

Public Document Pack



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

Town House,
ABERDEEN 18 March 2021

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Virtual - Remote Meeting** on **THURSDAY, 25 MARCH 2021 at 3.00 pm.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

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

B U S I N E S S

1.1 Procedure Notice (Pages 3 - 4)

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

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

[Local Development Plan](#)

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

PLANNING ADVISER - GAVIN EVANS

- 2.1 The Highfield, Borrowstone Road - Erection of a Single Storey Extension to the Side and Formation of a Carport and Garden Room/Gym - Planning Reference: 200265 (Pages 5 - 42)
- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 43 - 62)
- Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 200265.
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 63 - 64)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 65 - 86)
- Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 200265.
- 2.5 Determination - Reasons for Decision
- Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: www.aberdeencity.gov.uk

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

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

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

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

DETERMINATION OF REVIEW

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

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

LOCAL REVIEW BODY

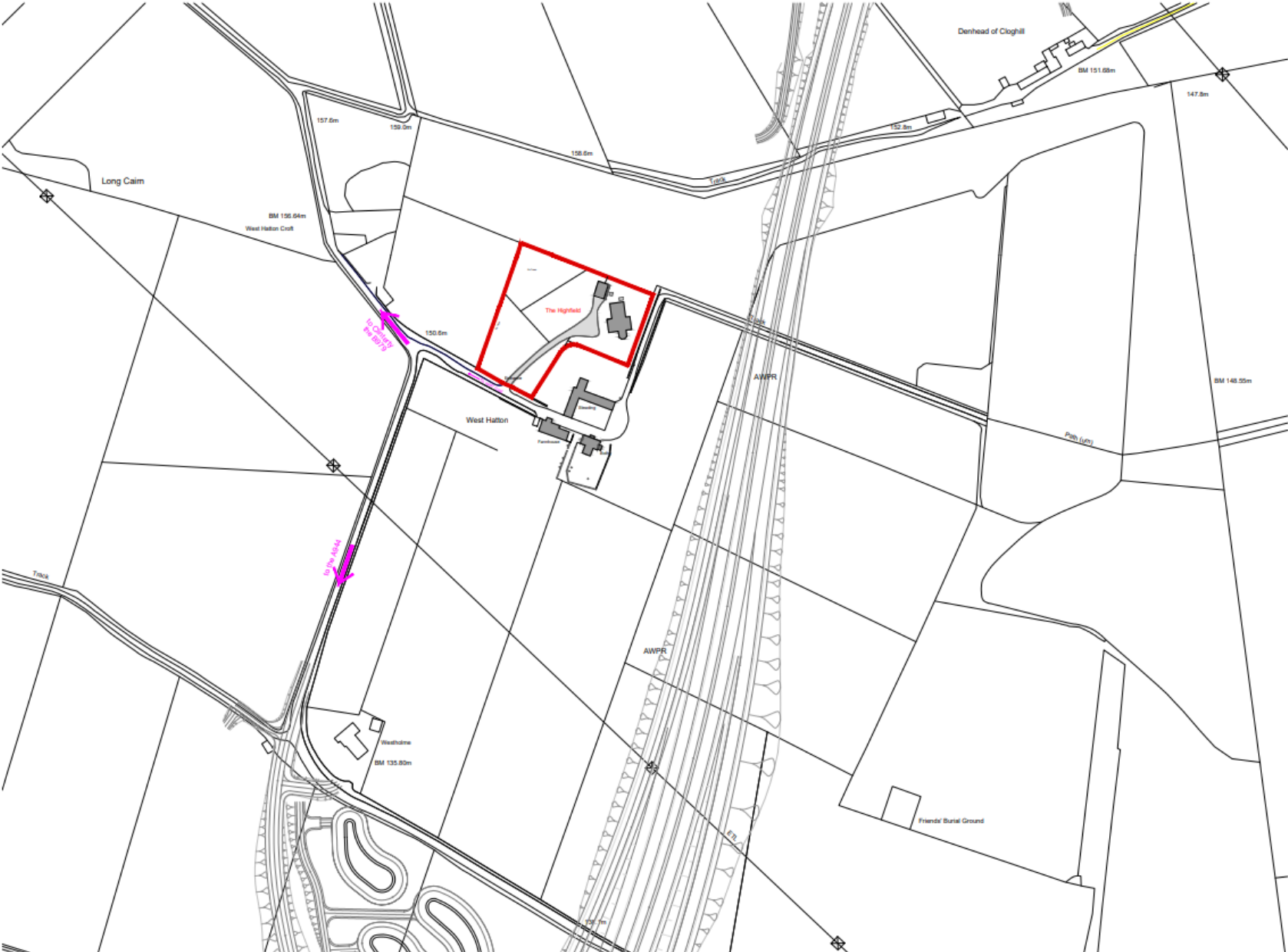


200265/DPP – Appeal against refusal of planning permission for:

