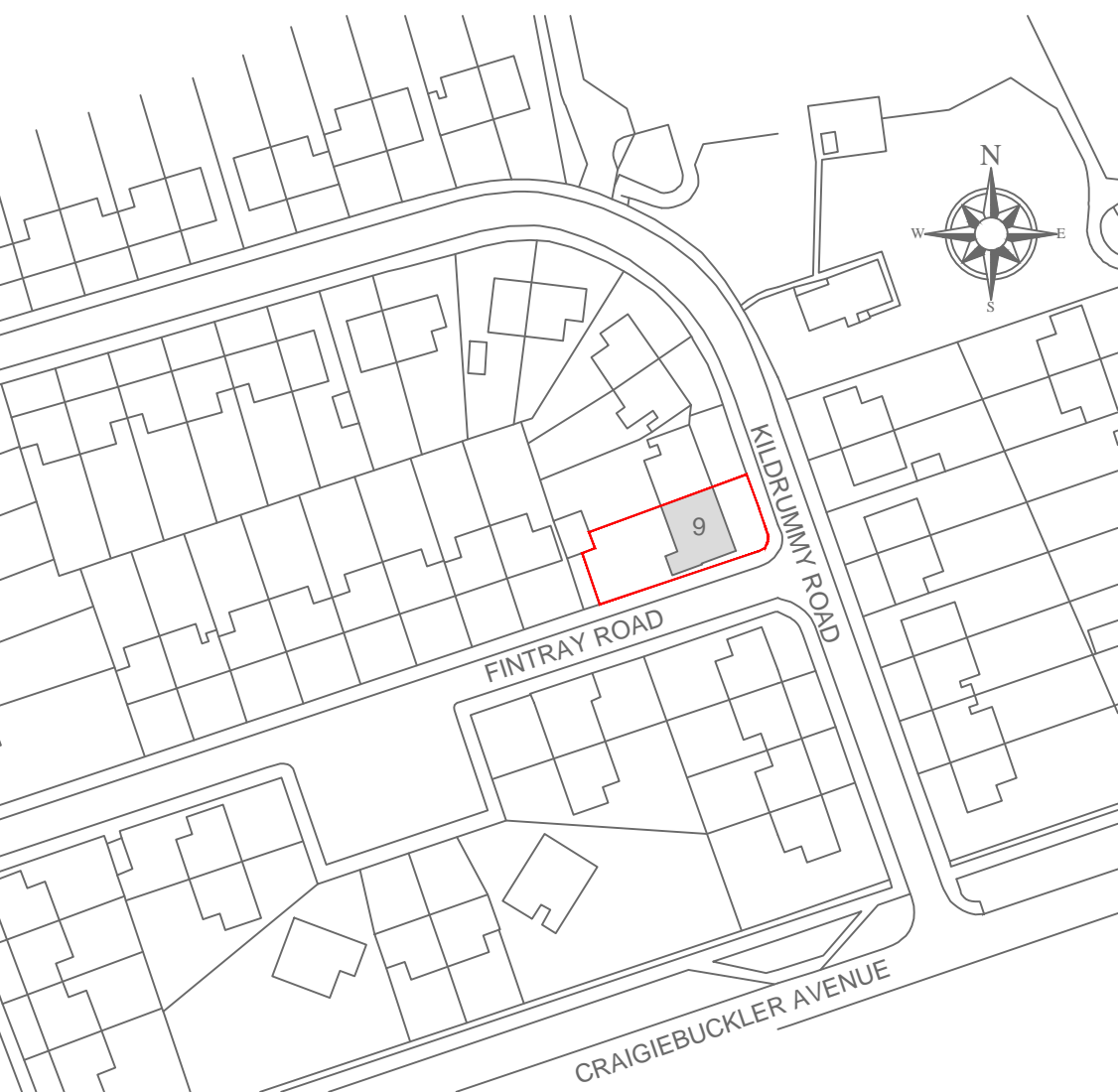


GROUND FLOOR PLAN



FIRST FLOOR PLAN

PROPOSED PLANS & ELEVATIONS 1:100 @ A1



LOCATION PLAN 1:1250 @ A1



PROPOSED BLOCK PLAN 1:200 @ A1

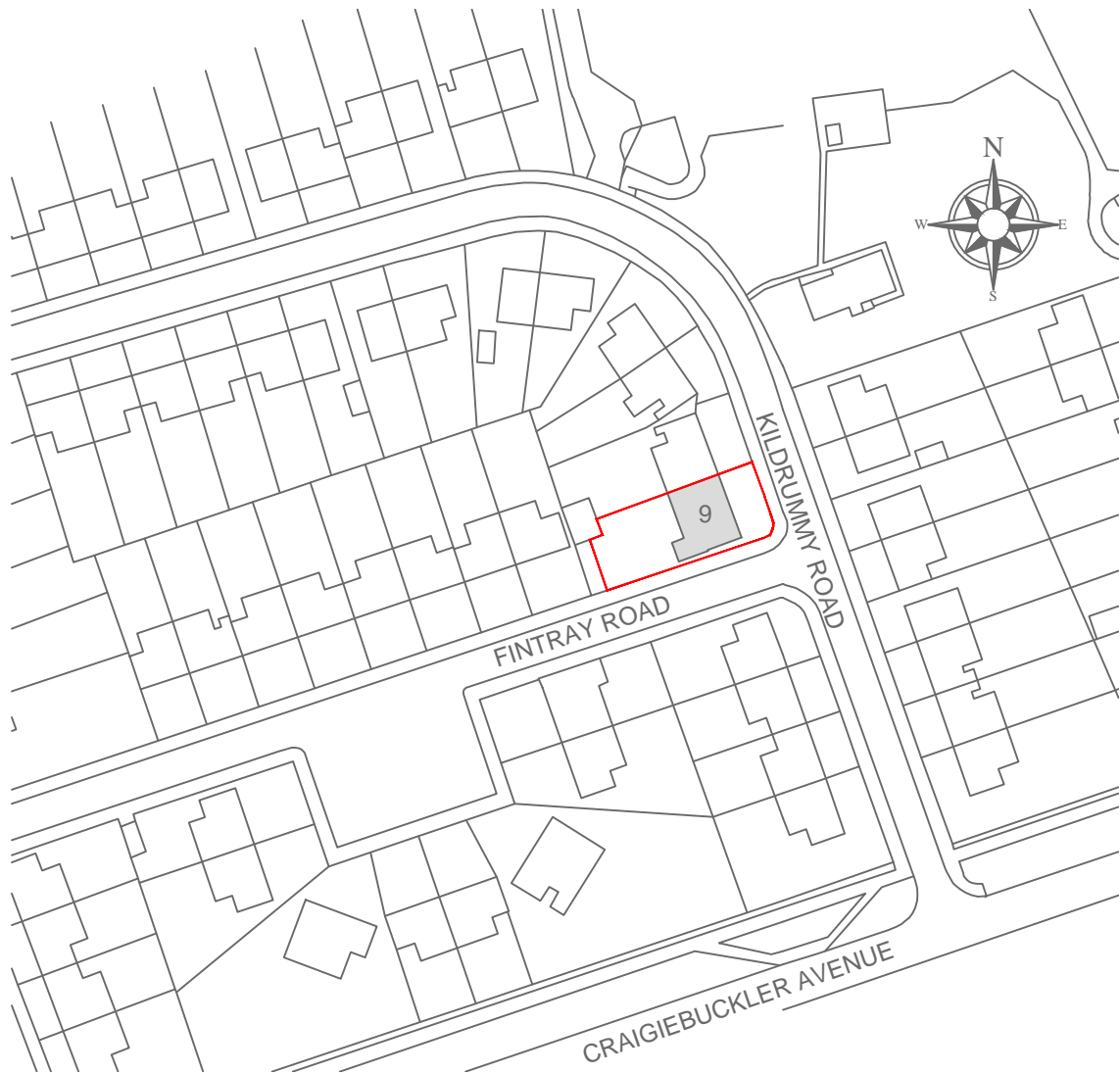


IMAGES OF EXISTING HOUSE



FINISHES SCHEDULE
Walls: white roughcast
Roof: brown, interlocking concrete roof tiles
Soffits/fascias: white uPVC
Rainwater goods: white uPVC
Windows: white uPVC
Garage door: existing reused
Boundary: section of existing wall demolished to accommodate extension then rebuilt at same height to abut the extension front and rear

II. APPLICANT - DRAWING NO. 9KR-PL002: LOCATION PLAN (AS SUBMITTED)



LOCATION PLAN 1:1250 @ A4

PROPOSED EXTENSION TO DWELLINGHOUSE
MR & MRS WILLIAMSON
9 KILDRUMMY ROAD, ABERDEEN AB15 8HJ
DWG NO 9KR-PL002 - APRIL 2021

III. PLANNING AUTHORITY - PRE-APPLICATION WRITTEN RESPONSE
REF: 210045/PREAPP

Our Ref: 210045/PREAPP
Your Ref
Contact Jemma Tasker
Email JTasker@aberdeencity.gov.uk
Direct Dial 01224 522347



19 October 2020

Mr And Mrs Williamson
9 Kildrummy Road
Aberdeen
AB15 8HJ

Strategic Place Planning

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Dear Sir/Madam

Pre-Application Written Response

**210045/PREAPP – Proposed 2 storey extension
9 Kildrummy Road**

This is a formal evaluation by the allocated case officer. It does not compromise any decision made by Aberdeen City Council and its committees and is not legally binding on the determination of any forthcoming planning application.

It may be subjected to a freedom of information request under the Freedom of Information (Scotland) Act 2002. Aberdeen City Council will determine what, if any, information will be exempt from such a request, in accordance with this legislation.

Yours faithfully

Daniel Lewis
Development Management Manager

GALE BEATTIE
CHIEF OFFICER STRATEGIC PLACE PLANNING



Allocated officer:	Jemma Tasker
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Site Description
9 Kildrummy Road

Community Council	Craigiebuckler & Seafield
Ward	Hazlehead / Queens Cross / Countesswells

Relevant Planning History
Planning Permission (ref. 171371/DPP) was approved unconditionally on 09.01.2018 for the erection of a single storey extension to the rear.

Description of Proposal
Proposed 2 storey extension.

Relevant Planning Policies
<u>Aberdeen Local Development Plan (2017) (ALDP)</u> Policy D1 – Quality Placemaking by Design Policy H1 – Residential Areas <u>Supplementary Guidance</u> The Householder Development Guide (HDG) <u>Proposed Aberdeen Local Development Plan (2020) (PALDP)</u> Policy D1 – Quality Placemaking Policy D2 – Amenity Policy H1 – Residential Areas

Appraisal of Proposal
<u>The Principle of the Proposal</u> The application site is located within a residential area under Policy H1 of the ALDP and the proposal relates to householder development. The proposal would comply with this policy in principle if it does not constitute overdevelopment; does not adversely affect the character and amenity of the surrounding area; and it complies with the associated Supplementary Guidance. These issues are assessed in the evaluation below. <u>Design and Scale</u> To determine the effect the proposal will have on the character of the area it is necessary to assess the proposal in the context of Policy D1 of the ALDP. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment. Under Policy D1, the design of the proposed development is considered within the context of the site and surrounding area, with factors such as siting, scale, massing, materials, design detail, proportions and the

established pattern of development all deemed to be relevant in assessing its contribution and impact.

In terms of the aforementioned Supplementary Guidance the Householder Development Guide (HDG), there are certain criteria of relevance in the assessment of house extensions, also relating to achieving a compatible design and scale of development in relation to the dwellinghouse and its surrounding area.

Taking the above into account, the proposal would result in a negligible increase in footprint to the existing dwelling and thus, a negligible increase in site coverage and in excess of 50% of usable rear garden round would be retained. The scale of the proposal would therefore, not constitute overdevelopment.

It is noted that a similar proposal has been carried out within the street (No. 16 Kildrummy Road). However, the context of the application site must be taken into consideration and assessed on its own merits. The site is located on a corner plot on Kildrummy Road at its junction with Fintray Road. The main dwellings at either side of this junction (No. 7 Kildrummy Road and the application property) both sit c. 4.5m from their boundary with Fintray Road – creating a planned open corner within the streetscape. While both properties feature single garages abutting their side elevation, within closer proximity to the boundary, these are of a relatively low height, containing a shallow lean-to roof. In light of this, the proposal does raise concerns in relation to closing off this planned, open corner. The proposal would create a maximum 8m high extension, hard up against the boundary, for a length of approximately 10m. This would be located in a highly visible location, closing off this corner of the street, likely having an unacceptable impact on the streetscape.

Precedent can be a legitimate planning consideration, in particular where the potential for cumulative impacts could arise. It is considered that approval of a two storey side extension to this dwelling could give rise to a precedent, and if replicated at No. 7 Kildrummy Road, could further erode the visual open character of the area.

Overall, it is likely that the proposal would have a detrimental impact on the character and amenity of the surrounding area, contrary to Policies D1 and H1 of the ALDP as a result of the site characteristics. Should such an application for the proposal be submitted, it is unlikely that the Planning Authority would be in a position to support such a proposal.

Disclaimer

The written evaluation provides a written response to the above pre-application enquiry by the allocated case officer. It does not compromise any decision made by Aberdeen City Council and its committees and is not legally binding on the determination of any forthcoming planning application. It may be subjected to a freedom of information request under the Freedom of Information (Scotland) Act 2002. Aberdeen City Council will determine what, if any, information will be exempt from such a request, in accordance with this legislation.

IV. APPLICANT - SUPPORTING STATEMENT



SUPPORTING STATEMENT

By Derrick & Stephanie Williamson

9 Kildrummy Road, Aberdeen AB15 8HJ

29th March 2021

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1. INTRODUCTION

This Supporting Statement accompanies an application for Planning Permission to erect a lateral two-storey extension to an existing dwellinghouse in the Craigiebuckler area of Aberdeen.

Prior to lodging the Planning Application, a Pre-Application Advice Request Form was submitted in the hope of obtaining “agreement in principle” to the proposals. However, we were both surprised and disappointed by the response to this request, which concluded that: *“Should such an application for the proposal be submitted, it is unlikely that the Planning Authority would be in a position to support such a proposal.”*

It is on this basis that we feel it necessary to compile this Supporting Statement to acknowledge and respond to the advice received and set out why we think the proposal should be supported by the Planning Authority.

2. PERSONAL STATEMENT

We recognise that a proposal will not be justified by personal circumstances alone, but we feel it is important to provide some background information outlining why the proposed extension is considered necessary.

When we were initially looking to purchase a “forever” family home in 2015, Craigiebuckler was our preferred area for the following reasons:

- We felt that with the budget we had at the time, we could get a 3 bedroom home that would accommodate our needs in both 2015 and going forward, with a view to extending the property (like so many others have done in the area). We bought this house with the full intention of extending to the boundary in the future, when we felt the time was right to start a family. We even ended up bidding over the asking price, as we thought we would not need to move again.
- Stephanie was brought up on Kemnay Place, which is immediately adjacent to Kildrummy Road, and thoroughly enjoyed growing up in the area, where her parents still reside.
- Craigiebuckler is close to town and a short walk to Hazlehead Park
- Work locations were a significant factor: Stephanie works at Hill of Rubislaw, which is roughly a 10 minute walk, and Derrick has worked at various construction sites around Aberdeen City centre. The house is therefore excellently located to supplement a good work-life balance in terms of very favourable commuting times.
- When we decide to have a family, there would be obvious benefits of having parents in close proximity for child-care. However, more importantly the opportunity to foster a very close relationship between grand-parents and grand-children.

We feel it is evident given the vast number of extended properties in the area, that the houses in this area which were built in the 1950/60s no longer lend themselves to modern living.

Our need to extend the property has been accelerated in the past year, given the changes in the landscape for office workers due to the ongoing Covid-19 pandemic. We have both been working from home for the past 12 months and both of our employers have indicated that they do not expect us to ever return to the office five days per week. They have stated that we should continue to work from home for at least two days with the other three days in the office once the pandemic is over or it is safe to do so. The current layout of our home does not work well for 2 people working from home currently and the situation will be exacerbated once we start our family.

In addition, Derrick's parents and extended family still reside in Central Scotland. His parents, sister, brother in law, and our two nephews are all frequent visitors at weekends and holidays which means we have managed to maintain a loving relationship despite the distance between us. The current size of the property would not facilitate hosting the family for overnight visits, reducing the opportunity for both us and our future children to spend time with their visiting grandparents, auntie, uncle, and cousins. Due to financial restrictions, our family would be unable to afford numerous hotel stays to come and visit. Therefore, we feel to maintain a relationship with this side of the family, we need to be able to provide some form of accommodation. We believe the creation of the extra bedroom as proposed would leave at least one of the existing bedrooms available as a guest room and along with the use of a sofa bed in one of the living areas we could ensure we can maintain the close relationship we have going forward.

Over the past 5 years living in this property, we have made several upgrades with the long-term view of staying at this address:

- Knocked down the existing sunroom which was not fit for purpose. We had a local company (Thistle Windows) build a new one and we also removed the asbestos cement sheets that were on the garage roof and replaced them with a felt roof covering.
- There was a wall that ran the length of our boundary down Fintray Road that was disintegrating and creating a health and safety hazard, so we had the wall demolished and rebuilt.
- We rebuilt the rear fence that runs parallel with the electricity box for the area as the previous fence was damaged.

All the above work was done at great cost, with a view of a long-term plan to build an extension to the boundary line once we were able to finance the build and when we were planning to start a family. If we had to sell this property because we could not get agreement on our proposed extension, we would never re-coup these monies.

If we are unable to build the proposed extension, the alternative would be to relocate to a bigger house. However, looking at similar sized properties in the area, in comparison to the proposed extended property we wish to create, we feel we could not sustain the substantially increased mortgage. We are very keen to stay in this area to enable us to maintain the same support network of friends and family.

We love where we live and fully expected when we bought this house that we could raise our family here. Building this extension would allow us to continue living in this lovely area for years to come.

3. PROPOSAL SUMMARY

The existing property is a two-storey, semi-detached house with a lean-to garage at the side and a single-storey sun lounge extension to the rear. The house has a pitched roof with a gable end, and box dormers to the front and rear, and the existing extension also has a pitched roof with a rear-facing gable end.

The proposed extension will see the existing garage partially demolished, and a new, wider garage constructed with a small utility room to the rear. A new master suite is to be formed at first floor level, comprising a double bedroom, dressing area and en-suite. The existing single-storey extension to the rear will be retained, with the roof modified slightly to tie in with the roof of the proposed extension.

4. PRE-APPLICATION WRITTEN RESPONSE – OVERVIEW

The primary reason for seeking this advice was to attain “peace of mind” that the proposal would be acceptable to the Planning Authority and allow us to progress with the technical drawings for Building Warrant and tendering purposes, in tandem with the Planning Application.

The Pre-Application Written Response (Ref: 210045/PREAPP) was received on 18th February 2021.

The evaluation provided by Aberdeen City Council’s Planning Authority found the design and scale of the proposal to be acceptable, stating that *“the proposal would result in a negligible increase in footprint to the existing dwelling and thus, a negligible increase in site coverage and in excess of 50% of usable rear garden ground would be retained. The scale of the proposal would therefore, not constitute overdevelopment.”*

The planner also acknowledged that a similar house extension had been carried out within the street, at 16 Kildrummy Road, which is diagonally opposite the application property. However, a concern was raised relating to the specific location of the application property, which sits on a corner plot at the junction between Kildrummy Road and Fintray Road.

The conclusion of the evaluation was that the Planning Authority would be unlikely to support the proposal on the basis that it *“would have a detrimental impact on the character and amenity of the surrounding area, contrary to Policies D1 and H1 of the Aberdeen Local Development Plan (ALDP).”*

5. PRE-APPLICATION WRITTEN RESPONSE – APPRAISAL

Whilst we appreciate the Pre-Application Written Response (PAWR) provided by the Planning Authority, we are not in agreement with the arguments put forward. We must stress that we do not seek to criticise the Planning Authority's evaluation of the proposal, we are simply aiming to outline our reasons why we feel the application should be supported.

The PAWR references the following Planning Policies:

Aberdeen Local Development Plan (2017) (ALDP)

Policy D1 – Quality Placemaking by Design

Policy H1 – Residential Areas

Supplementary Guidance

The Householder Development Guide (HDG)

Proposed Aberdeen Local Development Plan (2020) (PALDP)

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy H1 – Residential Areas

We have reviewed these policies in the context of the proposed extension and respond as follows.

