

Public Document Pack



To: Councillor Boulton (Chairperson), and Councillors Bell and Mason.

Town House,
ABERDEEN 18 January 2022

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely on **MONDAY, 24 JANUARY 2022 at 11.00 am.**

Members of the public can view the proceedings using the link below. However must not activate their camera or microphone and must observe only. [Microsoft Teams link.](#)

FRASER BELL
CHIEF OFFICER - GOVERNANCE

BUSINESS

1.1 Procedure Notice (Pages 5 - 6)

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

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

[Local Development Plan](#)

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

PLANNING ADVISER - LUCY GREENE

2.1 25 Albury Place Aberdeen - formation of dormers to the front and rear and installation of replacement windows - 210860 (Pages 7 - 28)

- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 29 - 52)
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 210860.
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 53 - 54)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 55 - 64)
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 210860.
- 2.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

PLANNING ADVISER - LUCY GREENE

- 3.1 128 Hammerfield Avenue Aberdeen - formation of driveway to the rear - 211190 (Pages 65 - 80)
- 3.2 Delegated Report, Original Application Form, Decision Notice, Letters of Representation and additional comments received from objector. (Pages 81 - 114)
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 211190.
- 3.3 Planning Policies Referred to in Documents Submitted (Pages 115 - 116)
- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 117 - 128)
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 211190.
- 3.5 Determination - Reasons for Decision

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

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

PLANNING ADVISER – LUCY GREENE

- 4.1 341 Great Western Road Aberdeen - formation of driveway to front with associated landscaping (partially retrospective) - 210799 (Pages 129 - 146)

- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 147 - 164)

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 210799.

- 4.3 Planning Policies Referred to in Documents Submitted (Pages 165 - 166)

- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 167 - 172)

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 210799.

- 4.5 Determination - Reasons for Decision

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

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

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

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

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

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

DETERMINATION OF REVIEW

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

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

LOCAL REVIEW BODY



210860/DPP– Review against refusal of planning permission for:

Formation of dormers to front and rear and installation of replacement windows

25 Albury Place, Aberdeen

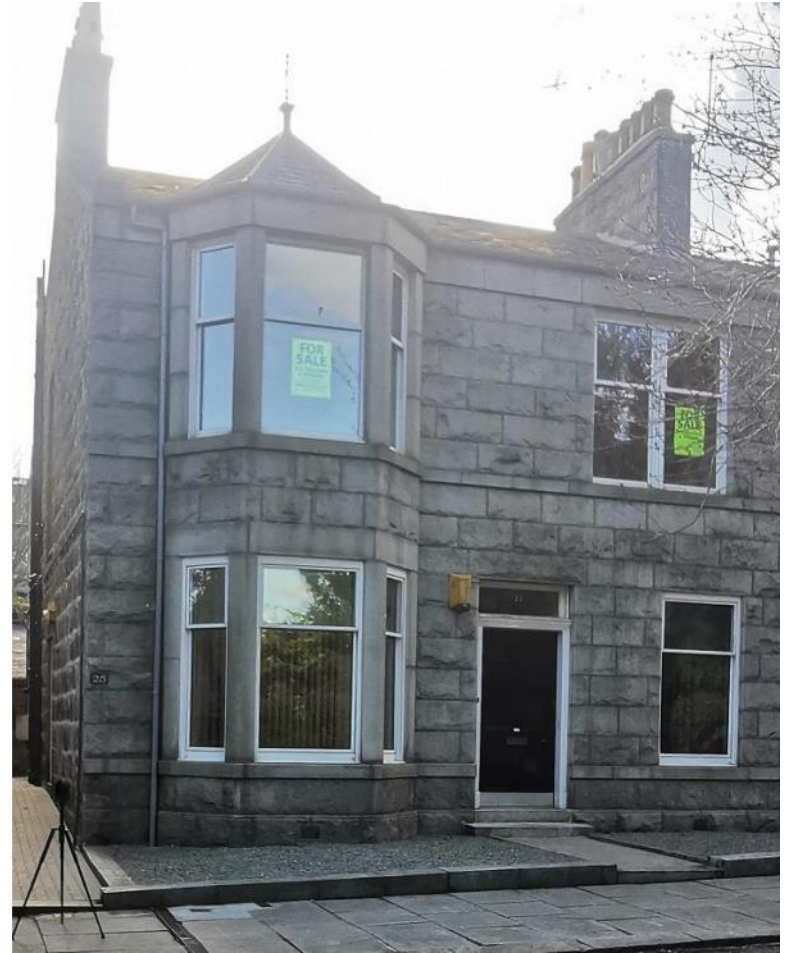
Location Plan





Photographs as existing

Page 10



Photographs as existing



West elevation: Existing and Proposed

Page 12



PROPOSED WEST ELEVATION
1 : 100



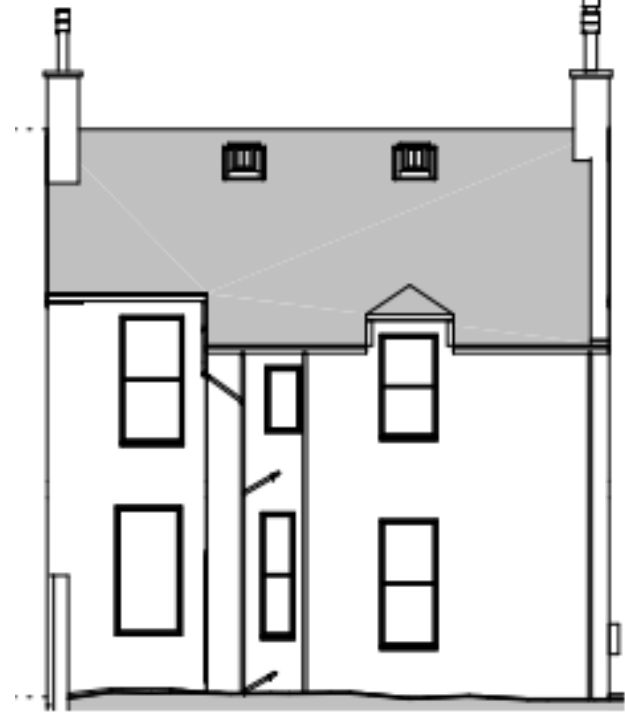
EXISTING WEST ELEVATION
1 : 100

Rear elevation: Existing and Proposed

Page 13

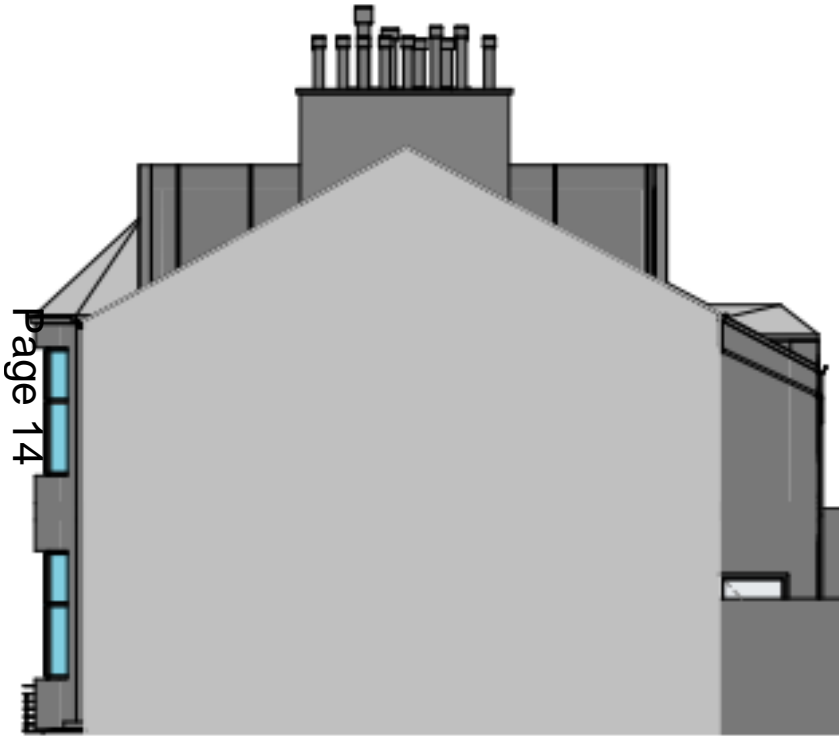


PROPOSED EAST ELEVATION
1 : 100



EXISTING EAST ELEVATION
1 : 100

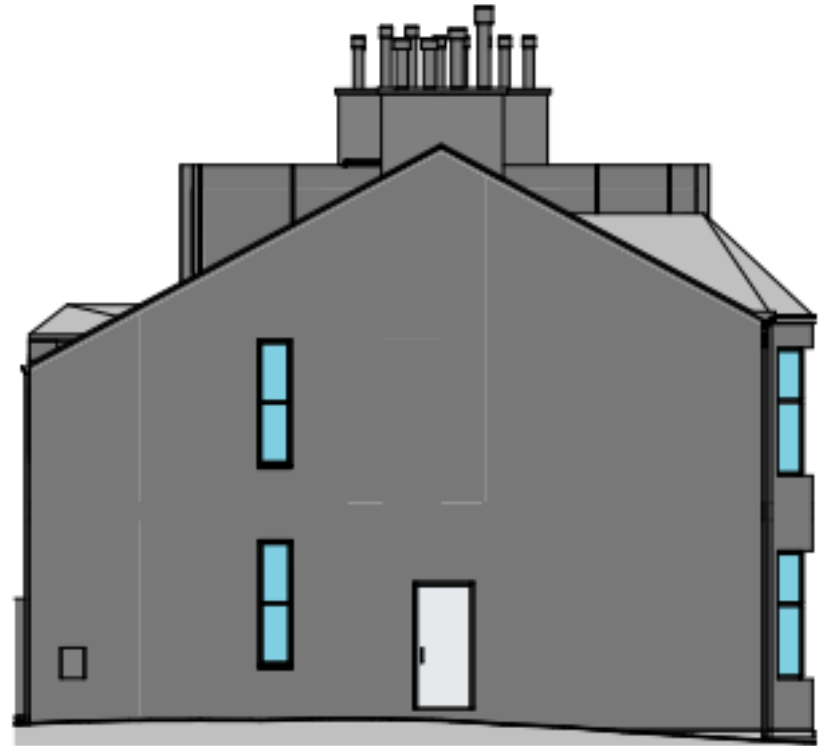
Side elevation: Proposed



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PROPOSED SOUTH ELEVATION

1 : 100

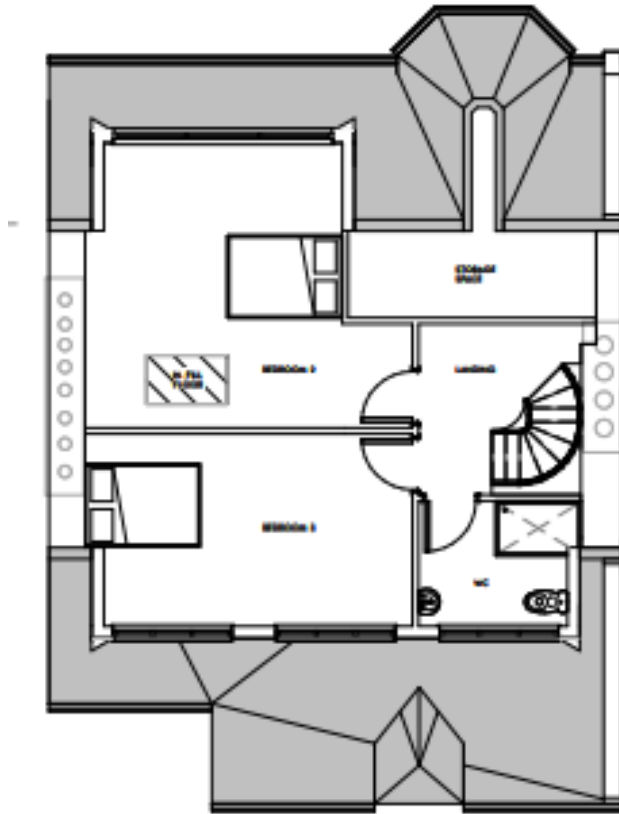


PROPOSED NORTH ELEVATION

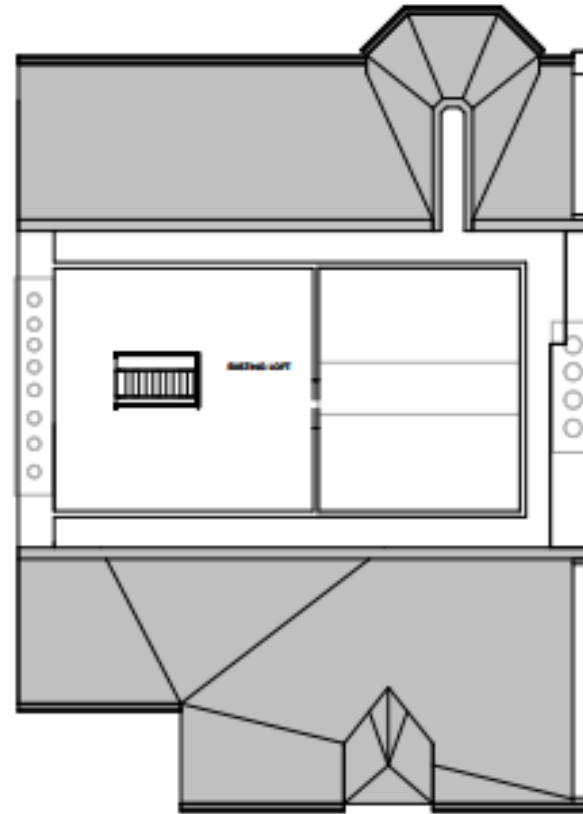
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Second Floor: Existing and Proposed

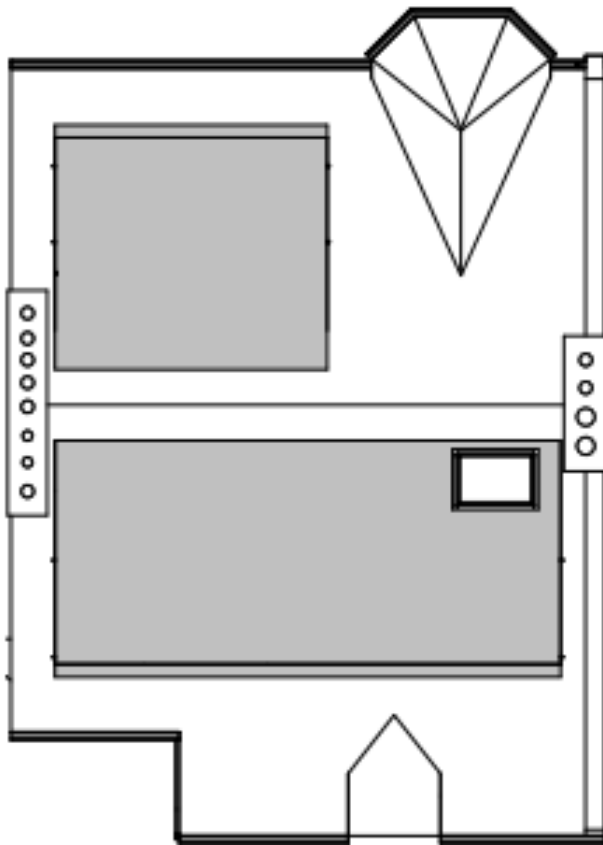


SECOND FLOOR PROPOSED
1 : 100

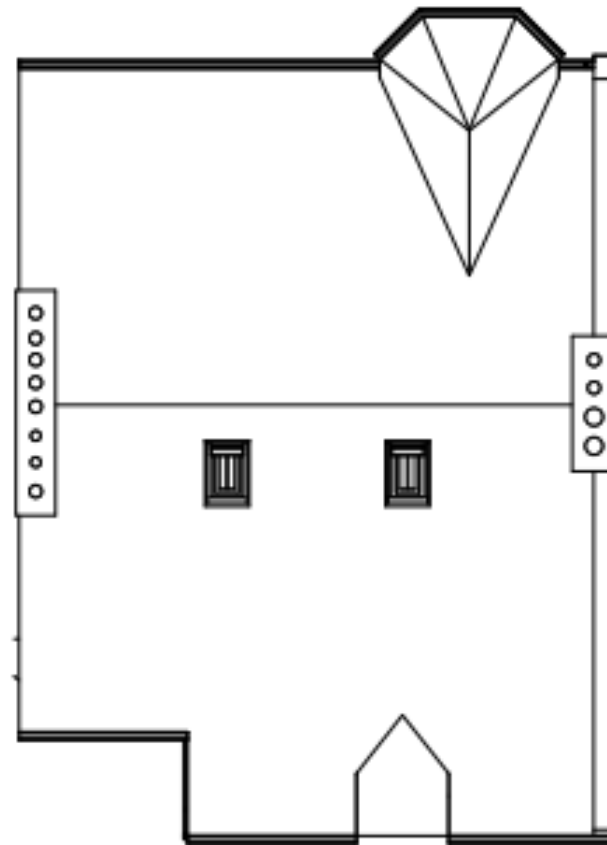


SECOND FLOOR EXISTING
1 : 100

Roof: Existing and Proposed



PROPOSED ROOF
1 : 100



EXISTING ROOF
1 : 100

Reasons for Decision

Stated in full in decision notice. Key points:

- Proposed front dormer would have a significantly detrimental impact on the character of the area, due to its inappropriate design which is incongruous with the surrounding traditional and historic context. It is contrary to guidance within the Householder Design Guide.
- Would cause significant harm to the character of the Ferryhill Conservation Area. Failing to accord with the statutory duty to have regard to the preservation and enhancement of the character and appearance of the Conservation Area and would conflict with Policies D1 – Quality Placemaking by Design, D4 – Historic Environment and H1 – Residential Areas of the Aberdeen Local Development Plan 2017
- Also contrary to Scottish Planning Policy and Historic Environment Policy for Scotland, as well as the Managing Change Guidance.