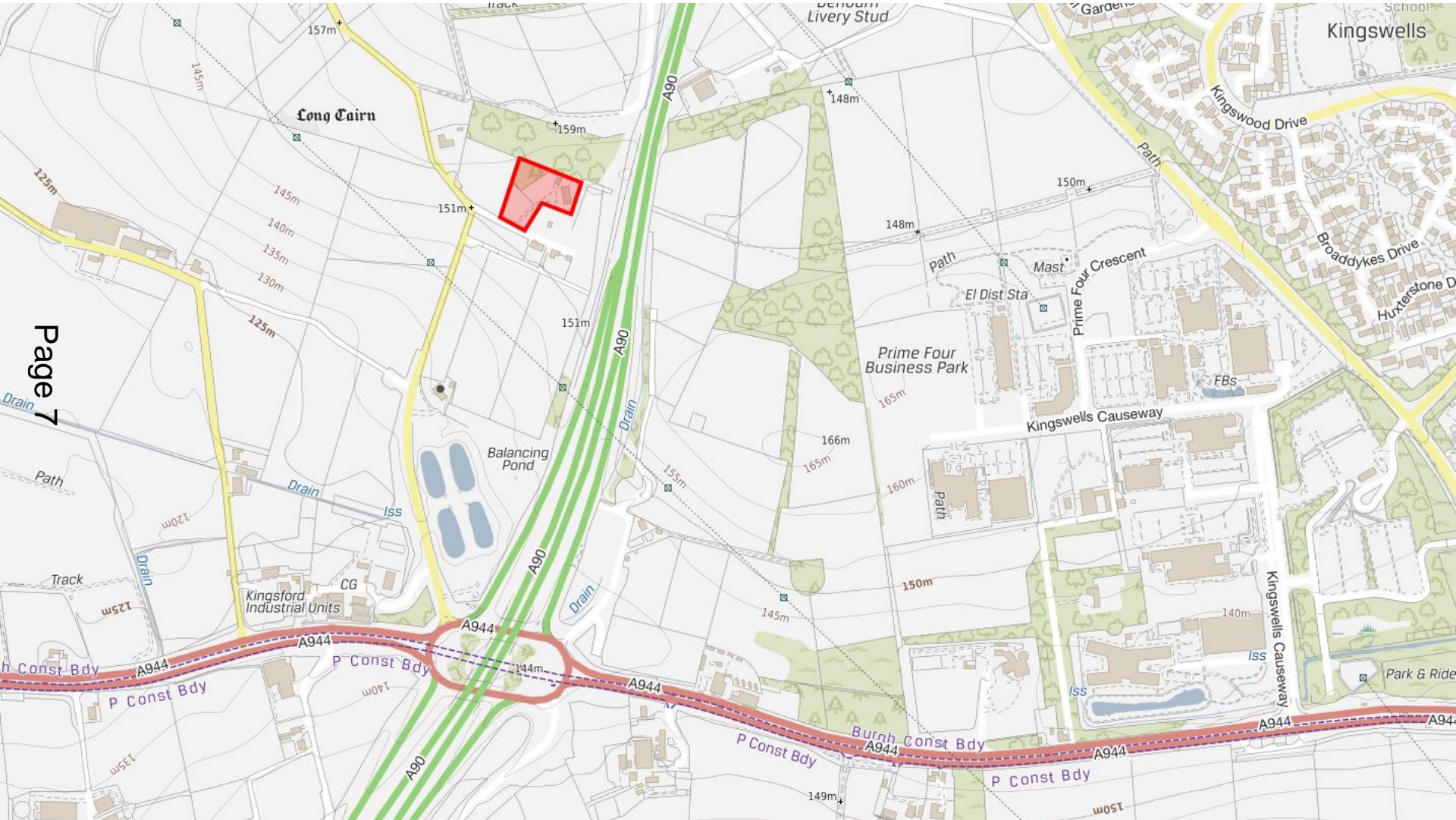
‘Erection of single storey extension to side and formation of carport and garden room/gym’

The Highfield, Borrowstone Road

Location Plan



Location Plan: GIS



Aerial Photo: Location



Photo: Existing Garage (front)



Photo: Existing Garage (side)

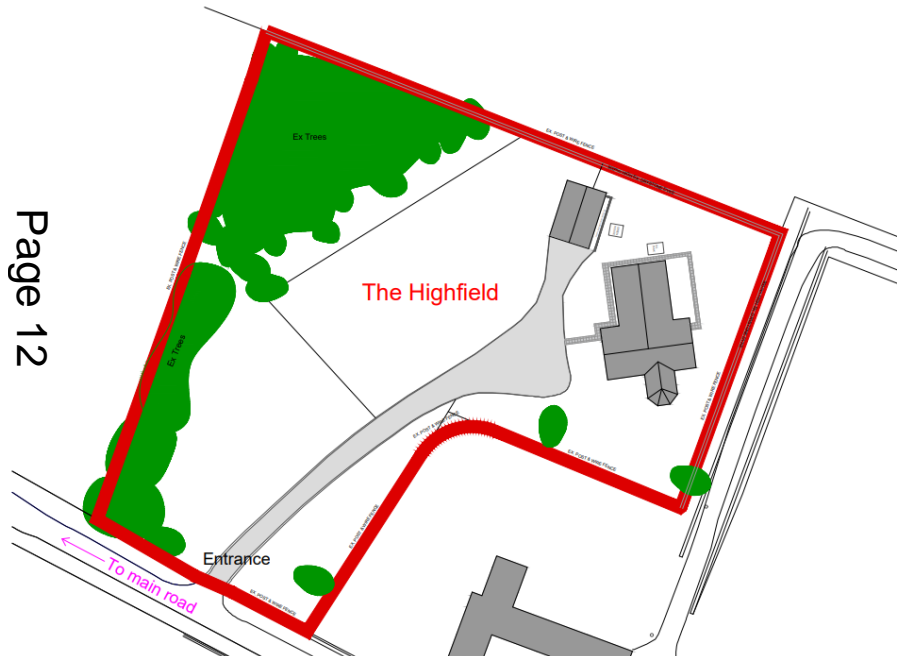


Photo: Location of works



Site Plan

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Ex Site Plan
Scale 1:200 at A1

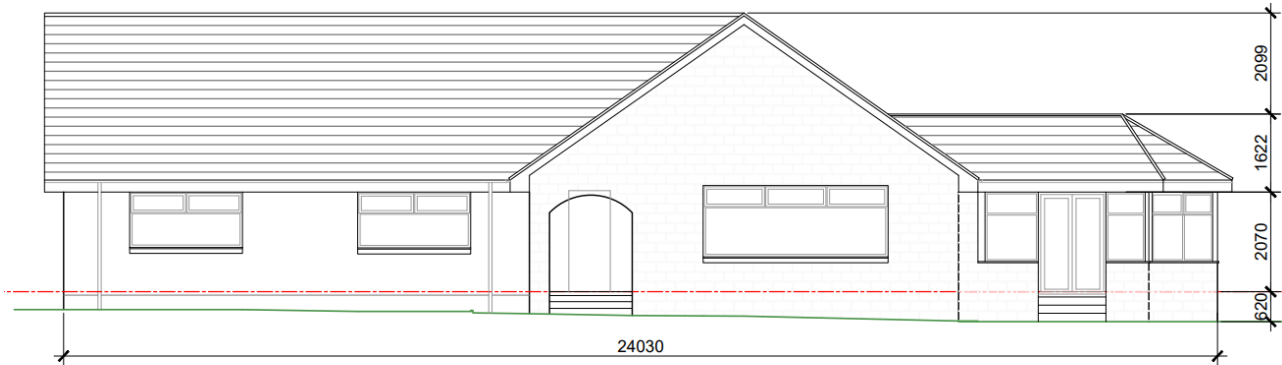
EXISTING



PRO Site Plan
Scale 1:200 at A1

PROPOSED

Elevations: House (front)



