

# Public Document Pack



To: Councillor Henrickson, Chairperson; and Councillors Thomson and van Sweeden.

Town House,  
ABERDEEN 14 July 2022

## **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Virtual - Remote Meeting** on **WEDNESDAY, 20 JULY 2022 at 10.00 am.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

### **B U S I N E S S**

- 1.1 Procedure Notice (Pages 5 - 6)

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

Link to the [Local Development Plan](#)

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

### **PLANNING ADVISER - LUCY GREENE**

- 2.1 **North Steading South Linn, Linn Moor Road, Peterculter - Subdivision of Existing Detached Steading to Form Two Dwellings and Formation of Parking Courtyard - 210771** (Pages 7 - 22)

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 210771

- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 23 - 64)
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 65 - 66)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 67 - 72)
- 2.5 Determination - Reasons for Decision  
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer
- 3.1 **55 Argyll Place - Erection of 1.5 Storey and Single Storey Extensions and Installation of Rooflights to Rear - 220221** (Pages 73 - 90)  
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 220221
- 3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 91 - 112)
- 3.3 Planning Policies Referred to in Documents Submitted (Pages 113 - 114)
- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 115 - 128)
- 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
- 4.1 **9A Overton Crescent, Dyce - Erection of 2 Storey Extension to Front/Side - 220422** (Pages 129 - 144)  
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 220422

- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 145 - 160)
- 4.3 Planning Policies Referred to in Documents Submitted (Pages 161 - 162)
- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 163 - 170)
- 4.5 Determination - Reasons for Decision  
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 4.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

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

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## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

### PROCEDURE NOTE

#### GENERAL

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

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

#### DETERMINATION OF REVIEW

9. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
10. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-  
 “where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
11. In coming to a decision on the review before them, the LRB will require:-
  - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
  - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
  - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
12. In determining the review, the LRB will:-
  - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
  - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions.**
13. The LRB will give clear reasons for its decision. The Committee clerk will confirm these reasons with the LRB, at the end of each case, in recognition that these will require to be intimated and publicised in full accordance with the regulations.

# Local Review Body (LRB)

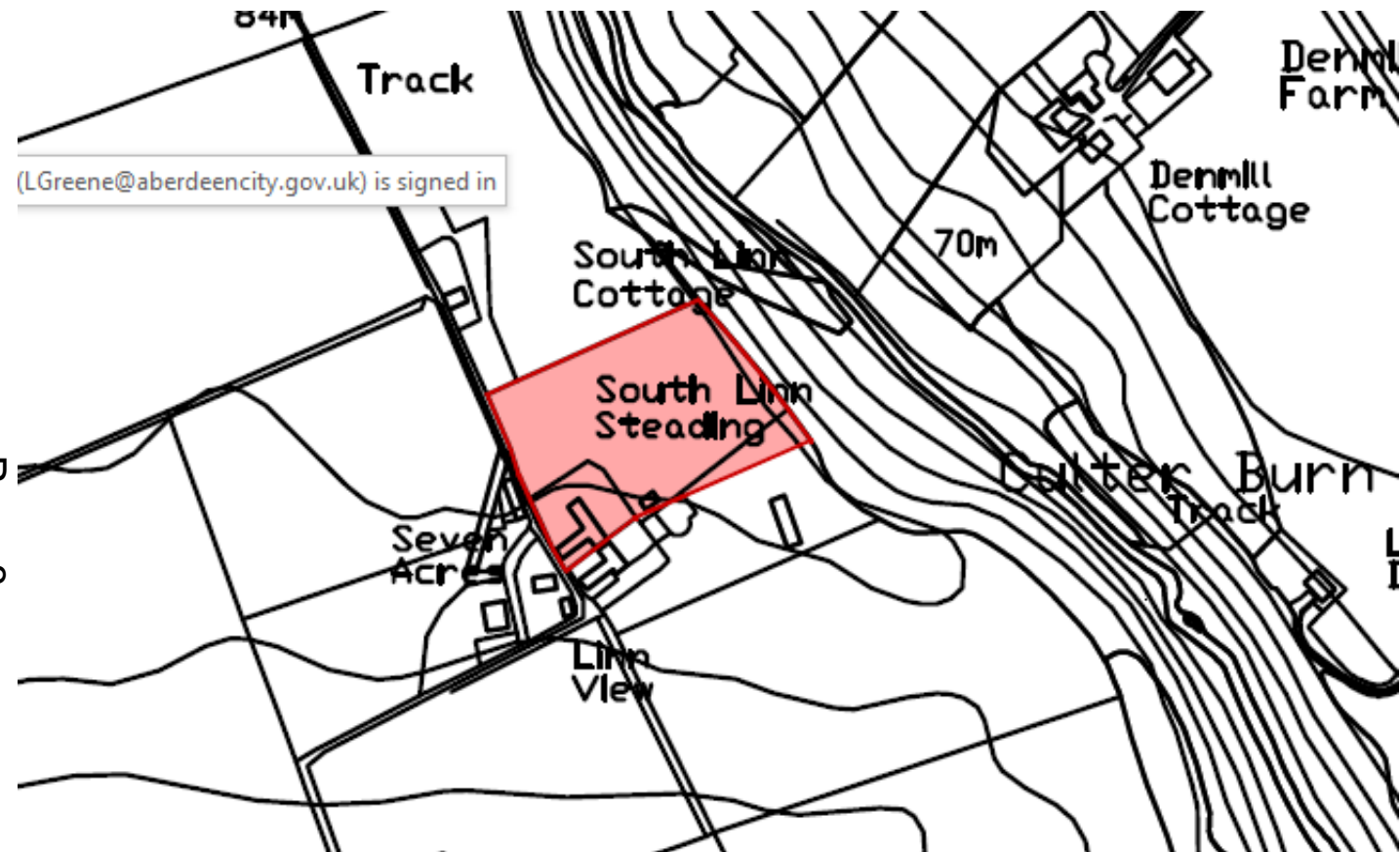
## 20 July 2022

**210771/DPP - North Steading, South Linn, Linn Moor Road,  
Peterculter**  
**Subdivision of existing detached steading to form two dwellings  
and formation of parking courtyard**