5.1 ALDP Policy D1 - Quality Placemaking by Design

This policy 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. 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.”

We firmly believe that the proposal successfully meets the criteria outlined within Policy D1. The proposed extension has been carefully designed to ensure it complements the original dwellinghouse in terms of scale, form, and choice of materials. The architectural quality is surely evidenced by the fact that a near-identical extension has been granted Planning Permission and built at 16 Kildrummy Road, diagonally opposite the application site. This is acknowledged within the PAWR.

In terms of the context appraisal, we note the Planning Authority’s opinion that the proposed extension could have a detrimental impact on the area given the corner plot location of the application property; the concern being that it may “close off” the street corner to some degree. We acknowledge that the guidance set out within Policy D1 is not prescriptive and therefore gives rise to subjectivity. Consequently, we shall seek to demonstrate that the proposal is acceptable based on existing domestic extensions constructed on corner plots within the surrounding area, which have previously been granted Planning Permission and do not have a detrimental impact on the character or amenity of the surrounding area.

5.2 ALDP Policy H1 - Residential Areas

This policy states that:

“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.”

With regards to the four criteria set out above, the PAWR acknowledges that the scale of the proposal does not constitute over development, therefore item no. 1 is satisfied.

Item no. 3 is not applicable as no open space will be lost, and item no. 4 directs the reader to the Householder Development Guide (HDG), which is also referenced within the PAWR and will be covered in the next section of this document.

Item no. 2 relates to the character and amenity of the surrounding area, and this appears to be the main tenet of the Planning Authority's argument within the PAWR. Again, no exact metric exists for evaluation these qualities, so one must use their own judgement.

The question of "character" is surely addressed by the architectural strategy, which places a strong emphasis on respecting the design of the existing dwellinghouse, in terms of style, form and finish. The proposed extension follows the same roof profile as the existing property, with the existing box dormers extended and the existing gable end replicated. Furthermore, all finishing materials have been selected to match those used on the original house, and indeed the vast majority of the properties throughout the Craigiebuckler area, with the notable exception of the "new-build" houses at the north end of Kildrummy Road and Kemnay Place. We feel that these factors combine to ensure that the proposed extension is very much in keeping with the character of the surrounding area.

The question of "amenity" is perhaps more difficult to assess. The HDG defines amenity as *"The attributes which create and influence the quality of life of individuals or communities."*

We feel the only way of accurately gauging this is to seek the opinions of those living in the area, and this will be facilitated through the Neighbour Notification process. Nevertheless, prior to submitting the application we were keen to engage with our immediate neighbours to talk through our proposals with them and provide them with the opportunity to ask any questions they may have.

Without exception, the neighbours we spoke to were very supportive of our proposal, with several commenting that they were pleased to see a young family looking to settle in the area and wishing us well with our planning application. We do not seek to pre-empt the outcome of the Neighbour Notification process but based on the feedback received, we feel confident that the overwhelming belief is that the proposal will not have an adverse impact on the quality of life of our neighbours or the wider Craigiebuckler community, and therefore item 2 of Policy H1 is satisfied.

5.3 Householder Development Guide

Section 3.1.4 of the HDG sets out the following 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."

- 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.”*

There is acknowledgement within the PAWR that the proposal satisfies items 1, 4 & 5. With regards to item no. 2, the proposal does not have an adverse impact on the privacy or daylight of any neighbouring properties, as defined within the HDG. The wider question of “general amenity” is more difficult to define but is addressed in the previous section within the response to Policy H1, and will be reviewed further within chapter 6, which looks at existing domestic extensions in west Aberdeen.

With regards to item no. 3, the HDG (unlike the ALDP) is prescriptive and sets out clear guidance on what is considered to be acceptable householder development. When measured against the guidance within the HDG, there is no part of the proposed works which could be described as non-compliant, therefore item no. 3 is satisfied.

6. EXISTING EXTENSIONS (PRECEDENTS)

It is noted within the PAWR that “*Precedent can be a legitimate planning consideration*” and we feel it is worth exploring the question of precedent when considering the acceptability of the proposed extension. We fully recognise that it is not always appropriate to reference existing developments as a means of justifying a proposal. However, there are numerous examples of comparable domestic extensions, within similar contexts, throughout Aberdeen City and we believe that this provides the strongest possible vindication of our proposal.

We have catalogued some of these precedents on the following pages, along with a brief description of each development. This list is by no means exhaustive and all examples are within a two-mile radius of the application property.

1 Fintray Road



This extension, albeit only single-storey, is built on the boundary line at the rear of the pavement in the same fashion as the proposed extension at 9 Kildrummy Road. This property is a stone's throw from the application site, which can be seen in the photo above.

15 Fintray Road



Again in very close proximity to the application site, this two-storey extension with a gable wall built on the boundary line is almost identical to the proposal at 9 Kildrummy Road. Both of the above properties on Fintray Road occupy a corner plot and are located within 100m of the application site.

10 Balmoral Road



This two-storey extension with a mansard roof has the gable wall built on the boundary line. The property occupies a corner plot, not dissimilar to the application property, at the junction with Gairn Road.

34 Balmoral Road



Another two-storey extension on a corner plot on the same street. The adjacent single-lane street, which provides vehicular access to Gairn Road, does not have pavements and as a result the side wall of the extension is built right at the edge of the carriageway.

53 Ashley Road



This two-storey extension at the junction of Ashley Road and Ashley Gardens has its gable built right on the boundary line. The scale of this gable is significantly larger than the proposed extension, as a result of the elevated eaves height.

33 Braeside Place



This example has a hipped roof rather than a gable, but again the property occupies a prominent corner plot and the extension is constructed right on the boundary line.

59 Craighton Road



This two-storey extension with a raised hip is on a corner plot at the junction of Craighton Road and Craighton Avenue. Although the wall is set back slightly off the boundary, the property is elevated in relation to the adjacent street and as a result the extension appears considerably higher than the proposal at 9 Kildrummy Road.

60 Cranford Road



This recently approved development is currently under construction at the junction of Cranford Road and Cranford Terrace, and although again set back slightly from the boundary, the overall length of the side elevation significantly exceeds that of the proposed extension at 9 Kildrummy Road.

7. SUMMARY & CONCLUSION

We believe the foregoing Supporting Statement demonstrates clearly that the proposal is compliant with the Aberdeen Local Development Plan (2017) Policies D1 & H1 and the Householder Development Guide.

We feel strongly that the proposal:

- is architecturally compatible in design and scale with the original house and its surrounding area;
- uses materials which are complementary to the original building;
- does not constitute over development;
- does not serve to overwhelm or dominate the original form or appearance of the dwelling and is visually subservient in terms of height, mass and scale;
- demonstrates high standards of design and has a strong and distinctive sense of place which is a result of context appraisal, detailed planning and quality architecture;
- does not have an unacceptable impact on the character and amenity of the surrounding area;
- complies with all Supplementary Guidance.

We request that the Planning Authority take the content of this Supporting Statement into consideration whilst assessing our proposal, and we hope that having done so they will support the application for planning permission to extend 9 Kildrummy Road.

V. PLANNING AUTHORITY - REPORT OF HANDLING



Strategic Place Planning

Report of Handling

Site Address:	9 Kildrummy Road, Aberdeen, AB15 8HJ
Application Description:	Erection of 2 storey side extension with integral garage and alterations to boundary wall and rear extension roof
Application Ref:	210477/DPP
Application Type:	Detailed Planning Permission
Application Date:	8 April 2021
Applicant:	Mr Derrick Williamson
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Craigiebuckler and Seafield
Case Officer:	Jemma Tasker

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to a corner plot and comprises a one-and-a-half storey, semi-detached dwellinghouse located on the western side of Kildrummy Road, at its junction with Fintray Road. The dwelling has an east facing principal elevation fronting Kildrummy Road; adjoins No. 11 Kildrummy Road to the north; Fintray Road is located to the south; and an electricity substation is situated to the west. A single lean-to garage abuts the southern gable of the dwelling, measuring 3.1m in width, 6.1m in length and set 0.2m and 3.1m behind the original front and rear building line, respectively. The garage sits approximately 1.3m from the southern (side) boundary of the site and mirrors that of the property opposite Fintray Road (No. 7 Kildrummy Road). Additionally, the property has been extended by way of a single storey rear extension to form a sunroom. The extension projects 5.2m from the rear of the garage and 2.2m from the rear of the original dwelling, having a footprint of approximately 18sqm.

Relevant Planning History

Application Number	Proposal	Decision Date
171371/DPP	Erection of single storey extension to rear	09.01.2018
		Status: Approved Unconditionally.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission (DPP) is sought for the erection of a two storey side extension with integral garage and utility/storage space at ground floor level and living accommodation at first floor level, and alterations to the boundary wall and the rear extension roof.

The extension would be approximately 4.3m in maximum width, extending to the southern (side) boundary of the site, with a length of c.9.3m, lining through with the original front and rear elevations of the dwelling. Its roof would be pitched and would line through with the existing eaves and ridge height, having a maximum overall height of 8m. The existing dormers on both the front and rear elevations would be extended to sit 0.7m and 0.9m from the gable, respectively. Finishing materials would include white roughcast render, brown concrete rooftiles and white uPVC fascia, soffits and rainwater goods. To accommodate this, the roof of the existing single storey extension would be modified slightly.

The proposal includes the removal of a section of the existing southern boundary wall and the rebuilding of this to the same height to the front and rear of the proposed extension. This element is considered to constitute permitted development and therefore, will not be further assessed as part of this application.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QQXTH4BZI9U00>

Supporting Statement by Derrick and Stephanie Williamson (March, 2021) – sets out a personal statement; a summary of the proposal; an overview and appraisal of the Pre-Application Response for the proposal (which had advised the proposal was not acceptable); and examples of existing alleged precedents for side extensions.

CONSULTATIONS

Craigiebuckler and Seafeld Community Council – No comments received.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Aberdeen Local Development Plan (2017) (ALDP)

Policy D1 – Quality Placemaking by Design

Policy H1 – Residential Areas

Supplementary Guidance

The Householder Development Guide (HDG)

Proposed Aberdeen Local Development Plan (2020) (PALDP)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August

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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

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

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy H1 – Residential Areas

EVALUATION

Principle of Development

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

Design and Scale

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 (Quality Placemaking by Design) 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 proposed extension would meet two of the General Principles set out in the HDG; with respect to the increase in the footprint of the house and the resultant amount of undeveloped rear garden. It would add an additional 29sqm to the original footprint of 79sqm which, when considering the existing rear extension, is under the maximum 100% increase on original floorspace permitted; it would result in a negligible increase in site coverage, given it would replace the existing garage, taking the overall site coverage within the plot to 33%, thereby retaining an acceptable level of development which would not be at odds with that of neighbouring properties; and in excess of 50% of usable rear garden ground would be retained. The scale of the extension would therefore not constitute overdevelopment.

The proposed extension, in isolation, could be considered to be subservient to the original dwelling as the roof profile, eaves height and ridge height would tie in with the existing and given its scale and height, it would neither mask nor overwhelm the original dwelling, which would still remain apparent. However, the proposal cannot be seen in isolation and must be considered in the context of – and having regard to – the surrounding area. Policy D1 of the ALDP sets out 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. It then further details that placemaking requires a collaborative process to achieving development that complements and enhances the site context and can be measured by six essential qualities: a distinct identity, welcoming, safe and pleasant, easy to move around, adaptable to changing circumstances and is resource efficient. As previously mentioned, the

dwelling which sits on the opposite side of Fintray Road (No. 7 Kildrummy Road) essentially mirrors that of the application site. The two relatively low, lean-to garages abutting the gable ends of the properties sit c.1.3m from the boundary with Fintray Road, with the main one-and-a-half storey dwellings sitting c.4.3m from this boundary. This creates a sense of balance and openness within the streetscape which contributes to the overall character and amenity. The proposal would be located within this corner plot, extending up to the boundary with, and immediately abutting the pavement of, Fintray Road for the entire length of the existing gable – c.9.3m – where it would reach a maximum height of 8m. It is considered that this would close off this existing open-planned corner of the street and would be an imposing and prominent feature when viewed from Fintray Road, to the detriment of the overall residential character and amenity. The narrowing of the streetscape to this extent would be uncharacteristic of the prevailing built form of the Craigiebuckler area. Furthermore, the proposed extension located directly adjacent to the public footpath at an overall height of 8m would create an oppressive structure directly adjacent the public footway which – when considered in comparison to the existing situation – would not create a particularly ‘welcoming’ environment and thus, creates tension with Policy D1 of the ALDP.

Further to this, precedent can be a legitimate planning consideration, in particular where the potential for cumulative impacts could arise. If the property at No. 7 Kildrummy Road would also be extended in a similar manner to the one proposed, this would further exacerbate this concern and would significantly alter the original form and character of the street.

Moreover, the front and rear dormer extensions would continue the alignment, form and design of the existing dormers into the new roof space created. Whilst occupying almost the full length of the front and rear roofslopes, the dormers would be set over 600mm in from the new gable, as required by the HDG. Their scale, massing and design would be consistent with the surrounding area whereby dormers frequently cover the majority of the length of a property’s roofslope. While there would be a substantial proportion of solid panels, more than 50% of the extended dormers’ front faces would be glazed, with windows positioned at the extremities of the extended sections. It is thus considered that the dormer extensions are compliant with the guidance set out in the HDG and would not harm the character of the area.

Overall, the extension has not been designed with due consideration for its context, is inappropriate in relation to the immediate surrounding pattern of development and would have a negative impact on its setting. In attempt to address the issues discussed above, the applicant was requested to reduce the width of the extension; thus, taking it away from the southern (side) boundary of the site by approximately 1m. Such an amendment would still have allowed for the creation of considerable additional living accommodation, allowing for a good-sized master bedroom to be provided at first floor level. However, this request was rejected by the applicant. Therefore, the resultant extension, as proposed, would be an imposing, overbearing, incongruous structure that would introduce a visually intrusive element, which would have a detrimental impact on the character and appearance of the surrounding area and thus, fails to comply with Policies D1 and H1 of the ALDP and the guidance contained within the HDG.

Moreover, within the supporting statement submitted as part of this application, a personal statement has been provided detailing why the proposed extension is required. However, it should be noted that personal circumstances are not a material planning consideration in the determination of planning applications and thus, cannot be used to provide justification for a development proposal which otherwise fails to comply with policy and guidance. Further to this, a number of examples have been provided of side extensions to dwellings which are deemed to set a precedent for the development. Many of the examples provided are from across the City, with varying contexts and house types noted; therefore, providing little correlation to the application site. Nevertheless, two out of the eight examples provided are in the surrounding neighbourhood and include No. 1 Fintray Road and No. 15 Fintray Road. The development at No. 1 Fintray Road relates to a single storey extension which extends to the boundary adjacent the public footpath.

Given the single storey form, this is of a significantly lesser mass than the extension proposed at the application site and thus, does not have the same dominating or intrusive impact. Furthermore, while No. 15 Fintray Road has constructed a two storey extension which projects to the boundary adjacent the public footpath, the context of this site differs to that of the application site. Here, on the opposite side of the road is not another gable. Instead, it is a dwelling which is set back some 11m from the road and is therefore, different from the relationship between the two dwellings at No. 9 and 7 Kildrummy Road which both have gable ends c.4m from the road. Therefore, this does not have the same oppressive impact or the same potential for the overbearing cumulative impact as previously discussed. Notwithstanding, is worthy of note that No. 15 Fintray Road is the only example of that type, design and scale of side extension on a corner side in the whole of the Craigiebuckler area and thus is not reflective of the prevailing character of the area.

Overall, it is considered that there are no material planning considerations which would warrant approval of the planning application contrary to policy and guidance.

Impact on Residential Amenity

No development should result in a situation where amenity is “borrowed” from an adjacent property, or there is an impingement on the amenity enjoyed by others. Given the location of the proposed extension adjacent a public road, the proposal would have no additional adverse impact on neighbouring properties in terms of internal daylight levels, overshadowing or privacy. Current levels of residential amenity would therefore be retained, in compliance with Policy H1 and the HDG.

Proposed Aberdeen Local Development Plan (2020) (PALDP)

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

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed extension, due to its massing and location – extending entirely to the southern boundary of the site where it meets the public footpath – would create an oppressive, dominating structure, as a result of site specific characteristics, which would be to the detriment of the character and visual amenity of the surrounding area. The proposal has not been designed with due consideration for its context, having an unacceptable impact on the visual amenity of the area and thus, fails to accord with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan; its associated Supplementary Guidance: ‘Householder Development Guide’; and Policies D1, D2 and H1 of the Proposed Aberdeen Local Development Plan. There are no material planning considerations that would warrant approval of permission in this instance.

VI. PLANNING AUTHORITY - DECISION NOTICE

DECISION NOTICE

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

Mr Derrick Williamson
9 Kildrummy Road
Craigiebuckler
Aberdeen
AB158HJ

With reference to your application validly received on 8 April 2021 for the following development:-

**Erection of 2 storey side extension with integral garage and alterations to boundary wall and rear extension roof
at 9 Kildrummy Road, Aberdeen**

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

Drawing Number	Drawing Type
9KR-PL001	Elevations and Floor Plans (Proposed)
9KR-PL002	Location Plan

REASON FOR DECISION

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

The proposed extension, due to its massing and location - extending entirely to the southern boundary of the site where it meets the public footpath - would create an oppressive, dominating structure, as a result of site specific characteristics, which would be to the detriment of the character and visual amenity of the surrounding area. The proposal has not been designed with due consideration for its context, having an unacceptable impact on the visual amenity of the area and thus, fails to accord with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas)

of the Aberdeen Local Development Plan; its associated Supplementary Guidance: 'Householder Development Guide'; and Policies D1, D2 and H1 of the Proposed Aberdeen Local Development Plan. There are no material planning considerations that would warrant approval of permission in this instance.

Date of Signing 16 June 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.

VII. PLANNING AUTHORITY - NEIGHBOUR NOTIFICATION LIST

List of Notified Neighbours

210477/DPP - Erection of 2 storey side extension with integral garage and alterations to boundary wall

9 Kildrummy Road
Aberdeen
AB15 8HJ

The following neighbouring properties were notified on 9 April 2021:

15 Kildrummy Road Aberdeen AB15 8HJ

1 Fintray Road Aberdeen AB15 8HL

8 Kildrummy Road Aberdeen AB15 8HJ

18 Kildrummy Road Aberdeen AB15 8HJ

12 Kildrummy Road Aberdeen AB15 8HJ

10 Kildrummy Road Aberdeen AB15 8HJ

16 Kildrummy Road Aberdeen AB15 8HJ

14 Kildrummy Road Aberdeen AB15 8HJ

4 Fintray Road Aberdeen AB15 8HL

13 Kildrummy Road Aberdeen AB15 8HJ

2 Fintray Road Aberdeen AB15 8HL

11 Kildrummy Road Aberdeen AB15 8HJ

7 Kildrummy Road Aberdeen AB15 8HJ

VIII. ALDP POLICY D1 (QUALITY PLACEMAKING BY DESIGN)

This Section of the Plan sets out the Council's policies for ensuring that new development contributes to achieving our vision of a sustainable city and how we will meet the objectives and targets of the Strategic Development Plan.

Quality Placemaking by Design

3.1 Quality placemaking is at the core of planning in Aberdeen. Scottish Planning Policy, Creating Places: A Policy statement on Architecture and Place for Scotland, and Designing Streets promote the delivery of well-designed places and sustainable communities through good planning. Quality placemaking plays a positive part in reducing the impact of climate change and improving health and well-being.

3.2 Quality placemaking is about creating development that sustains and enhances the social, economic, environmental and cultural attractiveness of the city as a place to be and is a material consideration in determining applications. Placemaking requires a collaborative process to achieving development that complements and enhances the site context and can be measured by six essential qualities: **a distinct identity, welcoming, safe and pleasant, easy to move around, adaptable to changing circumstances and is resource efficient.**

3.3 All development must follow a thorough process of site context appraisal to arrive at an appropriate proposal. Context will differ from site to site, however significant characteristics include: siting; scale; mass; detail; proportion; materials; colour; orientation; land designation; surrounding uses; transportation and connectivity; existing building heights; landscaping; natural heritage features; topography; views and the relationship to streets and open spaces. Not all development will be of a scale to make a significant placemaking impact, however all good design and detail adds to the attractiveness of the built and natural environment and careful consideration is crucial. All development, from window replacements to large developments, represents an opportunity to add to the rich placemaking legacy of our built environment.