FRONT (WEST) ELEVATION





Scale 1:100 at A1

EXISTING

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Material Key

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

PROPOSED

Elevations: House (rear)

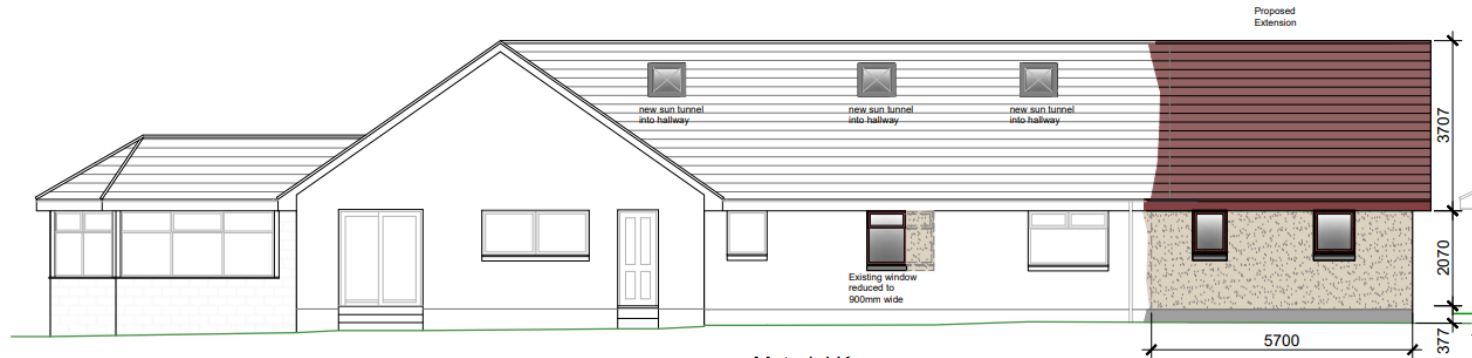


REAR (EAST) ELEVATION





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EXISTING

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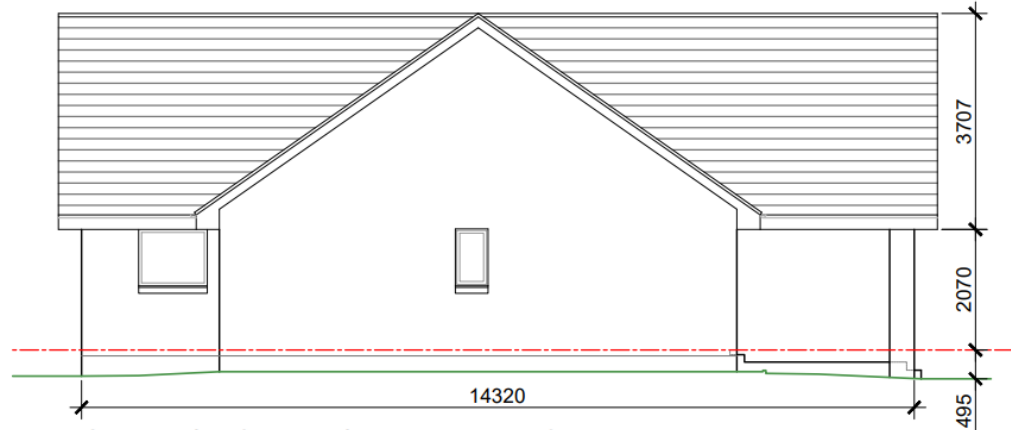


Material Key

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

PROPOSED

Elevations: House (side)