Lucy Greene, Planning Advisor



# Location Plan





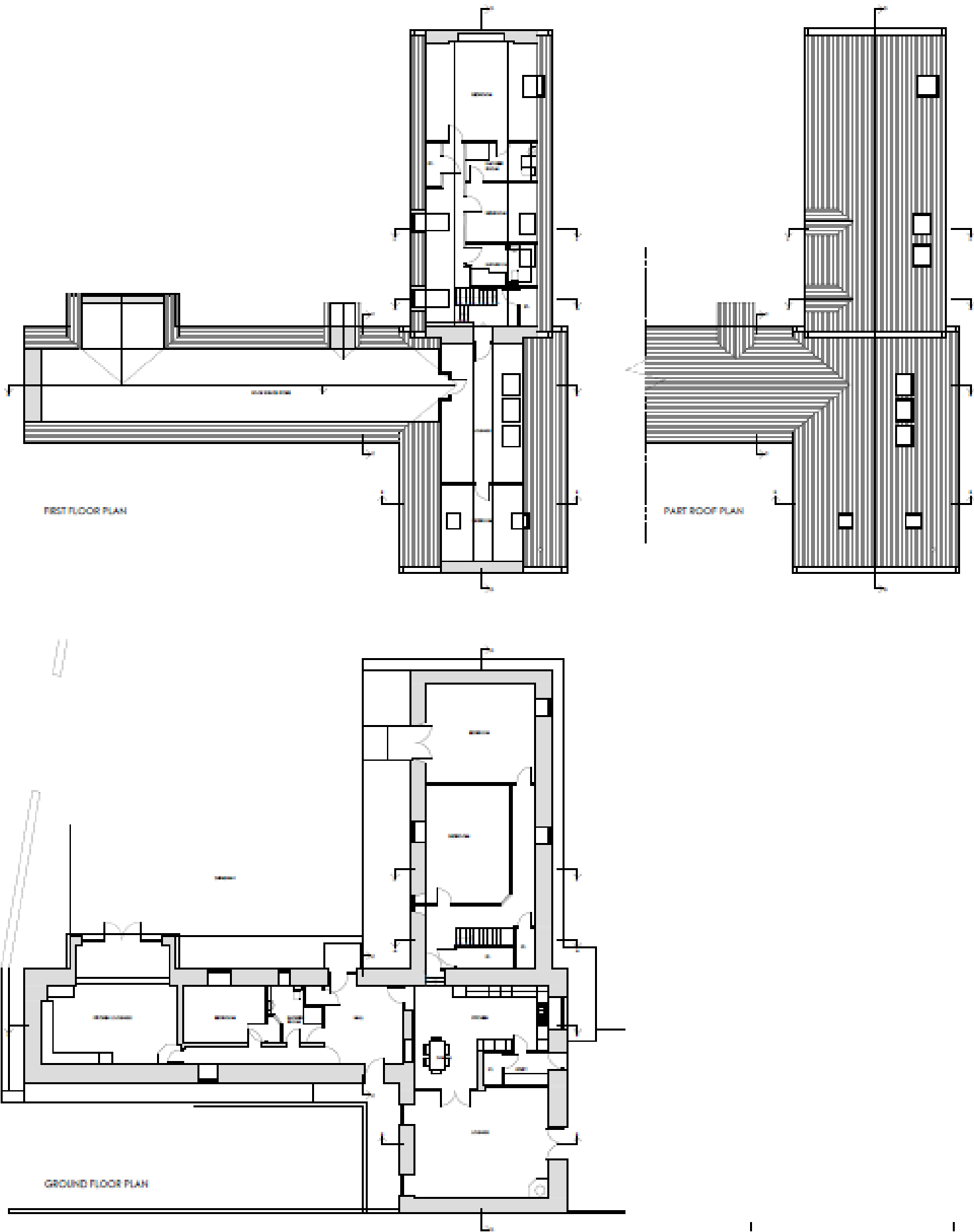
# Google 3D 2022



# Plan as Proposed

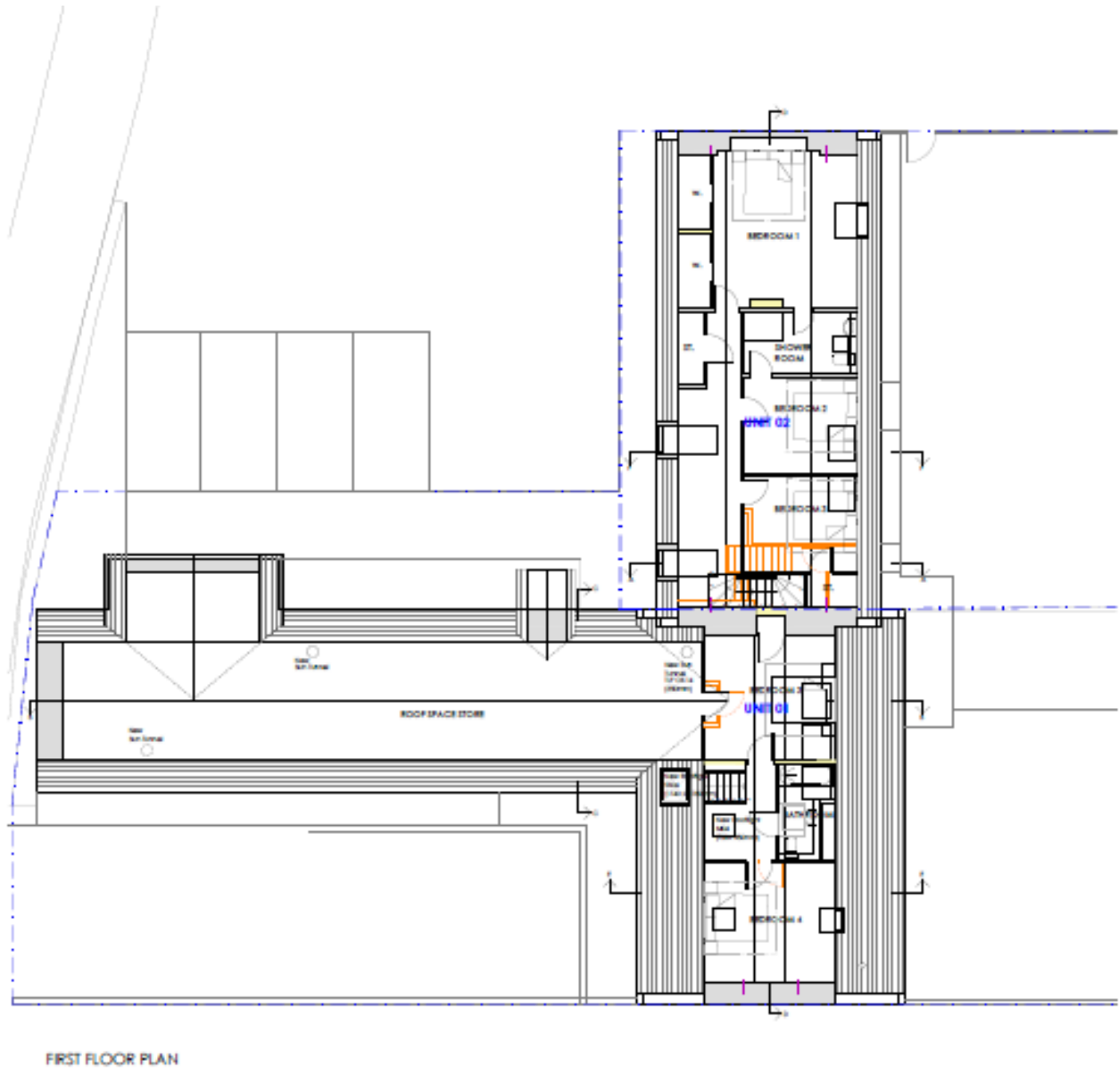
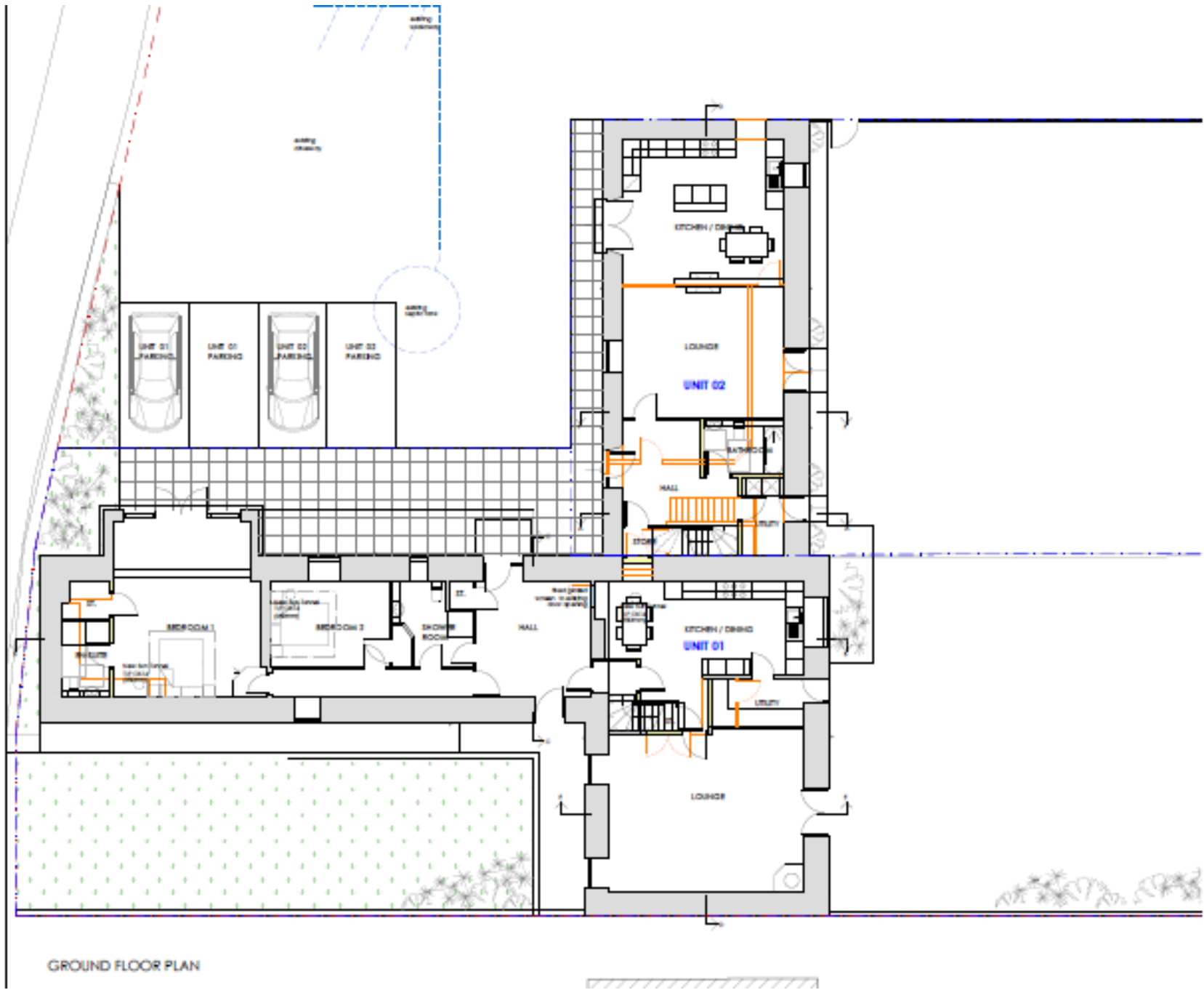