Applicant's Case

- The proposed front dormer would not result in loss of any significant architectural features
- Proposed dormer is architecturally compatible with in size and design, with the existing property, as per the Householder Design Guide. The proposal is not therefore detrimental to the character of the conservation area.
- Several examples of box dormers on front elevations on properties on the street and in other conservation areas.
- Proposed materials are zinc and grey roof membrane, both suitable within a conservation area.
- Sympathetic alteration makes this suitable for a young family by creating a bedroom.

H1: Residential Areas

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

(e.g. Householder Development Guide)

D1: Quality Placemaking by Design

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

Proposals will be assessed against the following six essential qualities:

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

D4: Historic Environment

- ACC will '*protect, preserve and enhance*' the historic environment, in line with national and local policy and guidance
- High quality design that respects the character, appearance and setting of the historic environment, and protects the special architectural and historic interest of its LBs and CAs will be supported

SG: Householder Development Guide

- Extensions should be architecturally compatible with original building (design, scale etc)
- Should not '*dominate or overwhelm*' original building. Should remain visually subservient.
- Extensions should not result in a situation where the amenity of neighbouring properties would be adversely affected (e.g. privacy, daylight, general amenity)
- Approvals pre-dating this guidance do not represent a 'precedent'
- No more than 50% of the front or rear curtilage shall be covered by development.

Scottish Planning Policy (SPP)

- Proposals in CAs should preserve or enhance the character and appearance of the CA. Proposals that do not harm the character or appearance should be treated as preserving it.

Historic Environment Policy for Scotland (HEPS)

HEP1

Decisions affecting any part of the historic environment should be informed by an inclusive understanding of its breadth and cultural significance.

HEP2

Decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations.

HEP3

Plans, programmes, policies and strategies, and the allocation of resources, should be approached in a way that protects and promotes the historic environment.

If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

HEP4

Changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate.

If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

HEP5

Decisions affecting the historic environment should contribute to the sustainable development of communities and places.

HEP6

Decisions affecting the historic environment should be informed by an inclusive understanding of the potential consequences for people and communities. Decision-making processes should be collaborative, open, transparent and easy to understand.

HES – Managing Change: Roofs

- 1. The roof and associated features of a historic building, or group of historic buildings, form important elements in defining their character. Listed building consent is required for any works affecting the character of a listed building and planning permission may be required in a conservation area.**
- 2. The significance of a historic roof is derived from a number of factors including its age, functional performance, shape and pitch, profile, and the qualities of its supporting structure, covering materials and associated features.**
- 3. In planning works to a roof it is important to understand its contribution to the building's character and to protect the special interest of the building through the re-use of existing historic materials and close matching of new materials.**
- 4. Improvements in the energy conservation of historic roofs can be achieved through insulation and ventilation, without damage to the appearance of the roof.**



ABERDEEN
CITY COUNCIL



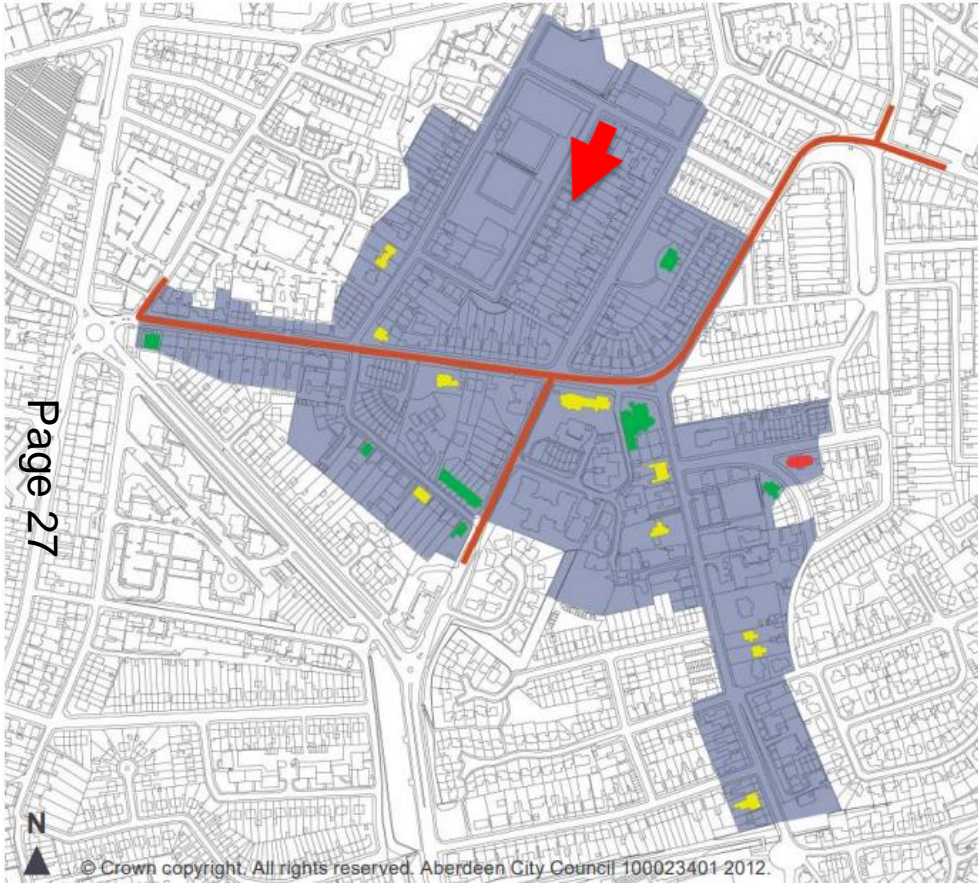
Aberdeen City Conservation Area Character Appraisals and Management Plan

Ferryhill

To be read in conjunction with Section 1: Strategic Overview and Section 2: Management Plan

July 2013

Ferryhill CA Character Appraisal



Strengths include *‘Majority of buildings well kept with original materials intact, and some high architectural quality’*

Threats include: *‘development pressure for small scale alterations, such as replacement windows and extensions that cumulatively have an adverse impact on the area’*

Points for Consideration:

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

Historic Environment: Do members consider that the proposed works preserve or enhance the character and amenity of the Conservation Area, as required by SPP, HESPS and policies D4 and of the ALDP?


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

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

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

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

 <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:	25 Albury Place, Aberdeen, AB11 6TQ
Application Description:	Formation of dormers to front and rear and installation of replacement windows
Application Ref:	210860/DPP
Application Type:	Detailed Planning Permission
Application Date:	1 July 2021
Applicant:	Mr Craig McPetrie
Ward:	Torry/Ferryhill
Community Council:	Ferryhill and Ruthrieston
Case Officer:	Alex Ferguson

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a ‘double-upper’ flat which occupies the first floor and attic levels of a two-storey, semi-detached villa situated on the eastern side of Albury Place and within the Ferryhill Conservation Area. The early 20th Century granite-walled, slate roofed building is of a traditional design and forms part of a wider composition of other buildings of a similar scale and design that lines the eastern side of the street. The application property shares a rear garden area to the south-east with the neighbouring ground floor flat. The rear garden incorporates a single storey outbuilding that runs parallel to the rear elevation of the main building, with the remainder of the garden beyond the outbuilding predominantly laid to lawn. The application property lies in a residential area and is bound to the north, south and east by neighbouring residential properties, with the Albury Sports Ground on the opposite side of Albury Place to the west.

Relevant Planning History

Application Number	Proposal	Decision Date
161740/DPP	Replacement windows	21.02.2017
		Status: Approved Conditionally

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the formation of dormers to the front and rear elevations of the building, for the replacement of all existing windows (at first floor level) to the application property and for the blocking-up of an existing window on the northern gable end of the building.

The proposed works can be described in more detail as follows:

Front dormer

A box dormer is proposed to be formed on the right-hand-side of the front roof slope of the building. The dormer would measure 4.3m in length by 2m high and 3.9m deep. The dormer would be set 700mm in from the mutual boundary, 700mm in from the property's two-storey bay window projection and 300mm down from the roof ridge. The dormer would be of a contemporary design, finished with zinc cladding and a chamfered fascia. The front face of the dormer would be predominantly glazed, with grey-coloured pvc windows.

Rear dormer

A box dormer is also proposed to be formed on the rear roof slope of the building. The dormer would measure 8m in length by 2m in height with a depth of 3.7m. The dormer would be set 700mm in from the gable end and mutual boundary of the roof slope, and 300mm down from the roof ridge. The dormer would be of a contemporary design, finished with zinc cladding and two grey timber-lined solid infill panels, between three glazed openings, equally spaced along the front face of the dormer.

Replacement windows

It is proposed to replace all existing windows (rear elevation pvc casement units and front elevation aluminium and pvc sash & case units) in the property with new white-coloured, pvc-framed sliding sash & case units.

Gable window infill

It is proposed to remove an existing window from the building's northern gable end at first floor level, and to infill the opening. No details have been provided in respect of the infill material to be used.

Amendments made since original submission

Various amendments to the proposals have been made since the application was originally submitted. These can be summarised as follows:

- An initially proposed extension to the existing outbuilding in the rear garden area has now been omitted from the application;
- The front dormer has been reduced in height and depth from that initially proposed and set slightly further down from the roof ridge. The depth of the chamfered fascia surrounding the front face of the dormer has also been reduced.
- The rear dormer has been reduced in height and depth from that initially proposed and set slightly further down from the roof ridge with additional glazing added to its front face and the depth of its fascia also reduced;
- The replacement sash & case windows at first floor level are proposed to have white-coloured frames, rather than the initially proposed grey frames.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QUOJHVBZKQQ00>

CONSULTATIONS

Ferryhill and Ruthrieston Community Council – No response.

REPRESENTATIONS

Three representations have been received, all objecting to the application. The matters raised can be summarised as follows –

- The rear garden outbuilding extension would have an unacceptable impact on the amenity of the neighbouring ground floor flat in terms of daylight & sunlight receipt and outlook;
- The rear dormer would have a detrimental impact on the privacy of a neighbouring property to the east, overlooking the private rear garden area and into rear elevation habitable windows;
- The design of the proposed alterations would not be ‘in-keeping’ with the other properties on Albury Place.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)
- Historic Environment Policy for Scotland (HEPS)
- Historic Environment Scotland – Managing Change in the Historic Environment (MCHE):
 - Roofs

Aberdeen Local Development Plan 2017 (ALDP)

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

Supplementary Guidance

- Householder Development Guide
- Repair or Replacement of Windows & Doors

Proposed Aberdeen Local Development Plan 2020 (PALDP)

The Proposed Aberdeen Local Development Plan (PALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the PALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The PALDP 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 PALDP (including individual policies) in relation to specific applications will depend on whether –

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

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

- H1 (Residential Areas)
- D1 (Quality Placemaking)
- D2 (Amenity)
- D6 (Historic Environment)
- D8 (Windows and Doors)

Other material considerations

- Ferryhill Conservation Area Character Appraisal (Ferryhill CACA)

EVALUATION

Policy H1 (Residential Areas)

The application site lies within a residential area, as zoned in the Aberdeen Local Development plan (ALDP) and as such, Policy H1 (Residential Areas) is applicable. Policy H1 states:

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

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

Overdevelopment

Although not defined in the ALDP or in the Householder Development Guide (HDG) supplementary guidance, the 'overdevelopment' of a residential plot is generally considered to take place when a proposed development would either more than double the original footprint of a dwelling or cover more than 50% of the plot and/or rear garden area.

Following the omission of the initially proposed outbuilding extension in the rear garden area from the application, the proposed works would take place only within the front and rear roof slopes of the building and to its windows at first floor level. As such, there would be no increase in the built footprint of the building, nor in the plot coverage. The proposals would therefore not result in the

overdevelopment of the site.

Character and amenity

In order to assess impact on character, each aspect of the proposal will be considered individually below.

- Front dormer

The semi-detached building dates from the early 20th Century and is of a traditional design. The front elevation of the building faces west onto Albury Place and is thus prominently visible from a public viewpoint. The front elevation of the building containing the application property, as well as three other flats (no's 27, 29 & 31), remains largely unaltered from its original design and any alterations that have taken place (replacement windows) are largely sympathetic to the character and appearance of the building.

The building forms part of a wider row of six semi-detached villas (and one detached building) of near identical design that line the eastern side of Albury Place. Their uniform, largely unaltered traditional design and appearance contributes significantly towards the street's historic and visual character, as well as that of the wider Ferryhill Conservation Area, with the Conservation Area Character Appraisal (Ferryhill CACA) noting: *'the uniform basic design and the continuous high quality architectural detailing and use of materials means the properties blend well together'*

The Ferryhill CACA SWOT Analysis also notes the following as a threat to the conservation area: *'Development pressure for small scale alterations, such as replacement windows and extensions that cumulatively have an adverse impact on the area's character.'*

Historic Environment Scotland's 'Managing Change in the Historic Environment guidance on Roofs (MCHE: Roofs) states that: *'The addition of new features to principal or prominent roof slopes should generally be avoided. New dormers and rooflights should be appropriately designed and located with care.'*

The applicant proposes to form a dormer on the front elevation of the property, which would be of a contemporary box-dormer design, with a horizontal, rectangular form, finished with contemporary materials. The dormer would be designed to contrast with the traditional design and appearance of the existing building. The HDG guidance on dormers states:

'In terraces or blocks of properties of uniform design where there are no existing dormers, the construction of new dormers will not be supported on the front or other prominent elevations (e.g. fronting onto a road)'

None of the buildings on Albury Place originally incorporated dormers on their roof slopes and the majority still don't. Despite the predominantly unaltered appearance of the front elevations of the majority of the buildings on Albury Place, it is acknowledged that two properties on the street do incorporate non-original, c. late 20th Century box dormers on their front roof slopes. The dormers, however, are both of an incongruous design, architecturally incompatible with the traditional design and appearance of the buildings to which they are attached. The Planning Service considers that the dormers (for which there is no record of planning permission having been granted) cause significant harm to the character and appearance of the area, disrupting the otherwise uniform and relatively unaltered, historic architectural composition of Albury Place.

As such, although there are other examples of front elevation dormers on the street, they are few in number, with unaltered pitched slate roofs remaining the prevailing design characteristic. Additionally, given the period of time they are likely to be in place, it is considered that the existing dormers do not set a precedent for further such development, but rather they demonstrate the harm that such alterations can have on the character of the area. In this regard, one of the HDG's General Principles is that:

'No existing extensions, dormers or other alterations which were approved prior to the introduction of this supplementary guidance will be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document.'