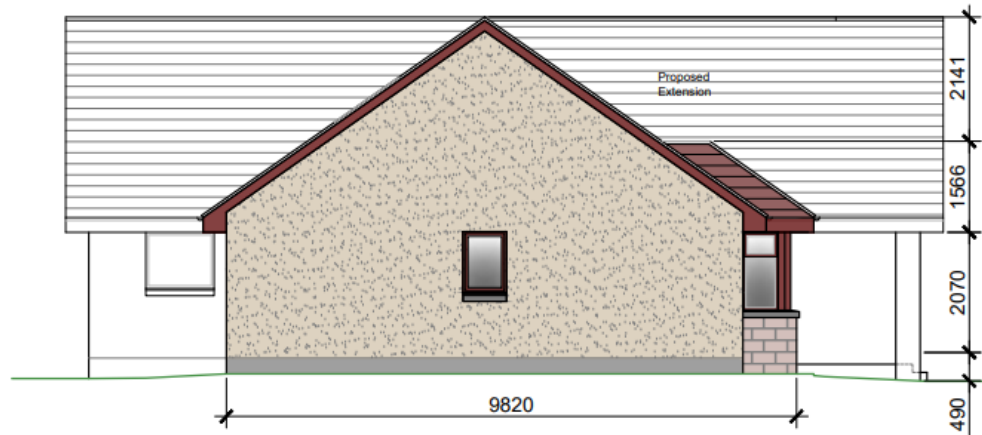
SIDE (NORTH) ELEVATION

Scale 1:100 at A1

EXISTING

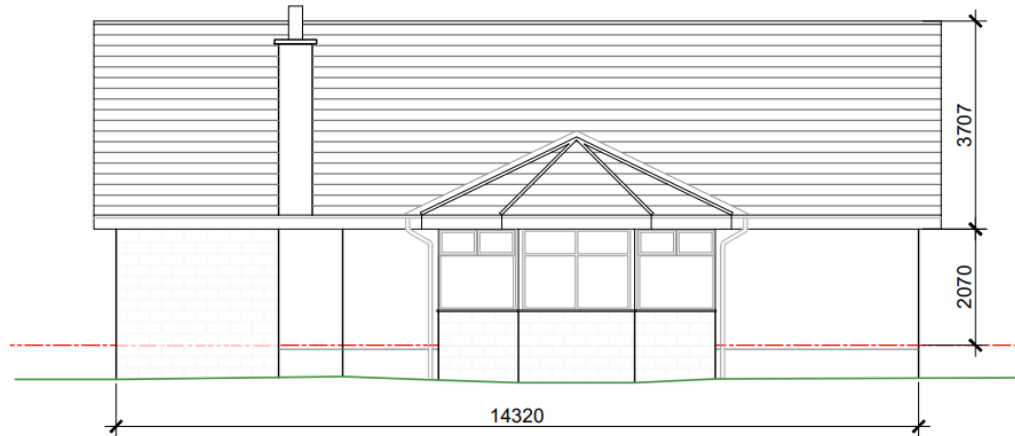
Material Key

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



PROPOSED

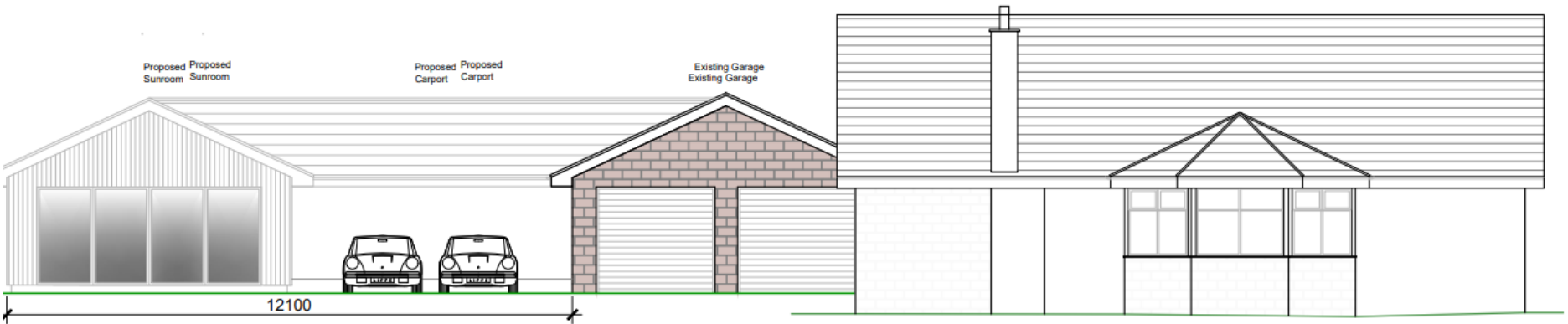
Elevations: House (side)



SIDE (SOUTH) ELEVATION

Scale 1:100 at A1

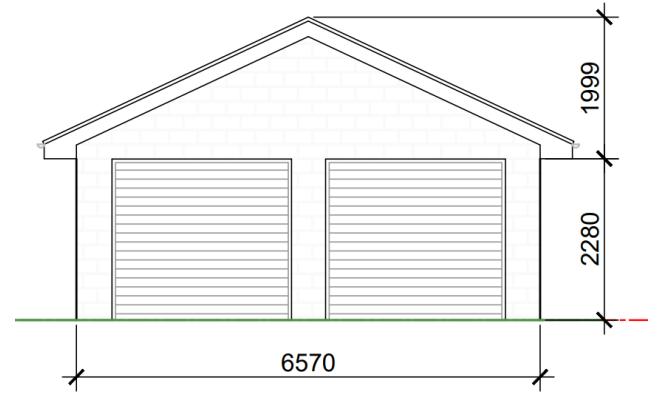
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Page 16



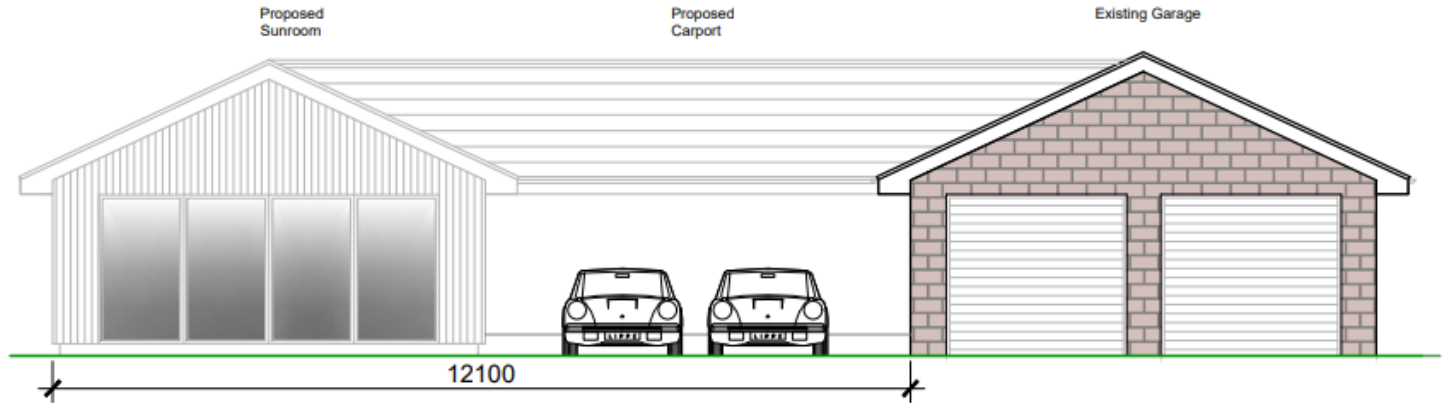
PROPOSED

Elevations: Garage (front)

EXISTING



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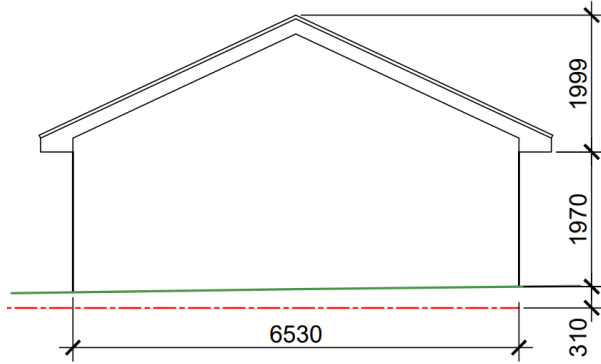


PROPOSED

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

Elevations: Garage (rear)