3.4 Aberdeen encourages an engaging, designed approach to secure quality placemaking through the appropriate use of pre-application discussion, the application of the masterplan process and on design matters. The Aberdeen City and Shire Design Review Panel offers professional, peer advice to support the decision making process. (See relevant Technical Advice Note)

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.

To further ensure there is a consistent approach to placemaking throughout the city, the Aberdeen Masterplan Process will be applied to larger sites within the city.

Further guidance can be found within the supplementary guidance detailed below and Technical Advice notes listed in Appendix 4 Masterplans and Appendix 5 Supplementary Guidance.

IX. ALDP POLICY H1 (RESIDENTIAL AREAS)

Residential and mixed use development within the area surrounding the harbour must take account of the character of the area and avoid undue conflict with adjacent harbour-related land uses. New development must not impinge upon the viability or operational efficiency of the harbour, or of existing businesses within the harbour zoned area. Mitigation measures may be required in order to permit uses which could otherwise give rise to such conflict.

Pipelines, Major Hazards and Explosives Storage Sites

3.74 Within Aberdeen City, there are a number of high pressure pipelines and sites where hazardous substances or explosives are stored. For each of these sites a consultation zone has been established by the Health and Safety Executive to ensure that only appropriate new or replacement development takes place and that there is no increased risk to public safety.

Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites

Where certain types of new development are proposed within the consultation zones of pipelines, major hazards and explosive storage sites, the Council will be required to consult the Health and Safety Executive (HSE) to determine the potential risk to public safety.

The Council will take full account of the advice from the HSE in determining planning applications. In addition to consultation with the HSE, the Council will consult the operators of pipelines where development proposals fall within these zones. Pipeline consultation zones are shown on the LDP Constraints Map.

Meeting Housing and Community Needs

3.75 Our vision for Aberdeen as a place which offers a high quality of life requires us to create sustainable communities in which amenity is maintained to a high level and for a wide choice of housing styles and types to be made available for everyone.

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.

Within existing residential areas, proposals for non-residential uses will be refused unless:

- 1 they are considered complementary to residential use; or
- 2 it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

Any proposed loss of Local Shops or Community facilities would need to comply with the relevant policies Policy CF1 Existing Community Sites and Facilities and Policy NC7 Local Shop Units.

X. SUPPLEMENTARY GUIDANCE: HOUSEHOLDER DEVELOPMENT GUIDE



Supplementary Guidance: Householder Development Guide

3.1.1 Introduction

This Supplementary Guidance (SG) forms part of the Development Plan and is a material consideration in the determination of planning applications.

The aim of this guidance is to:

- promote high quality design solutions;
- foster greater consistency in planning decision making;
- promote and encourage the use of traditional materials and building techniques; and
- restrict the incremental expansion of traditional buildings.

3.1.2 Development and Permitted Development

This document sets out guidelines as to what types of extension and alteration to a dwellinghouse may be permissible when planning permission is required. However, many minor works and small extensions to residential properties do not require planning permission.

In this regard, there are two main categories of works that can be carried out by a homeowner to their property without needing planning permission. These are:

- Works which do not constitute 'Development'; and
- Works which constitute 'Permitted Development'.

What Constitutes 'Development'?

Small scale alterations to your home which do not have any impact on the building's external appearance may not constitute 'Development' and therefore do not require planning permission. Such works can include, but are not limited to:

- The installation of door bells;
- The erection of TV aerials;
- The carrying out of any internal alterations;
- The installation of moveable structures in the property's garden such as garden furniture and trampolines etc.

What constitutes 'Permitted Development'?

Where alterations to a dwelling would constitute development, Scottish Government legislation still allows for a variety of minor alterations and extensions to be carried out to properties without the need to apply for planning permission. These are known as Permitted Development rights and they are covered by The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (As amended).

Useful guidance on the interpretation of the Householder Permitted Development Rights can be found in Circular 1/2012 on the Scottish Government website.



3.1.3 Conservation Areas and Listed Buildings

Although the Householder Permitted Development Rights allow for a wide variety of minor works to be carried out, the legislation often does not allow for such works to take place without consent in conservation areas and, in some instances, on listed buildings.

Conservation Areas

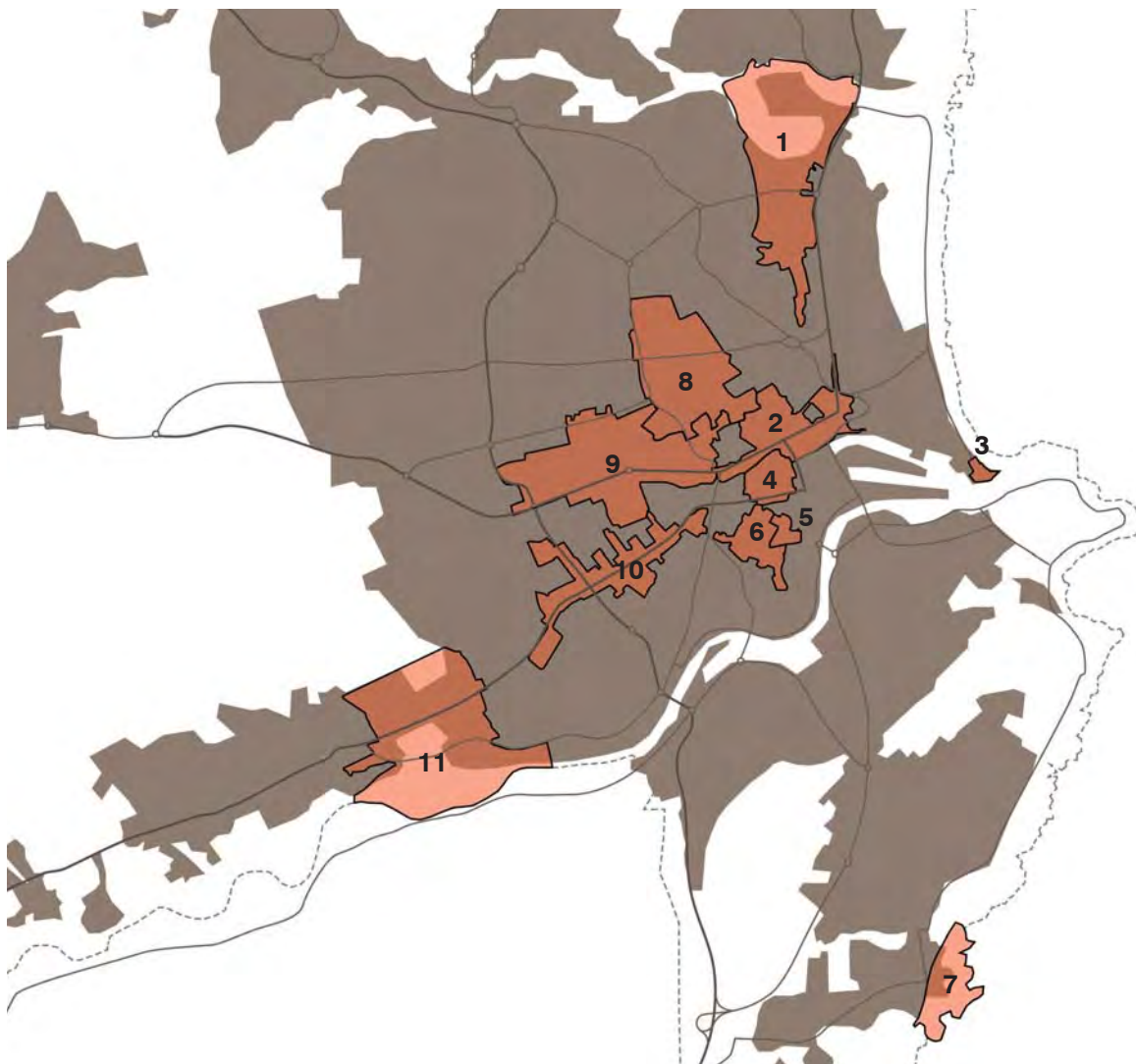
Works to a dwelling within a conservation area will almost always require planning permission and in the assessment of planning applications, special attention will be paid to the desirability of preserving or enhancing the character and appearance of the area.

Many properties in Aberdeen city centre lie within a conservation area, as well as some in outlying areas such as Footdee and Old Aberdeen. Homeowners can check via the Council's website whether their property is situated within a conservation area.

Listed Buildings

Whilst planning permission may not be required for certain works to a listed dwelling, Listed Building Consent will almost always be required. Listed Building Consent needs to be applied for in much the same way as planning permission, although there is no application fee payable for a Listed Building Consent application.

There are over 1200 listed buildings in Aberdeen, many of which are residential addresses. For advice on whether your property is listed or if works to a listed dwelling require consent and are likely to be acceptable, general enquiries should be made to the Council's Application Support Team on:
Tel: 01224 523470 or E: pi@aberdeencity.gov.uk



Conservation Areas

- 1 Old Aberdeen
- 2 Union Street
- 3 Footdee
- 4 Bon Accord and Crown Street
- 5 Marine Terrace
- 6 Ferryhill
- 7 Cove Bay
- 8 Rosemount and Westburn
- 9 Albyn Place and Rubislaw
- 10 Great Western Road
- 11 Pitfodels



3.1.4 Householder Development: General Considerations

Aim of the Guidance

Good quality design, careful siting and due consideration of scale, context and design of the parent building are key to ensuring that development does not erode the character and appearance of our residential areas. Poorly designed extensions and alterations can have a significant impact on the character and appearance of a building which, when repeated over time, can have a cumulatively detrimental impact upon the wider area. We can seek to retain the characteristics of the built environment which contribute towards the character and identity of an area, while also protecting the amenity enjoyed by residents. This document aims to facilitate good design and provide a sound basis for restricting inappropriate development.

Scope of the Guidance

Although this guidance predominantly relates to alterations and extensions to domestic properties, in the case of dormer windows, rooflights and roof extensions, the guidelines will also apply to originally residential properties now in non-domestic use.

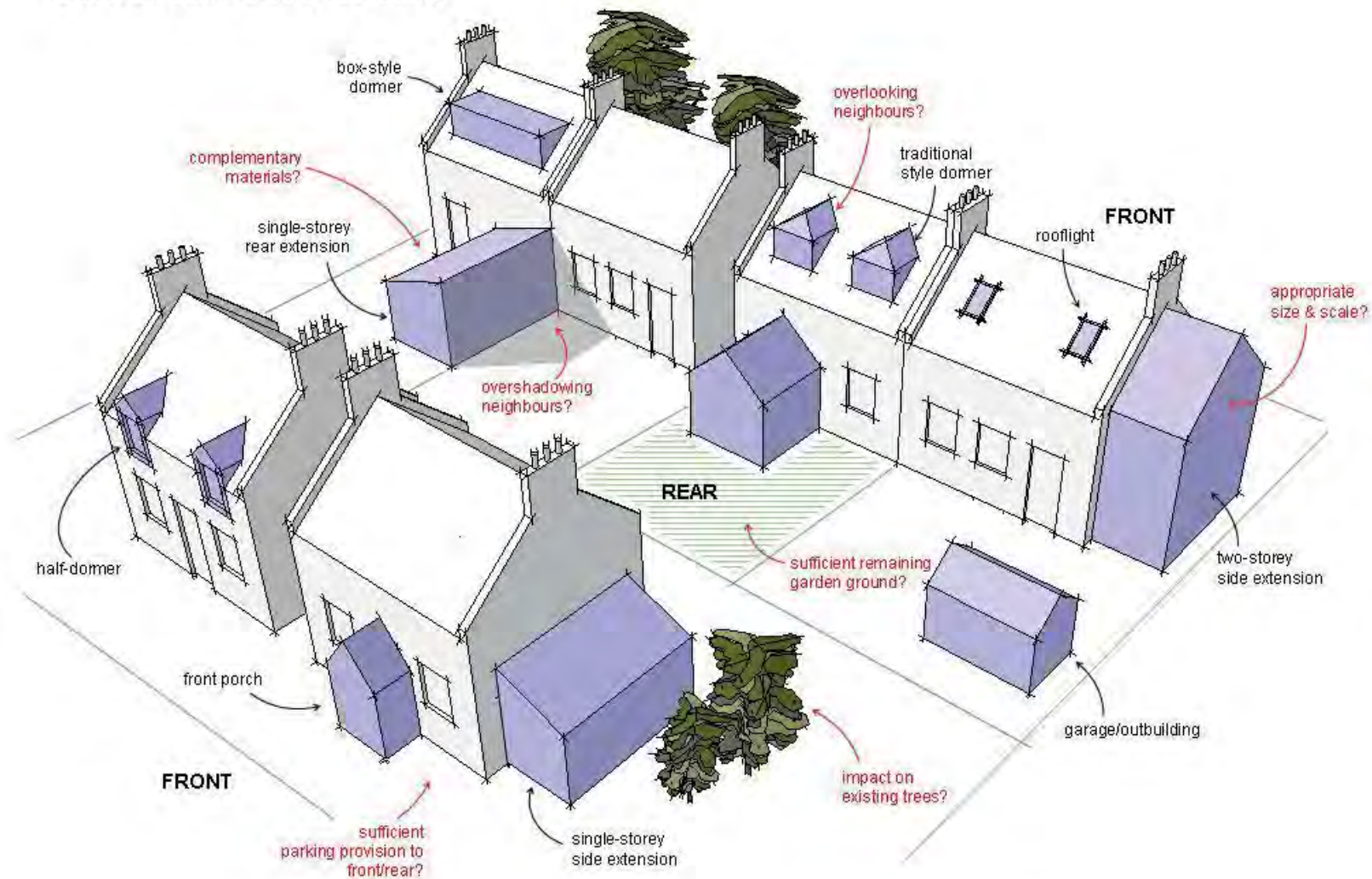
General Principles

Elsewhere in this document, guidelines are set out in relation to specific types of development. In addition to those specific criteria, the following principles will be applied to all applications for householder development:

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.
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.

General Terms & Considerations



3.1.5 House Extensions

Where planning permission is required, the following general rules will apply:

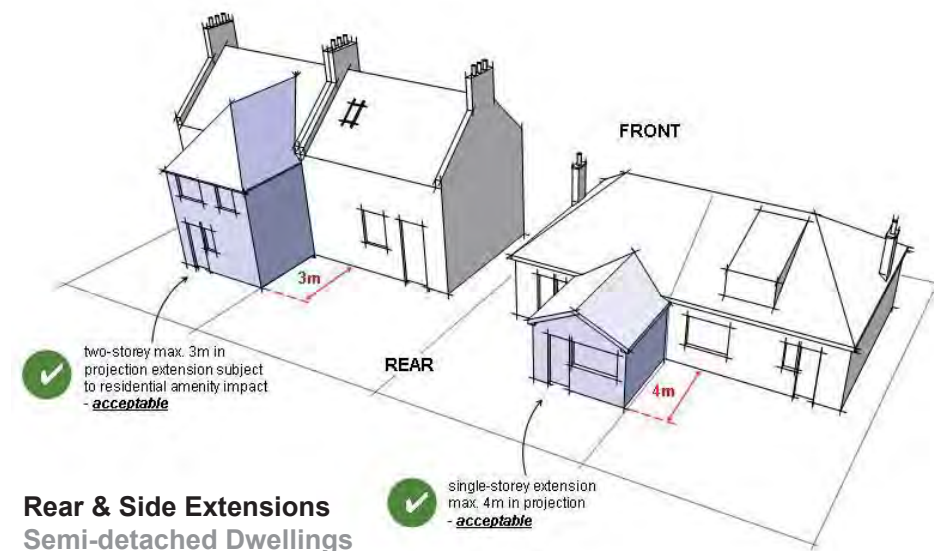
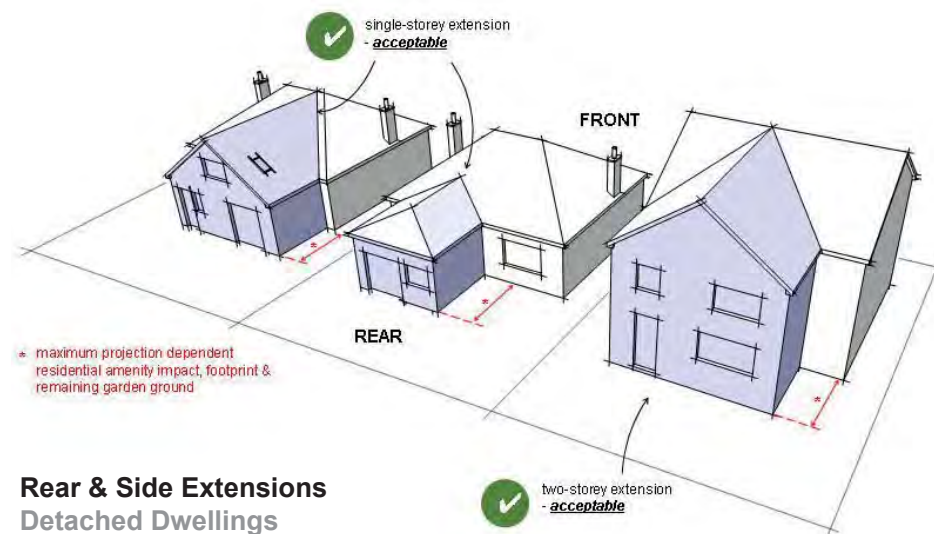
REAR AND SIDE EXTENSIONS

Detached Dwellings

- The maximum dimensions of any single-storey extension will be determined on a site-specific basis.
- On properties of 2 or more storeys, two storey extensions will generally be possible, subject to the considerations set out in the 'General Principles' section above.

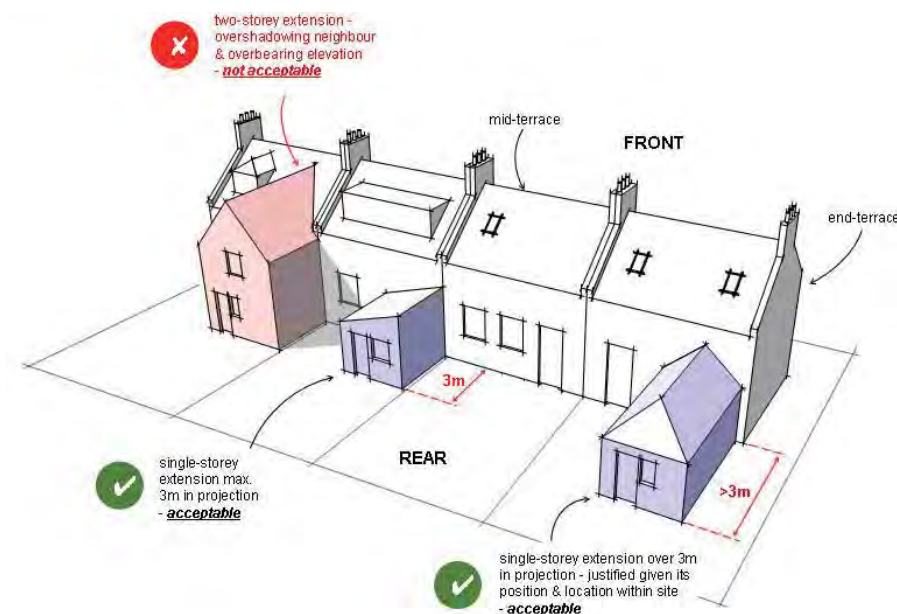
Semi-Detached Dwellings

- Single storey extensions will be restricted to 4m in projection along the boundary shared with the other half of the semi-detached property. In all other cases, the maximum size of single storey extensions will be determined on a site-specific basis.
- On properties of 2 or more storeys, two storey extensions may be possible, subject to the design considerations set out in the 'General Principles' section above. The projection of such extensions will generally be restricted to 3m along the boundary shared with the other half of the semi-detached property.



Terraced Dwellings

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



Rear & Side Extensions Terraced Dwellings



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.



Outwith conservation areas, front porch extensions will generally be acceptable, provided they incorporate a substantial proportion of glazing

- It may be permissible to incorporate bay windows on front elevations. The design and scale of such extensions should reflect that of the original dwelling, and such extensions should not be utilised as a means to secure significant internal floorspace.

3.1.6 Outbuildings

Outbuildings are detached buildings within a dwelling's curtilage that are used in association with the enjoyment of the residential use of the property. For example: garages, sheds and greenhouses.