# Existing Floor Plans



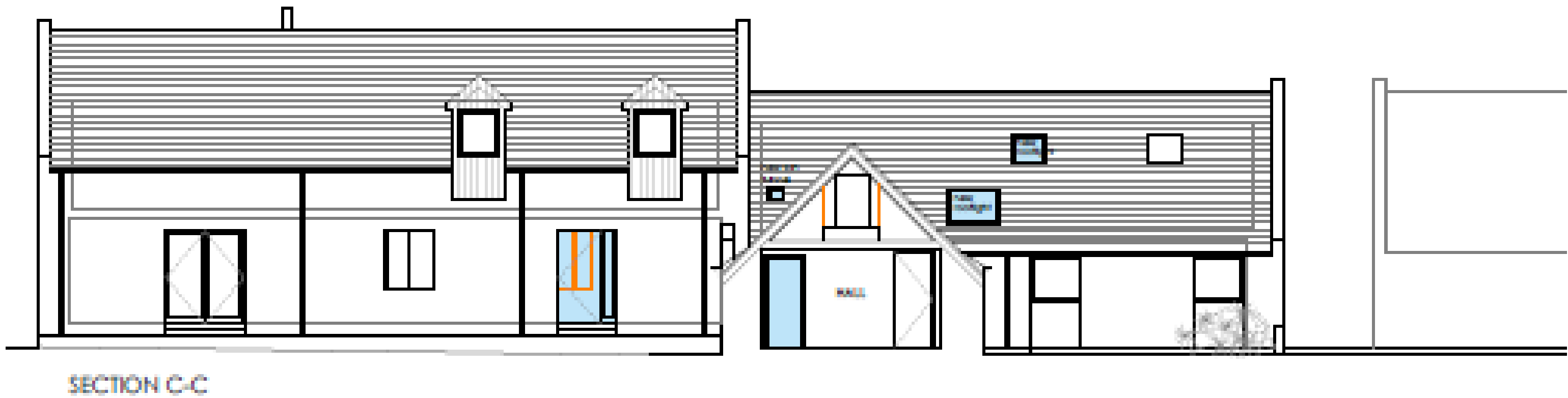


# Proposed Ground Floor Plan

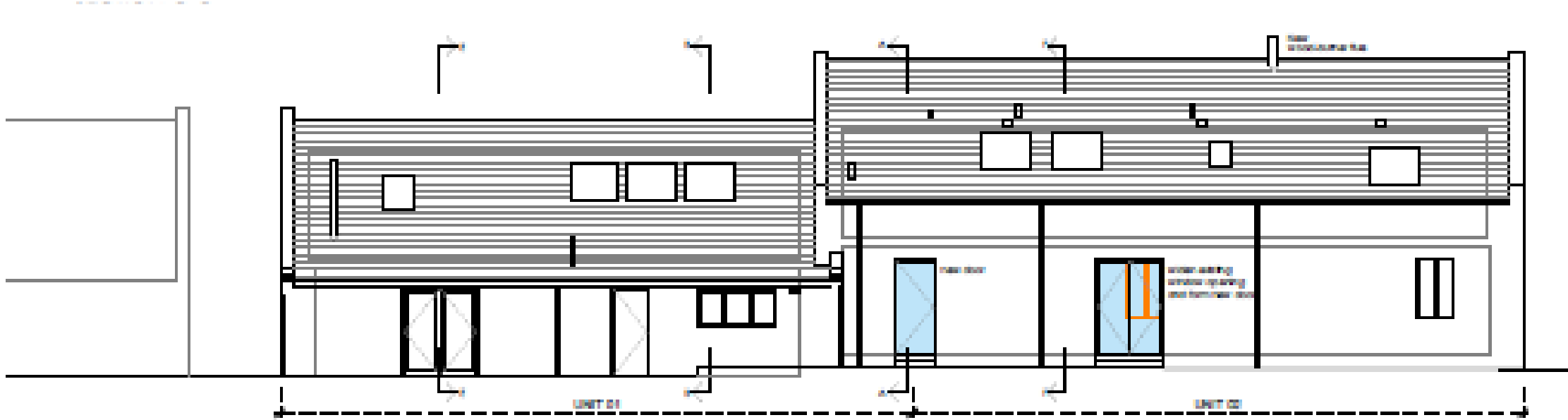




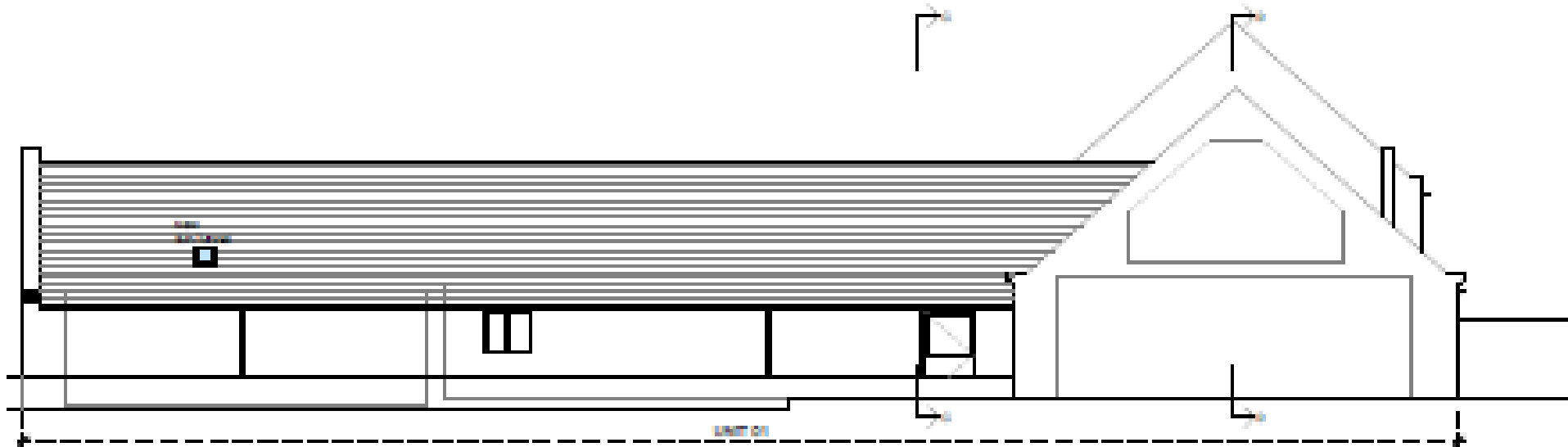
# Proposed Elevation (south west)



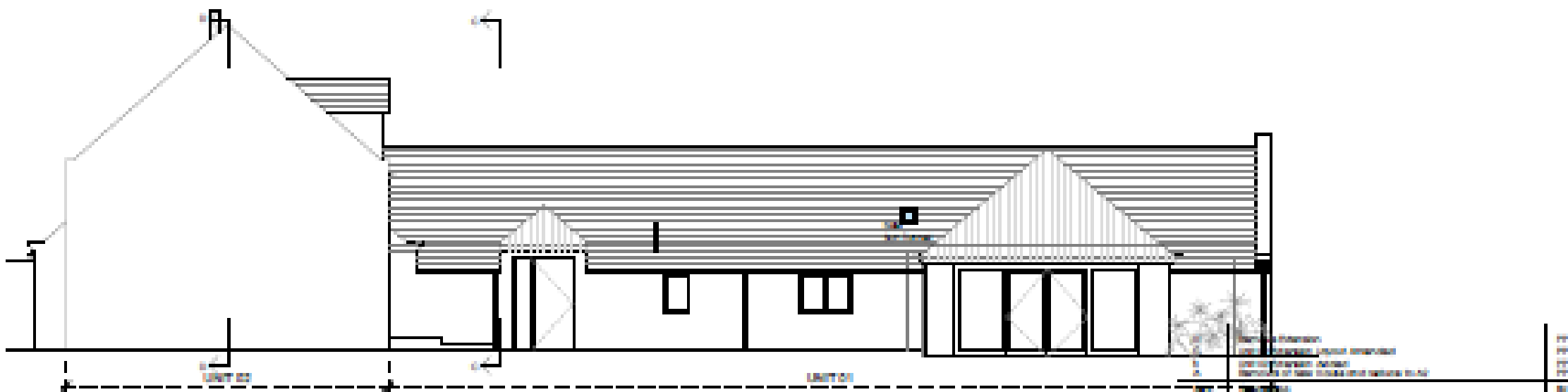
# Proposed Elevation



NORTH EAST ELEVATION



SOUTH EAST ELEVATION - UNIT 01



NORTH WEST ELEVATION - UNITS 01 & 02

# Reasons for Refusal

That the proposal would see the provision of an additional residential unit within the Green Belt, the principle of which does not fall within any of the specified types of acceptable development, nor does it fails meet any of the exceptions set out in Policy NE2 Green Belt of the Aberdeen Local Development Plan 2017. The proposal is therefore contrary to Policy NE2 (Green Belt) of the Aberdeen Local Development Plan. For similar reasons, the proposal would also be contrary to Policy NE1 (Green Belt) of the Proposed Aberdeen Local Development Plan 2020. There are no material planning considerations that would warrant the approval of planning permission in this instance.

# Applicant's Case

- Property has two living rooms and six double bedrooms
- Proposal is to split into two units with minimal external alterations, resulting in two 3 bed properties of more standard size
- Properties will house fewer people
- Does not harm character of Green Belt nor contravene policy

## NE2: Green Belt

The following exceptions apply to this policy:

- 1 Proposals for development associated with existing activities in the green belt will be permitted but only if **all** of the following criteria are met:
  - a) The development is within the boundary of the existing activity;
  - b) The development is small-scale;
  - c) The intensity of activity is not significantly increased; and
  - d) Any proposed built construction is ancillary to what exists.

- 3 Buildings in the Green Belt which have a historic or architectural interest, or a valuable traditional character, will be permitted to undergo an appropriate change of use which makes a worthwhile contribution to the visual character of the Green Belt. Please see relevant Supplementary Guidance for detailed requirements.

All proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials. All developments in the Green Belt should have regard to other policies of the Local Development Plan in respect of landscape, trees and woodlands, natural heritage and pipelines and control of major accident hazards.

# Policies – LDP 2017

- H1 – Residential Areas
- D1 - Quality Placemaking by Design
- D5 – Our Granite Heritage
- I1: Infrastructure Delivery & Planning Obligations
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- NE2: Green Belt
- NE8: Natural Heritage
- R6: Waste Management Requirements for New Development
- CI1: Digital Infrastructure
- B6: Pipelines etc

# 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

# Evaluation

- Primacy of Development Plan
- The Planning Act requires all applications to be determined in accordance with Development Plan unless material considerations indicate otherwise
- Careful assessment, each application treated on its merits



# Basis for Decision

Zoning: Do members consider that the proposed development would comply with Policy NE2: Green Belt

How would it affect the character and amenity of the area as set out in policy H1 and the relevant supplementary guidance?