Not only is the principle of the addition of a dormer to the front elevation of the property contrary to the guidance set out in the HDG but the contemporary, horizontally-proportioned box design of the proposed dormer would also be incompatible with the traditional design of the existing building, and fails to comply with the HDG guidance on dormers to the front elevations of older properties of a traditional character, which notes that *'box dormers will not normally be acceptable on front elevations'*.

It is thus considered that the principle of the addition of a dormer to the front roof slope of the building is unacceptable and that, even if the principle were to be acceptable, the design of the proposed dormer is nevertheless incompatible with the traditional design, form and appearance of the existing building, particularly when viewed within the wider architectural context of the street. The Planning Service thus considers that the proposed front elevation dormer would cause significant harm to the character of the area, contrary to Policy H1 and the relevant guidance set out in the HDG and MCHE: Roofs.

- Rear dormer

The rear elevation of the building faces onto the applicant's own rear garden area and, further to the east, toward the rear garden areas of residential properties on Bon-Accord Street. There is no rear lane serving the property and as such, the rear elevation of the building is not visible from any public viewpoints.

The proposed dormer would be of a non-traditional, flat-roofed box dormer design, with a horizontal proportion. The HDG notes that the guidelines for dormers on older properties may be relaxed where on the non-public (rear) side of a property. The HDG states that dormers on non-public (rear) elevations should comply with the following criteria:

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

The dormer would be set more than 400mm in from the gable tabling and the mutual boundary and would be positioned relatively centrally within the roof slope, set more than

400mm up from the eaves (1400mm) and a reasonable distance below the ridge (300mm). As such, although large, the dormer would not dominate the roof slope and it would sit relatively comfortably within the roof, set sufficiently away from each of its extremities. There would be windows positioned at either end of the dormer, as well as a central window, thus ensuring a symmetrical appearance and that the two solid infill panels would not dominate the dormer's front face. The windows would be aligned with the existing windows of the building's rear elevation below. Furthermore, the dormer would incorporate a slim apron below the windows, which is permissible.

Therefore, the proposed dormer, despite being relatively large and of a contemporary design, is considered to be generally compliant with the relevant dormer design guidance set out in the HDG and, given the building's rear elevation is obscured from public view, it is considered that the proposed dormer would not have an adverse impact on the character of the area.

- Replacement windows

The existing windows in the property, all at first floor level, comprise a mix of pvc and aluminium-framed sash & case and casement units. The units to the front elevation all incorporate horizontal meeting rails or transom bars, approximately two-thirds of the way up the faces of the windows (a circa 65/35 split) and all of the windows have white coloured frames. None of the windows are original to the building, but they are largely sympathetic to its character and that of the remainder of the street, which predominantly sees white-painted, timber-framed one-over-one sash & case units. Although there are several pvc and aluminium framed casement windows, their frames are mostly coloured white and they incorporate a fenestration pattern to match the prevailing, traditional 65/35 split.

The Council's supplementary guidance on the Repair and Replacement of Windows and Doors (RRWD) states that:

If existing non-historic windows on the public elevation of an unlisted building within conservation area are being replaced, the reinstatement of the original types and arrangements of windows will always be encouraged. The installation of PVCu one over one sash and case windows will be allowed where there are existing approved one over one sash and case PVCu windows.

The proposed replacement of the existing, non-original windows with new pvc-framed sliding sash & case units is thus accepted, in accordance with the RRWD guidance. Following concerns raised by the Planning Service in respect of the initially proposed grey colour of the window frames, the applicant amended the colour of the proposed window frames to white, which would match the colour of the existing windows and those in the majority of properties in the remainder of the street. The proposed replacement windows are thus considered to be acceptable in accordance with the RRWD supplementary guidance and they would not cause any harm to the character of the area.

- Infill of gable window

The proposed infill of an existing window opening at first floor level of the building's northern gable is acceptable. The window is not original and due to its location on the gable, of secondary importance to the building in terms of architectural detailing and prominence, its infill would not have a detrimental impact on the character of the area. If the application were to be approved, however, a condition would be necessary to ensure that any material used to infill the opening would be an appropriate match for the existing granite rubble

gable.

With respect to amenity, the proposed works would all take place within the roof space or the existing window openings of the building. As such, there would be no impact on the daylight or sunlight receipt of any neighbouring properties as a result of the works.

The proposed dormers would be located on the front and rear roof slopes of the building. The front dormer would overlook Albury Place itself and towards the Albury Sports Centre on the opposite side of the street. As such, there would be no increased potential for the overlooking of any residential properties in that direction.

The rear dormer would face towards the applicant's communal rear garden area which is shared with the neighbouring ground floor flat, and to towards the rear gardens and rear elevations of neighbouring properties on Bon-Accord Street to the east. However, the rear dormer's front face would be set sufficiently far up the roof slope to ensure that any potential to overlook the garden area would be negligible and nevertheless, the garden area is already overlooked by the applicant's own first-floor level rear elevation windows. Thus, the proposals would not worsen the existing situation in terms of the level of privacy enjoyed by the neighbouring ground floor property. In relation to the impact on neighbouring properties to the east on Bon-Accord Street, the dormer's front face would be situated approximately 19m from the mutual boundary shared with the nearest property to the east, and approximately 45m from the nearest windows on the rear elevations. The HDG states that: *'any windows at a distance of 18m or more will not be considered to be adversely affected through loss of privacy.'*

Given the new dormer would be sited more than 18m from the nearest mutual boundary to towards which it would face, and 45m to the nearest windows in that direction, it is considered that the rear dormer would not result in any significant increase in the potential to overlook any neighbouring properties and would cause any significant harm to the amenity of the area. To summarise, it is thus concluded that whilst the rear elevation dormer, replacement windows and infill of an existing gable window would not cause any harm to the character of the area, and all of the works would preserve the amenity of the area, the front elevation dormer would cause significant harm to the character of the area.

Open Space

The works would take place wholly within a residential curtilage and would not result in the loss of any open space.

Supplementary Guidance

The relevant supplementary guidance (SG) documents in this instance are the Council's HDG and the RRWD. Although aspects of the works are compliant with both SG documents, the front elevation dormer is considered to be contrary to the guidance contained within the HDG for the reasons given in the foregoing evaluation and the proposals thus do not comply with the relevant supplementary guidance and are contrary to Policy H1.

Design & impact on the conservation area

Scottish Planning Policy (SPP), Historic Environment Policy for Scotland (HEPS) and Policy D4 (Historic Environment) of the ALDP seek to ensure that all new development in conservation areas would adequately either preserve or enhance the character and appearance of the conservation area. Policy D1 (Quality Placemaking by Design) seeks to ensure that all development is of an appropriate design, suitable for its context.

The foregoing evaluation sets out why the proposed front elevation dormer is considered to be

unacceptable and that it would cause significant harm to the character of the area. The same principles and guidance apply in terms of assessing the impact of the works on the conservation area and the Planning Service considers that the front dormer would be of an inappropriate design and scale for the traditional, historic context of the street and the wider conservation area, and that it would thus have a significant detrimental impact on the conservation area's character and appearance, contrary to SPP, HEPS and Policy D4 of the ALDP.

The works would be of an inappropriate design, architecturally incompatible with their context, contrary to the requirements of Policy D1 of the ALDP.

Matters raised in representations

The matters raised in the representations received are all addressed in the foregoing evaluation but can be summarised as follows:

- Concerns in relation to the rear garden outbuilding extension have been addressed by the applicant's omission of the proposed extension from the application;
- The rear dormer would be a sufficient distance from any neighbouring properties such that there would be no significant increase in the potential for overlooking of either private garden ground or habitable windows;
- The Planning Service concurs that the design of the proposed alterations (front dormer) would not be 'in-keeping' with the other properties on Albury Place.

Proposed Aberdeen Local Development Plan

In relation to this particular application, policies H1, D1 and D6 in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate policies H1, D1 and D4 in the adopted Local Development Plan. and the proposals are considered to be contrary to those policies in both plans, for the reasons given in the foregoing evaluation.

Policy D2 (Amenity) is a new policy in the PALDP with no direct equivalent in the adopted ALDP. Policy D2 seeks to ensure that all new development would not adversely affect the amenity of any neighbouring properties. The foregoing evaluation notes that the works would not harm the amenity of any neighbouring properties, thus the proposals are compliant with Policy D2.

Policy D8 (Windows and Doors) is a new policy in the PALDP which seeks the retention of historic windows and promotes the replacement of unsympathetic windows and doors. The Policy also notes that further guidance can be found in Aberdeen Planning Guidance: The Repair and Replacement of Windows and Doors. In this case the existing windows are not historic, therefore their replacement is acceptable in accordance with Policy D8.

Stop the Clock

Amendments were requested by the Planning Service on 25 August 2021 in relation to the front and rear dormers, the rear outbuilding and the replacement windows. Amended plans were not submitted until 29 October 2021, therefore the application clock has been stopped to cover the intervening period of time.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed works would not constitute overdevelopment, would not result in the loss of any open space and would not adversely affect the amenity of the surrounding area. However, the proposed front elevation dormer would have a significant detrimental impact on the character of the area and is contrary to the supplementary guidance contained in the Householder Development Guide. The proposed works are thus contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 (ALDP). The front elevation dormer would be of an inappropriate design, incongruous with the surrounding traditional and historic context, contrary to Policy D1 (Quality Placemaking by Design) of the ALDP, and the works would cause significant harm to the character and appearance of the Ferryhill Conservation Area, contrary to the aims of Scottish Planning Policy, Historic Environment Policy for Scotland, as well as the Managing Change guidance and Policy D4 (Historic Environment) of the ALDP. The works also fail to comply with the corresponding Policies H1, D1 and D6 of the Proposed Aberdeen Local Development Plan 2020.



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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 100427221-002

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

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

25 ALBURY PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB11 6TQ

Please identify/describe the location of the site or sites

Northing

805299

Easting

393679

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:	Cooper & MacGregor Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Bob	Building Name:	
Last Name: *	MacGregor	Building Number:	86
Telephone Number: *	01224 323839	Address 1 (Street): *	86 Summerhill Crescent
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB15 6ED
Email Address: *	mail@coopmac.scot		

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: *	Criag	Building Number:	25
Last Name: *	McPetrie	Address 1 (Street): *	Albury Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB11 6TQ
Fax Number:			
Email Address: *	0@0		

Proposal/Application Details

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

Was the original application part of this proposal? *

Yes No

Application Details

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

Application: *

Document Details

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

Checklist – Post Submission Additional Documentation

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

The additional documents have been attached to this submission. *

Yes No

Declare – Post Submission Additional Documentation

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

Declaration Name: Mrs Angela Cooper

Declaration Date: 01/07/2021

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Angela Cooper
Cooper & MacGregor Ltd
86 Summerhill Crescent
Aberdeen
AB15 6ED

on behalf of **Mr Craig McPetrie**

With reference to your application validly received on 1 July 2021 for the following development:-

**Formation of dormers to front and rear and installation of replacement windows
at 25 Albury Place, Aberdeen**

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

Drawing Number	Drawing Type
127 - 201 B	Location Plan, Elevations and Floor Plans (Proposed)
210860-01	Window Cross Section
210860-02	Window Cross Section
210860-03	Window Cross Section
210860-04	Window Cross Section
210860-05	Window Cross Section

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

Amendments were made by the applicant to omit the initially proposed extension to the existing rear garden outbuilding, to reduce the scale and make other design

alterations to the front and rear dormers and to change the frame colour of the replacement windows from grey to white.

REASON FOR DECISION

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

The proposed works would not constitute overdevelopment, would not result in the loss of any open space and would not adversely affect the amenity of the surrounding area. However, the proposed front elevation dormer would have a significant detrimental impact on the character of the area and is contrary to the supplementary guidance contained in the Householder Development Guide. The proposed works are thus contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 (ALDP). The front elevation dormer would be of an inappropriate design, incongruous with the surrounding traditional and historic context, contrary to Policy D1 (Quality Placemaking by Design) of the ALDP, and the works would cause significant harm to the character and appearance of the Ferryhill Conservation Area, contrary to the aims of Scottish Planning Policy, Historic Environment Policy for Scotland, as well as the Managing Change guidance and Policy D4 (Historic Environment) of the ALDP. The works also fail to comply with the corresponding Policies H1, D1 and D6 of the Proposed Aberdeen Local Development Plan 2020.

Date of Signing 3 November 2021



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

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

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

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

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

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

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Comments for Planning Application 210860/DPP

Application Summary

Application Number: 210860/DPP

Address: 25 Albury Place Aberdeen AB11 6TQ

Proposal: Formation of dormers to front and rear; installation of replacement windows to side and erection of store to rear

Case Officer: Alex Ferguson

Customer Details

Name: Dr Kenneth Allan

Address: 27 ALBURY Place Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed new store would take up a sizeable proportion of the communal free space between the garden and dwellings, and despite what is mentioned in the application as far as I can ascertain no building had previously occupied this space. The new store would significantly reduce the light given to No 27 and all but eliminate the view of the garden from No 27, with a consequent major negative impact upon the living quality at No 27.

I am confident that alternative plans for the store can be developed to the mutual benefit of all parties.

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Comments for Planning Application 210860/DPP

Application Summary

Application Number: 210860/DPP

Address: 25 Albury Place Aberdeen AB11 6TQ

Proposal: Formation of dormers to front and rear; installation of replacement windows to side and erection of store to rear

Case Officer: Alex Ferguson

Customer Details

Name: Mr Paul Eggeling

Address: 146 Bon-accord Street, Aberdeen AB11 6TX

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Alex,

Having viewed application ref 210860/DPP, pls. register my objection to proposed style & qty of dormer windows at rear of property on basis that look directly into rooms to rear of my property and in particular overlook my garden thereby removing privacy I enjoy currently. Further, I do not consider the proposed design in keeping with other properties on Albury Place but suggest a Velux style would be acceptable and more appropriate.

Yours, Paul Eggeling

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Comments for Planning Application 210860/DPP

Application Summary

Application Number: 210860/DPP

Address: 25 Albury Place Aberdeen AB11 6TQ

Proposal: Formation of dormers to front and rear; installation of replacement windows to side and erection of store to rear

Case Officer: Alex Ferguson

Customer Details

Name: Mrs Margaret Eggeling

Address: 146 Bon-accord Street, Aberdeen AB11 6TX

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: It is a good thing that house will be improved however the extent of the changes at the rear will negatively impact the outlook from my property sadly.

The erection of the rear dormers will directly overlook my garden and look into bedroom windows. We have a hedge which attempts to afford more privacy from the existing windows from the property at 25 Albury Place, however this new proposal is significantly taller and more obtrusive. I don't think the hedge will ever be able to screen all those new windows out.

It will negatively impact the view from the rear of the house and directly look into the bedroom of my teenage daughter.

The design is also not in keeping with the rest of the properties that our own property looks onto.

These proposed alterations will be significantly detrimental to my privacy inside the house and outside in the garden.

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Aberdeen Local Development Plan (ALDP)

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

Supplementary Guidance

Householder Development Guide

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

Repair or Replacement of Windows and Doors

[1.1.PolicySG.WindowsDoors.pdf \(aberdeencity.gov.uk\)](https://www.aberdeencity.gov.uk/sites/default/files/1.1.PolicySG.WindowsDoors.pdf)

Ferryhill Conservation Area Character Appraisal

[2013 Con Appraisal 6Ferryhill V3a Final text.indd \(aberdeencity.gov.uk\)](https://www.aberdeencity.gov.uk/sites/default/files/2013_Con_Appraisal_6Ferryhill_V3a_Final_text.indd)

Other Material Considerations

Scottish Planning Policy (2014)

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

Historic Environment Policy for Scotland (HEPS)

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

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>

Managing Change in the Historic Environment:

Roofs

[Managing Change in the Historic Environment: Roofs | Hist Env Scotland](#)

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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 100427221-004

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Cooper & MacGregor Ltd"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Bob"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="MacGregor"/>	Building Number:	<input type="text" value="86"/>
Telephone Number: *	<input type="text" value="01224 323839"/>	Address 1 (Street): *	<input type="text" value="86 Summerhill Crescent"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="AB15 6ED"/>
Email Address: *	<input type="text" value="mail@coopmac.scot"/>		

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="Craig"/>	Building Number:	<input type="text" value="25"/>
Last Name: *	<input type="text" value="McPetrie"/>	Address 1 (Street): *	<input type="text" value="Albury Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB11 6TQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="0@0"/>		

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="25 ALBURY PLACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB11 6TQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805299"/>	Easting	<input type="text" value="393679"/>
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Description of Proposal

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

Formation of dormers to front & rear & installation of replacement windows.