Outbuildings are traditionally single storey in height, with either a flat or pitched roof. It may be possible to accommodate an additional storey within the roofspace of a pitched-roof outbuilding, although in such cases the use of dormers will not be supported, as they increase the visual dominance of an outbuilding and give the impression of a two storey appearance.



Detached garage on a traditional rear lane – such garages should be of a scale and design that respects the context of the surrounding area.

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

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

3.1.7 Dormers

Where permission is required, the following general rules will apply:

General Principles

- New dormers or roof extensions should respect the scale of the building and they should not dominate, overwhelm or unbalance the original roof;
- On traditional properties, original dormers must be retained and repaired, and their removal and/or replacement with larger or modern dormers will not be permitted;
- The removal of inappropriate earlier dormers and roof extensions, and their replacement with architecturally and historically accurate dormers will be actively encouraged;
- In terraces or blocks of properties of uniform design where there are no existing dormers, the construction of new dormers will not be supported on the front or other prominent elevations (e.g. fronting onto a road);
- On individual properties or in terraces where there are existing well-designed dormers and where there is adequate roof space, the construction of new dormers which match those existing may be acceptable. Additional dormers will not be permitted however, if this results in the roof appearing overcrowded. These dormers should be closely modelled in their detail and position on the roof, on the existing good examples. They will normally be aligned with windows below;
- Box dormers will not be permitted anywhere on listed buildings, nor will the practice of linking existing dormers with vertical or inclined panels; and

- In the case of non-listed buildings in conservation areas, consideration may be given to the provision of linked panels between windows on the private side of the building, where the extension is not seen from any public area. Non-traditional style dormers may be accepted on the rear of non-listed buildings in conservation areas, but generally not on the rear or any other elevations of listed buildings.



Example of a poorly designed roof extension – The modern box dormer is too large, thus it dominates the roof slope on an otherwise traditional terrace.



OLDER PROPERTIES OF A TRADITIONAL CHARACTER

Front Elevations

On the public elevations of older properties the Council will seek a traditional, historically accurate style of dormer. In addition, all new dormers will have to be of an appropriate scale, i.e. a substantial area of the original roof must remain untouched and clearly visible around and between dormers.

The main principles to be followed are:

- Existing original dormers should be retained or replaced on a “like for like” basis. Box dormer extensions will not normally be acceptable on the front elevations;
- The aggregate area of all dormers and/or dormer extensions should not dominate the original roof slope. New dormers should align with existing dormers and lower windows and doors;
- The front face of dormers will normally be fully glazed and aprons below the window will not be permitted unless below a traditional three faceted piended dormer;
- Dormers should not normally rise directly off the wallhead. In the case of stone buildings, dormers which rise off the inner edge of the wallhead will generally be acceptable. The position of the dormer on the roof is very important. Dormers which are positioned too high on the roof give the roof an unbalanced appearance;
- The outer cheek of an end dormer should be positioned at least 700mm in from the face of the gable wall or 1000mm from the verge. Where there is tabling on top of the gable, the cheek should

be at least 400mm in from the inside face of the tabling. It is never acceptable for a dormer haffit to be built off the gable or party wall; and

- The ridge of any new dormer should be at least 300mm below the ridge of the roof of the original building. If it is considered acceptable for the dormer ridge to be higher than this, it should not nevertheless, breach the ridge or disturb the ridge tile or flashing.



Dormers
Traditional Properties

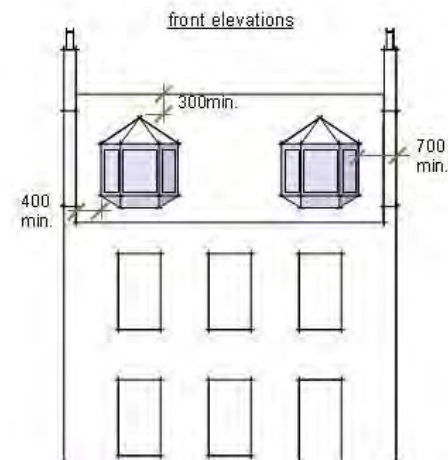


Rear Elevations and Exceptions

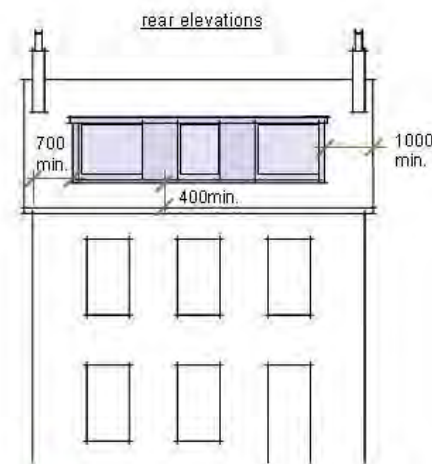
The guidelines for older properties may be relaxed where a property is situated between two properties which have existing box dormer extensions, or in a street where many such extensions have already been constructed. They may also be relaxed on the non-public (rear) side of a property.

In such cases, and notwithstanding the design and finish of neighbouring development, the following minimum requirements will apply:

- The aggregate area of all dormers should not dominate the original roof slope;
- Dormer hafts should be a minimum of 400mm in from the inside face of the gable tabling;
- The front face of dormer extensions should be a minimum of 400mm back from the front edge of the roof, but not so far back that the dormer appears to be pushed unnaturally up the roof slope;
- Flat roofs on box dormers should be a reasonable distance below the ridge;
- Windows should be located at both ends of box dormers;
- A small apron may be permitted below a rear window; and
- Solid panels between windows in box dormers may be permitted but should not dominate the dormer elevation.



gabled dormers on a typical Aberdeen tenement
- **acceptable**



flat roofed box dormer on rear elevations
- **acceptable**

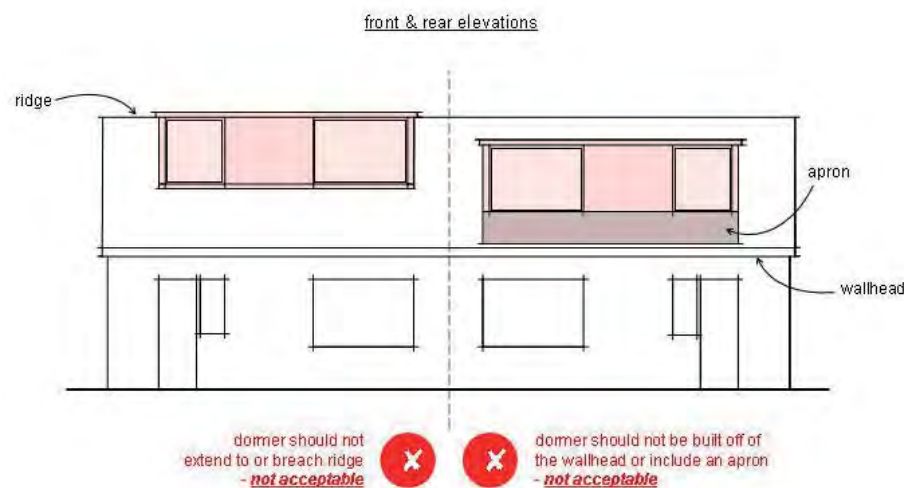
MODERN PROPERTIES

Dormers and box dormer extensions have become common features in many modern housing areas, and the wide variety of designs of modern dwellings necessitates a greater flexibility in terms of design guidance. The amenity of other properties and the residential neighbourhood must however, still be protected, with the integrity of the building being retained after alteration.

The following basic principles may be used to guide the design and scale of any new dormer extension:

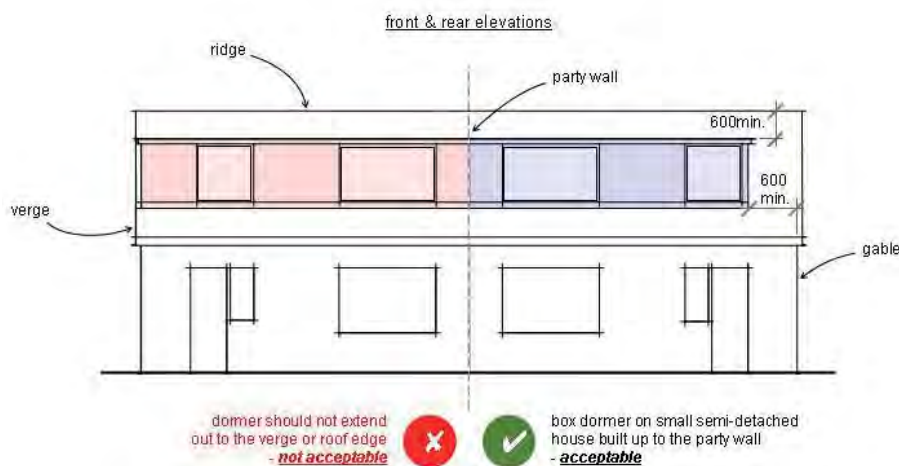
- The dormer extension should not appear to dominate the original roofspace;
- The dormer extension should not be built directly off the front of the wallhead as the roof will then have the appearance of a full storey. On public elevations there should be no apron below the window, although a small apron may be acceptable on the rear or non-public elevations. Such an apron would be no more than three slates high or 300mm, whichever is the lesser;
- The roof of the proposed extension should not extend to, or beyond the ridge of the existing roof, nor should it breach any hip. Dormer extensions cannot easily be formed in hipped roofs. Flat roofed extensions should generally be a minimum of 600mm below the existing ridge;

- The dormer extension should be a minimum of 600mm in from the gable. The dormer haffit should never be built off the gable or party walls, except perhaps in the situation of a small semi-detached house where the dormer extension may sometimes be built off the common boundary. In terrace situations, or where a detached or semi-detached bungalow is very long, dormer extensions should be kept about 1500mm apart (i.e. dormer haffits should be 750mm back from the mutual boundary) so as not to make the dormer appear continuous or near continuous;



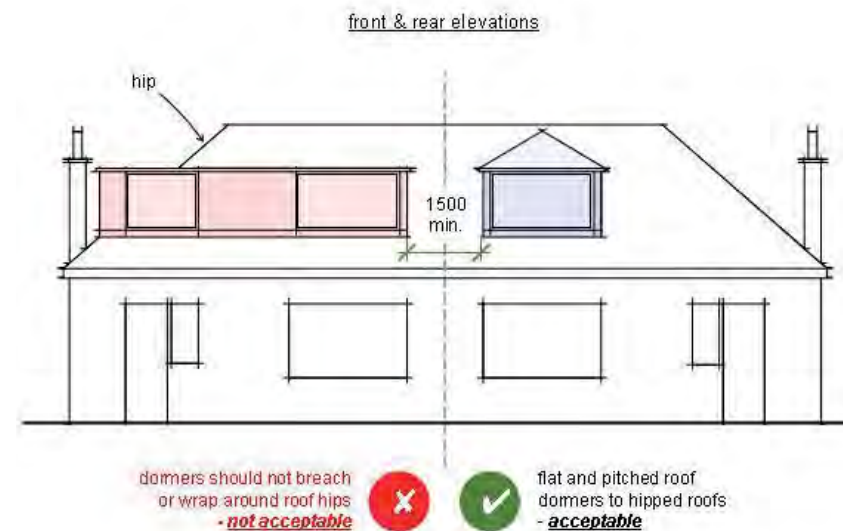
Dormers Modern Properties

- The outermost windows in dormer extensions should be positioned at the extremities of the dormer. Slated or other forms of solid panel will not normally be acceptable in these locations. In the exception to this situation, a dormer on a semi-detached house may have a solid panel adjacent to the common boundary when there is the possibility that the other half of the house may eventually be similarly extended in the foreseeable future. In this case the first part of the extension should be so designed as to ensure that the completed extension will eventually read as a single entity;



Dormers

Modern Properties



Dormers

Modern Properties

- There should be more glazing than solid on the face of any dormer extension;
- Box dormer extensions should generally have a horizontal proportion. This need not apply however, to flat roofed individual dormers which are fully glazed on the front;
- Finishes should match those of the original building and wherever possible the window proportion and arrangement should echo those on the floor below; and
- The design of any new dormer extension should take account of the design and scale of the existing dormer.



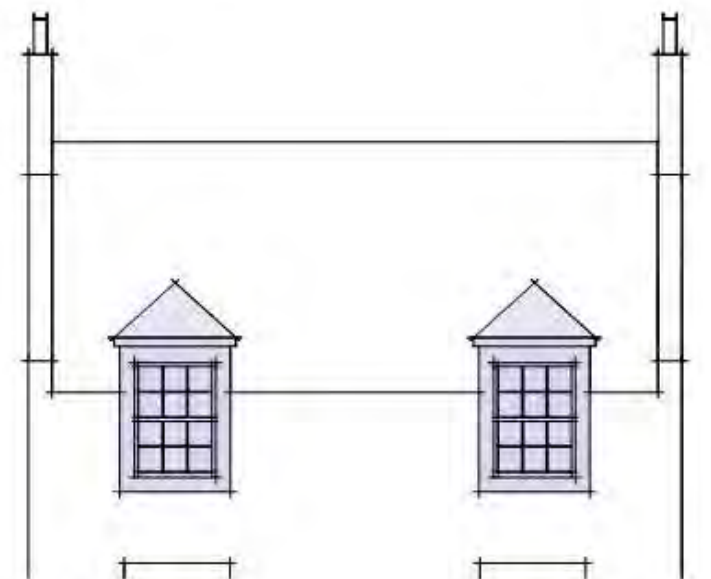
OTHER FORMS OF DORMER WINDOW

Half dormer windows

Half dormer windows have the lower part of the window within the masonry wall, with the part in the roof space surrounded by masonry or timberwork. This type of window is usually quite narrow, vertical in proportion, and appropriate when the floor is below the wall-head level.



Half Dormer Windows



Half dormer windows will only be acceptable where the context of the dwellinghouse allows – where permissible, they should be well designed with traditional vertical proportions.



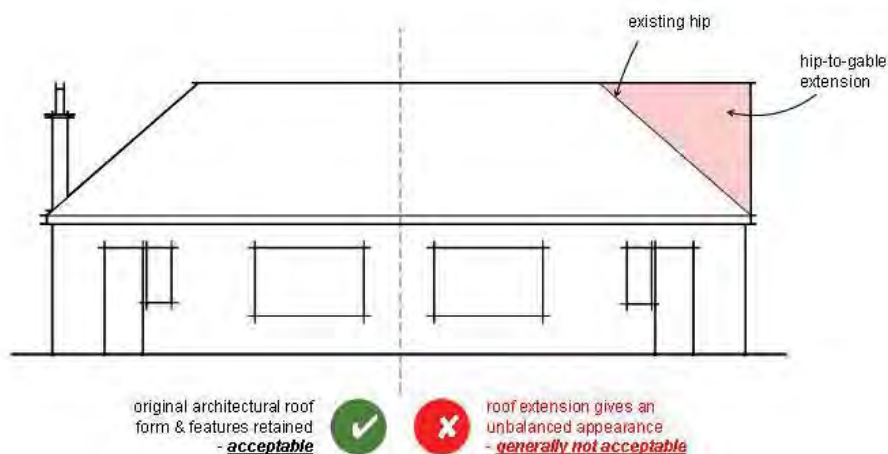
3.1.8 Roof Extensions

Hipped roof extensions

Modifying only one half of a hipped roof is likely to result in the roof having an unbalanced appearance.

The practice of extending a hipped roof on one half of a pair of semi-detached houses to terminate at a raised gable will not generally be accepted unless:

- The other half of the building has already been altered in this way; **or**
- Such a proposal would not, as a result of the existing streetscape and character of the buildings therein, result in any adverse impact on the character or visual amenity of the wider area.



Hipped Roof Extensions

Wall-head gables

A wall-head gable commonly has a centre window, with flues passing each side within the masonry to a common central chimney. It would be essential for any such feature to be constructed in the same material as the wall below. Wall-head gables have a strong visual impact which could substantially alter the character of a building. They are therefore unlikely to be acceptable on listed buildings, but might be accepted in conservation areas or on other older buildings of a traditional character.

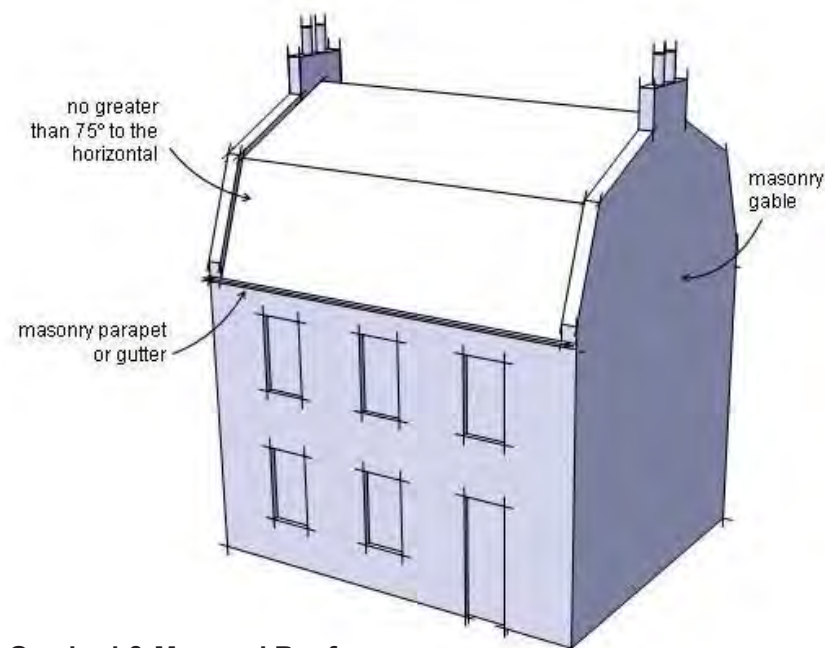


Mansard Roofs

Mansard roofs are a common, even a somewhat overused method of obtaining additional attic floorspace having standard headroom overall. Mansard roofs tend to have a top heavy appearance on buildings which have only a single storey of masonry, and should be restricted to buildings of two or more masonry storeys. They will not normally be acceptable in semi-detached or terraced situations unless all the other properties in the group are to be similarly altered at the same time. In effect, few situations will arise where an existing roof can readily be converted to a mansard roof.

On the occasions when a mansard roof solution is acceptable, considerable attention to detail is required to ensure that the altered roof is visually authentic. The following points should be observed:

- There should be no fascia at the eaves, nor should the mansard project forward of the masonry line;
- The mansard should be taken down to either a concealed lead gutter behind a masonry parapet, or to an “ogee” or half round cast iron gutter in line with the face of the masonry;
- The gables of the building should be extended up in the same material as the original gables, and should terminate at a masonry skew in the same profile as the mansard roof. It will not normally be acceptable to return the mansard roof across the gable with hipped corners; and
- The lower slope of the roof should be inclined at no greater than 75° to the horizontal.



Gambrel & Mansard Roofs

Mansards will only usually be considered appropriate where the site context allows it and considerable attention has been paid to the detailing so that the altered roof is visually authentic.

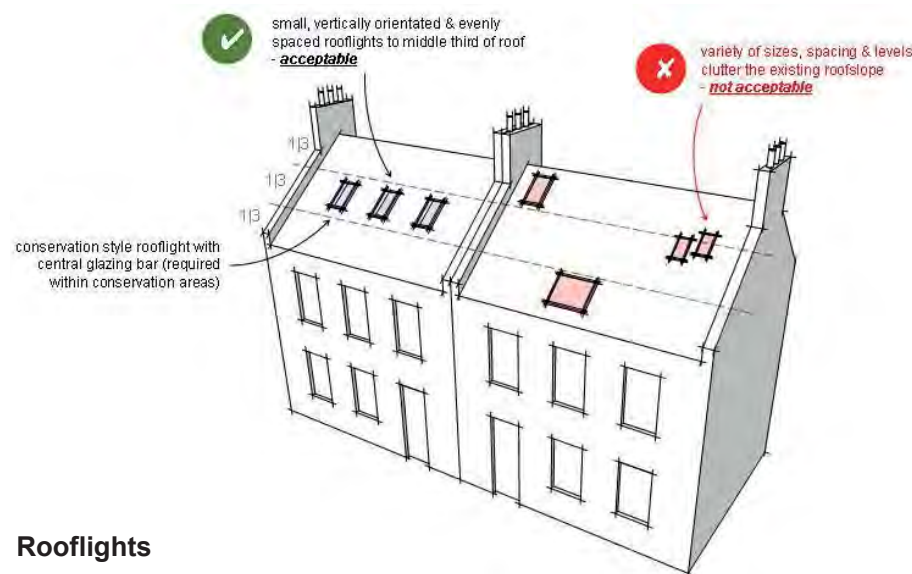


3.1.9 Rooflights

Where planning permission is required, the following general rules will apply:

- Rooflights should have a conspicuously vertical proportion. Seen from ground level, the foreshortening effect will tend to reduce the apparent height of the window, giving it a more squat appearance;
- On older buildings, and particularly on listed buildings and buildings in conservation areas, a 'conservation' type of rooflight will be expected. This is of particular importance on public elevations. Even the addition of a central glazing bar to a rooflight can provide a more authentic appearance in such instances;
- Large timber or cast iron rooflights divided into several sections were frequently provided above stairwells. It is not ideal to replace these with a single-pane modern rooflight. If the original rooflight cannot be repaired, aluminium or steel patent glazing is a more satisfactory option; and
- For rooflights fitted into slated roofs, manufacturers can provide a special flashing with their rooflights to keep the projection of the rooflight above the plane of the slates to a minimum. In listed buildings and buildings in conservation areas, it will be expected that rooflights be recessed into the roofslope.