EXISTING

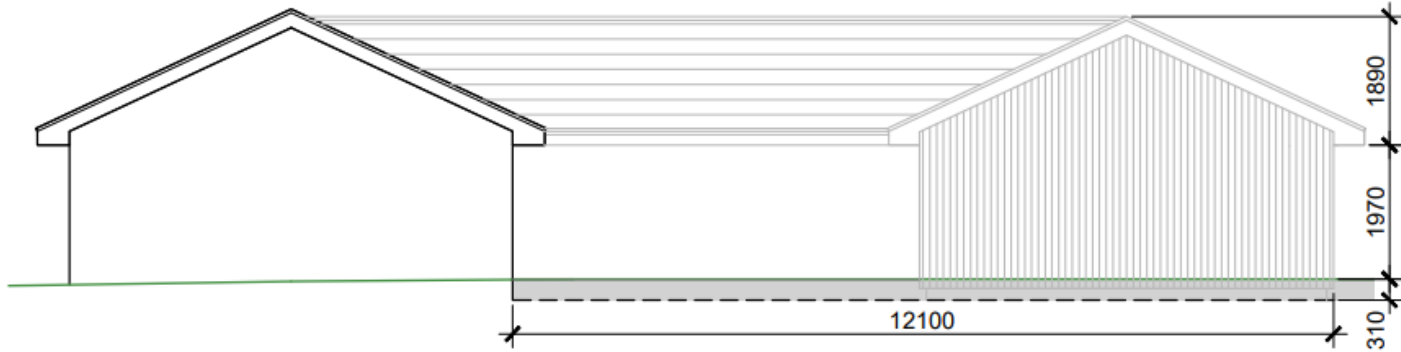


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Existing Garage

Proposed Carport

Proposed Sunroom

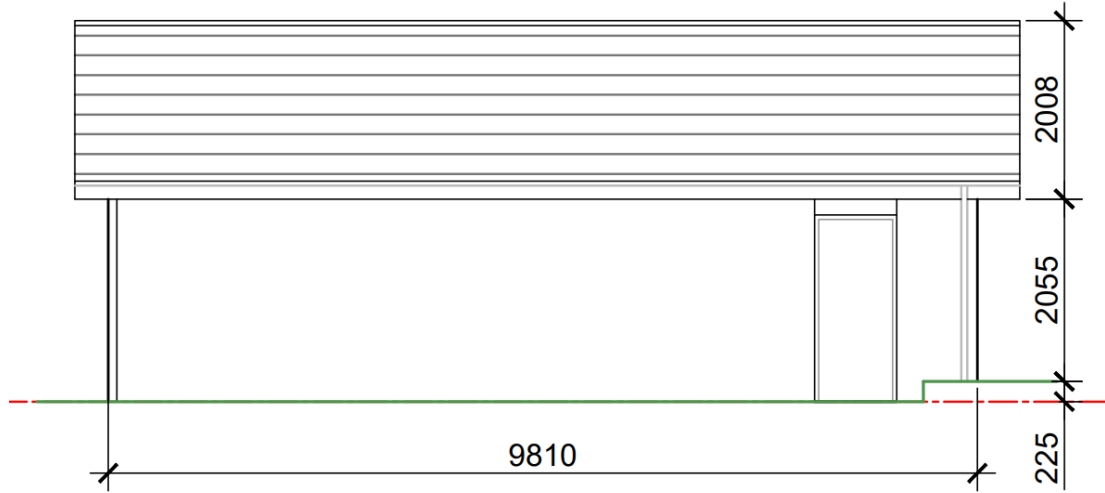


PROPOSED

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

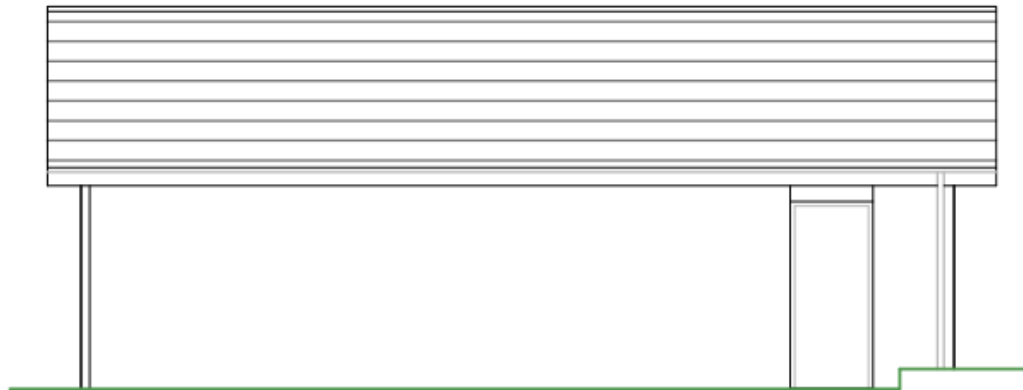
Elevations: Garage (side)

EXISTING



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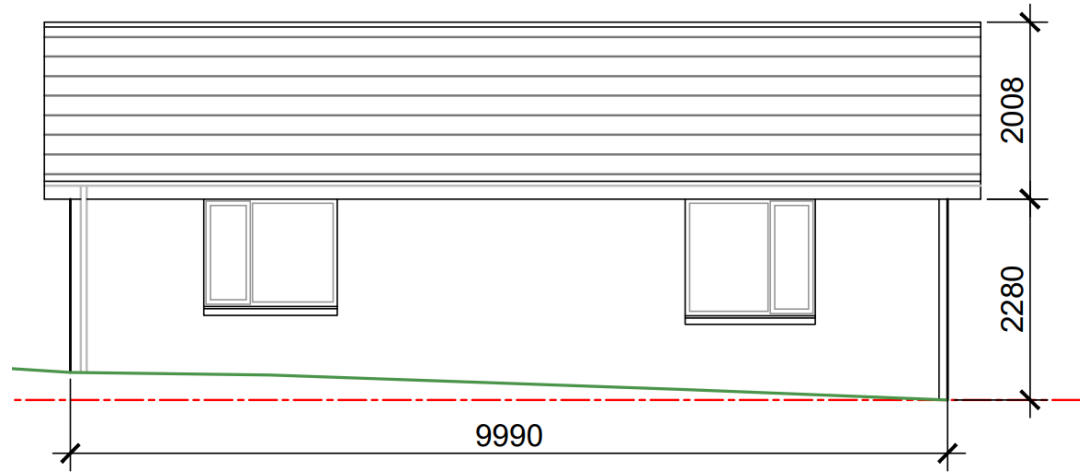
Existing Garage