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.

See supporting document.

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

Yes No

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

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

Drawings: Planning application drawing - 127 - 201 B Other Documents: 127 - Design Statement B (included in original planning application) 127 - Notice of Review Statement

Application Details

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

210860/DPP

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

01/07/2021

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

03/11/2021

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mrs Angela Cooper

Declaration Date: 17/11/2021

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Notice of Review Statement 210860/DPP



Front & rear dormers & replace existing windows.

25 Albury Place
Aberdeen
AB11 6TQ

Reason for review submission:

The Planning Authority have stated that the front dormer is the reason for refusal & therefore this submission focusses on this element of the application.



The proposed front dormer preserves all the significant architectural features of the existing front elevation, namely the existing roof over the bay window, thus preserving the character of the existing building. The proposed front dormer is architecturally compatible in both size & design with the existing property. All the above is as per the Householder Development Guide.

There are several examples of box dormers with far greater impact on the front elevation of properties on this street, the surrounding streets & in other conservation areas across Aberdeen City. The proposals would not have a detrimental impact on the surrounding area & are in-keeping with their surroundings.



The image to the left shows two neighbouring properties with large front dormers on Albury Place.

The proposals are far more sympathetic to the existing building & surrounding area than the existing examples on this street.



Images to the left are a couple of examples of box dormers to the front of properties within the surrounding conservation areas.

The dormer:

The dormer is to be finished in grey zinc cladding with a grey single-ply roof membrane & grey timber cladding, all materials & colour generally considered acceptable in a conservation area. Grey sash-style PVC conservation style windows are proposed in the front dormer. The colour & style of the dormer will assist by reducing the visual impact of the proposal on the front elevation.

The front dormer is required to create a usable space within the existing loft space as the existing head height is not sufficient for the creation of a bedroom.

Existing building:

No. 25 Albury Place is a first floor flat with loft space. The property is constructed in a traditional style with Granite walls & pitched slate roof. White PVC sash-style windows are currently fitted in the flat along with 2 No. rooflights to the rear. Below left, front of existing property looking on to Albury Place. Below right is the rear of the existing property.



Summary:

The applicant is seeking approval under Local Review for the following reasons;

- The front dormer retains the key architectural features of the existing property,
- The dormer position, scale & appearance does not negatively impact on the conservation area & is in-keeping with the surrounding area,
- The sympathetic alteration allows for the creation of a bedroom making this property more suitable for a young family.

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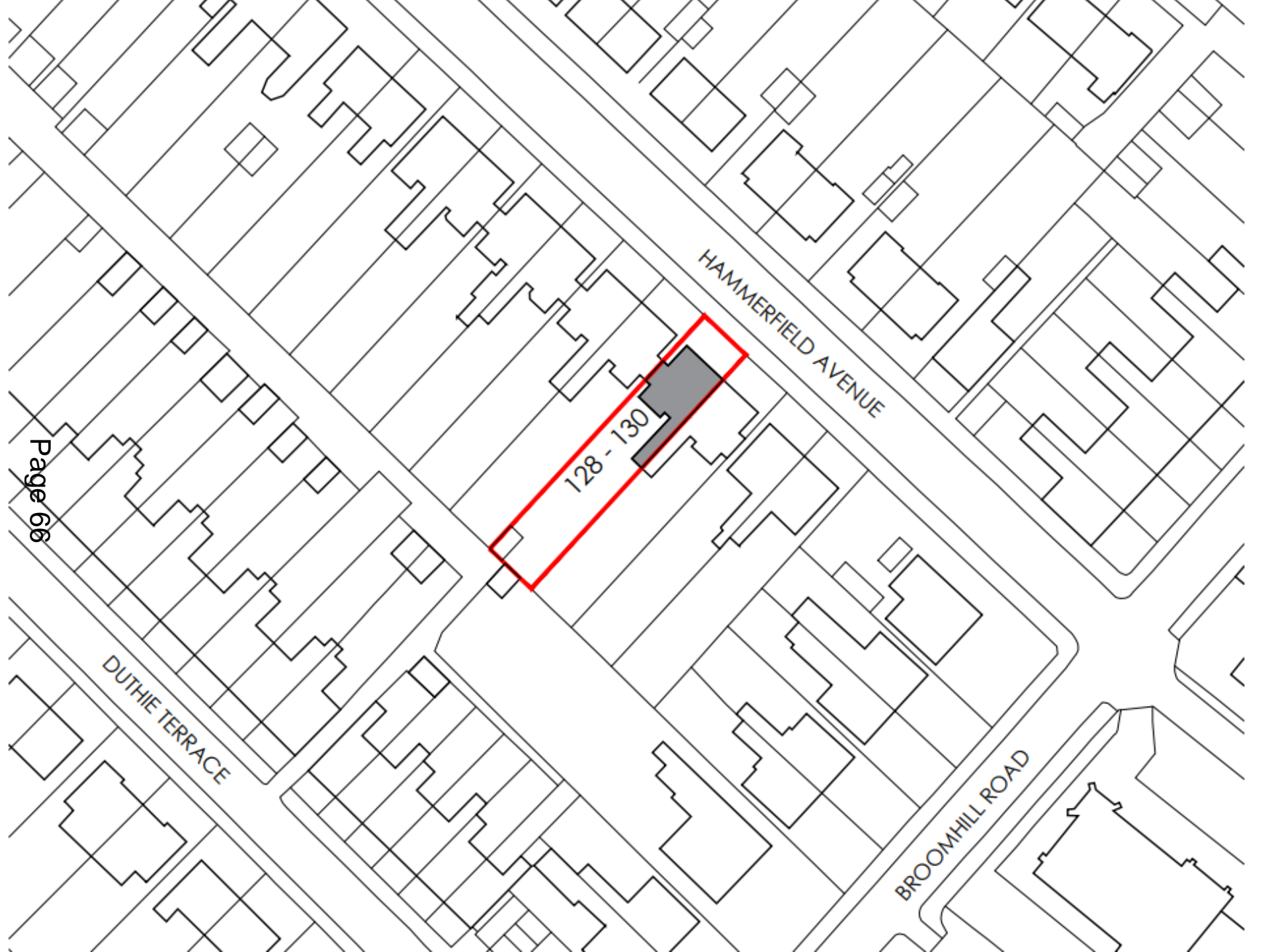
LOCAL REVIEW BODY



211190/DPP– Review against refusal of planning permission for:

Formation of driveway to rear

128 Hammerfield Avenue, Aberdeen



HAMMERFIELD AVENUE

128 - 130

DUTHIE TERRACE

BROOMHILL ROAD





Photographs as existing (google 2011)

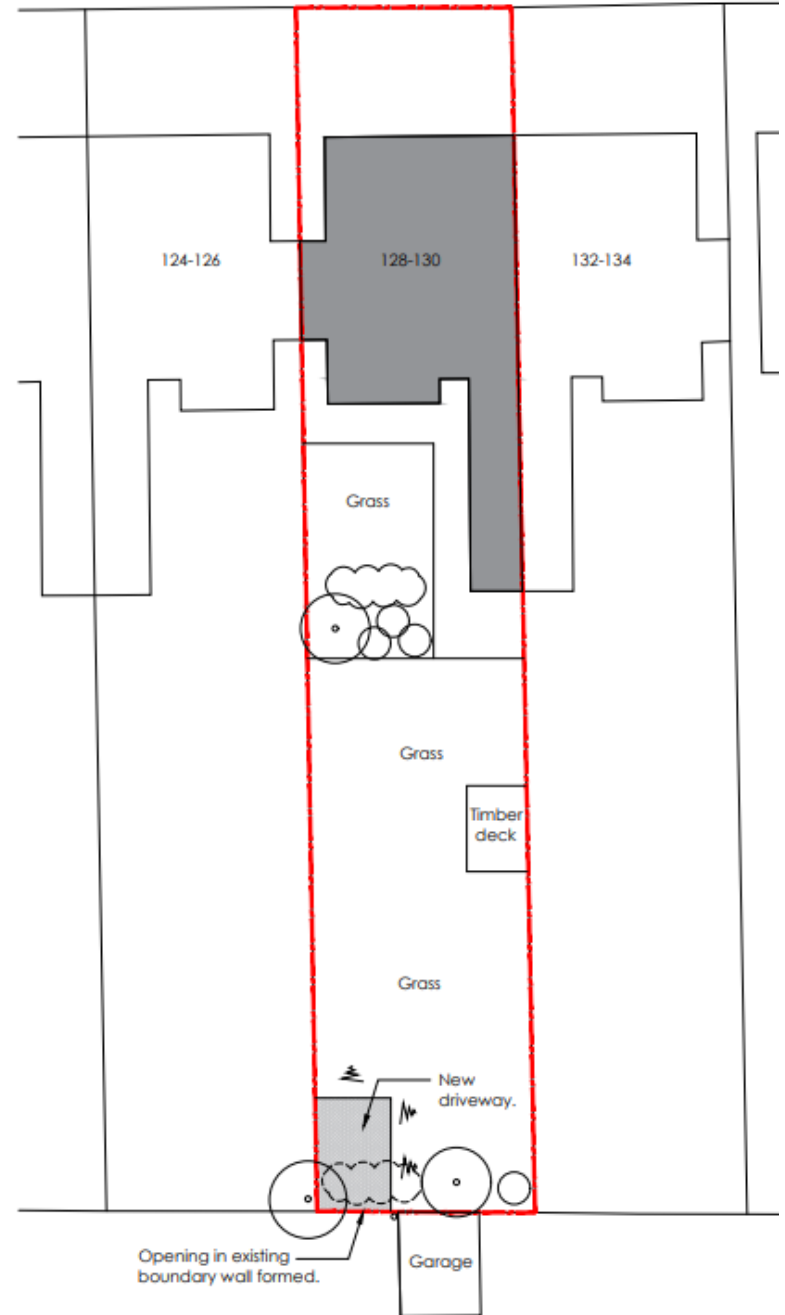
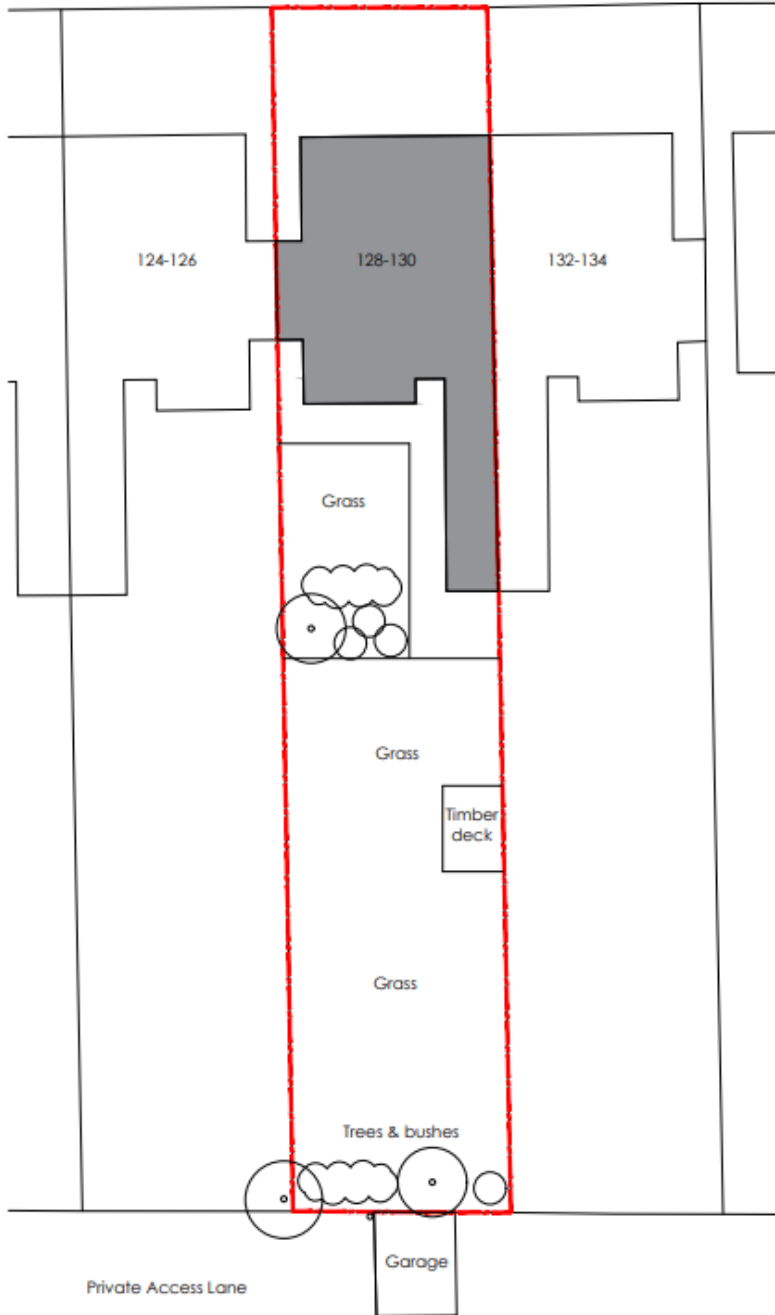