**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

# Thank you Questions ?

Lucy Greene (Planning Advisor): [lgreene@aberdeencity.gov.uk](mailto:lgreene@aberdeencity.gov.uk)



## Strategic Place Planning

### Report of Handling

<b>Site Address:</b>	North Steading, South Linn, Linn Moor Road, Aberdeen, Peterculter, AB14 0PD
<b>Application Description:</b>	Subdivision of existing detached steading to form two dwellings and formation of parking courtyard
<b>Application Ref:</b>	210771/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	8 June 2021
<b>Applicant:</b>	Ms Liz Rhodes
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Culter
<b>Case Officer:</b>	Gavin Clark

## RECOMMENDATION

Refuse

## APPLICATION BACKGROUND

### Site Description

The application site extends to approximately 1.44ha and contains a detached steading building which has previously been converted into residential use as a single dwellinghouse, with its associated curtilage parking areas and private garden ground. The application site boundary also includes a large area of agricultural land to the north / north-east, which is within the control of the applicant but does not form part of the domestic curtilage. Access to the site is taken from the south along Linn Moor Road eventually leading to the A93, which is located approximately 1.7km to the south. The site is located within the Green Belt and is surrounded by open fields to the north and east and by residential properties to the west and south. South Linn Cottage is located further to the north. Oil and gas pipelines pass through and adjacent to the application site.

### Relevant Planning History

Planning permission (Ref: 96/2472) was approved in March 1997 for the conversion of the existing steading building to form a single dwellinghouse.

## APPLICATION DESCRIPTION

### Description of Proposal

The proposal relates to the sub-division of an existing dwellinghouse contained within a detached steading to form two dwellings with associated alterations and formation of courtyard. The external alterations proposed would include a new door and two rooflights on the south-west elevation, two new doors on the north-east elevation, and two "sun tunnels" on the north-west and southeast elevations. A flue is also proposed on the roof of the northeast elevation.

The existing garden ground would be split between the properties and a parking area/ courtyard would be provided to the front of the dwelling. Access arrangements would not change, which would be taken from the existing track to the west. No other changes are indicated on the area of land to the north and east, which are also in control of the applicant. The extents of the domestic curtilage would not be altered through this proposal, which for the avoidance of doubt does not include any change to the 'rear field' area within the red line boundary.

### **Amendments**

The proposal has been amended since the original submission. The original proposal was for the *"erection of new dwelling and garage wing, alteration to the existing house and splitting of the existing feu to create three housing units"*. The proposed stand-alone new build dwelling and extensions have been removed from the proposal, and the application description amended to the *"Subdivision of existing detached steading to form two dwellings and formation of parking courtyard"* with minor associated alterations to the building, which have been discussed above.

### **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=QTZ5LJBZK9E00>

- *Design Statement: November 2021*

### **CONSULTATIONS**

**ACC - Roads Development Management Team** – no objection. Their response will be discussed in greater detail in the evaluation section of this report.

**ACC - Environmental Health** – no objection. Raise comments regarding the mains water supply and private water supplies. These will be discussed in greater detail in the evaluation section of this report.

**Scottish Water** – no objection. Note that this does not confirm that the proposed development can currently be serviced and advise that the applicant should contact Scottish Water to discuss this matter further.

**ACC - Waste and Recycling** – advise of the waste management requirements for the proposed development.

**Health and Safety Executive (HSE)** – Do not advise against the granting of planning permission when assessed through PADHI guidance.

**INEOS Forties Pipeline System** – note that the proposed development is in proximity to the INEOS FPS Forties Pipeline. Note that the main aspect of the development would not directly affect the safety and engineering integrity of the pipeline, however they have requested a condition requiring the developer to consult directly with the pipeline operator.

**Shell UK Ltd.** – the development and associated construction works would not affect their pipeline servitude strip or safety/ integrity of the pipeline. No objection.

**Culter Community Council** – no response received.

## **REPRESENTATIONS**

One objection has been received. This states that the existing property is accessed via a single farm track, which is struggling to cope with the current traffic loads generated by the five properties which it serves. The two additional properties will have a detrimental impact on the access track.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

### **National Planning Policy and Guidance**

Scottish Planning Policy (SPP) expresses a presumption in favour of development that contributes to sustainable development. Paragraphs 49 and 52 of SPP are of particular relevance to developments in the Green Belt such as that proposed.

Paragraph 49: *“for the development plan may designate a green belt around a city or town to support the spatial strategy by: directing development to the most appropriate locations and supporting regeneration; protecting and enhancing the character, landscape setting and identity of the settlement; and protecting and providing access to open space.”*

Paragraph 52: *“local development plans should describe the types and scales of development which would be appropriate within a green belt. These may include: development associated with agriculture, including the reuse of historic agricultural buildings; development associated with woodland and forestry, including community woodlands; horticulture, including market gardening and directly connected retailing; recreational uses that are compatible with an agricultural or natural setting; essential infrastructure such as digital communications infrastructure and electricity grid connections; development meeting a national requirement or established need, if no other suitable site is available; and intensification of established uses subject to the new development being of a suitable scale and form.”*

### **Development Plan**

#### **Strategic Development Plan**

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

#### **Local Development Plan**

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: “Where relevant policies in a development plan are out-of-date or the plan does not contain

policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant – D1: Quality Placemaking by Design, D5: Our Granite Heritage, T2: Managing the Transport Impact of Development, T3: Sustainable and Active Travel, NE2: Green Belt, NE8: Natural Heritage, Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites, R6: Waste Management Requirements for New Development; and CI1: Digital Infrastructure.

### **Supplementary Guidance (SG)**

Conversion of Buildings in the Countryside, Transport and Accessibility, Natural Heritage and Resources for New Development

### **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. The following policies are considered to be of relevance: NE1: Green Belt, NE3: Our Natural Heritage, D1: Quality Placemaking, D2: Amenity, D7: Our Granite Heritage, R5: Waste Management Requirements for New Development, T2: Sustainable Transport, T3: Parking and CI1: Digital Infrastructure.

## **EVALUATION**

### **Principle of Development**

The site is located within a Green Belt setting to the north-west of the settlement of Peterculter. Policy NE2 states the following in full: *“no development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal.”*

In terms of the current proposal, which is for the sub-division of an existing steading to form an additional dwelling, the proposal is not essential for agricultural purposes, woodland or forestry, recreational uses compatible for an agricultural or natural setting, mineral extraction/ quarry restoration or landscape renewal. This is the first test of the policy, and if the proposal does not comply with this element of the policy (which it doesn't in this case), then the listed exemptions detailed below are considered.

*The following exceptions apply to this policy:*

1. *Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:*
  - a) *The development is within the boundary of the existing activity.*
  - b) *The development is small-scale.*

- c) *The intensity of activity is not significantly increased; and*
  - d) *Any proposed built construction is ancillary to what exists.*
2. *Essential infrastructure (such as electronic communications infrastructure, electricity grid connections, transport proposals identified in the LDP or roads planned through the master planning of opportunity sites) will only be permitted if it cannot be accommodated anywhere other than the Green Belt.*
  3. *Buildings in the Green Belt which have a historic or architectural interest, or a valuable traditional character, will be permitted to undergo an appropriate change of use which makes a worthwhile contribution to the visual character of the Green Belt. Please see relevant Supplementary Guidance for detailed requirements.*
  4. *Proposals for extensions of existing buildings, as part of a conversion or rehabilitation scheme, will be permitted in the Green Belt provided:*
    - a) *The original building remains visually dominant.*
    - b) *The design of the extension is sympathetic to the original building in terms of massing, detailing and materials, and*
    - c) *The siting of the extension relates well to the setting of the original building.*
  5. *Replacement on a one-for-one basis of existing permanent houses currently in occupation will normally be permitted provided:*
    - a) *It can be demonstrated to the Council that they have been in continuous occupation for at least 5 of the seven years immediately prior to the date of the application.*
    - b) *The replacement house, except in exceptional circumstances (e.g., to improve a dangerous access), occupies the same site as the building it would replace. Where replacement houses are permitted on sites different from the original site, the original house will require to be removed.*
    - c) *Replacement houses should be of a scale, design and external appearance that contributes to the visual character of the Green Belt.*

Policy NE2 then goes on to state that “All proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials. All developments in the Green Belt should have regard to other policies of the Local Development Plan in respect of landscape, trees and woodlands, natural heritage and pipelines and control of major accident hazards.”

In terms of the above policy, it is noted that exception criteria 2 (essential infrastructure) and 5 (replacement on one-for-one basis) are not relevant to the determination of this application. Exception criteria 4 is also not of relevance, as the proposal is not considered to be an extension of an existing conversion or rehabilitation scheme given that the new dwelling would be within the footprint of the existing.

The proposed development therefore needs to be assessed against exception criteria 1 and 3 of Policy NE2.

In terms of criteria 1, the proposal has been amended since the original submission and relates to the creation of an additional planning unit through the sub-division of the existing residential property to form two dwellinghouses. In terms of assessment against the sub criteria of 1, it is noted a) that the proposal is within the boundary of an existing activity and b) would be small scale. Point (d) is not considered to be relevant as no built construction is proposed.

The proposal does however fall foul of criteria (c) in that the provision of a further residential unit on site through subdivision would see the existing activities significantly intensified on site due to the creation of an additional unit with associated parking requirements/ activities etc, representing

a 100% increase in residential use when considered within the context of the application site extents. As a result, the provision of the additional unit does not meet all of the exceptions outlined in criteria 1 of Policy NE2 and is accordingly contrary to the policy.

Exception criteria 3 is also not considered to be directly applicable as there is no change of use involved as such, given that the proposal is for the sub-division of an existing residential unit into two smaller units. The change of use envisaged by criteria 3 as a suitable development within the green belt has already occurred when the steading was converted in its entirety to a single dwellinghouse. It is considered that the historic and architectural interest of the property has already been retained and safeguarded and the property, as converted, already makes a worthwhile contribution to the visual character of the Green Belt.

As a result of the above evaluation, it is the view of the Planning Service that the proposed development fails to fall within any of the exemption criteria set out by Policy NE2 of the Aberdeen Local Development Plan 2017 and subsequently the principle of development cannot be supported.