PROPOSED

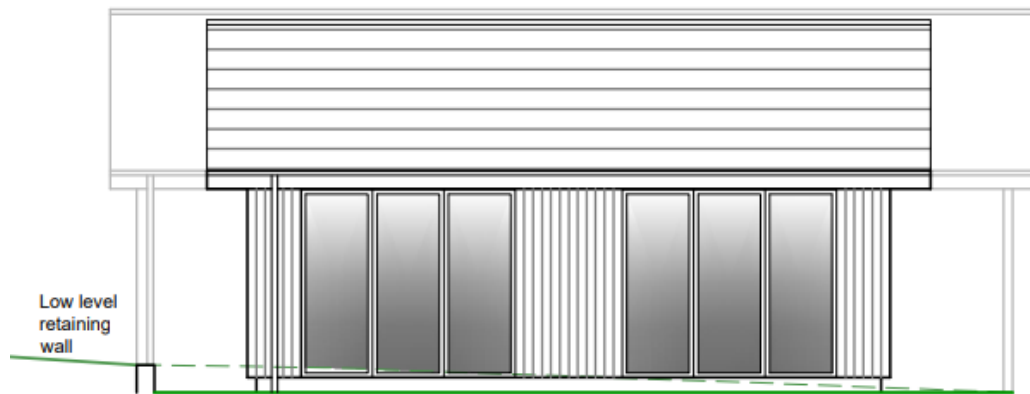
Elevations: Garage (side)

EXISTING



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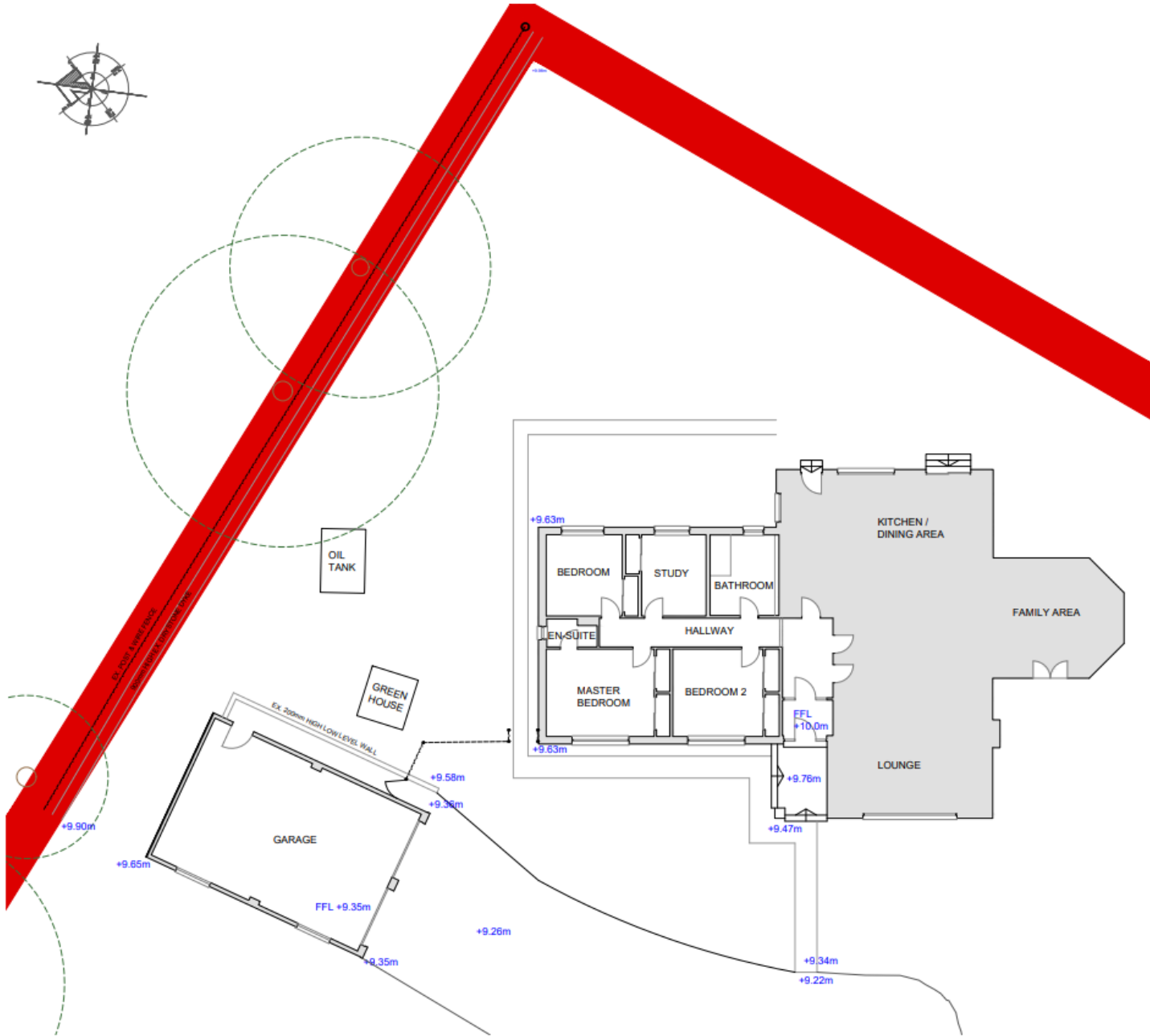
Proposed
Sunroom & gym