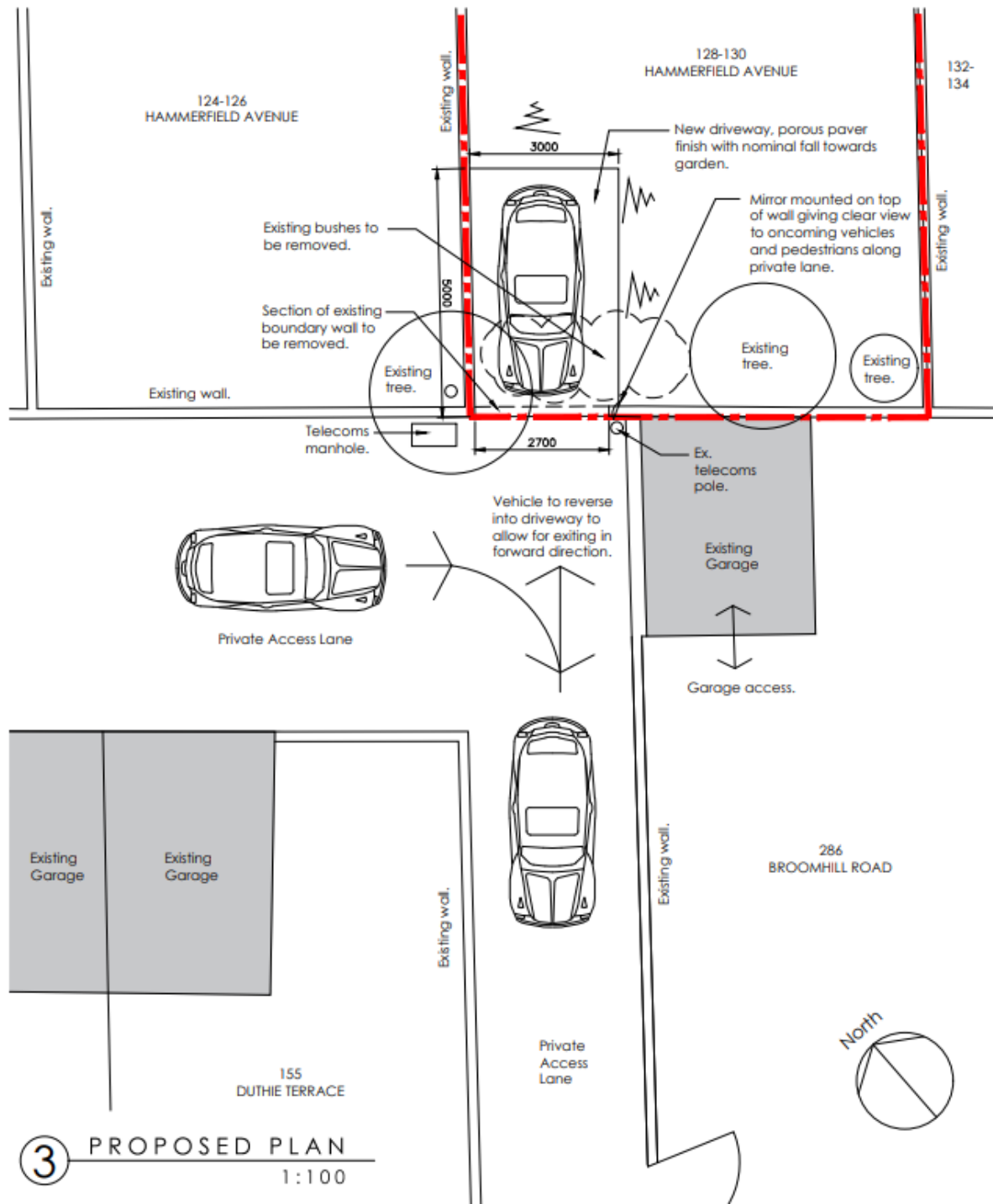


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Page 72

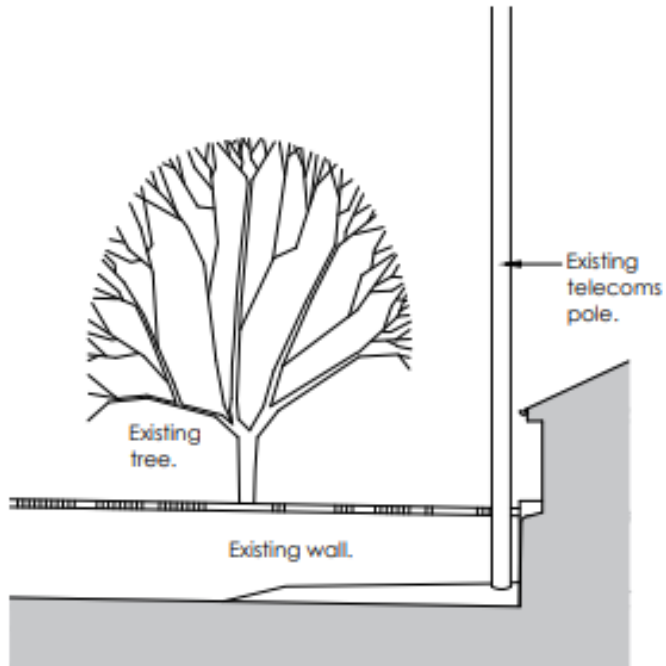


Proposed

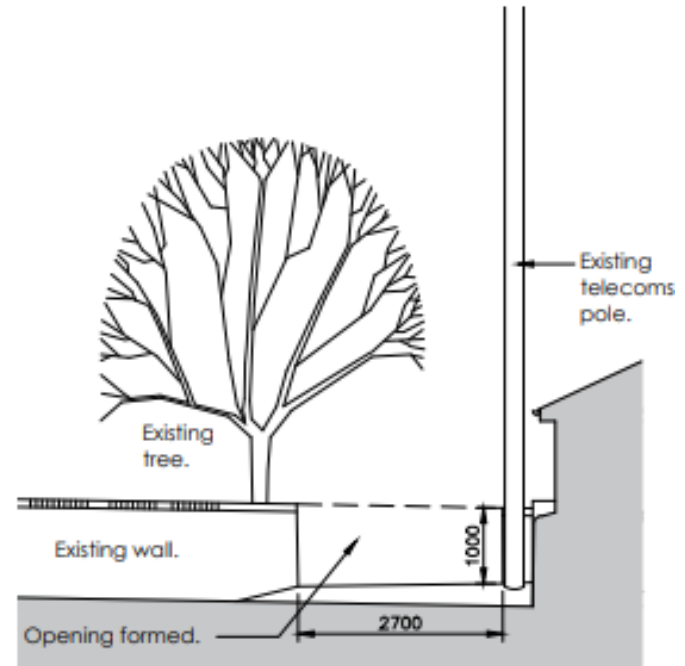


3 PROPOSED PLAN
1:100

Elevation



④ EXISTING NORTH-EAST WALL ELEVATION 1:100



⑤ PROPOSED NORTH-EAST WALL ELEVATION 1:100

Reasons for Decision

Stated in full in decision notice. Key points:

- Proposed driveway would result in an unacceptable impact on road safety.
- It is therefore contrary to the Supplementary Guidance: 'Transport and Accessibility' and therefore with the provisions of Policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan 2017 and Policy T3 (Parking) of the Proposed Aberdeen Local Development Plan 2020 relating to the location of the proposed access.

Applicant's Case

- Disagree that the proposal would result in an unacceptable impact on road safety, because:
 - There are very few vehicles using the lane
 - Vehicles approaching from Duthie Terrace (to south west) would be able to see the driveway from a distance of over 50m. Any vehicle exiting the drive (which is stated to be in forward gear) would similarly see those approaching from Duthie Terrace.
 - Vehicles approaching from the north would need to slow down to 5-10mph to navigate the corner and would be travelling very slowly when approaching the site. Similarly vehicles exiting the driveway would have use of a proposed mirror mounted on a pole. If they did not have use of the mirror, vehicles approaching at slow speed would mean that there would be little chance of accidents.
 - It is stated that the applicant wishes to buy an electric car and this would make charging easier.

Policy T2 (Managing the Transport Impact of Development)

Policy T2 - Managing the Transport Impact of Development

Commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in Supplementary Guidance.

The development of new communities should be accompanied by an increase in local services and employment opportunities that reduce the need to travel and include integrated walking, cycling and public transport infrastructure to ensure that, where travel is necessary, sustainable modes are prioritised. Where sufficient sustainable transport links to and from new developments are not in place, developers will be required to provide such facilities or a suitable contribution towards implementation.

Further information is contained in the relevant Supplementary Guidance which should be read in conjunction with this policy.

Proposed Plan 2020 - Policy T3 (Parking)

Policy T3 – Parking

City Centre

Within the City Centre boundary – as specified in the Proposals Map – the principle of ‘zero parking’ shall be applied with respect to all new development. Limited vehicle parking will only be permitted when demonstrated as necessary for the servicing/operation of businesses and buildings, and for customer drop off/pick up arrangements. Where possible, such parking should preferably be provided at basement level within buildings and not on ground or street level where this would be at the expense of an active frontage onto a public street, public space or private open space. The needs of disabled people will be considered for all proposals.

Inner and Outer City

In inner city areas, low or no car development will be supported in suitable locations where there is adequate access to active travel and public transport options. Where this is not possible, development shall be required to comply with the parking standards set out in Aberdeen Planning Guidance: Transport and Accessibility. Low car development is encouraged within conservation areas.

Transport and Accessibility Guidance

- Driveways must be positioned to enable the required visibility, including pedestrian visibility, to be achieved in accordance with National Standards (Designing Streets and DMRB). A driveway should meet the public road at right angles and a vehicle should be able to enter and exit the driveway at right angles to the road so that a driver can see clearly in both directions without having to turn round excessively. Driveways which do not meet the minimum requirements for visibility will be refused.

The formation of accesses off rear lanes serving houses or a small number of flats can usually be achieved satisfactorily. The design and positioning of the access/garage should be given careful consideration, particularly with regard to the effect the access/garage will have on the safety and efficiency of the lane.

Points for Consideration:

Road Safety – to what extent is there an impact on road safety

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

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

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

 <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:	128 Hammerfield Avenue, Aberdeen, AB10 7FE
Application Description:	Formation of driveway to rear
Application Ref:	211190/DPP
Application Type:	Detailed Planning Permission
Application Date:	18 August 2021
Applicant:	Mr Russell MacPhee
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Braeside and Mannofield
Case Officer:	Jemma Tasker

RECOMMENDATION

Refuse.

APPLICATION BACKGROUND

Site Description

The application site relates to the rear curtilage of an upper storey flat within a two-storey granite building containing two flats, located in a residential area. The building has a north-east facing principal elevation fronting Hammerfield Avenue and is bound to the rear (south-west) by a private lane serving properties along Hammerfield Avenue and Duthie Terrace. The rear garden is screened on all boundaries by way of a c.1.2-1.8m high granite wall. The south-western boundary is lined by a mixture of planting.

Relevant Planning History

No relevant planning history.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission (DPP) is sought for the formation of a driveway to the rear (south-west) of the building.

It is proposed to remove a section of the granite boundary wall measuring 2.7m wide. This, along with the removal of existing bushes, would accommodate the proposed driveway which would measure 3m x 5m and would have a porous paver finish. A note within the proposed plans states that a mirror is to be mounted on top of the boundary wall to give views of oncoming vehicles and pedestrians along the lane.

It should be noted that planning permission is not required for the demolition of the existing boundary wall. This element is considered to constitute permitted development and will not be further assessed as part of this application.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QXZ7OKBZMR100>

Design and Access Statement by Davidson Smith Architects (August 2021)

CONSULTATIONS

ACC - Roads Development Management Team – The roads authority would not allow for a driveway to be installed in this situation because of road safety concerns regarding complex turning manoeuvres being undertaken close to a junction. However, the proposal is on a private road, and the roads authority cannot object to this proposal.

Braeside and Mannofield Community Council – No comments received.

REPRESENTATIONS

A total of 5 representations have been received (3 objections and 2 in support). The matters raised can be summarised as follows –

Objection

1. Increase in traffic with associated noise and risk to pedestrians.
2. Concerns regarding ownership of the wall proposed to be demolished.
3. Potential damage to subterranean telecoms cable.
4. Concerns regarding legal rights to perform vehicle movements on lane given that it is not just owned by the applicant.
5. Demolition of the granite rubble wall would detract from the historic amenity of the area.
6. Additional vehicle movements will exacerbate the poor condition of the private lane.
7. Concerns regarding damage to garage and garden wall at 286 Broomhill Road as a result of the proposed works.

Support

1. The creation of additional off street parking will make parking on the street easier for all neighbouring residents on Hammerfield Avenue.
2. There are already a number of properties on both the Hammerfield Avenue and Duthie Terrace sides of the lane that benefit from garage / driveway access from the rear lane.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Aberdeen Local Development Plan (2017) (ALDP)

Policy D1 – Quality Placemaking by Design
Policy H1 – Residential Areas
Policy NE5 – Trees and Woodlands
Policy T2 – Managing the Transport Impact of Development

Supplementary Guidance (SG)

Transport and Accessibility
Trees and Woodland

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

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

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

Policy D1 – Quality Placemaking
Policy H1 – Residential Areas
Policy NE5 – Trees and Woodlands
Policy T3 – Parking

EVALUATION

Principle of Development

The site is located within a residential area where the principle of residential development is generally accepted, provided it would not result in overdevelopment, would not have an adverse impact on the character and amenity of the surrounding area, would not result in the loss of open space and would comply with the relevant Supplementary Guidance. Any proposal should also be acceptable in terms of factors such as road safety. These issues are assessed below.

Design, Scale and Road Safety Considerations

The proposed part-use of the rear garden for off-street parking is generally compliant with Policies D1 and H1 of the ALDP as it does not constitute overdevelopment of the site, being of minimal scale required to park a single car. Additionally, given the development is located within a residential curtilage, it would not result in the loss of open space. Its design and appearance would be acceptable within the context of the area, a rear service lane which features a variety of domestic garages; therefore, the development would not be at odds with the established character of the surrounding area. The driveway would have no impact on the availability of on-street parking in the immediate area. The proposal would in general be considered to have a negligible impact on the residential character and amenity of the existing dwelling and the surrounding area.

Furthermore, the driveway complies with some of the guidance contained within the Supplementary Guidance: 'Transport and Accessibility' relating to design for the following reasons: it would be between 5 and 7m in length, and at least 3m in width; it would have a negligible gradient; it would be internally drained due to the porous driveway material, reducing surface water discharging on to the lane; and there would be no loose material such as stone chippings or gravel within the first 2m of the driveway.

However, in relation to access off rear lanes, the SG sets out that *"the design and positioning of the access should be given careful consideration, particularly with regard to the effect the access will have on the safety and efficiency of the lane"*. While it is acknowledged that the driveway would access on to a private lane – and thus, one which is unadopted by the Council – the Planning Authority still require to consider the impact the proposal would have on road safety, in accordance with Policy T2 of the ALDP and the associated SG: 'Transport and Accessibility'. In this case, the proposed driveway is at a blind corner on the minor access road. Due to the size of the proposed driveway, it would require the applicant to either reverse in to or out of the parking space. The applicant would be unable to simply enter and exit the driveway without undertaking a manoeuvre within the lane. Roads Development Management Team has confirmed that the roads authority does not allow driveways to be installed in these situations because of road safety concerns regarding complex turning manoeuvres being undertaken while reversing in to or out of the driveway. Its position at a blind, right-angled corner does not allow for sufficient visibility along the lane in both directions when making that manoeuvre. When reversing out of the driveway, it would require the applicant to look both behind them and to the left to ensure that they do not encounter another vehicle at this blind corner. This would be the same when reversing into the proposed driveway. Furthermore, the complexity of this manoeuvre would be exacerbated by the narrowness of the lane, particularly to the south-west, which would make manoeuvring more challenging and also hinders visibility. While the proposal includes the installation of a mirror, to aid the view of oncoming traffic, this is a reflection and not a true view and thus, does not mitigate the concerns raised above, nor could the mirror be conditioned as it would not meet the tests highlighted in Circular 1/1998 Planning Conditions.

The team noted that if this proposal related to an adopted road, then they would object to such a proposal. While the Roads Team has not objected, it is the responsibility of the Planning Service to assess whether such a development would be suitable and comply with the relevant policies and guidance. Having given due consideration to the design and positioning of the access, it is considered that the proposed location would be unacceptable and result in concerns regarding road safety regardless of whether a mirror was installed or not. As such and in light of the road safety concerns cause by the proposal, the development cannot be supported and is therefore contrary to Policy T2 of the ALDP and the SG: 'Transport and Accessibility'.

Trees

Upon assessment of the application a concern over the proximity of development from the trees was raised. Policy NE5 (Trees and Woodlands) advises that there is a presumption against development that will result in the loss of or damage to trees. The Council's tree officer has advised that the tree located within the application site appears to be a reasonable distance away from the proposed development such that the impact from the proposed small-scale development is likely to be negligible. Further to this, the tree adjacent to the proposed development located on the opposite side of the boundary wall appears to be in poor health with significant crown die back. Therefore, considering the condition, location and limited wider landscape and amenity value offered by the trees in proximity to the development, it is considered that there would be no significant adverse impact on existing tree stock, in compliance with Policy NE5 of the ALDP and the SG: 'Trees and Woodlands'.

In relation to this particular application, the Policy T3 in the Proposed Aberdeen Local Development Plan 2020 substantively reiterates that in the adopted Local Development Plan 2017 and the proposal is unacceptable in terms of both Plans for the reasons previously given.

Conclusion

Overall, it is considered that the proposal would constitute a considerable road safety hazard to pedestrians and vehicles due its location, and there are no material considerations that could justify approval contrary to this.

Matters Raised in Letters of Objection

1. *Increase in traffic with associated noise and risk to pedestrians.*
Increased noise is not considered to be significant as a result of the proposal; however, impact on pedestrian safety has been discussed in the foregoing evaluation.
2. *Concerns regarding ownership of the wall proposed to be demolished.*
This is a civil matter.
3. *Potential damage to subterranean telecoms cable.*
This is not a material planning consideration.
4. *Concerns regarding legal rights to perform vehicle movements on lane given that it is not just owned by the applicant.*
The ownership and usage of the lane itself is not a material planning consideration.
5. *Demolition of the granite rubble wall would detract from the historic amenity of the area.*
The demolition of the wall is considered to constitute permitted development and does not require planning permission.
6. *Additional vehicle movements will exacerbate the poor condition of the private lane.*
This is not a material planning consideration.
7. *Concerns regarding damage to garage and garden wall at 286 Broomhill Road as a result of the proposed works.*
This is a civil matter.

RECOMMENDATION

Refuse.