Sympathetic 'conservation' style rooflights will nearly always be required in listed buildings and on the public elevations of buildings in conservation areas.



Rooflights



3.1.10 Other Domestic Alterations

Replacement Windows and Doors

Where permission is required, householders are referred to the Council's Supplementary Guidance entitled 'Windows and Doors'.

Satellite Dishes

Where permission is required for satellite dishes, as far as is practicable, they should be sited so as to minimise their impact on the external appearance of a building.



The cumulative impact of inappropriately sited satellite dishes – Where permission is required, satellite dishes will only be permitted where they can be sited discreetly, so as to minimise their visual impact.

Decking

- Proposals should not result in an adverse impact upon the amenity of adjacent dwellings, including both internal accommodation and external private amenity space.
- There will be a presumption against the formation of decking to the front of any property, or on any other prominent elevation where such works would adversely affect the visual amenity of the street scene.

Fences, Walls and Other Boundary Enclosures

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

Micro-renewables

Careful consideration is required in relation to their positioning in order to avoid undue prominence within the street scene, particularly within conservation areas and where proposals may affect the setting of a listed building.

Driveways

Guidance on the formation of driveways can be found within the Council's Supplementary Guidance: Transport and Accessibility.



3.1.11 Change of Use from Amenity Space to Garden Ground

Planning permission will always be required for the change of use of amenity space to private garden ground.

Each planning application for change of use is dealt with on its own individual merits. However, in considering whether an application is acceptable the Council will assess the proposal against the following criteria:

- The proposal should not adversely affect amenity space which makes a worthwhile contribution to the character and amenity of the area. In most circumstances the amenity ground will make a contribution, however sometimes small incidental areas of ground make little contribution to the appearance of the neighbourhood. For instance it may be acceptable to include within garden ground secluded areas that are not visible from footpaths or roads and that do not make a contribution to the wider visual amenity of the area. Similarly it may be acceptable to include small corners of space that can be logically incorporated into garden ground by continuing existing fence lines;
- The proposal should not fragment or, if replicated, be likely to incrementally erode larger areas of public open space or landscaping;
- The proposal should not worsen or create a deficiency in recreational public open space in the area. The less amenity space there is in an area the more value is likely to be placed on the existing amenity space. The Open Space Audit identifies areas of the city where there is a deficiency and should this be the case there will be a presumption against the granting of planning permission;

- The proposal should not result in any loss of visual amenity including incorporating established landscaping features such as mature trees or trees that make a significant contribution to the area. It is unlikely the Council would support the incorporation and likely loss of such features, however in circumstances where it is acceptable replacement planting to compensate will normally be required;



In rare circumstances where the loss of amenity land containing mature trees is considered acceptable, replacement planting will be required.

- The proposal should not result in an irregular boundary layout that would be out of keeping with the otherwise uniform character of the area;
- The proposal should not result in the narrowing of footpath corridors or lead to a loss of important views along such footpaths, making them less inviting or safe to use;
- The proposal should not prejudice road or pedestrian safety. Areas of amenity space often function as visibility splays for roads and junctions;
- The proposal should not give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future. Over time the cumulative impact of the loss of separate areas of ground can lead to the gradual erosion of amenity space, which is not in the public interest and can affect the overall amenity and appearance of the area;
- Amenity space and landscaping are valued assets within residential areas. They are common features in most housing developments and are provided for a number of reasons including –
 - to improve the appearance of the area;
 - to provide wildlife habitats, enhance ecology and often form part of sustainable urban drainage systems;
 - to act as pedestrian routes through developments;
 - to provide informal recreation areas;
 - to provide good safety standards for drivers, cyclists and pedestrians in terms of road verges or visibility splays.

Prior to submitting a planning application it is advisable for the applicant to contact the landowner to see if they would be willing to sell the particular piece of land.



Proposals for change of use from amenity land to private garden ground will be considered acceptable where they comply with the above criteria. In the above image, the proposal does not have a detrimental impact on the visual character or amenity of the area.

3.1.12 Houses in Multiple Occupation (HMOs)

Presently the term House in Multiple Occupation (HMO) is not one commonly associated with the planning system in Scotland. The term is not defined in planning legislation, though Scottish Government Circular 2/2012 does provide advice on HMOs, suggesting that there may be a role for the planning system in managing HMOs where a material change in the use of a house or flat has taken place. Multiple occupancy can intensify pressure on amenity, particularly with regards to shared/mutual areas and car parking. It is therefore appropriate to ensure that appropriate provision is made prior to granting planning permission for an HMO.

A useful starting point is to clearly identify what constitutes an HMO for the purposes of this Supplementary Guidance. The planning system defines 'dwellinghouse' and 'flat' as detailed below;

Flat "means a separate and self-contained set of premises whether or not on the same floor and forming part of a building from some other part which it is divided horizontally." Part 1 (2) Town and Country Planning (General Permitted Development) (Scotland) Order 1992

A **house** is defined within class 9 (houses) under the Town and Country Planning (Use Classes) (Scotland) Order 1997. This allows for use as;

- a) A house, other than a flat, whether or not as a sole or main residence, by—
 - (i) A single person or by people living together as a family; or
 - (ii) Not more than 5 residents living together including a household where care is provided for residents

- b) as a bed and breakfast establishment or guesthouse, where at any one time not more than 2 bedrooms are, or in the case of premises having less than 4 bedrooms, 1 bedroom is, used for that purpose.

This means that, where more than 5 persons are living together, other than as a family, the premises would not fall within the definition of a 'dwellinghouse' for planning purposes. It is reasonable to use this same threshold as the point at which a material change in the use of premises has occurred, and an application for change of use to form an HMO would be necessary.

Where flats are concerned, planning legislation does not specify any number of residents above which premises will not longer be considered a 'flat' for planning purposes. Given the potential for increased pressure on amenity, particularly in shared/mutual areas and car parking, it is necessary for this guidance to set a threshold above which use will no longer be considered as a 'flat'. HMOs account for a significant proportion of the available rental accommodation in Aberdeen, and are particularly important in supporting the City's sizeable student population. In setting a threshold above which planning permission will be necessary, it is noted that any number of people may live together in a single property, provided they are part of the same family unit. Taking this into account, it is considered that 6 or more unrelated people living together in a flat would be materially different from family use. This will be the threshold used for the purposes of this guidance.

Planning permission will be required for change of use to a House in Multiple Occupation in the following instances;

1. The occupation of a house by 6 or more unrelated persons
2. The occupation of a flat by 6 or more unrelated persons

It is important to note that separate licensing requirements exist for the establishment of an HMO, irrespective of the planning-specific guidance set out in this document. The granting of planning permission does not remove any requirement to obtain the appropriate licence and vice versa. Furthermore, success in obtaining planning permission for use of premises as an HMO does not guarantee a successful license application. It should be noted that, while the term 'HMO' is common to both systems, it has a different meaning depending on the context in which it is used. For licensing purposes, an HMO is defined as any house or flat which is the principal residence of three or more people who are members of three or more families.

This guidance is intended to set the thresholds at which a house or flat will no longer be considered to be in domestic use and will be treated as a House in Multiple Occupation for planning purposes. The following factors which will be considered in assessing any such application:-

Proposals involving formation of an HMO as defined in this guidance will be assessed with regard to matters including, but not limited to, the following:

1. Any adverse impact upon pedestrian or road traffic safety as a result of increased pressure on car parking;
2. Significantly adverse impact upon residential amenity for any reason. This may include, but not be limited to, adequate provision of refuse storage space, appropriate provision of garden ground/amenity space, and an appropriate level of car parking.
3. An excessive concentration of HMOs in a given locality, cumulatively resulting in a material change in the character of that area. This will be assessed in consultation with the Council's HMO Unit within the Housing & Environment service, who hold relevant information on the location of existing licensed HMO properties.

Where it is not practicable for dedicated car parking to be provided alongside the development, a proposal must not exacerbate existing parking problems in the local area.



Glossary

Amenity

The attributes which create and influence the quality of life of individuals or communities.

Amenity Space

Areas of open space such as gardens, balconies and roof terraces.

Article 4 Direction

Some types of development do not need planning permission by virtue of permitted development rights. An Article 4 Direction is an order made by Scottish Ministers which suspends (for specified types of development) the general permission granted under the Town and Country (General Permitted Development) (Scotland) Order 1992 (as amended), thereby removing permitted development rights.

Base Course

The lowest course or first course of a wall.

Bay Window

a window or series of windows forming a bay in a room and projecting outward from the wall externally

Boundary Enclosure

Boundary treatment such as a fence, wall, hedge, ditch or other physical feature which demonstrates the edges of a site or otherwise encloses parts of that site

Building Line

The line formed by the frontages of buildings along a street. For the purposes of this guidance, this shall not generally include elements such as the front of any porches, canopies, garages or bay windows.

Common Boundary

A boundary which is shared by residential properties on either side

Conditions

Planning conditions are applied to the grant of planning permission and limit and control the way in which a planning consent may be implemented. Such conditions can require works to be carried out in a certain way (e.g. restriction on opening hours or adherence to an approved tree management plan) or can require submission of further information in order to demonstrate the suitability of technical details (e.g. drainage or landscaping schemes for a new development)

Conservation Area

Conservation Areas are areas of special architectural or historical interest, the character or appearance of which it is desirable to preserve or enhance. Such areas are designated by the local planning authority. Details of the Conservation Areas in Aberdeen can be found on the Council's website, www.aberdeencity.gov.uk.

Conservation Area Consent

Conservation Area Consent is required for proposals which involve the whole or substantial demolition of any unlisted building or structure in a Conservation Area. Conservation Area Consent is not required for the demolition of a building which has a volume of less than 115 cubic metres, or for the partial demolition of a building, or for minor alterations to gates, walls and fences within a Conservation Area. Demolition works may, however, require planning permission, and so confirmation should be sought from the planning authority.

Curtilage

The land around, and belonging to, a house.

Curtilage Splitting

The construction of houses and flats (together henceforth referred to as dwellings) within the garden ground of existing residential property

Daylight

Diffuse level of background light, distinct from direct sunlight

Development Plan

The “Development Plan” is a term used to incorporate both the current Local Plan/Local Development Plan and the current Structure Plan/Strategic Development Plan.

Dormer Window

Dormer windows are a means of creating useable space in the roof of a building by providing additional headroom.

Dwellinghouse

For the purposes of this guidance, the term “dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building

Embodied Energy

The energy used during the entire life cycle of a product including the energy used for manufacturing, transporting, and disposing of the product.

Fenestration

The arrangement of the windows in a building.

Gable

The part of a wall that encloses the end of a pitched roof.

Habitable Rooms

Includes bedrooms and living rooms, but does not include bathrooms, utility rooms, WCs or kitchens when not accompanied by dining facilities.

Haffit

The sides or ‘cheeks’ of a dormer window.

Harled

A form of roughcast in which a mixture of an aggregate (usually small even-sized pebbles) and a binding material (traditionally sand and lime).

Hipped Roof

A four-sided roof having sloping ends as well as sloping sides

Listed Building

Working on behalf of Scottish Ministers, Historic Environment Scotland inspectors identify buildings which are worthy of statutory protection. These are ‘Listed Buildings’. The criteria by which the Scottish Ministers define the necessary quality and character under the relevant legislation are broadly; Age and Rarity; Architectural Interest; and Close Historical Association



Listed Building Consent

Listed Building Consent is obtained through an application process which is separate from, but runs parallel to, that by which planning permission is obtained. This separate regulatory mechanism allows planning authorities to ensure that changes to listed buildings are appropriate and sympathetic to the character of the building. Listed Building Consent must be obtained from the planning authority if you wish to demolish, alter or extend, either internally or externally, a listed building.

Mansard Roof

A four-sided roof having a double slope on all sides, with the lower slope much steeper than the upper.

Material Consideration

Any issue which relates to the use and development of land and is relevant to the planning process.

Permitted Development

An aspect of the planning system which allows people to undertake specified forms of minor development under a deemed grant of planning permission, therefore removing the need to submit a planning application.

Piended

Scots term for hipped (pronounced peended)

Planning Authority

This is the term given to the Council in its role exercising statutory functions under Planning legislation. Authorities have three main planning duties: Development Management (assessing and determining planning applications); Development Planning (preparing, updating and monitoring the authority's Local Plan/Local Development Plan); and Enforcement (seeking to investigate and resolve breaches of planning control)

Porch

A covered shelter projecting in front of the entrance of a building.

Redevelopment

The complete demolition and replacement of existing dwellings by new dwellings at higher density on the same curtilage or curtilages

Ridge

The highest part or apex of a roof where two slopes meet.

Roads Authority

This is the term given to the Council in its role exercising statutory functions under Roads legislation. Where trunk roads are concerned, Transport Scotland is the relevant roads authority.

Roughcast

Plaster, mortar or stucco containing pebbles or coarse gravel to give a rough, knobbly texture to walls. Also called pebble-dash.

Stone Quoins

The stones, usually dressed, at the corners of a building.

Stringcourses

A continuous horizontal band set in the surface of an exterior wall or projecting from it and usually moulded.

Sunlight

The sun's direct rays, as opposed to the background level of daylight



Supplementary Guidance

Supplementary Guidance is prepared by the planning authority in support of its Local Plan/Local Development Plan. These documents are generally intended to provide greater detail or more specific and focused guidance than might be practicable within the Plan itself.

Tabling

A raised horizontal surface or continuous band on an exterior wall; a stringcourse

Tree Preservation Order

The planning authority has the powers to make Tree Preservation Orders if it appears to them to be a) expedient in the interest of amenity and/or b) that the trees, groups of trees or woodlands are of a cultural or historical significance. The authority has duties to a) make such TPOs as appear to the authority to be necessary with any grant of planning permission; and b) from time to time to review any TPO and consider whether it is requisite to vary or revoke the TPO.

Vernacular Buildings

Indicates a traditional type of building utilized by ordinary wage earners.

Wallhead

The uppermost section of an external wall.



Further Reading

Bats in Buildings

<http://www.snh.org.uk/pdfs/species/BatsBuildings.pdf>

Historic Scotland's Guide to Practitioners 6 – Conversion of Traditional Buildings – part 1

<http://conservation.historic-scotland.gov.uk/publication-detail.htm?pubid=8566>

Historic Scotland's Guide to Practitioners 6 – Conversion of Traditional Buildings – part 2

<http://conservation.historic-scotland.gov.uk/publication-detail.htm?pubid=8567>

Planning Advice Note: PAN 39: Farm and Forestry Buildings

<http://www.scotland.gov.uk/Resource/Doc/221098/0059472.pdf>

Planning Advice Note: PAN 44: Fitting new housing development into the landscape

<http://www.scotland.gov.uk/Publications/2005/04/01145231/52326>

Planning Advice Note: PAN 60: Planning for Natural Heritage

<http://www.scotland.gov.uk/Publications/2000/08/pan60-root/pan60>

Planning Advice Note: PAN 67: Housing Quality

<http://www.scotland.gov.uk/Resource/Doc/47032/0026427.pdf>

Planning Advice Note: PAN 72: Housing in the Countryside

<http://www.scotland.gov.uk/Publications/2005/02/20637/51636>

Planning Advice Note: PAN 73: Rural Diversification

<http://www.scotland.gov.uk/Publications/2005/02/20638/51727>

Scottish Natural Heritage (SNH)

www.snh.org.uk



Scottish Planning Policy (2014)

<http://www.scotland.gov.uk/Resource/0045/00453827.pdf>

The Barn Owl Trust

www.barnowltrust.org.uk

The Bat Conservation Trust

www.bats.org.uk

The Conversion of Redundant Farm Steadings to other uses

<http://www.scotland.gov.uk/Resource/Doc/156688/0042110.pdf>

The Royal Incorporation of Architects in Scotland (RIAS) Directory of Architects Practices

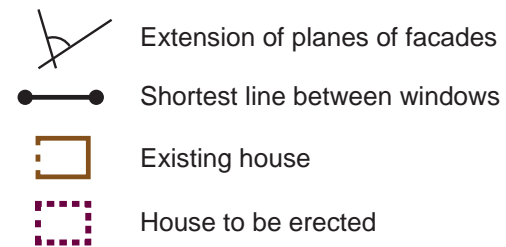
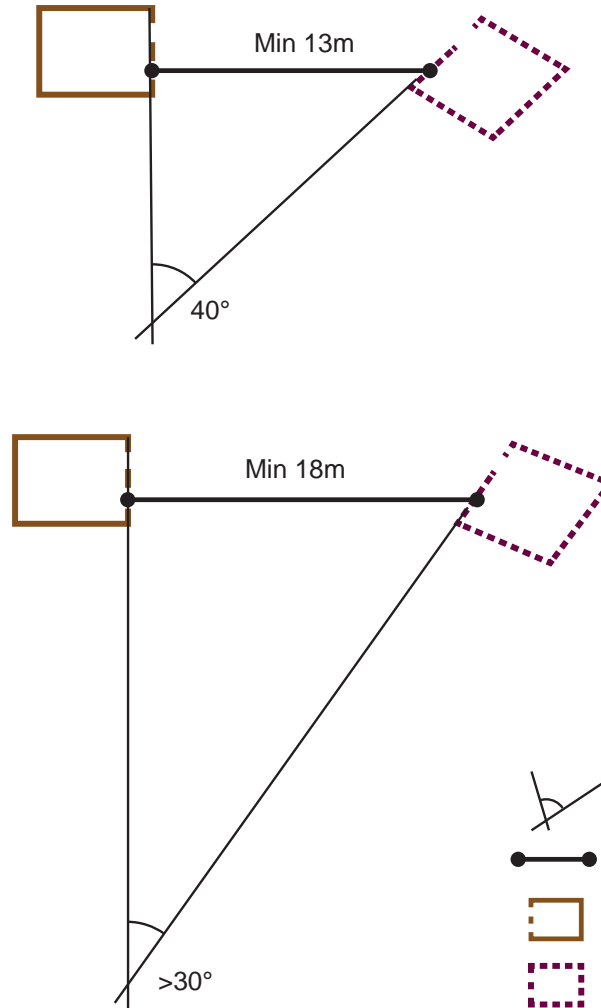
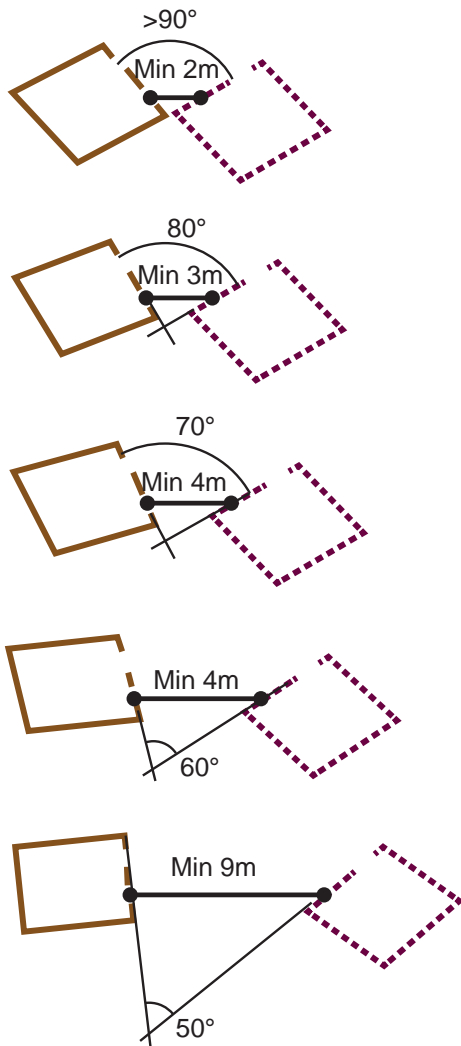
www.rias.org.uk/directory

Aberdeen City Council Natural Heritage Supplementary Guidance



Appendix 1

Method for checking privacy distances between window openings





Appendix 2

Daylight and Sunlight

Daylight

It is appropriate to expect that new development will not adversely affect the daylighting of existing development. Residents should reasonably be able to expect good levels of daylighting within existing and proposed residential property.