It is also noted that the red line boundary of the application includes a large area of agricultural land to the north/ north-east of the steading building. Were planning permission to be granted for the proposed development, this would require to be subject to a relevant condition to ensure that this area of land was retained for agricultural purposes and not utilised as private garden ground associated with the converted steading.

### **Layout, Siting and Design**

The proposed external alterations, which generally relate to the provision of new windows and doors and do not involve any enlargement to the steading building would be architecturally compatible in design and scale to the original dwelling in terms of height, location and its form, and would use materials that would match the existing dwelling and those found in the surrounding area. The proposed works have therefore been designed with due consideration for their context and would have no adverse impact on the residential amenity of properties found in the surrounding area. The proposal would therefore comply with Policy D1 along with the design guidance in the Supplementary Guidance: Conversion of Buildings in the Countryside, which is considered to be of relevance due to the external alterations proposed to the existing steading building.

### **Roads/ Transportation**

The proposal has been assessed by colleagues in RDM who note that adequate parking provision could be provided within the curtilage of the site. It is noted that the comments received relate to the original proposal, therefore the request for further information regarding garage dimensions is no longer relevant. Subsequently, it is considered that the proposed development would comply with Policy T2 (Managing Transport Impact of Development) of the ALDP.

In terms of Policy T3 (Sustainable and Active Travel) it is noted that the site is located within a remote location and is a considerable distance from the nearest public transport (being an approximate 1.7km walk to the A93) and thus the likely dependence would be on car borne traffic. Given the proposal relates to an existing building, in a rural setting, it would be difficult for any proposal to comply with this policy, given the unsustainable setting of most rural sites/ locations for the provision of public transport. The proposal therefore would not comply with Policy T3, however, given the context of this site and others within a Green Belt setting it is not considered to be of sufficient weight as to warrant an additional reason for refusing planning permission in this instance.



## Environmental Health

The proposal was subject to consultation with colleagues in Environmental Health, who note that the applicant proposes to connect to the Scottish Water mains water supply. A mains water supply is considered the most appropriate supply type due to the public health risks associated with inadequate private water supply sources, associated sampling, treatment and system maintenance costs and the risk of insufficient supply during dry periods. Given the proposal relates now solely to the conversion of the steading, which will likely connect to the Scottish Water (SW) mains water supply there are no concerns in this regard.

SW also commented on the proposal as a result of the above queries. They note that the development would feed in to the Invercannie Water Treatment Works (in terms of water capacity) and that the applicant should contact them regarding connection). They also advise that there is no wastewater infrastructure in the surrounding area, therefore the applicant should investigate private treatment options.

## Pipelines

Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites advises that *“the Council will consult the operators of pipelines where development proposals fall within these zones”*. In this regard, the Forties pipeline is located within the application red line boundary (shown as garden ground to the rear of the steading) and the proposal lies within the Inner Zone of the INEOS pipeline and the middle zone of the Shell pipeline which is located further north.

An assessment of the proposal against HSE’s PADHI guidance confirms that HSE ‘Do Not Advise Against’ the granting of planning permission on safety grounds.

In their consultation response, INEOS advise that the development will not directly affect the safety and engineering integrity of the pipeline, however, have requested the insertion of a condition that ensures the developer consults with INEOS to ensure that any works associated with this development take full cognisance of the Forties Pipeline and the requirement for any works in proximity to. A consultation was undertaken with the Health and Safety Executive using their land use planning app, the result of the consultation was a “does not advise against” the granting of planning permission. It is noted that Shell, in their consultation response, raised no objection to the proposal. Subject to the above, and insertion of appropriate conditions, the proposal would comply with Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites of the ALDP.

## Other Matters

Colleagues in Waste Management have advised of the waste management requirements for the proposed development. They have raised no objection and there would be no conflict with Policy R6: Waste Management Requirements for New Development in this instance. An informative would have been added in this regard, were planning permission to be approved for the proposed development.

## Matters Raised in Objection

The existing property is accessed via a single farm track, which is struggling to cope with the current traffic loads generated by the five properties which it serves. The two additional properties will have a detrimental impact on the access track. *Response: colleagues in RDM have raised no objection to the proposed development. The proposal has been amended to only propose one additional dwelling. The creation of an additional dwelling would likely increase the number of vehicles using the access track, but such an intensification of that use would not be significant, nor would it result in access to the existing houses being hindered.*

**Proposed Aberdeen Local Development Plan**

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

**RECOMMENDATION**

Refuse

**REASON FOR RECOMMENDATION**

That the proposal would see the provision of an additional residential unit within the Green Belt, the principle of which does not fall within any of the specified types of acceptable development, nor does it fails meet any of the exceptions set out in Policy NE2 Green Belt of the Aberdeen Local Development Plan 2017. The proposal is therefore contrary to Policy NE2 (Green Belt) of the Aberdeen Local Development Plan. For similar reasons, the proposal would also be contrary to Policy NE1 (Green Belt) of the Proposed Aberdeen Local Development Plan 2020. There are no material planning considerations that would warrant the approval of planning permission in this instance.



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: [pi@aberdeencity.gov.uk](mailto: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            100421356-001

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)

Erection of new dwelling house and garages wing, alterations to the existing house, and splitting of existing feu to create 3no. housing units

Is this a temporary permission? \* ☐ Yes ☒ No

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

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

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	lan Rodger Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	lan	Building Name:	
Last Name: *	Rodger	Building Number:	1b
Telephone Number: *	01224 313080	Address 1 (Street): *	Ruthrie Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB10 7JY
Email Address: *	info@ir-architects.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Ms	Building Name:	North Steading
First Name: *	Liz	Building Number:	
Last Name: *	Rhodes	Address 1 (Street): *	South Linn
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Peterculter
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB14 0PD
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

NORTH STEADING

Address 2:

SOUTH LINN

Address 3:

ABERDEEN

Address 4:

Address 5:

Town/City/Settlement:

PETERCULTER

Post Code:

AB14 0PD

Please identify/describe the location of the site or sites

Northing

802782

Easting

382467

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

1.44

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)

private dwelling house

## 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? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<div style="border: 1px solid black; padding: 2px 10px;">4</div>
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)? *	<div style="border: 1px solid black; padding: 2px 10px;">9</div>
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*
 ☒ Yes ☐ No

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

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

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

What private arrangements are you proposing? \*

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

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

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

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

Whilst the septic tank currently serves one big house, it is believed that it is of a capacity to cater for the proposed 3No houses

Do your proposals make provision for sustainable drainage of surface water?? \*
 ☒ Yes ☐ No

(e.g. SUDS arrangements) \*

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)

Communal area provided for the storage of refuse and recycling bins (noted on the drawings)

---

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \* ☒ Yes ☐ No

How many units do you propose in total? \*

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

---

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \* ☐ Yes ☒ No

---

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 \* ☐ Yes ☒ No ☐ Don't Know

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

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

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \* ☐ Yes ☒ No

## Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? \* ☒ Yes ☐ No

Is any of the land part of an agricultural holding? \* ☐ Yes ☒ No

## 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: Ian Rodger

On behalf of: Ms Liz Rhodes

Date: 31/05/2021

☒ 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. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

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

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Ian Rodger

Declaration Date: 31/05/2021

## Payment Details

Online payment: ABSP00006762

Payment date: 31/05/2021 14:36:00

Created: 31/05/2021 14:36

## **DECISION NOTICE**

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

Ian Rodger Architects  
1B Ruthrie Terrace  
Aberdeen  
AB10 7JY

on behalf of **Ms Liz Rhodes**

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

**Subdivision of existing detached steading to form two dwellings and formation of parking courtyard at North Steading, South Linn, Linn Moor Road**

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

<b>Drawing Number</b>	<b>Drawing Type</b>
210771-01	Location Plan
003 E	Site Layout (Proposed)
101 E	Multiple Floor Plans (Proposed)
102 D	Multiple Elevations and Section (Proposed)
103 D	Site Cross Section
210771-02	Design Statement

#### **REASON FOR DECISION**

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

That the proposal would see the provision of an additional residential unit within the Green Belt, the principle of which does not fall within any of the specified types of

acceptable development, nor does it fails meet any of the exceptions set out in Policy NE2 Green Belt of the Aberdeen Local Development Plan 2017. The proposal is therefore contrary to Policy NE2 (Green Belt) of the Aberdeen Local Development Plan. For similar reasons, the proposal would also be contrary to Policy NE1 (Green Belt) of the Proposed Aberdeen Local Development Plan 2020. There are no material planning considerations that would warrant the approval of planning permission in this instance.

**Date of Signing** 8 February 2022



**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](http://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.

# Aberdeen City Council – Development Management Team Consultation Request

<b>Case Officer:</b> Gavin Clark	<b>To:</b> ACC - Environmental Health
<b>E-mail:</b> gaclark@aberdeencity.gov.uk	<b>Date Sent:</b> 9 June 2021
<b>Tel.:</b> 01224 522321	<b>Respond by:</b> 30 June 2021

<b>Application Type:</b> Detailed Planning Permission
<b>Application Address:</b> North Steading South Linn Linn Moor Road Aberdeen Peterculter AB14 0PD
<b>Proposal Description:</b> Subdivision of existing detached steading dwellinghouse to form two dwellings, erection of detached dwellinghouse and communal garage wing within existing residential curtilage, and formation of parking courtyard
<b>Reference:</b> 210771/DPP

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the pre-application reference number (shown above) into the 'Letter Reference' field and then click 'Search'.

Unless agreed with the case officer, should no response be received by the respond by date specified above it will be assumed your service has no comments to make.

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

## Response

Please select one of the following.