REASON FOR RECOMMENDATION

Although not detrimental to the visual amenity and residential character of the area, the proposed driveway would result in an unacceptable impact on road safety and as such fails to comply with the Supplementary Guidance: 'Transport and Accessibility' and therefore with the provisions of Policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan 2017 and Policy T3 (Parking) of the Proposed Aberdeen Local Development Plan 2020 relating to the location of the proposed access.

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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 100456448-001

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

Type of Application

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

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

Description of Proposal

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

Opening formed in existing boundary wall to rear access lane to form new driveway.

Is this a temporary permission? *

Yes No

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

Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Davidson Smith Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Davidson Smith	Building Name:	
Last Name: *	Architects	Building Number:	12b
Telephone Number: *	01224 679551	Address 1 (Street): *	Carden Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB10 1UR
Email Address: *	chris@davidson-smith.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: *	Russell	Building Number:	128
Last Name: *	MacPhee	Address 1 (Street): *	Hammerfield Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	AB10 7FE
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

128 HAMMERFIELD AVENUE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 7FE

Please identify/describe the location of the site or sites

Northing

804240

Easting

392293

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

Pre-application ref: 200446/PREAPP submitted 4th April 2020. Various emails between myself and Jemma Tasker from 18th May 2020 - 8th June. Advised that due to the position of proposed driveway and the subsequent road safety concerns of the roads dept, the authority would unlikely be in a position to support an application for a driveway in this location. Should an application be lodged, the entrance width should be 2.7m.

Title:

Miss

Other title:

First Name:

Jemma

Last Name:

Tasker

Correspondence Reference Number:

Date (dd/mm/yyyy):

18/05/2020

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

Site Area

Please state the site area:

450.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Domestic residential.

Access and Parking

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

Yes No

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

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

Yes No

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

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

0

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

1

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

Water Supply and Drainage Arrangements

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

Yes No

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

Not applicable.

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Davidson Smith Architects

On behalf of: Mr Russell MacPhee

Date: 17/08/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Davidson Smith Architects

Declaration Date: 17/08/2021

Payment Details

Online payment: ABSP00007164

Payment date: 17/08/2021 09:25:00

Created: 17/08/2021 09:25

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Davidson Smith Architects
Davidson Smith Architects
12B Carden Place
Aberdeen
AB10 1UR

on behalf of **Mr Russell MacPhee**

With reference to your application validly received on 18 August 2021 for the following development:-

**Formation of driveway to rear
at 128 Hammerfield Avenue, Aberdeen**

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

<u>Drawing Number</u>	<u>Drawing Type</u>
035.PD.002 REV A	Elevations and Site Plans (Proposed)
035.PD.001	Location Plan

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

None.

REASON FOR DECISION

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

Although not detrimental to the visual amenity and residential character of the area, the proposed driveway would result in an unacceptable impact on road safety and as such fails to comply with the Supplementary Guidance: 'Transport and Accessibility' and therefore with the provisions of Policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan 2017 and Policy T3 (Parking) of the Proposed Aberdeen Local Development Plan 2020 relating to the location of the proposed access.

Date of Signing 28 October 2021



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

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

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

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

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

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the

land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Consultee Comments for Planning Application 211190/DPP

Application Summary

Application Number: 211190/DPP

Address: 128 Hammerfield Avenue Aberdeen AB10 7FE

Proposal: Alterations to boundary wall and formation of driveway to rear

Case Officer: Jemma Tasker

Consultee Details

Name: Mr Nathan Thangaraj

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

I note this application for the alterations to the boundary wall and driveway formation to the rear at 128 Hammerfield Avenue, Aberdeen AB10 7FE.

I note that the proposed driveway is at a junction of a minor access road. The Roads Authority do not allow for a driveway to be installed in this situation because of road safety concerns regarding complex turning manoeuvres being undertaken close to a junction. However, the proposal is on a private road, and the roads authority cannot object to this proposal.

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RE: 211190/DPP - 128 Hammerfield Avenue

Hi Jemma,

Correct, Roads are not objecting to this proposal.

Please note that the existing footway crossing/garage that does not meet the current criteria will have been constructed before the council adopted the current criteria and do not set a precedent when assessing new applications.

Note that the existing garages for 153/155 Duthie Terrace are not located at a junction. As advised before, the complex manoeuvre will happen due to the narrowness of the lane, which will also reduce the visibility for vehicles while accessing and exiting the proposed access, which may cause a road safety issue.

Happy to discuss if you have any further questions.

Kind regards,

Nathan.

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Comments for Planning Application 211190/DPP

Application Summary

Application Number: 211190/DPP

Address: 128 Hammerfield Avenue Aberdeen AB10 7FE

Proposal: Alterations to boundary wall and formation of driveway to rear

Case Officer: Jemma Tasker

Customer Details

Name: Mr Grant Ballantyne

Address: 153 Duthie Terrace Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sirs,

I write to object to the application on the following grounds:

1). As documented in the supporting design statement, the current traffic volume is low, with one car per day nominally using the lane. Further to the proposed application, it would be anticipated that this would increase three fold, by two movements per days, an increase of 200%, with associated noise and commensurate pedestrian risk to adults and children, noting that the lane was originally and purely a pedestrian access, when formed as part of the original development of the area. The lane is primarily used by dog walkers and children, with additional vehicular traffic adding risk. Existing garages on Duthie Terrace are primarily used for storage with no associated vehicle movements.

2). I understand that the proprietor and applicant, does not have full and exclusive legal title of the wall (which is proposed for demolition) and the strip of land abutting the wall and the land. The proprietor does not have a legal right of access across the land, which forms a ransom strip from the wall to the private lane. The applicant is not legally entitled to utilise the ransom strip in order to take access to their property.

3). There is a subterranean telecoms cable underneath the proposed access located on the ransom strip which has been misrepresented on the associated documents. This appears to be owned by British Telecom or affiliates. Movement of vehicle weighing nominally 1.5 te to 2.0 te risks damaging the cable. The applicant has not explained how this will be addressed, with the proposed development being detrimental to this amenity.

4). The applicant does not have legal rights to perform vehicle movements over my land given that I own part of the private lane. The applicant does not have the legal right to remove bushes from the ransom strip.

5). Demolishing the granite rubble wall detracts from the historic amenity of the area and risks proliferation of further inappropriate development.

6). Additional vehicle movements will exacerbate the poor condition of the private lane. The supporting documents do not put forward any proposals in relation to the contribution or payment towards maintenance and repair costs of the private lane.

The proposed development is incompatible with the amenity of the area and imports risk to those, primarily pedestrians, who have a legal right to use the private lane. I object to said proposal.

Grant Ballantyne

Comments for Planning Application 211190/DPP

Application Summary

Application Number: 211190/DPP

Address: 128 Hammerfield Avenue Aberdeen AB10 7FE

Proposal: Alterations to boundary wall and formation of driveway to rear

Case Officer: Jemma Tasker

Customer Details

Name: Mr Sean Bonner

Address: 122 Hammerfield Avenue Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support this application and the scope of work enclosed.

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Comments for Planning Application 211190/DPP

Application Summary

Application Number: 211190/DPP

Address: 128 Hammerfield Avenue Aberdeen AB10 7FE

Proposal: Alterations to boundary wall and formation of driveway to rear

Case Officer: Jemma Tasker

Customer Details

Name: Mrs Maureen McKay

Address: 286 Broomhill Road Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to the alterations of the boundary wall and formation of a driveway to the rear of 128 Hammerfield Avenue on the grounds that it is too close to my garage and garden wall and am concerned that damage may occur if this work is carried out.

If planning permission is given I will hold the owner of 128 Hammerfield Avenue responsible for compensation for any damage done to said garage and garden wall.

I also object to the use of the narrow lane leading to Duthie Terrace by a resident living in Hammerfield Avenue given that said lane is maintained by residents in Duthie Terrace and also from me at 286 Broomhill Road.

I would also point out that cables from the telegraph pole situated outside my garage are only a few centimetres below ground and having a car cross on a daily basis will inevitably cause damage to residents whose lines are connected to the telegraph pole.

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Comments for Planning Application 211190/DPP

Application Summary

Application Number: 211190/DPP

Address: 128 Hammerfield Avenue Aberdeen AB10 7FE

Proposal: Alterations to boundary wall and formation of driveway to rear

Case Officer: Jemma Tasker

Customer Details

Name: Mr David Polson

Address: 151 Duthie Terrace Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The rear lane in question is part of the legal title of the terraced properties of Duthie Terrace and at least one property on Broomhill Road. When we purchased the property there was only a pathway, ie no vehicle access down the lane was possible. We built a garage and as such opened up access for vehicles. Myself and neighbours look after the ransom strip and private lane areas. The boundary wall in the lane is the legal boundary between our property and those properties on Hammerfield Avenue. Therefore the plan in question to remove a wall which is not fully in the applicants legal title should not be permitted.

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Comments for Planning Application 211190/DPP

Application Summary

Application Number: 211190/DPP

Address: 128 Hammerfield Avenue Aberdeen AB10 7FE

Proposal: Alterations to boundary wall and formation of driveway to rear

Case Officer: Jemma Tasker

Customer Details

Name: Mr Chris Rettie

Address: 120 Hammerfield Avenue Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support this application for the reasons given in the application, primarily the issues with parking on Hammerfield Avenue due to the volume of vehicles. The creation of additional off street parking will make parking on the street easier for all neighbouring residents on Hammerfield Avenue, some of whom are less able or have small children, and would benefit from being able to park closer to their properties.

I also support this application on the basis that there are already a number of properties on both the Hammerfield Avenue and Duthie Terrace sides of the lane that benefit from garage / driveway access from the rear lane. This sets a precedent to allow others residents such access to the rear of their properties and it would be unreasonable to not allow others the same access privileges.

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The following additional representation has been made from an objector:

1). During hours of darkness, particularly noting restricted daylight hours during Greenwich Mean Time, the mirror cited within the appeal statement will not function. This leaves pedestrians, particularly dog walkers who frequent the lane in hours of darkness at additional risk.

2). The corner is immediately blind from both approaches. Users of the proposed driveway approaching the corner will have to navigate the corner and can not use the mirror as stated in the appeal statement. Their immediate visual attention will be to navigate the corner and not look at the mirror. This imports risks to existing users of the lane.

It should be noted that only one out of the three garages in the vicinity of the applicant are used to house motor cars, with regular vehicle movements. Additional regular vehicle movements at a second site disproportionately increases risk to existing lane users. Furthermore there is no guarantee that the applicant will reserve park as stated in the appeal notice nor will future owners of the property.

The lane users have a right to use the lane given that it is a right of way between Hammerfield Road and Duthie Terrace. A good number of users also have servitude rights to use the lane for vehicular and pedestrian purposes due to a servitude right having been set up in their favour by prescription over the required 20 year period. If the use was allowed, this would increase the risk of these parties in exercising their legal rights. We would stress that these rights only benefit the part of the lane that has been used for pedestrian and vehicular access and do not benefit the areas of land on each side of the lane that are owned by the various proprietors under their title deeds.

The proposal increases risk to pedestrians and lane users, is inappropriate and is not supported.

Grant Ballantyne

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Aberdeen Local Development Plan (ALDP)

- Policy H1 – Residential Areas
- Policy D1 - Quality Placemaking by Design
- Policy D4 - Historic Environment
- Policy NE5 – Trees and Woodland
- Policy T3 – Sustainable and Active Travel

Supplementary Guidance

Trees and Woodland

[6.2.PolicySG.TreesWoodlands.pdf \(aberdeencity.gov.uk\)](https://www.aberdeencity.gov.uk/sites/default/files/6.2.PolicySG.TreesWoodlands.pdf)

Transport and Accessibility

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

Other Material Considerations

Proposed Aberdeen Local Development Plan (2020)

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

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100456448-002

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

Applicant or Agent Details

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

≤ Applicant T Agent

Agent Details

Please enter Agent details

Company/Organisation:	Davidson Smith Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Davidson Smith	Building Name:	
Last Name: *	Architects	Building Number:	12b
Telephone Number: *	01224 679551	Address 1 (Street): *	Carden Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB10 1UR
Email Address: *	chris@ davidson-smith.co.uk		

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

T 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="Russell"/>	Building Number:	<input type="text" value="128"/>
Last Name: *	<input type="text" value="MacPhee"/>	Address 1 (Street): *	<input type="text" value="Hammerfield Avenue"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB10 7FE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="128 HAMMERFIELD AVENUE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB10 7FE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="804240"/>	Easting	<input type="text" value="392293"/>
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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)

Opening formed in existing boundary wall to rear access lane to form new driveway.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer attached 'Appeal Statement'.

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

Yes No

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

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

Please refer attached 'Appeal Statement'.

Application Details

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

211190/DPP

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

17/08/2021

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

28/10/2021

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

A site visit is critical to understanding the site context and the arguments presented; that the proposal does not present any road safety issues.

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Davidson Smith Architects

Declaration Date: 11/11/2021

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Appeal Statement

Proposed Amendments to Existing Boundary Wall to Form New Driveway
128-130 Hammerfield Avenue, Aberdeen



We disagree with the statement that 'the proposed driveway would result in an unacceptable impact on road safety'. As was highlighted in the application design statement, the volume of vehicle traffic on the lane is very low. Vehicles approaching from the Duthie Terrace direction of the lane (west to east) would be able to see the proposed driveway directly in front of them from a distance of over 50m, and vice versa, any vehicle exiting from the application site - which will be in the forward direction - will have a clear view of any approaching vehicle from Duthie Terrace over the same distance. Therefore we do not believe there are any road safety concerns in this scenario. In regards to vehicles approaching from the north end of the lane, the application site is located on a corner of the lane, meaning any approaching vehicles currently have to slow down to circa 5-10MPH simply in order to be able to turn the corner. Any vehicle exiting the application site – again, which will be in the forward direction - will have use of a mirror mounted on a pole in order to see any vehicles or pedestrians approaching from the north before exiting the site. Although not a recommended method, we believe its inclusion to be of benefit. However, even if the mirror were not included, or a driver failed to spot an oncoming vehicle or pedestrian when using the mirror, as mentioned above, any approaching vehicle would be travelling at very slow speed as it approached the corner, therefore greatly limiting the likelihood of an accident. Moreover, this is arguably a safer scenario than all the existing garages currently located elsewhere on the lane where exiting vehicles do not have the advantage of using a mirror, and that passing vehicles are likely to be travelling at greater speed than would be at this application site. Furthermore, the lane is over 6m in width, with a generous 'triangular-shaped' area directly in front of the proposed driveway, into which passing vehicles do not enter in order for them to be able to turn the corner (see photographs below where vehicle tracks are clearly visible). As such, with or without the use of a mirror, any vehicle exiting the site would be able to safely position the front end of their vehicle within this 'triangular-shaped' area and get a good view up the lane, without the risk of collision with any vehicles which were already turning the corner. Refer photograph 4 below and the attached drawing 035.PD.003.

In conclusion, we do not believe the proposal has an unacceptable impact on road safety.

Furthermore, it should be noted that the applicant wishes to purchase an electric vehicle, for which the city council strive to encourage. Installing the vehicle charging infrastructure is far more achievable at the proposed driveway, whereas the process and costs involved of doing so on Hammerfield Avenue is likely to result in the applicant not purchasing an electric vehicle.



Photograph 1 – View looking north-east along lane towards property



Photograph 2 – View looking south-east to corner of lane



Photograph 3 – View looking north-west up the lane



Photograph 4 – 'Triangular-shaped' area where passing vehicles do not enter.