A useful tool in assessing the potential impact of proposed development upon existing dwellings is the BRE Information Paper on 'Site Layout Planning for Daylight'. This document sets out techniques which can be applied as a means of assessing the impact of new development upon daylighting. These techniques should only be applied to "habitable rooms", which for the purposes of this guidance shall mean all rooms designed for living, eating or sleeping eg. lounges, bedrooms and dining rooms/areas. Kitchens without dining areas are not considered as habitable rooms.

For domestic extensions which adjoin the front or rear of a house, the 45° method will be applied in situations where the nearest side of the extension is perpendicular (at right-angles to) the window to be assessed. The 45° method is not valid for windows which directly face the proposed extension, or for buildings or extensions proposed opposite the window to be assessed. In such instances, the 25° method, also detailed below, may be appropriate.

It should be noted that these guidelines can only reasonably be applied to those buildings which themselves are good neighbours, standing a reasonable distance from the boundary and taking only their fair share of light. Existing windows which do not meet these criteria cannot normally expect the full level of protection. It is important to note that these tools will be used as and when the planning authority deems it appropriate due

to a potential impact on daylight to an existing dwelling. The results of the relevant daylighting assessment will be a material consideration in the determination of an application, and should not be viewed in isolation as the sole determining factor.

The 45° Method

This method involves drawing 45° lines from the corner of a proposed building or extension in both plan and section views. If the shape formed by **both** of these lines would enclose the centre point of a window on an adjacent property, the daylighting to that window will be adversely affected.

The line drawn at 45° would pass through the mid-point of the window on elevation drawing, but not on the plan. This extension would therefore satisfy the 45° method for daylighting assessment. Were the proposal to fail on both diagrams, it is likely there would be an adverse affect on daylight to the adjacent window of the neighbouring property.

The 25° Method

The 25° method should be applied in situations where existing windows would directly face the proposed building or extension. Firstly, a section should be drawn, taken from a view at right angles to the direction faced by the windows in question. On this section, a line should be drawn from the mid-point of the lowest window, 25° to the horizontal, towards the obstructing building or extension. If the proposed building or extension is entirely below this line, it is unlikely to have a substantial effect on the diffuse daylighting of the existing building. Where the 25 degree approach is not satisfied, it will be for the planning authority to make a judgement on the degree of impact upon an adjacent dwelling.

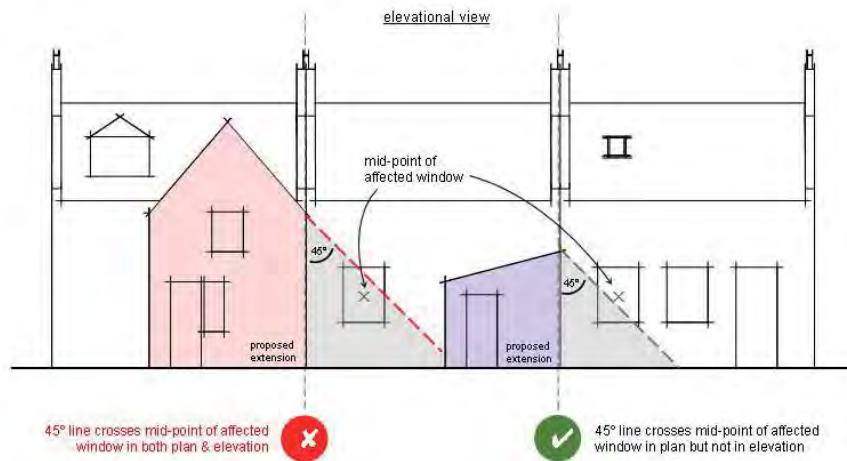


Fig A: The 45 Method Elevation view

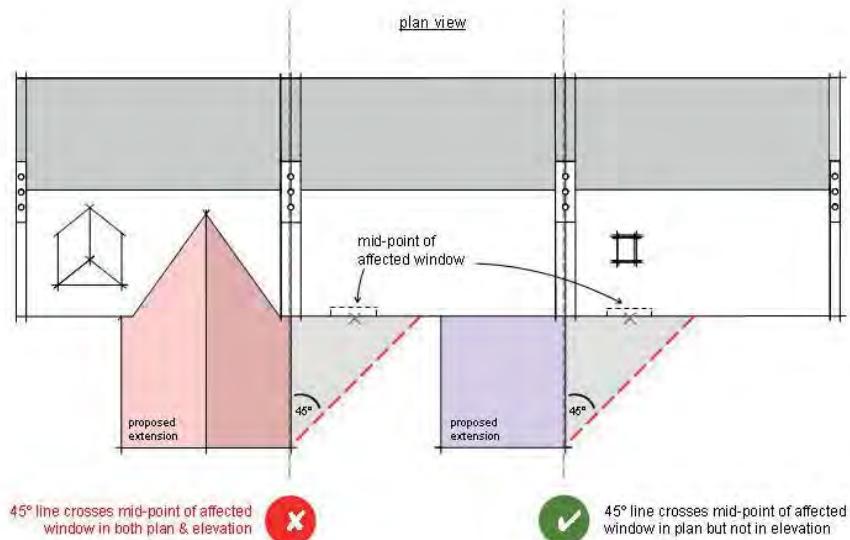


Fig B: 45° Method Plan view

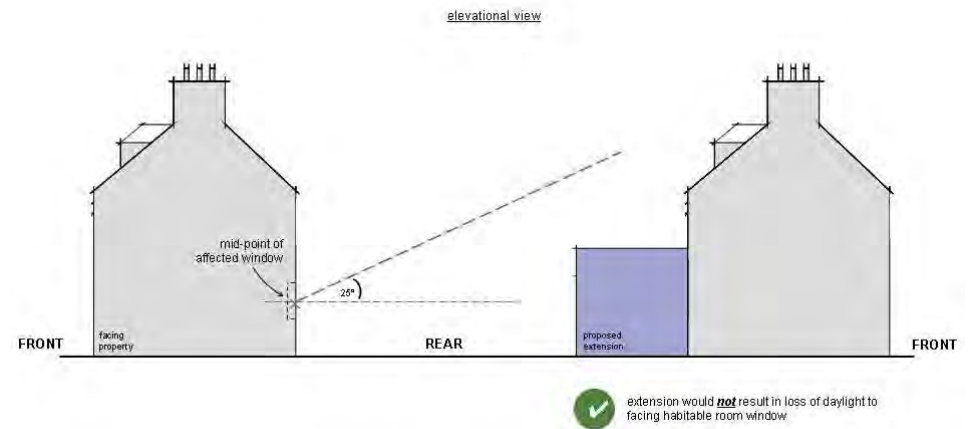


Fig C: The 25° Method Elevation view

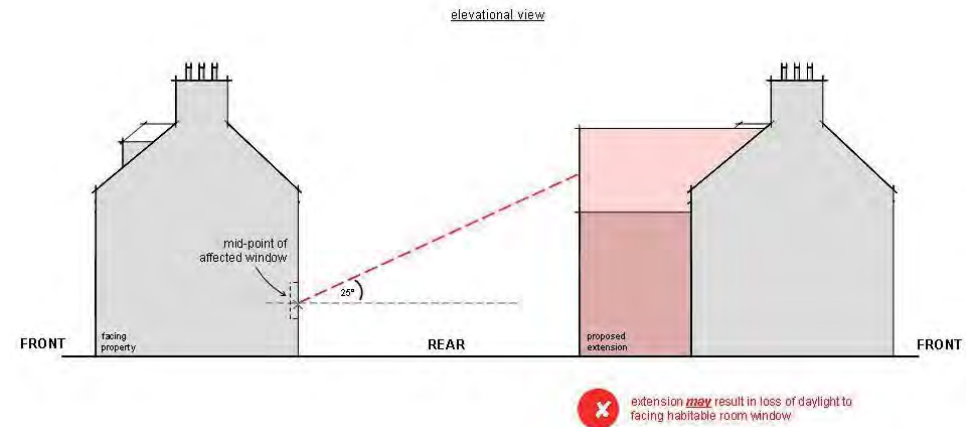


Fig D: The 25° Method, Proposed extension may result in loss of daylight to adjacent window of a habitable room

Sunlight

In many instances, extensions to residential property will have at least some effect on the level of direct sunlight which falls on adjacent land or buildings. Where such overshadowing is excessive, substantial areas of land or buildings may be in shade for large parts of the day, resulting in a significant impact on the level of amenity enjoyed by residents. It is therefore helpful to have some means by which an assessment of any potential overshadowing can be made.

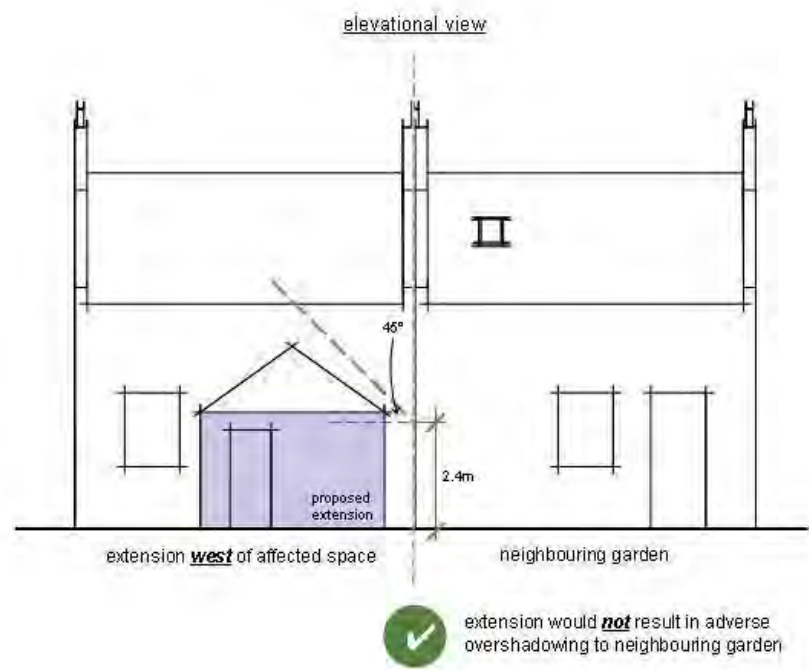
The method used involves drawing a line at 45 degrees to the horizontal. This line will begin at a point above ground level on the relevant boundary. The height above ground level will be determined by the orientation of the proposed building or structure relative to the affected space, as shown in the table below;

Orientation of extension relative to affected space	Height from which 45 degree line should be taken
N	4m
NE	3.5m
E	2.8m
SE	2.3m
S	2m
SW	2m
W	2.4m
NW	3.3m

This method is intended as a tool to assist case officers in their assessment of potential overshadowing, and it is important that this be applied sensibly and with due regard for the context of a particular site. Where a proposal is not able to satisfy the requirements of the relevant test, it will then be appropriate for officers to consider other factors relevant

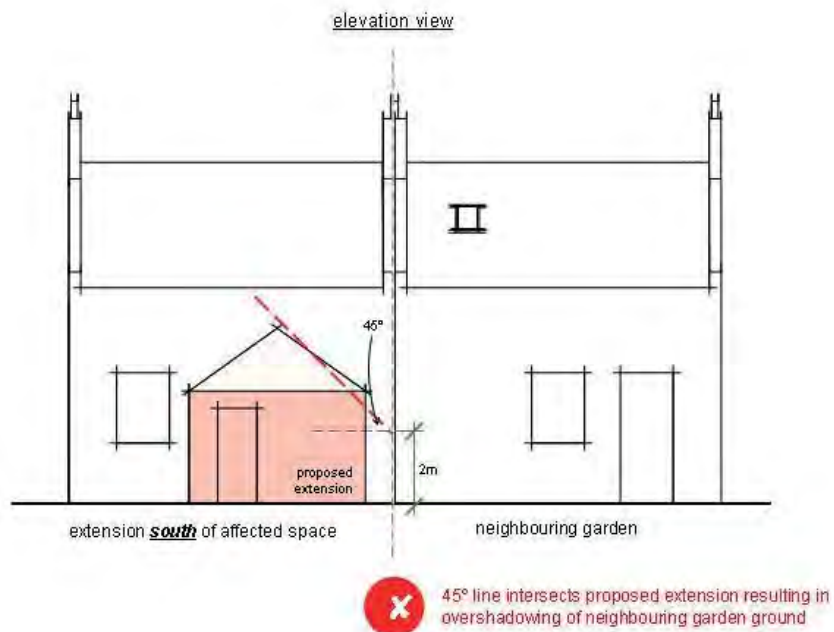
to the likely impact on amenity. These will include, but will not be limited to: the proportion of amenity space/garden affected; the position of the overshadowed area relative to windows (of habitable rooms) of an adjacent property; and the nature of the space affected (e.g. overshadowed driveway).

Example 1: In this example, the proposed extension would be located to the **west** of the neighbouring garden ground. A point 2.4m above ground level, on the site boundary, is found. From this point, a line is drawn at 45 degrees to the horizontal.

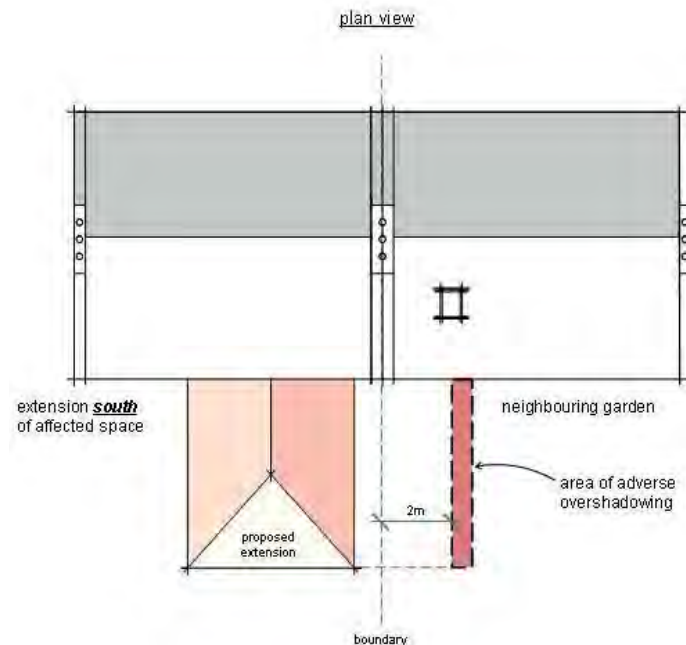


The diagram in Example 1 shows that the line drawn would not strike any part of the proposed extension, and therefore for the purposes of this test there would be no adverse affect on sunlight to the neighbouring garden.

Example 2: In this second example, the proposed extension would be constructed to the **South** of the adjacent garden ground. The same process is followed, but in this instance the line is drawn from a point 2m above ground level.



As the first diagram shows, the proposed extension would intersect the 45 degree line drawn. This suggests that there would be an area of adverse overshadowing in the neighbouring garden as a result of this proposal.



The second diagram demonstrates the area of adjacent garden ground which would be affected in plan view. This allows the case officer to make an assessment of the proportion of garden affected relative to the total useable garden area. As mentioned previously, the nature of the affected area will also be of relevance in determining whether there is justification in allowing a proposal which does not satisfy the 45 degree test for sunlight. There will be instances where proposals will be approved on this basis



Appendix 3

Privacy

New development should not result in significant adverse impact upon the privacy afforded to neighbouring residents, both within dwellings and in any private garden ground/amenity space. What constitutes an acceptable level of privacy will depend on a number of factors. The purpose of this appendix is not to create a rigid standard which must be applied in all instances, but rather to set out the criteria which will be taken into account in determining the impact of a particular development.

It is common practice for new-build residential development to ensure a separation distance of 18m between windows where dwellings would be directly opposite one another. Given the application of this distance in designing the layout of new residential development, it would appear unreasonable to then apply this to residential extensions to those same properties.

Assessment of privacy within adjacent dwellings will therefore focus upon the context of a particular development site, taking into account the following factors:

- existing window-to-window distances and those characteristic of the surrounding area;
- any existing screening between the respective windows;
- appropriate additional screening proposed
- respective site levels
- the nature of the respective rooms (i.e. are windows to habitable rooms); and
- orientation of the respective buildings and windows.

Any windows at a distance of 18m or more will not be considered to be adversely affected through loss of privacy. At lesser distances, the factors stated above will be considered in order to determine the likely degree of impact on privacy.

Any windows to habitable rooms (habitable rooms constitute all rooms designed for living, eating or sleeping e.g. lounges, bedrooms and dining rooms/areas) should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings. In these circumstances the windows of non-habitable rooms should be fitted with obscure glass.

The addition of balconies to existing residential dwellings will require careful consideration of their potential impact upon privacy. Any proposed balcony which would result in direct overlooking of the private garden/amenity space of a neighbouring dwelling, to the detriment of neighbours' privacy, will not be supported by the planning authority.

Appendix 4

Application Checklist Guide



Have you discussed the proposed works with your neighbours?	
Is planning permission required? Remember, some works can be carried out as 'Permitted Development'	
Is any other form of consent required for the works?	
Have you considered the appointment of an architect, planning consultant or other agent to act on your behalf? Though not mandatory, this can be worthwhile as agents will be familiar with the planning system and should be able to provide the drawings and supporting information to the necessary standards.	
Will any supporting information be necessary to enable the planning authority to make a full assessment of issues relevant to the proposal? For example, are there trees or protected species within the site?	
Is the building a Listed Building or within a Conservation Area? If so, it is recommended that advice is sought from the planning authority prior to submission in order to gauge the potential impact on these designations.	
Have you considered your proposal in relation to the guidance contained within the Householder Development Guide? Any proposal for householder development will be assessed against this Supplementary Guidance	
Is the proposed design consistent with the character of the property and the surrounding area?	
Would the development proposed result in any significant adverse impact on your neighbours in terms of loss of light, overshadowing and/or privacy?	
Would the proposed development result in an insufficient provision of amenity space/private garden?	
Have any changes to access and/or parking requirements been discussed with the Council in its role as Roads Authority?	