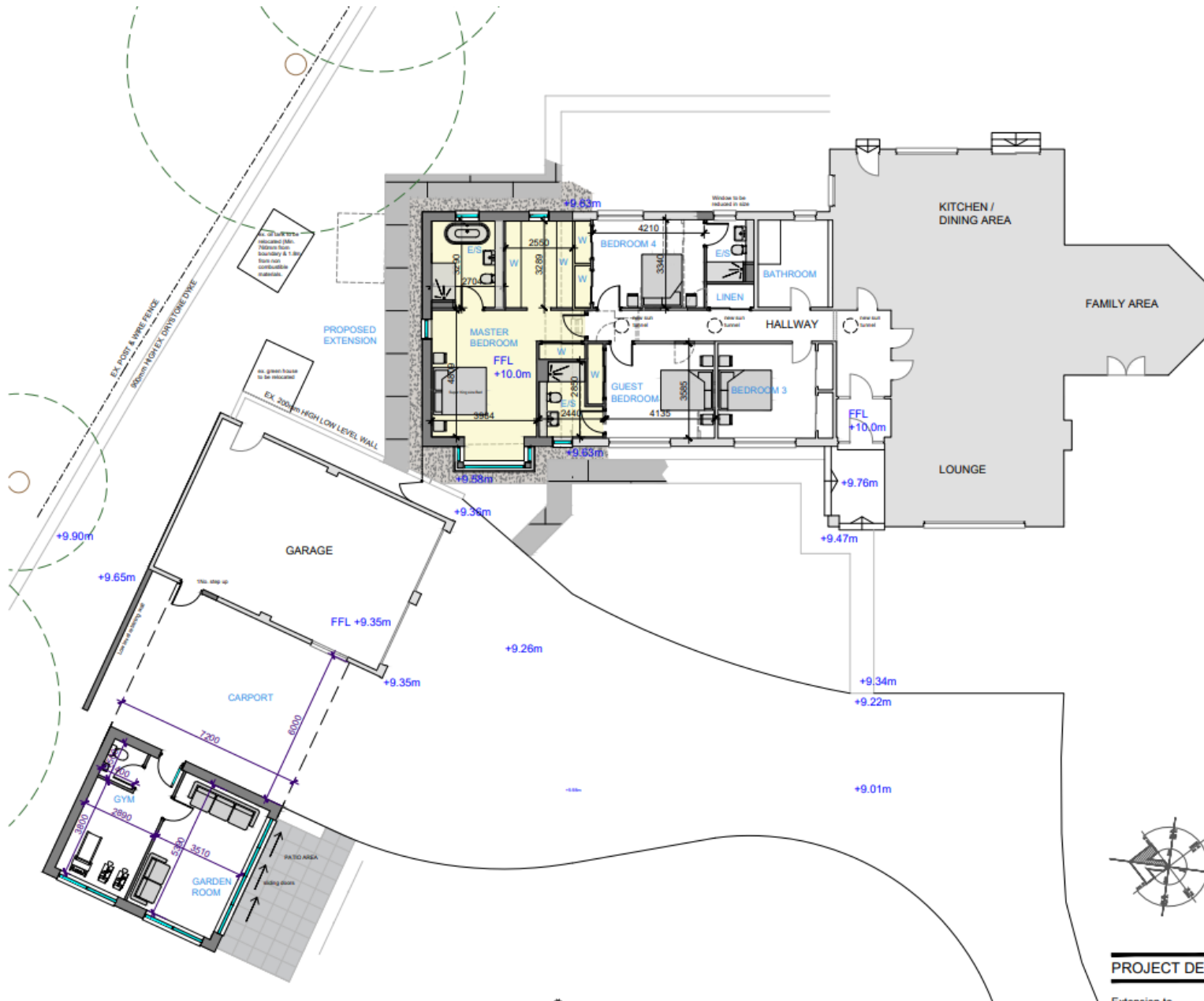
PROPOSED

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

Ground floor: Existing



Ground floor: Proposed



3-D Visualisations



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PROJECT DETAILS

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

PRO - 3D VIEWS

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

CHECK	DATE	BY
planning		
contract		
builder		



© 2019 James Philip Architects
Aberdeen, AB11 5LH
01467 82700

3-D Visualisations

1



3-D Visualisations

2



3-D Visualisations

3



Tree Survey: Schedule

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

Tree Survey: Survey Plan



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

Existing House and Garage at Highfield, Kingswells
Arboricultural Assessment

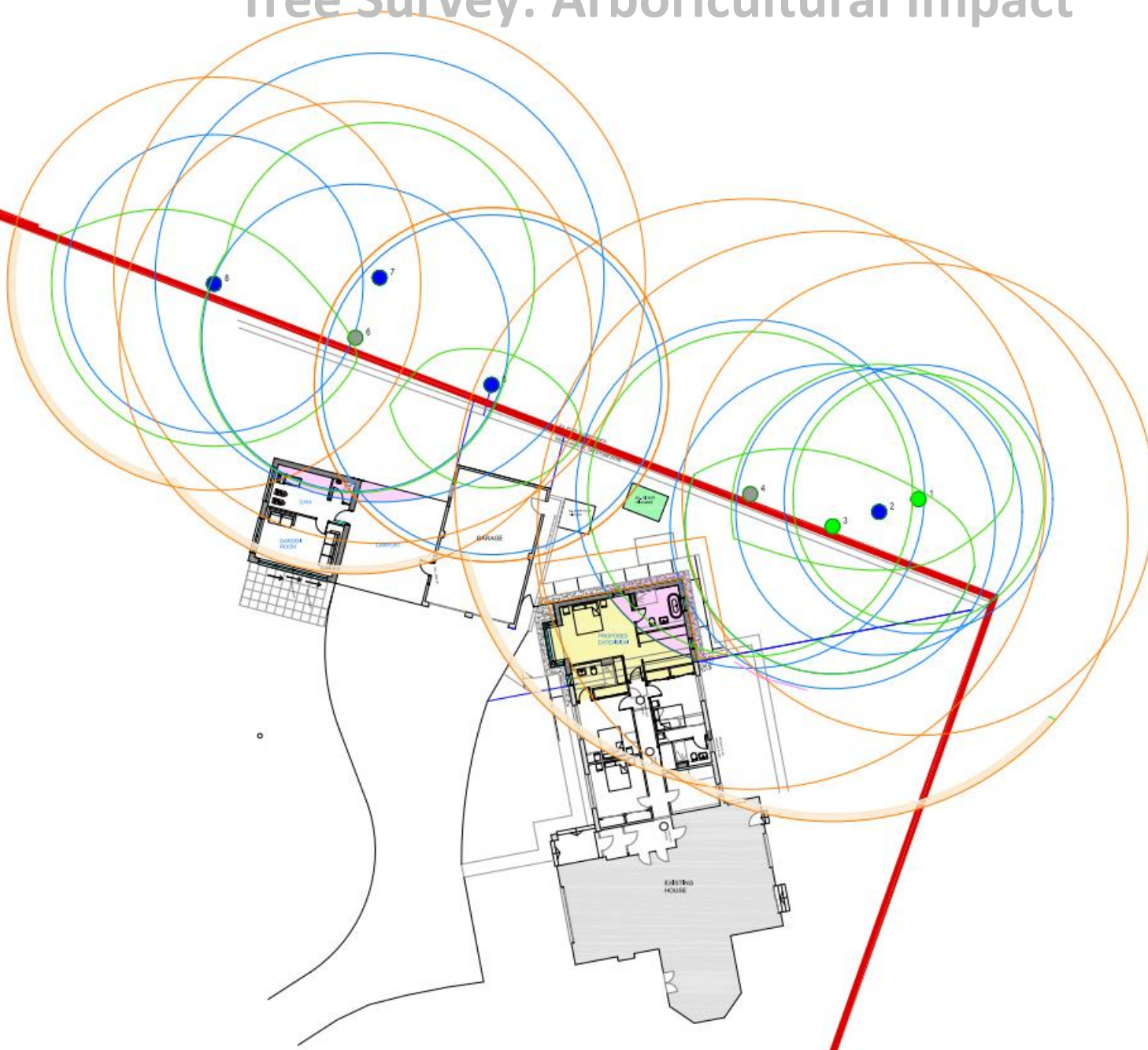
Client:	Mr & Mrs Godsman		
Drawing No:	HWH-2007-AA		
Issue Date:	02/07/2020		
Drawn by:	LW	Checked by:	NA
Revised:		Rev Date:	
Scale:	1:250 at A3		

astrol associates
 arboricultural and landscape consultants
 28 Gray Crescent, Aberdeen, Aberdeen, AB13 5NP
 Tel: 01224 626666 Fax: 01224 626667 www.astrol.co.uk