LOCAL REVIEW BODY



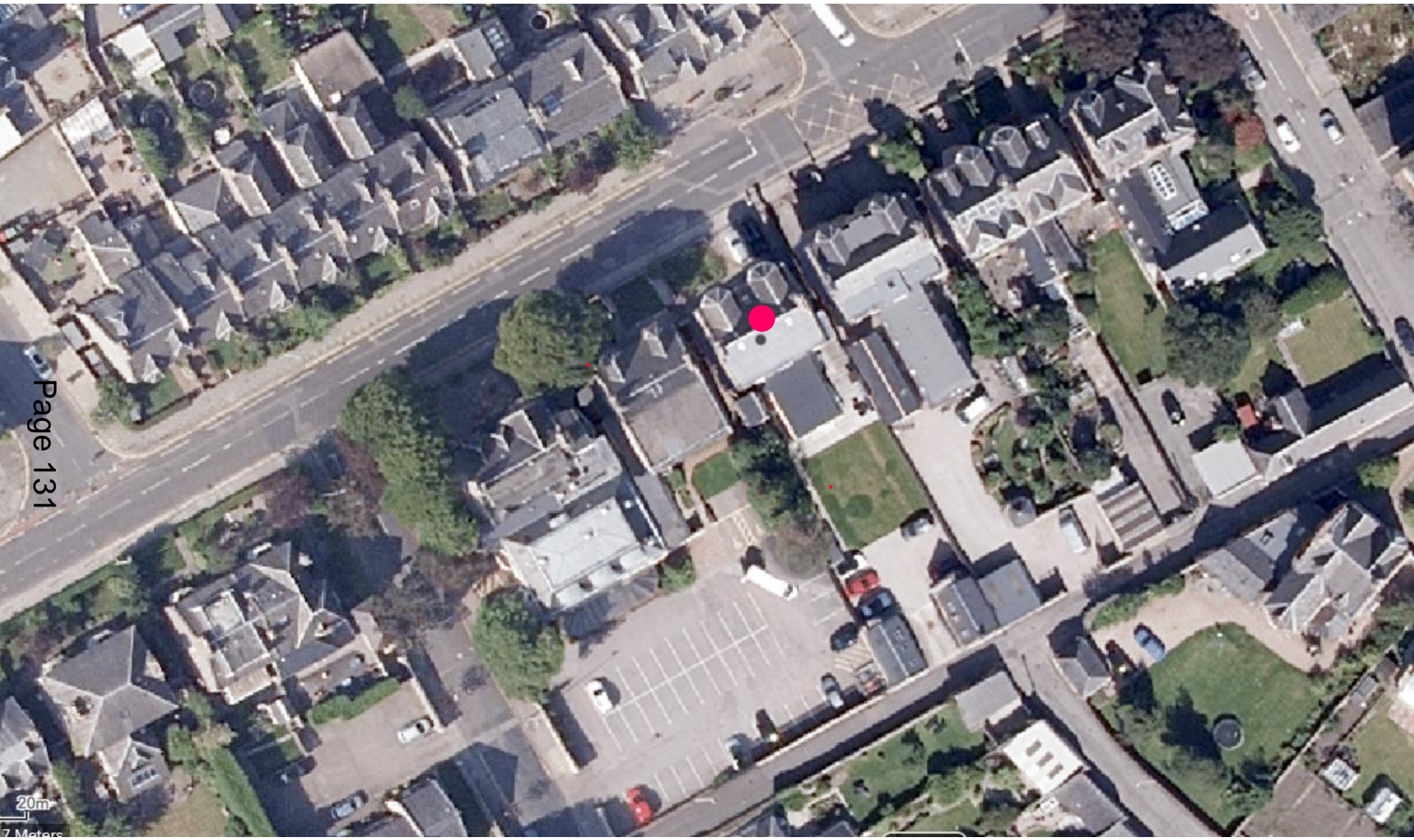
210799/DPP– Review against refusal of planning permission for:

Formation of driveway to front with associated landscaping
(partially retrospective)

341 Great Western Road, Aberdeen

Location Plan





Photograph as existing

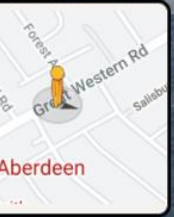
44 Great Western Rd
Aberdeen, Scotland

Google

Street View - Nov 2021



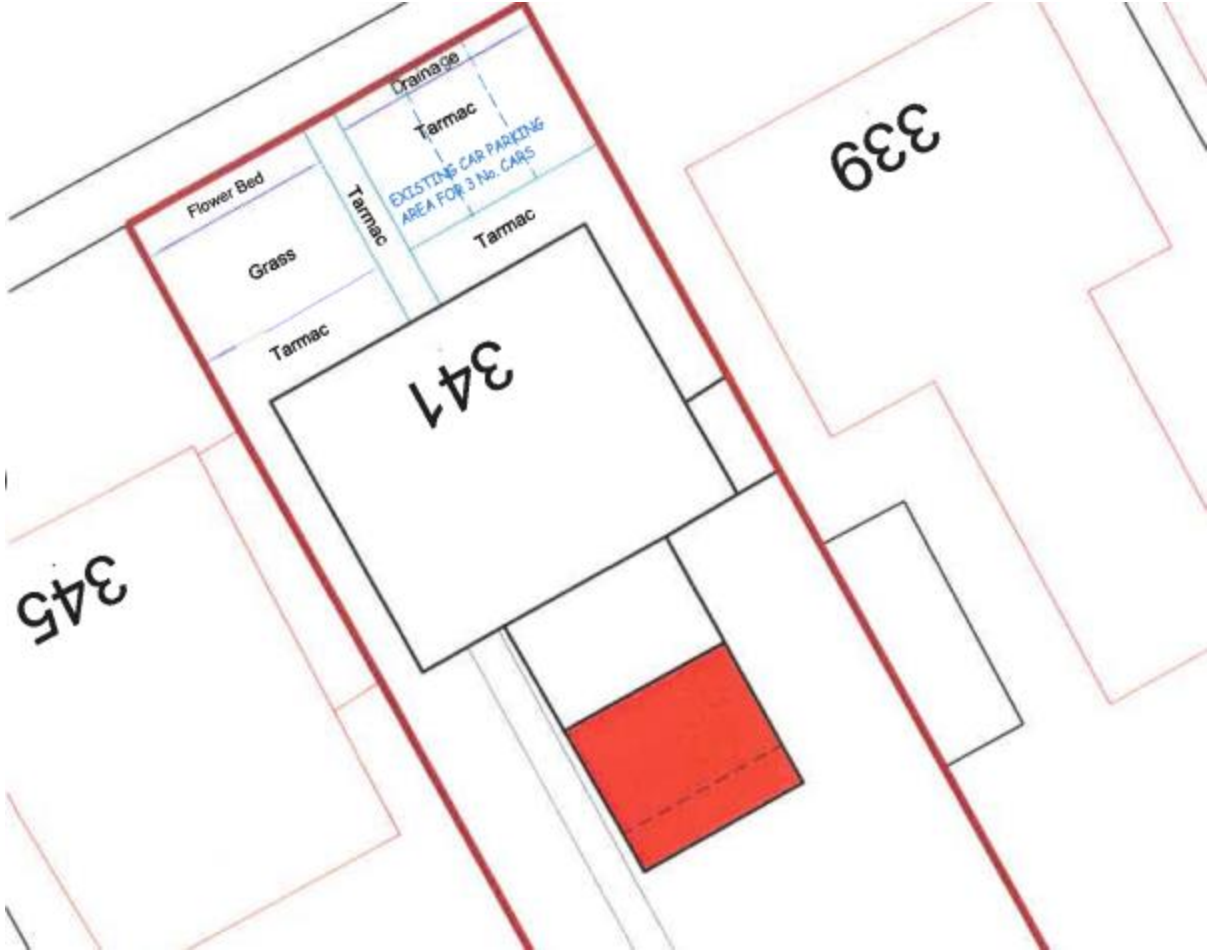
Page 132



Google

Imagery captured Nov 2021 © 2021 Google United Kingdom

Proposed site plan



Reasons for Decision

Stated in full in decision notice. Key points:

- Tarmac is not an acceptable finishing material in the conservation area, being detrimental to its character and appearance.
- Fails to accord with the statutory duty to have regard to the preservation and enhancement of the character and appearance of the Conservation Area and would conflict with Policies D1 – Quality Placemaking by Design, D4 – Historic Environment of the Aberdeen Local Development Plan 2017 and the Transport and Accessibility Supplementary Guidance.
- Also contrary to Scottish Planning Policy and Historic Environment Policy for Scotland, as well as the Managing Change Guidance: Settings and the Great Western Road Conservation Area.

Applicant's Case

- Other properties within the same CA have completed tarmac covered frontages area with no landscaping or drainage.
- Compromise of applicant in proposing to reinstate the landscaped area, has not been taken into account.
- Were advised that a pathway must be incorporated between the front door and pavement, however, the reason for this was not explained and it would reduce parking.
- Work was carried out due to unsafe nature of the former concrete and gravel areas.

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

D4: Historic Environment

- ACC will '*protect, preserve and enhance*' the historic environment, in line with national and local policy and guidance
- High quality design that respects the character, appearance and setting of the historic environment, and protects the special architectural and historic interest of its LBs and CAs will be supported

SG: Transport and Accessibility

- The following are the planning criteria for assessing applications for parking in front gardens of listed buildings or buildings in conservation areas. Similar criteria apply to front gardens of flats. ☑ No more than 35% of the front garden area may be given over for parking, or 50% if footpaths and other hard surfaced areas are included. At least 50% of the garden area should be left in topsoil to permit soft landscaping
- Suitable landscaping should be provided to screen both parking and turning areas and generally to soften the intrusive effect of cars parked in front of the property. Please refer to Supplementary Guidance: Landscape for further information.
- The design of any turning area should be such that it can be used only for turning and not as additional parking area.
- The formation of the access driveway or parking area must not result in the loss of any street trees, significant garden trees or trees with a Tree Protection Order (TPO).
- Consent will not be granted where the property has a rear garden area, suitable for parking, which is accessible from a rear lane or side street.
- Where the garden is owned by more than one resident, owners will not be permitted a separate driveway and parking area each unless they can be achieved without fragmenting the garden or unduly reducing on-street parking. A communal driveway and parking area may be permissible provided they occupy no more than 35% of the front garden, or 50% if footpaths and other hard surfaced areas are included.

Scottish Planning Policy (SPP)

- Proposals in CAs should preserve or enhance the character and appearance of the CA. Proposals that do not harm the character or appearance should be treated as preserving it.

Historic Environment Policy for Scotland (HEPS)

HEP1

Decisions affecting any part of the historic environment should be informed by an inclusive understanding of its breadth and cultural significance.

HEP2

Decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations.

HEP3

Plans, programmes, policies and strategies, and the allocation of resources, should be approached in a way that protects and promotes the historic environment.

If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

HEP4

Changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate.

If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

HEP5

Decisions affecting the historic environment should contribute to the sustainable development of communities and places.

HEP6

Decisions affecting the historic environment should be informed by an inclusive understanding of the potential consequences for people and communities. Decision-making processes should be collaborative, open, transparent and easy to understand.

HES – Managing Change: Setting

- cumulative impacts: individual developments may not cause significant impacts on their own, but may do so when they are combine



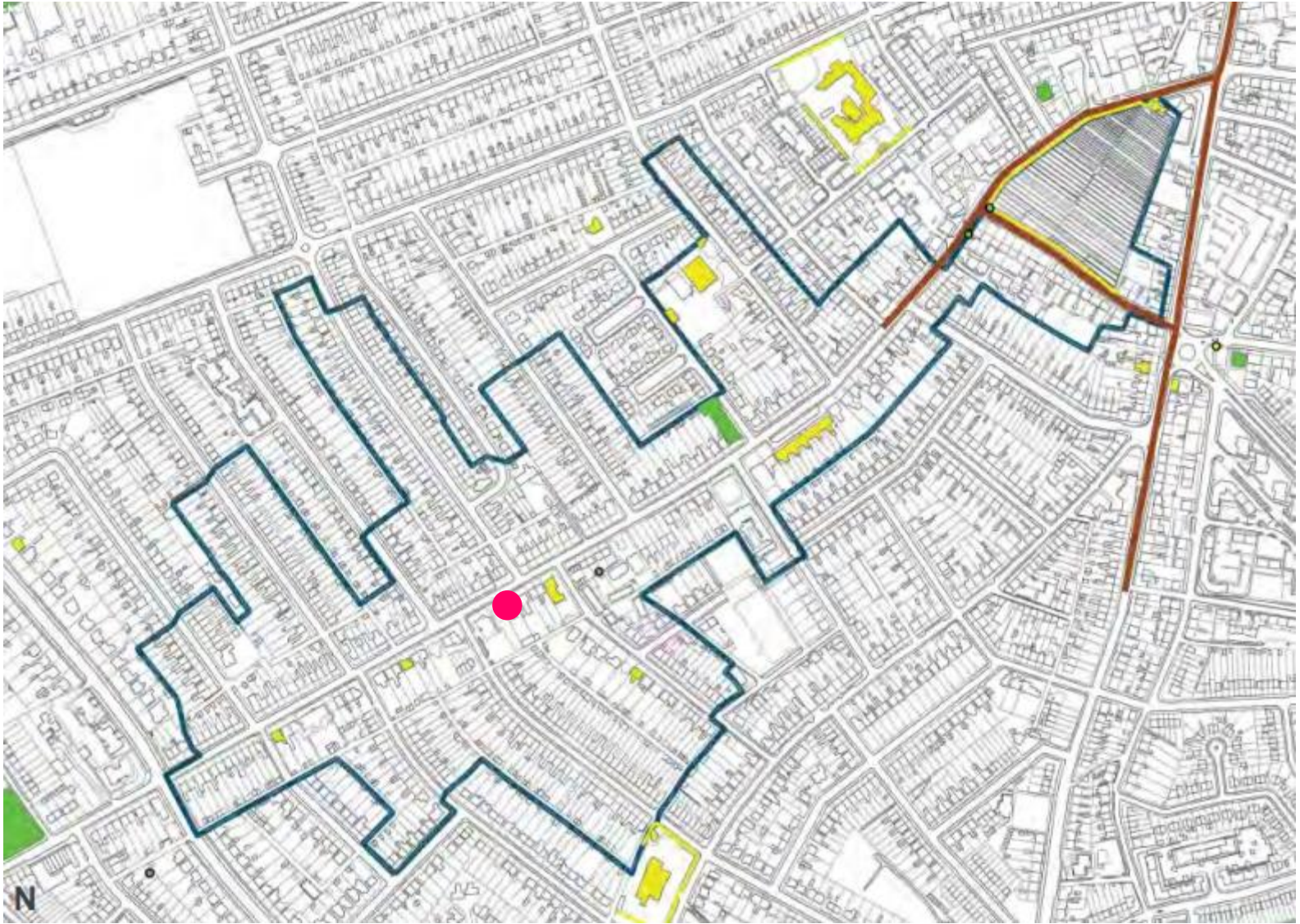
Aberdeen City Conservation Area Character Appraisals and Management Plan

Great Western Road

To be read in conjunction with Section 1: Strategic Overview and Section 2: Management Plan

July 2013

Ferryhill CA Character Appraisal



Ferryhill CA Character Appraisal

A3.1 Setting

The eastern entrance to the Great Western Road Conservation area is strongly influenced by the high wall of Nellfield Cemetery. Once past Ashley Road the street offers long views to Anderson Drive and beyond. There are a number of trees and front garden that contribute positively to these views, with the houses being set back from the road.

A3.2.5 Negative factors/issues

Unfortunately there are a number of negative factors within this character area mainly as a result of poor maintenance or use of inappropriate materials such as:

- A number of uPVC windows some of poor quality and design;
- Poor quality newer development, where consideration has not been given to high quality material;
- Replacement railings of a pastiche design and not in accordance what would have originally been there;
- Gutter and downpipes in a poor state of repair, particularly on flatted properties;
- Front garden parking detracting from the character of the area and
- Burglar alarms have a very negative impact on the front elevation of properties.

Points for Consideration:

Historic Environment: Do members consider that the proposed works preserve or enhance the character and amenity of the Conservation Area, as required by SPP, HESPS and policy D4 of the ALDP?

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


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

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

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

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 <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:	341 Great Western Road, Aberdeen, AB10 6NW
Application Description:	Formation of driveway to front with associated landscaping (partially retrospective)
Application Ref:	210799/DPP
Application Type:	Detailed Planning Permission
Application Date:	18 June 2021
Applicant:	Process Safety Solutions Limited
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Ashley and Broomhill
Case Officer:	Aoife Murphy

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The site comprises a one and a half storey detached property along with its front and rear curtilage on the southern side of Great Western Road. The property has been used as an office since 2012. The area to the front of the site, to which this application specifically relates, which is used for parking has been recently resurfaced resulting in the loss of a small garden area. Access to the site is gained directly from Great Western Road and via the lane to the rear of the site. The site falls within the Great Western Road Conservation Area.