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LOCAL REVIEW BODY



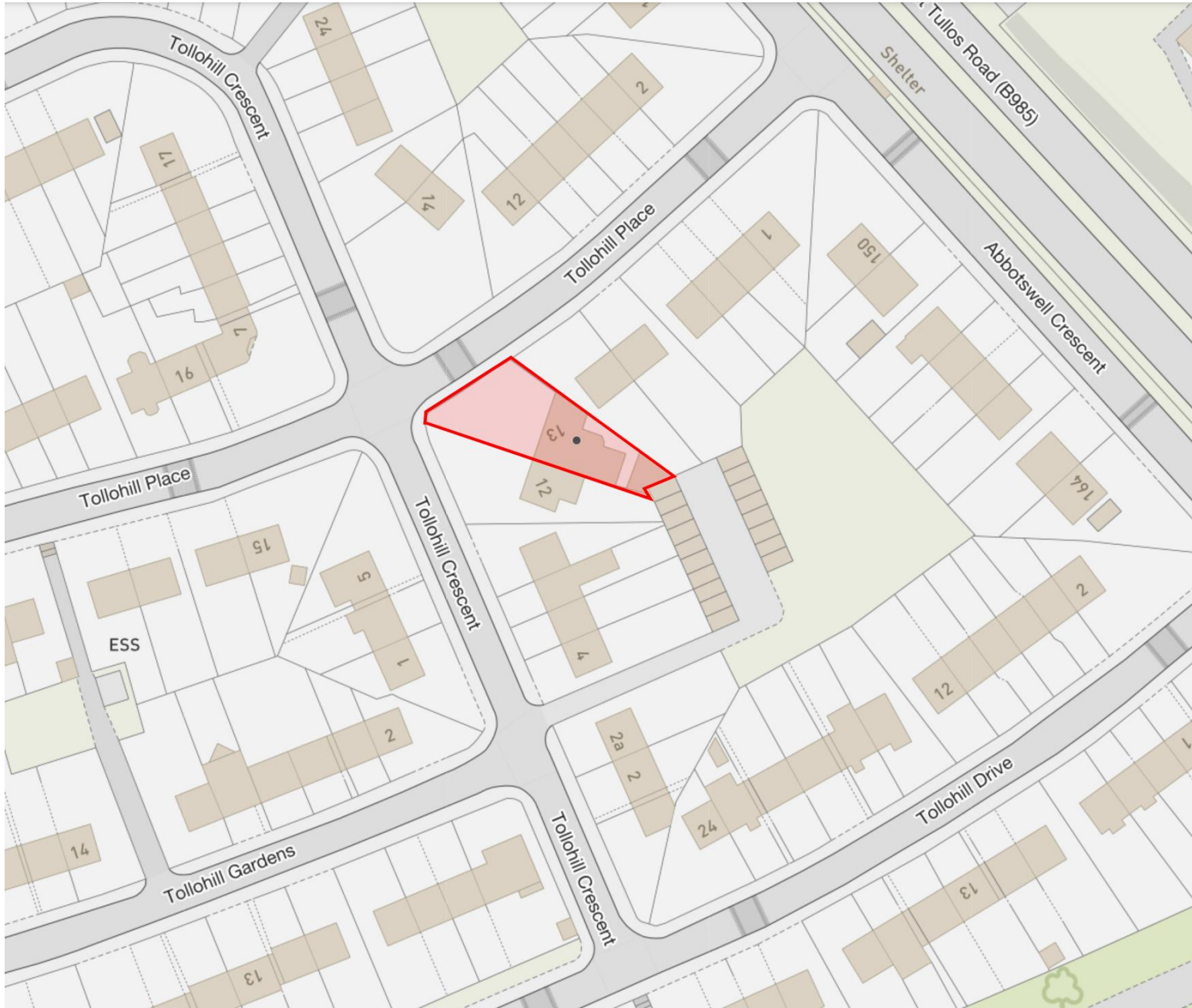
210913/DPP– Review against refusal of planning permission for:

Erection of shed and pergola to rear (retrospective)

13 Tollohill Place, Aberdeen

This is a detailed street map of a residential area in London, specifically the Aldgate and Aldgate East neighborhoods. The map shows a grid of streets, including Aldgate, Aldgate East, and Aldgate West. A red triangle highlights a specific plot of land, which is the subject of the planning application. The map includes building footprints, street names, and a north arrow. The highlighted plot is located on Aldgate East, between Aldgate and Aldgate West. The map also shows various other streets and buildings in the area, providing a comprehensive view of the local context.

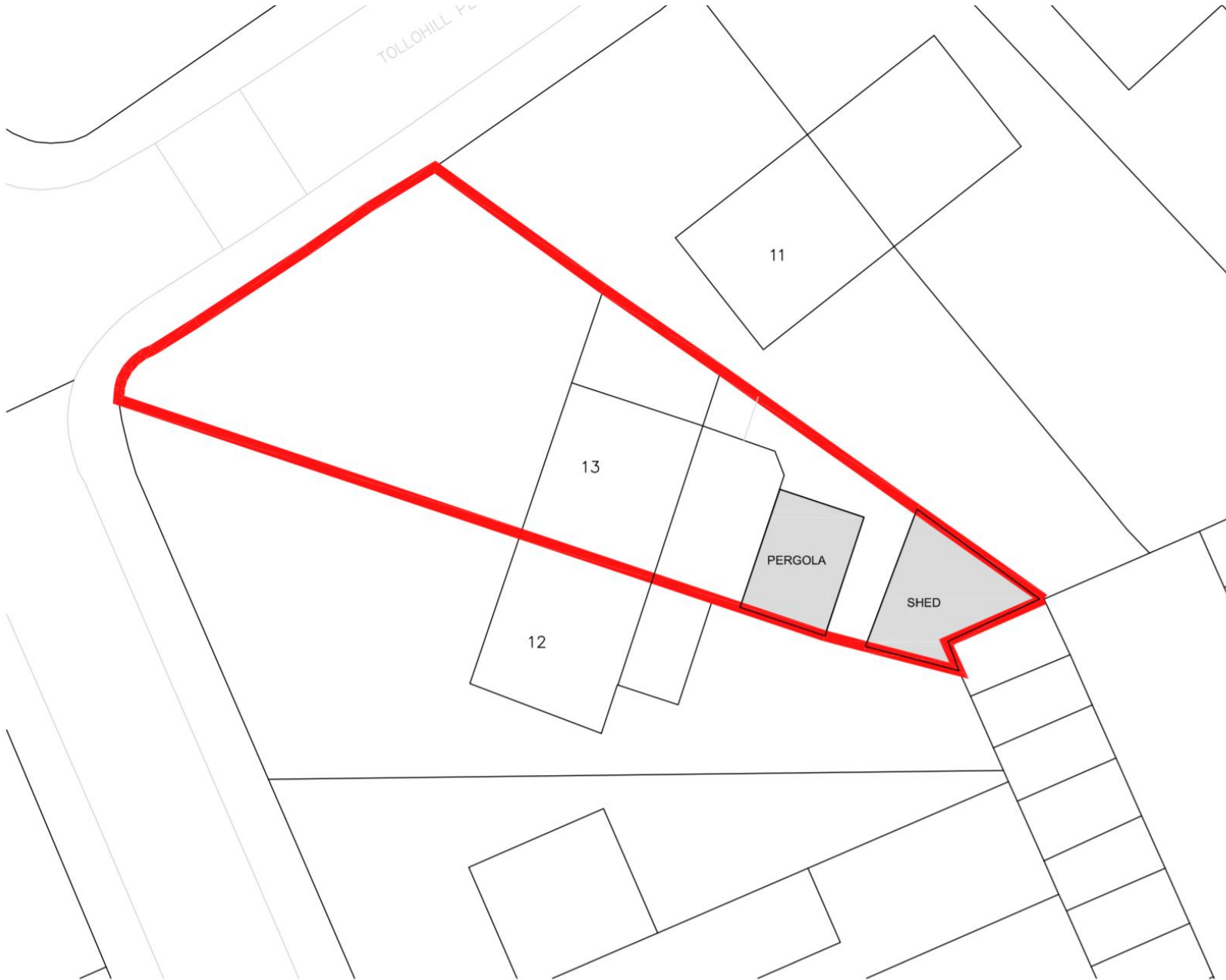
Location – GIS



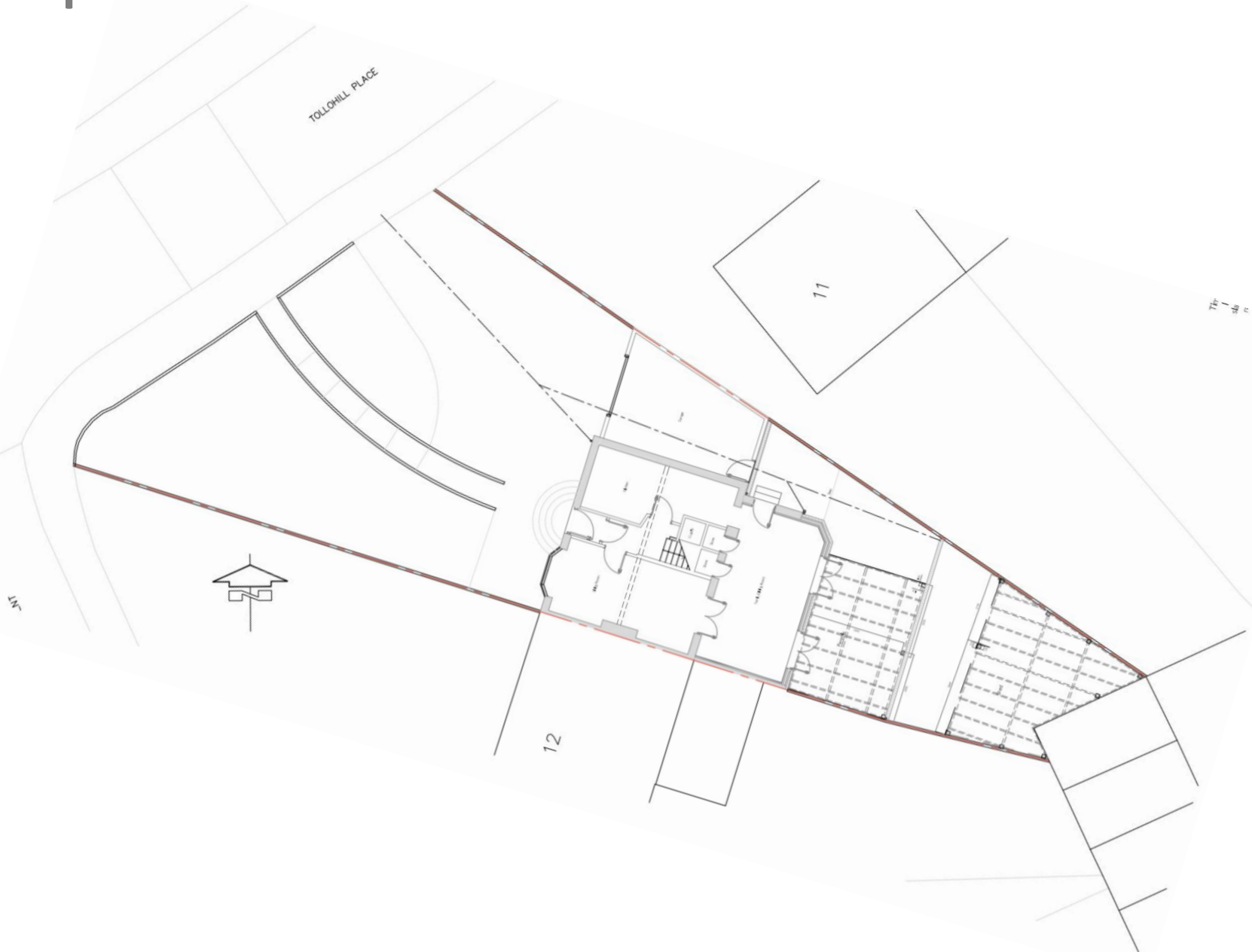
Location – Aerial Photo



Proposed Site Plan



Proposed Site Plan



Elevations 1

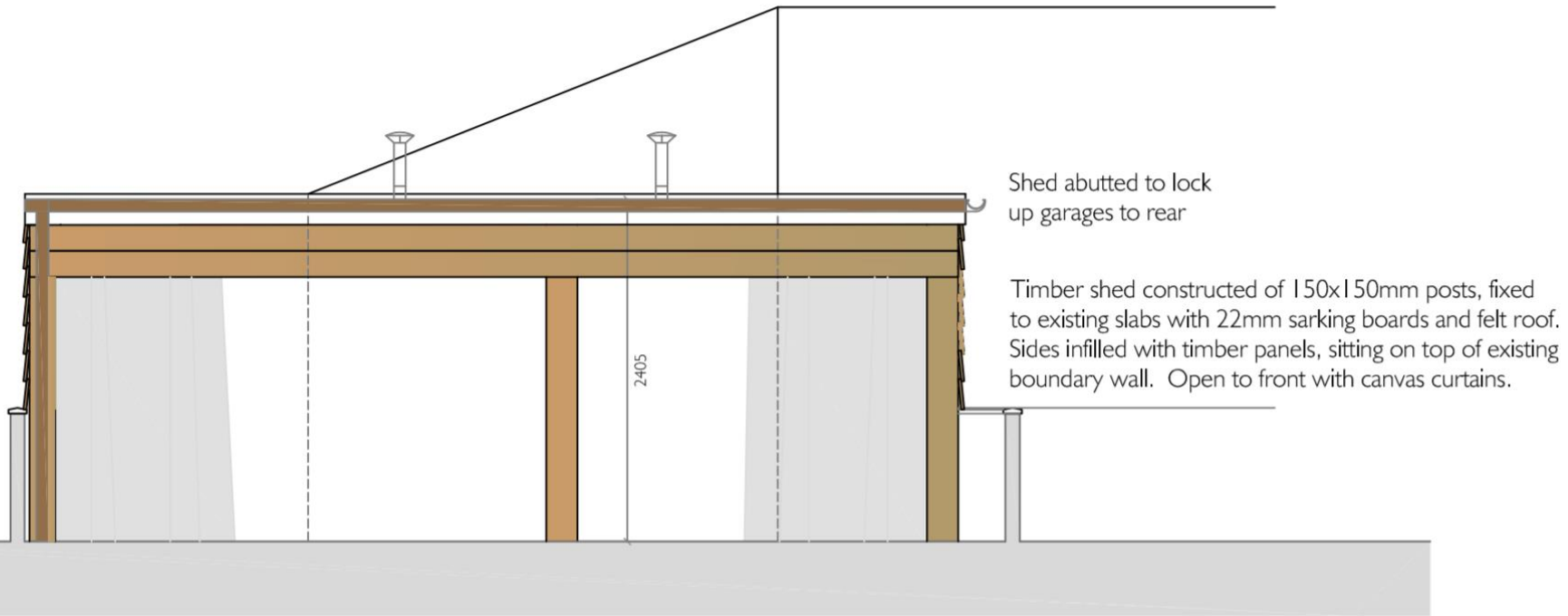
Page 165



NORTH EAST ELEVATION OF PERGOLA & SHED
SCALE 1:100

Elevations 2

Page 166



NORTHWEST ELEVATION OF SHED
SCALE 1.50

Elevations 3

Page 167

Timber pergola constructed from 150x150 posts fixed to existing slabbed area with 6mm perspex roof and canvas curtain to each side to allow privacy.

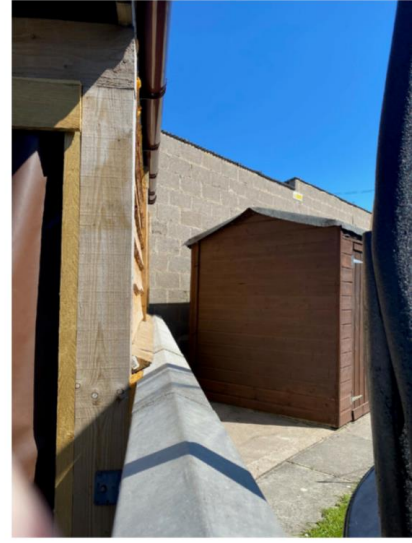


SOUTH EAST ELEVATION OF PERGOLA
SCALE 1.50

Photos



Photos



Reasons for Refusal

- Overdevelopment of the site – compares the pergola to an extension and highlights that the footprint of the original dwelling would more than double.
- Pergola and shed, when combined with existing development, result in 71.8% of the rear curtilage being covered by development, in conflict with the Householder Development Guide SG.
- Results in a disproportionately small area of private, undeveloped garden ground, which is incongruous with the established pattern of development and the character of the surrounding area.
- Pergola and shed result in development projecting along almost the entirety of the south-western boundary shared with 12 Tollohill Crescent which resultant adverse impact on outlook and amenity.
- Conflict with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the ALDP; associated Householder Development SG; and equivalent policies of the proposed ALDP.
- No material planning considerations that warrant approval in this instance.

Applicant's Case

- Argues that the pergola and shed individually would fall under permitted development rights, if not for the 'developed' area at the rear of the house exceeding 50%;
- The pergola was built to facilitate a member of the household who was suffering from mental health problems and found it impossible to leave the house. It was built to afford privacy, while still being able to access the rear garden and get outside for fresh air and to help alleviate the mental health issues suffered.
- Disputes the appointed officer's inclusion of a garage to the side of the property within a calculation of the developed area to the rear. Puts forward alternative calculations showing that the proportion of developed rear curtilage is less than stated, and that the developed area of the entire plot would be less than 50%.
- Both structures are free standing and do not have permanent foundations and are demountable.
- The pergola structure is open on 3 sides, the shed being open at the front.

Applicant's Case

- The rear 'garden' area is entirely slabbed, similar to several other properties in the surrounding area;
 - Contends that the impact to number 12 Tollohill Crescent would not be significant due to the orientation of the gardens (south east facing) - these structures do not block out any light to the adjoining property, with the pergola being open on 3 sides, with a Perspex roof which allows daylight to pass through. Neither structure is considered to result in adverse impact on privacy, daylight or general amenity of any neighbouring properties.
- The development is entirely to the rear of the property, and cannot be seen from the street side.
- Barbecue is not used any more frequently than any of the other neighbouring properties do and any smoke is directed through a flue at high level, resulting in less impact on neighbours than usual domestic use of a barbecue.

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)

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

SG: Householder Development Guide

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

SG: Householder Development Guide

- The built footprint of a dwelling house as extended should not exceed twice that of the original dwelling.
- No more than 50% of the front or rear curtilage shall be covered by development.
- On properties of 2 or more storeys, two storey extensions will generally be possible, subject to the considerations set out in the 'General Principles'.

SG: Householder Development Guide

Outbuildings

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

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

Points for Consideration:

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

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

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

2. Do other material considerations weigh for or against the proposal? Are they of sufficient weight to overcome any conflict with the Development Plan?

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

	Strategic Place Planning
	Report of Handling

Site Address:	13 Tollohill Place, Aberdeen, AB12 5EJ
Application Description:	Erection of shed and pergola to rear (retrospective)
Application Ref:	210913/DPP
Application Type:	Detailed Planning Permission
Application Date:	22 June 2021
Applicant:	Mrs Pamela Fenwick
Ward:	Kincorth/Nigg/Cove
Community Council:	Kincorth and Leggart
Case Officer:	Jemma Tasker

RECOMMENDATION

Refuse.

APPLICATION BACKGROUND

Site Description

The application site relates to a two storey, semi-detached dwellinghouse and its associated front and rear curtilage, set within a triangular plot on the corner of Tollohill Place and Tollohill Crescent. The dwelling has a north-west facing principal elevation fronting Tollohill Place; adjoins 12 Tollohill Crescent to the south-west; 11 Tollohill Place is located to the north-east; and lockup garages lie to the south-east. The dwelling sits elevated above street level and a driveway extends along the north-eastern boundary of the site to provide off-street car parking and access to a single garage that has been added to the north-east elevation of the dwelling. In addition, the property has been extended to the rear by way of a single storey extension which projects c.3.9m from the rear elevation and has a footprint of c.26.6sqm. Beyond this, a partly screened pergola has been erected and in the south-eastern corner of the site a shed has been constructed. Both the pergola and shed have been erected without planning permission and therefore, are currently unauthorised.

Relevant Planning History

Application Number	Proposal	Decision Date
021272	House extension	23.08.2002
		Status: Approved Unconditionally.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission (DPP) is sought retrospectively for the erection of the existing pergola and shed. The pergola projects c.4.2m from the rear of the single storey extension and

measures c.5.6m in width and c.2.6m in maximum height. It is constructed of timber with a perspex roof and canvas curtains to each side. The shed is located in the south-eastern corner of the rear garden and has been constructed to fit with the triangular shape of the site. It measures a maximum 6.6m in width and 6.9m in length, extending along both mutual boundaries, and has an overall height of 2.5m. It is constructed of timber with canvas curtains to the front and has a flat felt roof, which incorporates two flues. Additionally, the use of the shed has not been provided; however, photographs provided would appear to show the shed to be used as some form of home bar.

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=QV3QODBZL2100>

CONSULTATIONS

ACC - Environmental Health – No objection. Have requested that an advisory be attached to the grant of consent regarding the material burned.

Kincorth and Leggart Community Council – No comments received.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Aberdeen Local Development Plan (2017) (ALDP)

Policy D1 – Quality Placemaking by Design

Policy H1 – Residential Areas

Supplementary Guidance

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. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;

- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

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

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy H1 – Residential Areas

EVALUATION

Principle of Development

The application site is located in a residential area, under Policy H1 of the ALDP, and the proposal relates to householder development. Householder development would accord with this policy in principle if it does not constitute overdevelopment; does not adversely affect the character and amenity of the surrounding area; does not result in the loss of open space; and it complies with the Supplementary Guidance, in this case the Householder Development Guide (HDG).

The development does not result in the loss of any open space given that it is located within the curtilage of a residential property. The remaining issues are assessed in the below evaluation.

Scale and Design

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.