Tree Survey: Arboricultural Impact



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

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

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

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

Tree Survey: Tree Protection and Management

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

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

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

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

Reasons for Refusal

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

Applicant's Case for Review

Stated in supporting statement. Key points:

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

NE1: Green Space Network

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

Policy NE2 (Green Belt)

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

Green Belt

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

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

Policy NE2 (Green Belt)

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

NE5: Trees and Woodlands

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

NE8: Natural Heritage

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

D1: Quality Placemaking by Design

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

Proposals will be assessed against the following six essential qualities:

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

Householder Development Guide SG

Extensions should:

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

SG: Householder Development Guide

Outbuildings

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

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

Trees and Woodlands SG

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

Points for Consideration

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

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


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

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

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

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	The Highfield, Borrowstone Road, Aberdeen, AB15 8RX
Application Description:	Erection of single storey extension to side and formation of carport and garden room/gym
Application Ref:	200265/DPP
Application Type:	Detailed Planning Permission
Application Date:	4 March 2020
Applicant:	Mr Douglas Godsman
Ward:	Kingswells/Sheddocksley/Summerhill
Community Council:	Kingswells
Case Officer:	Dineke Brasier

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

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

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

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

The application consists of two distinct elements:

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

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

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q69GAKBZG3F00>

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

CONSULTATIONS

Kingswells Community Council – None received

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy – Green belt – paragraph 52

Aberdeen Local Development Plan (2017)

D1: Quality Placemaking by Design

NE1: Green Space Network

NE2: Green Belt

NE5: Trees and Woodland

NE8: Natural Heritage

Supplementary Guidance

Trees and Woodlands

Proposed Aberdeen Local Development Plan (2020)

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

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

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

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

D1: Quality Placemaking

D2: Amenity

NE1: Green Belt

NE2: Green and Blue Infrastructure

NE5: Trees and Woodland

EVALUATION

Principle of Development

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

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

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

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

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

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

Scale and design

Extension:

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

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

Garden room/gym/car port

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

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

Residential amenity

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

Trees and Woodlands

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

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

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

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

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

Protected Species

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

Proposed Aberdeen Local Development Plan

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

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

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

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100235952-001

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

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

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

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

No Yes - Started Yes – Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

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

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

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

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

THE HIGHFIELD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 8RX

Please identify/describe the location of the site or sites

Northing

806958

Easting

385487

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Debbie Anderson (Lippe Architects & Planners Ltd)

On behalf of: Mr Douglas Godsman

Date: 25/02/2020

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

Existing and Proposed elevations.

Existing and proposed floor plans.

Cross sections.

Site layout plan/Block plans (including access).

Roof plan.

Photographs and/or photomontages.

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

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

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

Declare – For Householder Application

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

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

Declaration Date: 25/02/2020

Payment Details

Cheque: Mr D Godsman & Mrs D Godsman , 000750

Created: 25/02/2020 13:53



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

Thank you for completing this application form:

ONLINE REFERENCE 100235952-002

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

Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

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

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

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

Proposal/Application Details

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

Was the original application part of this proposal? *

Yes No

Application Details

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

Application: *

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

Document Details

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

Resubmitted due to invalidation from planning permission.

Checklist – Post Submission Additional Documentation

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

The additional documents have been attached to this submission. *

Yes No

Declare – Post Submission Additional Documentation

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

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

Declaration Date: 04/03/2020

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

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

on behalf of **Mr Douglas Godsman**

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

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

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

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

REASON FOR DECISION

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

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

Date of Signing 6 October 2020



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

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

None.

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

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

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

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

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

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

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

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Aberdeen Local Development Plan (ALDP)

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

Supplementary Guidance

Trees and Woodlands

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

Other Material Considerations

Scottish Planning Policy (2014)

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

Aberdeen City and Shire Strategic Development Plan (2020)

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

Proposed Aberdeen Local Development Plan (2020)

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100340299-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Douglas"/>	Building Number:	<input type="text" value="4"/>
Last Name: *	<input type="text" value="Godsman"/>	Address 1 (Street): *	<input type="text" value="St James' Place"/>
Company/Organisation	<input type="text" value="c/o Lippe Architects and Planners"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Inverurie"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB51 3UB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="admin@lippe-architects.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="THE HIGHFIELD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 8RX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806958"/>	Easting	<input type="text" value="385487"/>
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Description of Proposal

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

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

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

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

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

Yes No

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

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

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

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

Application Details

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

200265

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

25/02/2020

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

06/10/2020

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

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

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Lippe Architects & Planners Ltd

Declaration Date: 23/12/2020

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

at

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

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

December 2020

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Appeal Document 21 - Refusal Notice Dated 6 October 2020

1 - Background, Proposal and Grounds of Appeal

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

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

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

1.10 The grounds of appeal are that:

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

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

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

2 - Planning Policy and Material Considerations

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

Policy D1 Quality Placemaking by Design

Policy NE1 Green Space Network

Policy NE2 Green Belt

Policy NE5 Trees and Woodland

Policy NE8 Natural Heritage

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

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

Tree Constraints Plan (TCP)

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

Arboricultural Impact Assessment (AIA) and Design Considerations

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

Construction within Root Protection Areas

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

Proximity of Structures and Infrastructure to Trees

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

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

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

Tree Protection Plan and Arboricultural Method Statements

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

3 – Discussion and Response to Reasons for Refusal

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

Root Protection Areas

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

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

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

Zone of Influence

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

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

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

Third parties

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

Policy and Supplementary Guidance Considerations

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

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

Conclusion

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

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

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