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

COMMENTS

Regarding the above Detailed Planning Permission Application an assessment by the Environmental Protection team was undertaken. The following areas have been evaluated and the associated comments are considered appropriate and proportionate;

### **1. Mains Water Supply**

As stated in the planning permission application the applicant proposes to connect to the Scottish Water mains water supply. A mains water supply is considered the most appropriate supply type due to the public health risks associated with inadequate private water supply sources, associated sampling, treatment and system maintenance costs and the risk of insufficient supply during dry periods,.

Given the rural location of the proposal and the possibility of an alternative potentially unsuitable private water supply, I therefore recommend suitable demonstration by the applicant that a mains water supply has been established at the property.

I trust this information is of use.

Kind regards

Responding Officer: Mark Nicholl

Date:09-06-2021

Email:

Ext:

# **Consultee Comments for Planning Application 210771/DPP**

## **Application Summary**

Application Number: 210771/DPP

Address: North Steading South Linn Linn Moor Road Aberdeen Peterculter AB14 0PD

Proposal: Subdivision of existing detached steading dwellinghouse to form two dwellings, erection of detached dwellinghouse and communal garage wing within existing residential curtilage, and formation of parking courtyard

Case Officer: Gavin Clark

## **Consultee Details**

Name: Mr Michael Cowie

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

Email: micowie@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

## **Comments**

It is noted this application for the subdivision of existing detached steading dwellinghouse to form two dwellings, erection of detached dwellinghouse and communal garage wing within existing residential curtilage, and formation of parking courtyard at North Steading, South Linn, Linn Moor Road, Aberdeen, Peterculter, AB14 0PD.

It is noted and confirmed that the proposal shall provide adequate associated parking for the 3no. dwelling as per ACC supplementary guidance, 2 spaces up to 3-bedrooms and 3 spaces for 4-bedrooms or more, with one additional 'visitor' space. Additionally, it is noted that 1 space for each dwelling shall be in the form of a designated single garage, this shall require to meet the necessary internal dimensions of 2.7m x 5.7m.

It is confirmed that Roads Development Management have no objections to this application should the required garage dimensions be met.



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# Aberdeen City Council – Development Management Team Consultation Request

<b>Case Officer:</b> Gavin Clark	<b>To:</b> ACC - Waste And Recycling
<b>E-mail:</b> gaclark@aberdeencity.gov.uk	<b>Date Sent:</b> 9 June 2021
<b>Tel.:</b> 01224 522321	<b>Respond by:</b> 30 June 2021

<b>Application Type:</b> Detailed Planning Permission
<b>Application Address:</b> North Steading South Linn Linn Moor Road Aberdeen Peterculter AB14 0PD
<b>Proposal Description:</b> Subdivision of existing detached steading dwellinghouse to form two dwellings, erection of detached dwellinghouse and communal garage wing within existing residential curtilage, and formation of parking courtyard
<b>Reference:</b> 210771/DPP

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the pre-application reference number (shown above) into the 'Letter Reference' field and then click 'Search'.

Unless agreed with the case officer, should no response be received by the respond by date specified above it will be assumed your service has no comments to make.

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

## Response

Please select one of the following.

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

## COMMENTS

As I understand, the development will consist of **3 houses**.

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

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

The **house** will be provided with:

- The current house uses a communal bin, the 2 new properties will also share that resource.

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

### **General points**

- **No excess** should be stored out with the containment provided. Information for extra waste uplift is available to residents at either [www.aberdeencity.gov.uk/wasteaware](http://www.aberdeencity.gov.uk/wasteaware) or by phoning 03000 200 292.
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>
- **Developers must contact Aberdeen City Council a minimum of two months before properties will be occupied.** Bins **MUST** be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.

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

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

Responding Officer: N Taylor

Date: 25<sup>th</sup> of June 2021

Email: [wasteplanning@aberdeencity.gov.uk](mailto:wasteplanning@aberdeencity.gov.uk)

Ext:



**INEOS FPS Ltd**  
Wayleaves Management  
PO Box 21746  
Callendar Business Park  
Callendar Road  
Falkirk  
FK1 1XR

**FREEPHONE: 0800 281279**

[www.ineos.com](http://www.ineos.com)

Aberdeen City Council  
Strategic Place Planning

18 June 2021

By email: [gaclark@aberdeencity.gov.uk](mailto:gaclark@aberdeencity.gov.uk)

**Application Ref:** 210771/DPP  
**Proposal:** Subdivision of existing detached steading dwellinghouse to form two dwellings, erection of detached dwellinghouse and communal garage wing within existing residential curtilage, and formation of parking courtyard  
**Address:** North Steading South Linn Linn Moor Road Aberdeen Peterculter AB14 0PD

Thank you for your consultation dated 9 June 2021.

This proposed development is in proximity to the INEOS FPS Forties Pipeline. We consider the main aspect of this development will not directly affect the safety and engineering integrity of the Forties pipeline, however in the event this application is granted we request a condition of approval that ensures the developer consults directly with INEOS FPS to ensure that any works associated with this development takes full cognisance of the Forties Pipeline and the requirements for any works in proximity to.

Reason: To ensure the continued safety and engineering integrity of the INEOS FPS Forties Pipeline

Yours sincerely



Clark Findlay

FPS Wayleaves Management  
INEOS FPS Limited

☎ Freephone: +44 800 28 12 79

✉ Email: [fpspipelinesenquiries@ineos.com](mailto:fpspipelinesenquiries@ineos.com)

INEOS FPS Ltd  
Registered No: 10660338  
Registered Office: Hawkslease, Chapel Lane,  
Lyndhurst, Hampshire SO43 7FG

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Thursday, 10 June 2021



Local Planner  
Strategic Pace Planning  
Aberdeen City Council  
Aberdeen  
AB10 1AB

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: North Steading, South Linn Linn Moor Road, Aberdeen Peterculter, AB14 0PD**  
**PLANNING REF: 210771/DPP**  
**OUR REF: DSCAS-0042030-5MX**  
**PROPOSAL: Subdivision of existing detached steading dwellinghouse to form two dwellings, erection of detached dwellinghouse and communal garage wing within existing residential curtilage, and formation of parking courtyard**

**Please quote our reference in all future correspondence**

### **Audit of Proposal**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

### **Water Capacity Assessment**

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ This proposed development will be fed from INVERCANNIE Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

### **Waste Water Capacity Assessment**

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.



## Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

---

## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

## **General notes:**

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.





- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

## **Next Steps:**

### **▶ All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### **▶ Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### **▶ Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development



complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Pamela Strachan**

Development Operations Analyst

Tel: 0800 389 0379

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

### **Scottish Water Disclaimer:**

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Thursday, 10 June 2021



Local Planner  
Strategic Place Planning  
Aberdeen City Council  
Aberdeen  
AB10 1AB

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: North Steading South Linn Linn Moor Road, Aberdeen, Peterculter, AB14 0PD**  
**PLANNING REF: 210771/DPP**  
**OUR REF: DSCAS-0042063-M2B**  
**PROPOSAL: Subdivision of existing detached steading dwellinghouse to form two dwellings, erection of detached dwellinghouse and communal garage wing within existing residential curtilage, and formation of parking courtyard**

**Please quote our reference in all future correspondence**

## Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

## Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ This proposed development will be fed from Invercannie Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

## Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.



---

## Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

---

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### General notes:

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- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
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## **Next Steps:**

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- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).





- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Angela Allison**

Development Operations Analyst

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

#### Scottish Water Disclaimer:

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## Advice : HSL-220207142459-369 DO NOT ADVISE AGAINST

**Your Ref:** 210771/DPP

**Development Name:** North Steading South Linn Linn Moor Road

**Comments:** Sub-division of existing steading to form two units

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Aberdeen City Council.

**HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.**



### Breakdown:



Housing : Do Not Advise Against

How many dwelling units are there (that lie partly or wholly within a consultation distance)? Less than 3



## Pipelines

- 6776\_ Shell UK Exploration & Production
- 9007\_ Ineos FPS Ltd (pka BP Exploration Operating Co Ltd)

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

This advice report has been generated using information supplied by Gavin Clark at Aberdeen City Council on 07 February 2022.

Note that any changes in the information concerning this development would require it to be re-submitted.





Aoife Murphy  
Strategic Place Planning,  
Business Hub 4,  
Marischal College,  
Broad Street, Aberdeen, AB10 1AB

Shell U.K. Limited  
Orchardbank Industrial Estate  
FORFAR  
Angus  
DD8 1TD  
United Kingdom  
Tel +44 1307 462225  
Internet <http://www.shell.co.uk>

9th June 2020  
Your ref: 210771/DPP  
Our ref: UPO/W/G/TS/AM/kc/21/02

Dear Gavin

**Proposal:** Detailed Planning Permission for  
Subdivision of existing detached steading  
dwellinghouse to form two dwellings, erection of  
detached dwellinghouse and communal garage  
wing within existing residential curtilage, and  
formation of parking courtyard

**Address:** North Steading South Linn Linn Moor Road Aberdeen Peterculter AB14 0PD

**Grid Reference:** 382467, 802782

Thank you for your recent consultation regarding the above planning application. From the information provided, there is no reason why the development and associated construction works would directly affect our pipeline servitude strip or the safety and integrity of our pipeline.