Guidance over what constitutes overdevelopment is taken from General Principles 4 and 5 under the Section 3.1.4 in the HDG which states that the built footprint of a dwellinghouse, as extended, should not exceed twice that of the original dwelling and no more than 50% of the rear curtilage of a dwelling should be covered by development. The pergola would be considered similar to an extension to the dwellinghouse given that it is attached to the main dwelling, covered, with canvas curtains to both sides and can be accessed directly from the house through patio doors. It results in the dwelling being more than double its original built footprint when taking into consideration the existing development, in conflict with the HDG. Furthermore, the original rear garden would have covered an area of approximately 139.7sqm. All development present within the rear garden including: the garage; the previously constructed single storey rear extension; pergola; and shed, cover a total of 71.8% of the original rear garden, far in excess of the 50% permitted by the HDG.

The HDG restricts the projection of rear, single storey extensions that extend along a mutual boundary separating semi-detached dwellings to no more than 4m. In this case, the existing single storey extension projects c.3.9m along the mutual boundary, in addition to the pergola which extends c.4.2m. When combined, this gives a total projection of approximately 8.1m along the mutual boundary, far in excess of the 4m permitted by the HDG.

The HDG further sets out that development should be architecturally compatible in design and scale with the original house and its surrounding area. 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 pergola and shed result in a large massing of timber structures within the rear garden, which appear to provide little conformity with the original dwelling. Further to this, based on the above, their combined scale would not be considered subservient to the original dwelling. Overall, it is considered that the pergola and shed fail to architecturally integrate with the original dwelling, nor would they be considered subservient given their combined scale in relation to the original dwellinghouse.

The surrounding area is predominantly characterised by residential properties which have with a significantly lesser site coverage than development currently present at the application site. The site coverage of the rear gardens of the surrounding residential properties is predominantly less than 30% of the rear curtilage. By contrast, as established above, the development results in approximately 71.8% of the rear garden being covered by development. Resultantly, the unauthorised development leaves a disproportionately minor area of the rear curtilage left undeveloped. The combined built footprint of the pergola and the shed, and the resulting site coverage, is incompatible with the established pattern of development and character of the surrounding area where the vast majority of rear curtilage of the surrounding properties remains undeveloped.

Given that the property has already been extended and that there is a substantial garage located to the north-east, the pergola and shed constitute overdevelopment of the site. The scale, siting, and footprint in this context is thus not compatible with the original dwelling, and the established pattern of development and the character of the surrounding area, in conflict with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the ALDP and the HDG.

Impact on Residential Amenity

No development should result in a situation where amenity is “borrowed” from an adjacent property, or there is an impingement on the amenity enjoyed by others. Given the relatively low height of both the pergola and shed, there would be no impact on neighbouring properties in terms of overshadowing. Further to this, the shed would be located sufficiently distant from neighbouring windows. The pergola would have curtains to the sides that could be open or closed. It is considered that when the curtains are open, there would be no significant adverse impact on neighbouring internal daylight levels. However, it is recognised that this situation would be different when the curtains are closed and thus, the pergola would likely adversely impact neighbouring daylight for part of the time.

In terms of privacy, given the relatively low height of the boundary walls, it is considered that there was likely an existing degree of overlooking between the application property and the two properties either side. The shed is constructed of solid side walls, which would allow for no direct views of neighbouring properties. However, the remainder of the development – the front of the shed and the pergola – all contain curtains which can be open or closed. While it is acknowledged that this would allow for some views of neighbouring garden ground, it is considered that this would be no different from using the garden space prior to the pergola and shed and thus, it is considered that there would be no significant additional impact.

In addition to the impacts on neighbouring amenity in terms of overshadowing, daylight and privacy, as a result of the projection of the existing extension and pergola along the south-west boundary and the presence of the shed which also extends along this boundary, the level of development along this mutual boundary would appear excessive and therefore overbearing and would adversely affect the outlook afforded to the adjoining property (12 Tollohill Crescent).

Lastly, it is not considered that the associated flues would have any adverse impact on the amenity of the surrounding area and Environmental Health has advised that it has no objection. The Service has recommended that an advisory be attached regarding the materials burned. This will be relayed to the applicant by way of an advisory note, for their general information.

In light of the above, it is considered that the current level of residential amenity will be partially impacted upon as a result of the development.

Conclusion

Overall, the pergola and shed result in the overdevelopment of the site, which is not compatible with the original dwelling nor is it reflective of the pattern of development of the immediate surrounding area. Further to this, the level of development present within the rear curtilage and its presence along the south-west mutual boundary is excessive. Therefore, the development conflicts with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the ALDP, in addition to the principles of the Supplementary Guidance: 'Householder Development Guide'.

Proposed Aberdeen Local Development Plan (2020)

In relation to this particular application, the Policies D1, D2 and H1 in the Proposed Aberdeen Local Development Plan 2020 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 pergola and shed constitute overdevelopment of the site in that the pergola acts in a similar manner to an extension, in which it results in the footprint of the dwelling being more than doubled, and the pergola and shed, when combined with existing development, result in 71.8% of the rear curtilage being covered in development, in conflict with the Supplementary Guidance: 'The Householder Development Guide', and leave a disproportionately minor area of private, undeveloped garden ground for the property relative to the overall size of the rear curtilage, which is incongruous with the established pattern of development and the character of the surrounding area.

In addition, the pergola and shed result in development projecting along almost the entirety of the south-western boundary shared with 12 Tollohill Crescent which has the potential to be overbearing and adversely affect the outlook, and thus the residential amenity afforded to this property.

The pergola and shed thus adversely affect the character and amenity of the surrounding area. The development therefore conflicts with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the current Aberdeen Local Development Plan 2017; its associated Supplementary Guidance: 'The Householder Development Guide'; and Policies D1, D2 and H1 of the proposed Aberdeen Local Development Plan 2020. There are no material planning considerations that warrant approval in this instance.

ADVISORY NOTES FOR APPLICANT

It is advised that the premises owner should take any necessary steps to minimise the impact the smoke emanating from the flue have on another person's enjoyment of their property. This may mean reducing the frequency and duration of use of the installation causing the smoke.

To minimise the amount of smoke that emanates from the premises, protect the amenity of nearby residents and the environment from harmful pollutants, please follow this advice:

- Only use well-seasoned, uniformly dried wood. Wet or green wood will cause excessive smoke and may lead to complaints from surrounding properties. Logs that are not dry provide a fire that smoulders and creates tar and smoke, which is more likely to smell and cause a disturbance to nearby residents.

- Do not burn household rubbish or plastics as these might contain harmful pollutants.
- Do not burn treated wood products such as fence posts (new or old) or chipboards as these may contain glues and chemicals that will cause fume problems when burnt.



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 100429419-001

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

Type of Application

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

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

Description of Proposal

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

Retrospective Planning Permission for garden outbuildings (Shed & Pergola). These do not fall within permitted development as they amount to more than 50% of rear garden but total less than 50% of total plot area.

Is this a temporary permission? * ☐ Yes ☒ No

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

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

☐ No ☐ Yes – Started ☒ Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): * 01/06/2017

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

Householder did not know that planning permission was needed for such development.

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:	FG Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Fiona	Building Name:	
Last Name: *	Grubb	Building Number:	122
Telephone Number: *	07791060356	Address 1 (Street): *	Cairntrodlie
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Peterhead
Fax Number:		Country: *	Scotland
		Postcode: *	AB42 2AX
Email Address: *	fiona_grubb@hotmail.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Pamela	Building Number:	13
Last Name: *	Fenwick	Address 1 (Street): *	Tollohill Place
Company/Organisation		Address 2:	Tollohill Place
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB12 5EJ
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

13 TOLLOHILL PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB12 5EJ

Please identify/describe the location of the site or sites

Northing

803149

Easting

394352

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☒ Meeting ☐ Telephone ☐ Letter ☐ Email

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

Householder received a site visit from Planning Officer and advised to apply for retrospective planning permission as development was in excess of 50% or rear garden, and outwith permitted development limits.

Title:

Mr

Other title:

First Name:

Gary

Last Name:

Nibloe

Correspondence Reference
Number:

ENF210036

Date (dd/mm/yyyy):

05/05/2021

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

Site Area

Please state the site area:

395.00

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

Existing Use

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

Two timber structures have been erected in the rear garden. The first comprises a pergola which is open at the side/front and has a perspex roof. The second, a timber shed is open at the front. The pergola and shed were constructed to help a family member who was suffering from mental health issues, enjoy the outside without being seen. The person concerned had issues with leaving the house and going out in public, so these structures were built to allow complete privacy within the garden.

Access and Parking

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

☐

Yes

☒

No

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

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

☐

Yes

☒

No

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

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

3

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

3

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

Water Supply and Drainage Arrangements

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

☐

Yes

☒

No

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

☐

Yes

☒

No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☐

Yes

☐

No, using a private water supply

☒

No connection required

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☐ Yes ☒ No

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

Waste Storage and Collection

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

☐ Yes ☒ No

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

These exist already within the curtilage of the house.

Residential Units Including Conversion

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

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

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

☐ Yes ☒ No

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Fiona Grubb

On behalf of: Mrs Pamela Fenwick

Date: 21/06/2021

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☒ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Ms Fiona Grubb

Declaration Date: 22/06/2021

Payment Details

Online payment: ABSP00006899

Payment date: 22/06/2021 12:05:00

Created: 22/06/2021 12:05



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 100429419-002

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

Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northings

Easting

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	FG Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Fiona	Building Name:	
Last Name: *	Grubb	Building Number:	122
Telephone Number: *	07791060356	Address 1 (Street): *	Cairntrodlie
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Peterhead
Fax Number:		Country: *	Scotland
		Postcode: *	AB42 2AX
Email Address: *	fiona_grubb@hotmail.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Pamela	Building Number:	13
Last Name: *	Fenwick	Address 1 (Street): *	Tollohill Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB12 5EJ
Fax Number:			
Email Address: *			

Proposal/Application Details

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

Was the original application part of this proposal? *

☒ Yes ☐ No

Application Details

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

Application: * 100429419-001, application for Planning Permission, submitted on 22/06/2021

Document Details

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

Site Plan & Location Plans updated to show a solid red line.

Checklist – Post Submission Additional Documentation

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

The additional documents have been attached to this submission. *

☒ Yes ☐ No

Declare – Post Submission Additional Documentation

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

Declaration Name: Ms Fiona Grubb

Declaration Date: 22/06/2021

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DECISION NOTICE

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

Fiona Grubb
FG Architects
122 Cairntrodlie
Peterhead
AB42 2AX

on behalf of **Mrs Pamela Fenwick**

With reference to your application validly received on 22 June 2021 for the following development:-

Erection of shed and pergola to rear (retrospective)
at 13 Tollohill Place, Aberdeen

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

Drawing Number	Drawing Type
2021 / 001 / 001	Location Plan
2021 / 001 / 002	Site Layout (Proposed)
2021 / 001 / 003	Elevations and Floor Plans (Proposed)
2021 / 001 / 005	Ground Floor Plan (Proposed)
2021 / 001 / 006	Ground Floor Plan (Proposed)

REASON FOR DECISION

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

The pergola and shed constitute overdevelopment of the site in that the pergola acts in a similar manner to an extension, in which it results in the footprint of the dwelling

being more than doubled, and the pergola and shed, when combined with existing development, result in 71.8% of the rear curtilage being covered in development, in conflict with the Supplementary Guidance: 'The Householder Development Guide', and leave a disproportionately minor area of private, undeveloped garden ground for the property relative to the overall size of the rear curtilage, which is incongruous with the established pattern of development and the character of the surrounding area.

In addition, the pergola and shed result in development projecting along almost the entirety of the south-western boundary shared with 12 Tollohill Crescent which has the potential to be overbearing and adversely affect the outlook, and thus the residential amenity afforded to this property.

The pergola and shed thus adversely affect the character and amenity of the surrounding area. The development therefore conflicts with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the current Aberdeen Local Development Plan 2017; its associated Supplementary Guidance: 'The Householder Development Guide'; and Policies D1, D2 and H1 of the proposed Aberdeen Local Development Plan 2020. There are no material planning considerations that warrant approval in this instance.

Date of Signing 24 August 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.

OTHER ADVISORY NOTES

It is advised that the premises owner should take any necessary steps to minimise the impact the smoke emanating from the flue have on another person's enjoyment of their property. This may mean reducing the frequency and duration of use of the installation causing the smoke.

To minimise the amount of smoke that emanates from the premises, protect the amenity of nearby residents and the environment from harmful pollutants, please follow this advice:

- Only use well-seasoned, uniformly dried wood. Wet or green wood will cause excessive smoke and may lead to complaints from surrounding properties. Logs that are not dry provide a fire that smoulders and creates tar and smoke, which is more likely to smell and cause a disturbance to nearby residents.
- Do not burn household rubbish or plastics as these might contain harmful pollutants.
- Do not burn treated wood products such as fence posts (new or old) or chipboards as these may contain glues and chemicals that will cause fume problems when burnt.

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 100429419-003

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:	FG Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Fiona	Building Name:	
Last Name: *	Grubb	Building Number:	122
Telephone Number: *	07791060356	Address 1 (Street): *	Cairntrodlie
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Peterhead
Fax Number:		Country: *	Scotland
		Postcode: *	AB42 2AX
Email Address: *	fiona_grubb@hotmail.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="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Pamela"/>	Building Number:	<input type="text" value="13"/>
Last Name: *	<input type="text" value="Fenwick"/>	Address 1 (Street): *	<input type="text" value="Tollohill 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" value=""/>	Postcode: *	<input type="text" value="AB12 5EJ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

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="13 TOLLOHILL 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="AB12 5EJ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="803149"/>	Easting	<input type="text" value="394352"/>
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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)

Retrospective planning permission for two timber structures in rear garden of 13 Tollohill Place, Aberdeen.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see enclosed letter relating to the authority's decision.

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)

Letter of appeal, photos of structures.

Application Details

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

210913/DPP

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

21/06/2021

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

24/08/2021

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)

It would be of benefit to the committee if they can see the development in question, and how it does not impact on any of the neighbouring properties, nor adversely affect the outlook or overbearing in nature.

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)

Access to the rear garden is through either the garage or the existing dwelling. It cannot be seen from the road nor accessed from the front of the house.

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: Ms Fiona Grubb

Declaration Date: 17/09/2021

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Fiona Grubb
FG Architects
122 Cairntrodlie
Peterhead
AB42 2AX
17th September 2021

Aberdeen City Council
Development Management
Strategic Place Planning
Business Hub 4
Marischal College
Broad Street
Aberdeen,
AB10 1AB

APPLICATION REF NO 210913/DPP
On behalf of Mrs Pamela Fenwick

Thank you for your recent letter received on 24th August, relating to planning application 210913/DPP, detailing the decision notice of Aberdeen City Council.

My client wishes the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997.

The original extension to the house falls under permitted development rights. The subsequent pergola and shed individually would also fall under permitted development rights and would not require planning permission, but as these take the 'developed' area at the rear of the house to over 50%, full planning permission was sought for this reason.

As mentioned in the planning application, the pergola was built to facilitate a member of the household who was suffering from mental health problems and found it impossible to leave the house. It was built to afford privacy, while still being able to access the rear garden and get outside for fresh air and to help alleviate the mental health issues suffered.

You have stated that the rear garden originally extended to some 139.7 sq m. You have mentioned the garage as being taken into account for development of the rear garden, however the garage is located to the side of the property and does not fall within the rear area. Measuring the rear garden from the rear elevation of the house, it extends to some 117.7sq m. The original extension is approx. 26.6 sq m, the shed some 23.7 sq m or thereby and the pergola 23.8sq m.

Going by these figures, that leaves approx. 43.6 sq m undeveloped. Which equates to some 37% being undeveloped or 63% as being developed.

Development of the plot as a whole is less than 50% of the total area.

Both structures are free standing and do not have permanent foundations and are demountable. The pergola structure has no solid panels and is open on 3 sides, the shed being open at the front.

The rear 'garden' area is entirely slabbed, with several other properties in the surrounding area having a similar treatment.

You mention that the pergola and shed result in development projecting along almost the entirety of the south-western boundary shared with 12 Tollohill Crescent which has the potential to be overbearing and adversely affect the outlook, and thus the residential amenity afforded to that property. However, due to the orientation of the gardens (south east facing), these structures do not block out any light to the adjoining property and as mentioned, the pergola is open on 3 sides (with curtains that can be closed) and has a Perspex roof which allows daylight to pass through.

Neither of these structures result in a situation where there is an impact on privacy, daylight or general amenity of any neighbouring properties being adversely affected. The development at the rear cannot be seen from the street side of the property and is fully contained within the rear garden area.

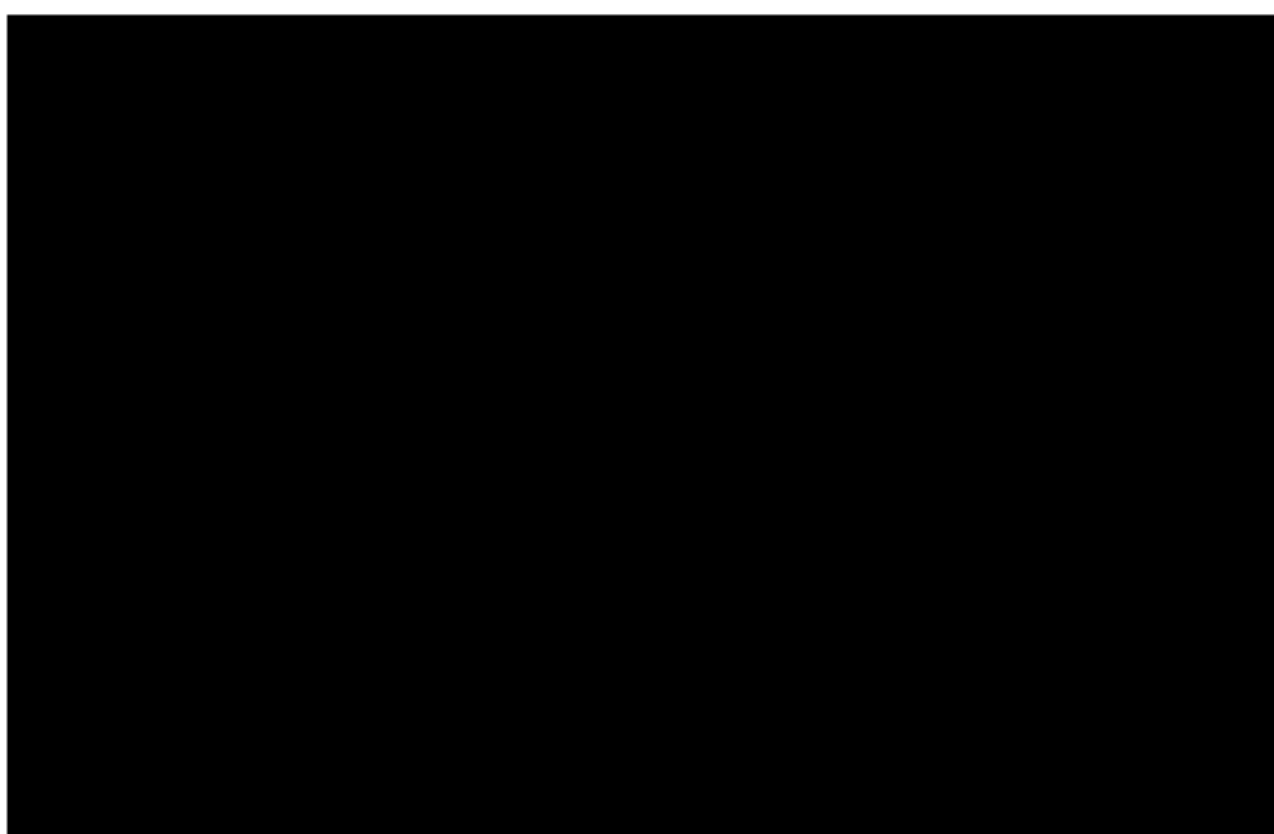
My client also confirms that the barbecue is not used any more frequently than any of the other neighbouring properties do. It is only dried seasoned wood or charcoal briquettes that are used, furthermore as any smoke is directed through a flue at high level, this should result in less smoke at ground level than someone using a barbecue in their garden.

My client would also welcome a site visit from the committee, if that were deemed acceptable, so that they can see in person, the scale of the development and that it does not affect any of the neighbouring properties.

We would ask the Planning Service to reconsider it's decision and seek a favourable outcome to the planning application.

Should you have any further queries meantime, please do not hesitate to contact me.

Yours faithfully



Fiona Grubb
Architect