Relevant Planning History

130323 – Detailed Planning Permission for construction of 2 external metal stairs and new access doors, alterations to the rooflights, replacement windows and timber linings to frontage of one building. – Approved 7 May 2013.

121397 - Detailed Planning Permission for demolition of rear sunroom and construction of new 2 storey rear extension – Approved 11 January 2013.

120221 - Detailed Planning Permission for a change of use from Bed and Breakfast to Class 4 Office with car-parking to the rear – Approved 12 April 2012.

APPLICATION DESCRIPTION

Description of Proposal

Permission is sought for the formation of driveway to front with associated landscaping. Some works are retrospective, in that the driveway had already been formed and the front curtilage completely resurfaced with the garden area to the west of the site lost.

With regards to the parking within the front curtilage existing plans submitted with this application show parking spaces previously existing within the front curtilage. Plans with previous applications, references noted above, also show that parking previously existed and using Google Street View, the Planning Service can see that parking has been available within this front curtilage since 2009 at the earliest. While the parking area has been in place for what appears to be in excess of 10 years, the applicant can seek to rectify the situation through retrospective planning application, as is the case here, although it is noted that this would be exempt from any enforcement action being taken.

With regards to the resurfacing of the driveway, which was carried out without planning permission, the applicant was made aware that the full extent of the works would not be acceptable, therefore, the applicant is seeking to rectify the existing situation by reintroducing an area of garden ground.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QU4MTKBZKEH00>

CONSULTATIONS

Roads Development Management – has advised that they have no concerns regarding the access or parking but does have concerns regarding the use of tarmac and the impact that this may have on drainage. Upon receipt of further information in respect to an existing drainage channel, the Roads Service is satisfied with the proposal and have no further comments to make.

Ashley and Broomhill Community Council – no comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

Historic Environment Policy for Scotland (HEPS)

Aberdeen Local Development Plan (2017)

Policy H1 - Residential Areas

Policy D1 - Quality Placemaking by Design

Policy D4 - Historic Environment

Policy T2 - Managing the Transport Impact of Development

Policy NE6 - Flooding, Drainage and Water Quality

Supplementary Guidance

Transport and Accessibility

Proposed Aberdeen Local Development Plan (2020)

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

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

The foregoing can only be assessed on a case by case basis. Policy H1 - Residential Areas, Policy D1 - Quality Placemaking, Policy D6 - Historic Environment, Policy T3 - Parking and Policy NE4 - Our Water Environment.

Other Material Considerations

Great Western Road Conservation Area Character Appraisal & Management Plan

Historic Environment Scotland - Managing Change in a Historic Environment: Setting

EVALUATION**Principle of Development**

The site is located within the residential area and as such requires to be assessed against Policy H1 - Residential Areas. H1 advises that proposals for non-residential uses will be refused unless they are considered complementary to residential use or it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

It is not considered that the works to the front curtilage of the site would have any impact on or conflict with the levels of current residential amenity and therefore the proposal is consistent with the aims of Policy H1.

Impact on Conservation Area

In order to fully assess the potential impact on the conservation area, the Planning Service will give consideration to Policy D1 - Quality Placemaking by Design and Policy D4 - Historic Environment. The Great Western Road Conservation Area Character Appraisal states that a weakness of the area is the loss of front gardens to parking and highlights parking provision as a threat to preserving its character. The Transport and Accessibility Supplementary Guidance advises that only in certain circumstances will parking in garden areas be allowed, none of which are applicable in this case. However, the guidance advises that in certain situations some

proposals will be considered on their own merits subject to certain conditions, such as 50% of the garden ground being retained as soft landscaping, being met. Furthermore, Historic Environment Scotland's guidance on setting states that "*Setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance*", additionally it must be considered when making decisions on planning applications.

While the neighbouring property has parking within the front curtilage, this has been in place for more than 30 years and is finished in an acceptable surface material and therefore it does not set a precedent for the works that have been carried out on this site. With the exception of that one example, there are no other driveways/parking areas in front gardens on Great Western Road within 200 metres of the application site. In general, and except for a small and localised clustering of frontage parking some 350 metres to the east along Great Western Road, is not the norm to have parking in front gardens and that is considered to be the established character of the area. Having reviewed the submitted plans and carried out a site visit, it is considered that the work that has already taken place to the front curtilage of this property is not appropriate or acceptable. This is not a form of development that the Planning Service would be inclined to support given that it would result in the complete loss of the garden area and impact on the surrounding conservation area, which would be contrary to Policy D1, D4 and the Transport and Accessibility Supplementary Guidance.

However, and as mentioned above, the Planning Service must take into account the fact that an area of parking, albeit substantially smaller than what currently exists, has been in place for more than 10 years and therefore is deemed to be authorised and exempt from enforcement action. Nevertheless, the works that have been recently carried out, which involves the loss and complete resurfacing of the front curtilage would require planning permission in their own right and are inappropriate. In response to this the applicant has agreed to the reintroduction of the garden area to the west of the curtilage to help soften the visual appearance of the recent works and once carried out would result in an appearance that is closer to what previously existed. However, even with this alteration, approximately 70% of the front curtilage will be lost, more than the 50% allowed by supplementary guidance. It is acknowledged that this was the situation up until earlier this year, albeit concrete paths were in place to provide definition between the gravel-surfaced parking and garden areas and across the front of the building, therefore lessening the visual impact.

However, in order to achieve a more acceptable situation than that proposed, the Planning Service requested amendments to the proposed plan, by seeking the reintroducing of a path between the parking and garden area, to be finished in a paving slabs or an alternative appropriate surface material. It is considered that this change would be a significant design improvement to the proposal and would introduce the definition between the parking and garden area that previously existed thus preserving the appearance of the property's frontage and the character of the conservation area that existed before the unauthorised works were carried out. While tarmac as a finishing surface material for driveways and front curtilages in conservation areas is not normally acceptable, in requesting the changes mentioned above, the Planning Service is willing to accept the use of tarmac in this location, but only on a restricted area, as the parking area would be highly visible from the public road. By restricting the tarred area to only that area previously covered by gravel would have only a limited impact on the conservation area. However, the more extensive use of tarmac (i.e. including the previously concreted paths) would be harmful to the appearance and character of the conservation area and thus is not acceptable. The applicant was not agreeable to this change to the proposal and has declined to make the necessary amendments to the proposed plans.

In light of the above it is now for the Planning Service to assess the potential impact the development, as proposed, has on the conservation area against material considerations. When

undertaking a site visit other parking areas were noted along Great Western Road. However, with the exception of the adjacent property, none of these are in the proximity of this site, the nearest one example being some 200 metres to the east, with next nearest being a further 150 metres to the east. Those driveways that do exist are typically finished in paving such as lock block, granite setts or in gravel, however, it is considered that these materials have less of an impact on and do not detract from the conservation area. While there were a small number of driveways that have been finished in tarmac, these tend to be more screened from public view due to the site's layout and existing landscaping, neither of which this site benefits from. It is noted and accepted that the proposal sees the reintroduction of a garden area and while this will help lessen the visual impact, it will not provide any screening of the site when viewed from Great Western Road, as landscaping does elsewhere along the public road. It is also accepted that as the tarmac has only been recently laid its appearance is quite harsh and it is inevitable that the colour will fade as the material ages. However, owing to the location of the area, directly off Great Western Road and within the Great Western Road Conservation Area, and the extensive use of tar, its fading is not deemed to be an acceptable justification especially given the time it would take for this to happen.

HES guidance on setting advises that the setting can incorporate a range of factors, including site context views, prominence, aesthetic qualities and character. Taking these factors into account it is considered that the proposal has a detrimental adverse impact on the setting of the conservation area due to the extensive use of tarmac. Furthermore, the character of the area is not preserved, protected or enhanced by what is proposed.

While the parking area is justifiable owing to the length of time it has been present, the extensive use of tarmac is not and while the Planning Service has made concessions by accepting the use of tarmac on a restricted area and has sought to improve the situation by seeking what are considered to be relatively minor amendments to what is proposed, no changes have been made. Furthermore, the applicant has not given an acceptable reason for not making the requested changes to the proposal, as such, there is no acceptable justification for the extensive use of the proposed material. The proposal is not consistent with the aims of either Policy D1 or D4 of the Aberdeen Local Development Plan. As such, it is considered that the proposed development has a detrimental impact on the character and setting of the conservation area, which is not consistent with national and local guidance and policies.

Access, Parking and Drainage

The Council's Roads Service noted that arrangements, such as the wall opening and drop kerb already exist on the site with the only difference noted by the Service being the use of tarmac as a finishing material. The concern with the use of tarmac over the use of an alternative material, such as gravel which was previously in place, is the drainage of surface water and the risk of water run off onto the adopted footway and road, which is not permitted. Policy NE6 advises that development should not increase the risk of flooding through the discharge of additional surface water. As such the Roads Service has requested a drainage channel along the boundary between the site and the adopted footpath. Further information on this aspect was submitted and the applicant advised that a drainage channel along the site boundary was installed when the area was resurfaced. This information satisfied any concerns the Roads or Planning Service had with regards to this aspect of the proposal. Additionally, the reinstatement of a garden area will also help with surface water drainage from the site. As such, the proposal is considered acceptable against Policy T2 - Managing the Transport Impact of Development and Policy NE6 - Flooding, Drainage and Water Quality.

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 unacceptable when considered against Policy D1 - Quality Placemaking by Design, Policy D4 - Historic Environment and the Transport and Accessibility Supplementary Guidance, in that the extensive use of tarmac is not an acceptable finishing material that would be supported within conservation areas. It is therefore considered that there would be an adverse impact on the character and appearance of the Great Western Road Conservation Area. As such the proposal fails to comply with the aforementioned policies of the Aberdeen Local Development Plan 2017, those within the Proposed Aberdeen Local Development Plan, as well as Historic Environment Policy for Scotland, Managing Change in a Historic Environment: Setting and the Great Western Road Conservation Area Character Appraisal.



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 100414551-001

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

Type of Application

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

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

Description of Proposal

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

Replace the gravel area and cracked concrete at the front of the property with Tarmac and to redevelop the landscape area to grass with a planted section.

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

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

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

Due to health & Safety the cracked concrete and gravel area need to be replaced. We were also unaware planning permission was needed to make changes to the garden/driveway.

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Process House"/>
First Name: *	<input type="text" value="David"/>	Building Number:	<input type="text" value="341"/>
Last Name: *	<input type="text" value="Green"/>	Address 1 (Street): *	<input type="text" value="Great Western Road"/>
Company/Organisation	<input type="text" value="Process Safety Solutions Limited"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="01224 586288"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB10 6NW"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="dmorris@pssuk.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="341 GREAT WESTERN ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB10 6NW"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="804875"/>	Easting	<input type="text" value="392429"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

Emails discussing the alterations which had been completed and what needed to be changed. Putting Gras area back in.

Title:

Mr

Other title:

First Name:

Gavin

Last Name:

Clark

Correspondence Reference Number:

ENF210034

Date (dd/mm/yyyy):

30/04/2021

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

Site Area

Please state the site area:

107.44

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Off street parking and garden area

Access and Parking

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

Yes No

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

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

Yes No

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

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

3

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

3

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

Water Supply and Drainage Arrangements

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

Yes No

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

Storage of the refuse/recycling bins are not part of the plan as these are stored at the side of the building and taken to the front when due for collection.

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mr David Green

On behalf of:

Date: 18/05/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr David Green

Declaration Date: 02/06/2021

Payment Details

Online payment: ABSP00006793
Payment date: 03/06/2021 13:37:00

Created: 03/06/2021 13:37

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Process Safety Solutions Limited
Mr David Green
Process House
341 Great Western Road
Aberdeen
AB10 6NW

With reference to your application validly received on 18 June 2021 for the following development:-

**Formation of driveway to front with associated landscaping (partially retrospective)
at 341 Great Western Road, Aberdeen**

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

<u>Drawing Number</u>	<u>Drawing Type</u>
	Location Plan
	Site Layout (Proposed)

REASON FOR DECISION

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

The proposal is considered unacceptable when considered against Policy D1 - Quality Placemaking by Design, Policy D4 - Historic Environment and the Transport and Accessibility Supplementary Guidance, in that the extensive use of tarmac is not an acceptable finishing material that would be supported within conservation areas. It is therefore considered that there would be an adverse impact on the character and appearance of the Great Western Road Conservation Area. As such the

proposal fails to comply with the aforementioned policies of the Aberdeen Local Development Plan 2017, those within the Proposed Aberdeen Local Development Plan, as well as Historic Environment Policy for Scotland, Managing Change in a Historic Environment: Setting and the Great Western Road Conservation Area Character Appraisal.

Date of Signing 2 September 2021



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

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

None.

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

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

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

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

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

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

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

Consultee Comments for Planning Application 210799/DPP

Application Summary

Application Number: 210799/DPP

Address: 341 Great Western Road Aberdeen AB10 6NW

Proposal: Formation of driveway to front with associated landscaping (partially retrospective)

Case Officer: Aoife Murphy

Consultee Details

Name: Mr scott lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: slynch@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note that this application is for the installation of a driveway to the front with associated landscaping (partially retrospective) at 341 Great Western Road. The site is located in the outer city, outwith any controlled parking zone.

The site already has parking facilities (dropped kerb, wall opening, etc.) the only difference is tarmac is proposed as opposed to gravel.

An updated site plan should be provided showing a channel drain along the boundary between the site at the adopted footway - the current gravel surfacing would be self-draining, whereas the proposals will result in surface water running onto the adopted road, which is not permitted.

Upon receipt of the amended drawings I will be better placed to provide a comprehensive Roads response.

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Aberdeen Local Development Plan (ALDP)

- Policy H1 – Residential Areas
- Policy D1 - Quality Placemaking by Design
- Policy D4 - Historic Environment
- Policy T2 – Managing the Transport Impact of Development
- Policy NE6 – Flooding, Drainage and Water Quality

Supplementary Guidance

Transport and Accessibility

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

Other Material Considerations

Scottish Planning Policy (2014)

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

Historic Environment Policy for Scotland (HEPS)

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

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>

Managing Change in the Historic Environment:

Setting

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

Great Western Road Conservation Area Character Appraisal

<https://www.aberdeencity.gov.uk/sites/default/files/2020-01/2013-ConservationAppraisal-GreatWesternRoad.pdf>

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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 100475055-001

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

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Process House
First Name: *	David	Building Number:	341
Last Name: *	Green	Address 1 (Street): *	341 Great Western Road
Company/Organisation	Process Safety Solutions Ltd	Address 2:	
Telephone Number: *	01224586288	Town/City: *	Aberdeen
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB10 6NW
Fax Number:			
Email Address: *	dmorris@pssuk.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

341 GREAT WESTERN ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 6NW

Please identify/describe the location of the site or sites

Northing

804875

Easting

392429

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)

To replace cracked concrete and gravel area with Tarmac and redevelop the landscape area

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see attached Supporting Document.

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

Yes No

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

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

Statement of Reason, Supporting Picture - WestEnd Dental, Supporting Picture - 197 Great Western Road

Application Details

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

210799/DPP

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

18/06/2021

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

02/09/2021

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

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 David Green

Declaration Date: 19/11/2021

18th November 2021

To whom it may concern,

PSS Ltd would like to appeal the decision to refuse the planning permission (partially retrospective) for the, Formation of driveway to front with associated landscaping at 341 Great Western Road, Aberdeen, due to the following reasons;

- There are other properties both commercial and residential within the same conservation area and on the same road which have complete tarmacked frontage with no landscaping or drainage in place. See attached photographs.
- PSS have made every effort to come to a compromise in returning the landscaped area to the same size and similar format as before. We do not feel this was taken into adequate consideration.
- PSS were informed there had to be a pathway from the pavement to the door however no reason was given for this when requested. Since the tarmac is now in place we do not understand why a defined pathway needs to be in place. This area has permission for three parking spaces and by implementing a pathway the parking area would be reduced.
- The changes were made due to the fact the concrete and gravel area was cracked and uneven and becoming hazardous to both the public and members of staff.

PSS Ltd believe that the alterations which have been completed have improved both the drainage and aesthetics of the frontage and have contributed to the safety of the public by reducing debris on the public footpath from the old gravel area.

Sincerely,



David Green
Managing Director

Engineering Support Consultancy Software

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