Yours faithfully  
Shell U.K. Limited

Andy Mottram

**Pipelines ROW Inspector**



**Shell U.K. Limited**

**Tel:** +44 1779 872216

**Mobile:** 07841 526495

**Email:** [andrew.mottram@shell.com](mailto:andrew.mottram@shell.com)

**Internet:** <http://www.shell.com/eandp>

Shell U.K. Limited,  
Registered in England number 140141,  
Registered office Shell Centre London SE1 7NA,  
VAT reg number GB 235 7632 55

210771 DPP North Steading South Linn

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# Comments for Planning Application 210771/DPP

## Application Summary

Application Number: 210771/DPP

Address: North Steading South Linn Linn Moor Road Aberdeen Peterculter AB14 0PD

Proposal: Subdivision of existing detached steading dwellinghouse to form two dwellings, erection of detached dwellinghouse and communal garage wing within existing residential curtilage, and formation of parking courtyard

Case Officer: Gavin Clark

## Customer Details

Name: Mr John Buchanan

Address: Linnview, South Linn, Peterculter Peterculter Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The existing property is accessed via a single (dirt/stone) farm track. The farm track is struggling to cope with the current traffic loads generated by the five (5) properties which it serves. The addition of two (2) additional properties will have a detrimental impact on the farm track.

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## **Application 210771/DPP – North Steading, South Linn**

### **Aberdeen Local Development Plan (ALDP)**

- H1 – Residential Areas
- D1 - Quality Placemaking by Design
- D5 – Our Granite Heritage
- I1: Infrastructure Delivery & Planning Obligations
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- NE2: Green Belt
- NE8: Natural Heritage
- R6: Waste Management Requirements for New Development
- C11: Digital Infrastructure
- B6: Pipelines etc

[https://www.aberdeencity.gov.uk/sites/default/files/LDP\\_WS\\_20170328.pdf](https://www.aberdeencity.gov.uk/sites/default/files/LDP_WS_20170328.pdf)

### **Supplementary Guidance**

Natural Heritage SG

Resources for New Development SG

Transport and Accessibility SG

Conversion of Buildings in the Countryside

[Supplementary guidance and technical advice | Aberdeen City Council](#)

### **Other Material Considerations**

Scottish Planning Policy 2020

[Scottish Planning Policy - gov.scot \(www.gov.scot\)](#)

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 100421356-004

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 T Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ian Rodger Architects"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Ian"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Rodger"/>	Building Number:	<input type="text" value="1b"/>
Telephone Number: *	<input type="text" value="01224 313080"/>	Address 1 (Street): *	<input type="text" value="Ruthrie Terrace"/>
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="AB10 7JY"/>
Email Address: *	<input type="text" value="info@ir-architects.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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Ms"/>	Building Name:	<input type="text" value="North Steading"/>
First Name: *	<input type="text" value="Liz"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Rhodes"/>	Address 1 (Street): *	<input type="text" value="South Linn"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Peterculter"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB14 0PD"/>
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="NORTH STEADING"/>
Address 2:	<input type="text" value="SOUTH LINN"/>
Address 3:	<input type="text" value="ABERDEEN"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PETERCULTER"/>
Post Code:	<input type="text" value="AB14 0PD"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="802782"/>	Easting	<input type="text" value="382467"/>
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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)

Application for Planning Permission 210771/DPP, refused on 08 February 2022 Alterations to existing dwellinghouse, and splitting of feu to create 2No housing units; all within existing previously-converted farm steading

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

The property currently has two living rooms and six double bedrooms, and is fairly unique in its size. Our proposal was to turn the house into two units, with no increase in building size and with minimal external alterations; resulting in two 3-bed feus, both of a more standard size. In overall terms the properties will house fewer people. We feel our proposals do not contravene the Greenbelt policy of preserving the beauty of the area, and there will be no extra pressure on utilities.

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)

Only the drawings, and email correspondence, which were submitted during deliberation of the Planning application; and which are already in the possession of the Planning department.

## Application Details

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

210771/DPP

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

31/05/2021

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

08/02/2022

## 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 Ian Rodger

Declaration Date: 06/05/2022

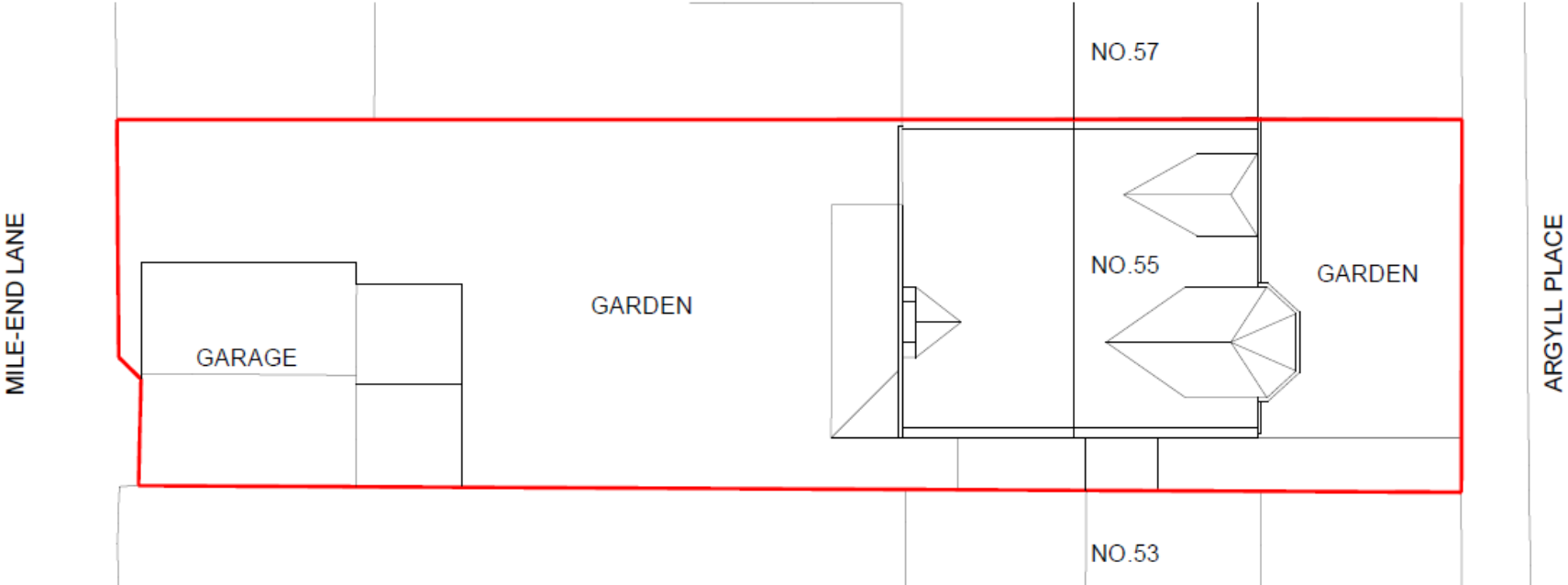
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# Local Review Body (LRB) 20th July 2022

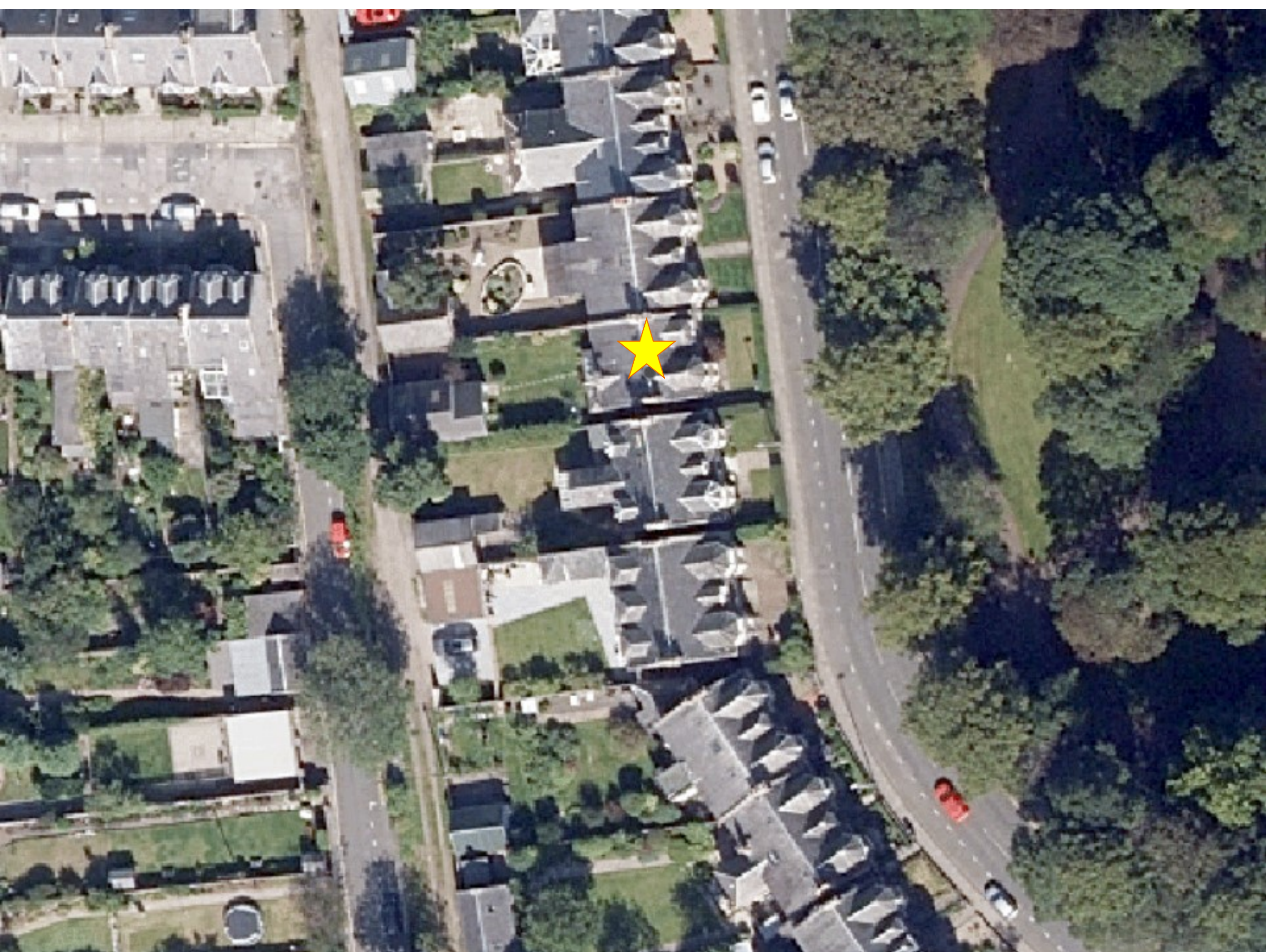
**210771/DPP - 55 Argyll Place  
Erection of 1.5storey and single storey extensions and  
installation of rooflights to rear**

Lucy Greene, Planning Advisor

# Location Plan







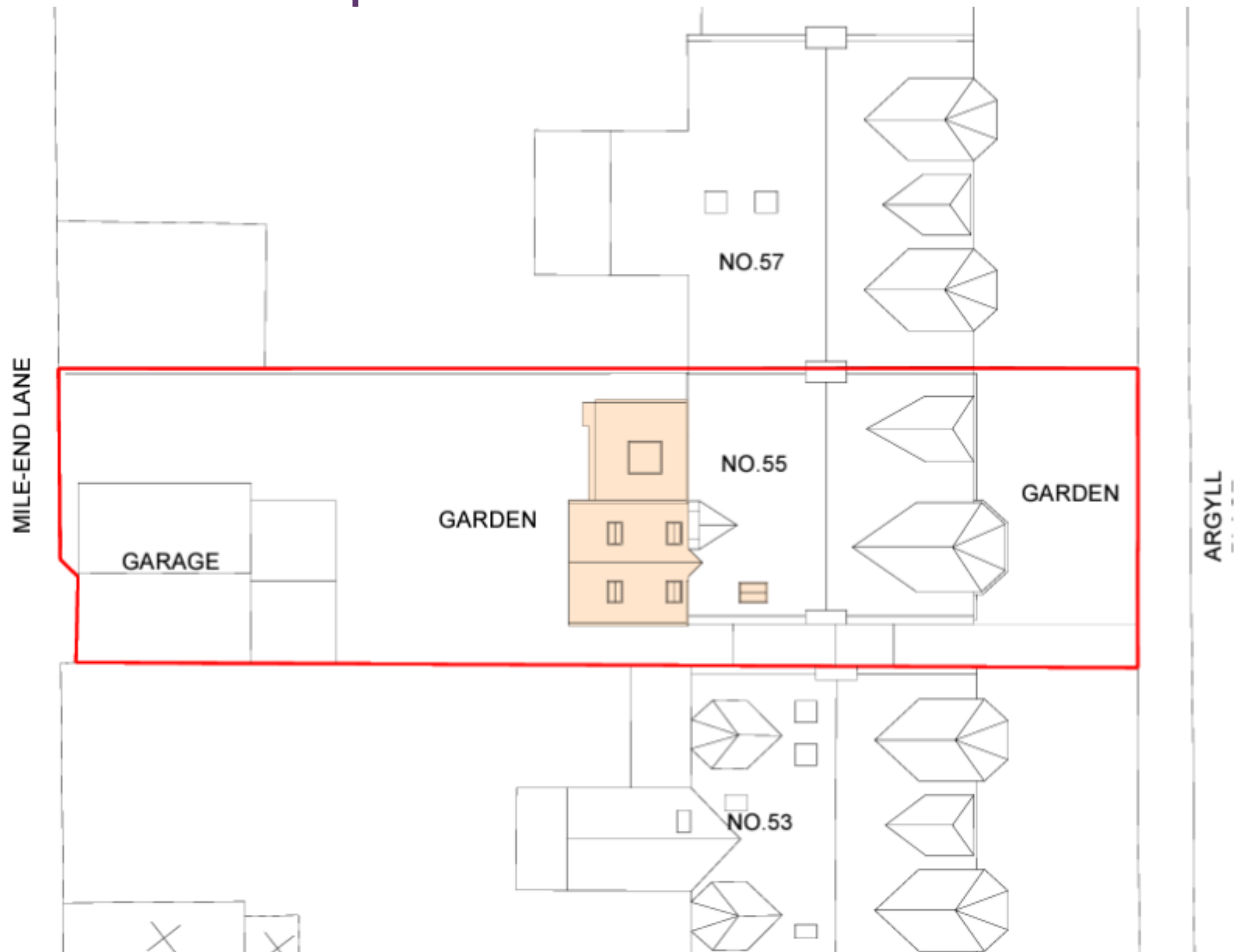


# Google 3D 2022





# Location Plan as Proposed



# Existing Elevations

© COPYRIGHT ALBYN ARCHITECTS LTD

DO NOT SCALE OFF THIS DRAWING

All dimensions, spot levels and existing positions to be checked on site by Contractor prior to construction. Any discrepancies to be reported. Drawings to be read & fully understood before work commences.

IF IN DOUBT - ASK.

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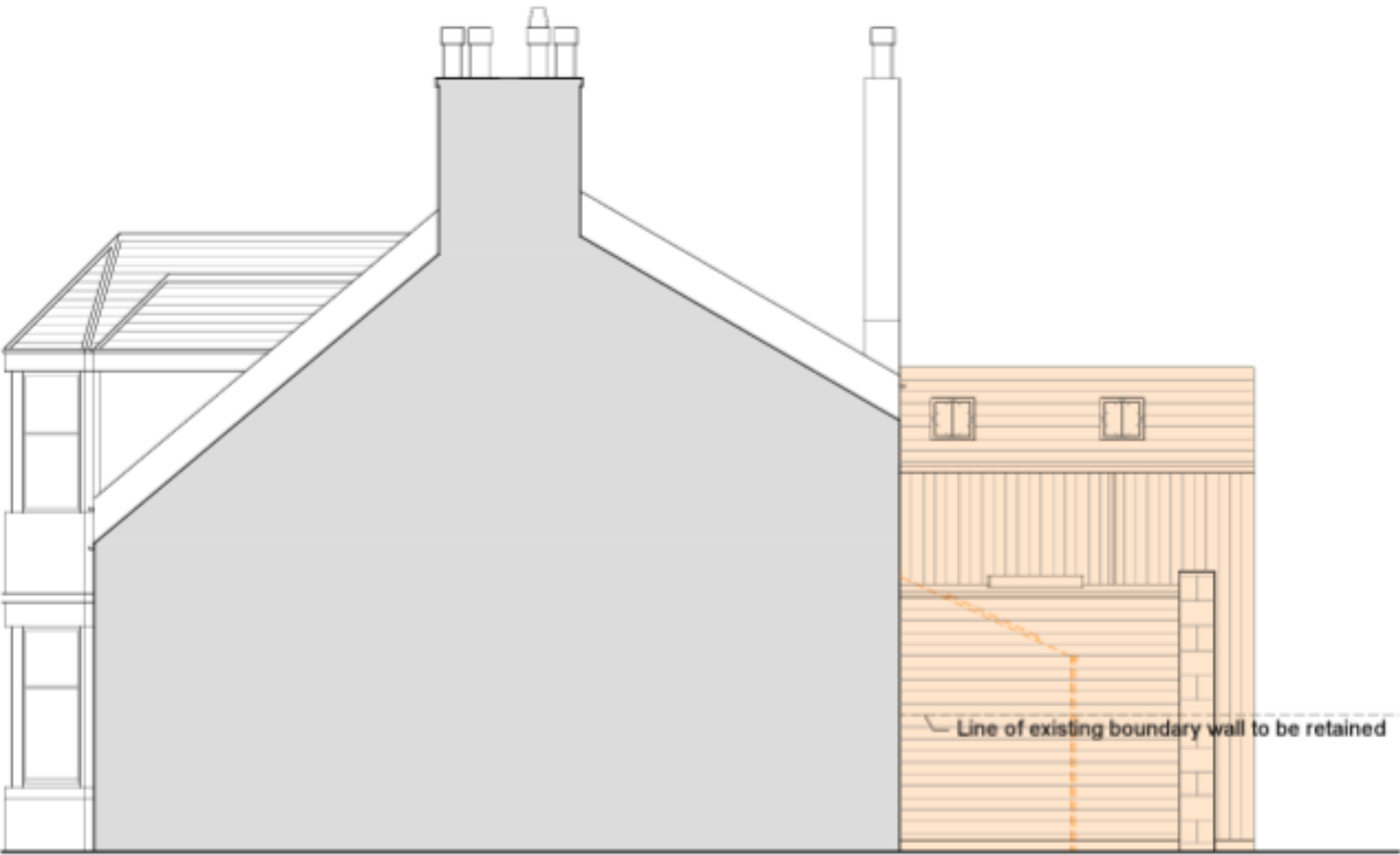


WEST ELEVATION



SOUTH ELEVATION

# Proposed Elevations



NORTH ELEVATION 1:100  
0 5m



WEST ELEVATION 1:100  
0 5m

All dimensions, sq  
Contractor  
Drawings

# Proposed Elevation (south)

# Proposed Visual



# Reasons for Refusal

- Stated in full in Report of Handling in Agenda. Key points:
- Excessive scale and massing would have adverse impact on character, setting and appearance of the Cat B listed building and terrace
- Detrimental to character of Rosemount and Westburn CA
- Contrary to H1, D1, D4 and policy and guidance from HES
- Design merits of rooflight and re-use of granite would outweigh matters above.

# Applicant's Case

- Rear elevations have been extended and altered over time
- Extension is modern interpretation of the form of surrounding properties
- Materials are high quality including re-use of granite
- Layout allows preservation of stair and principle rooms
- Extension positioned to reduce impact on neighbours and it complies with daylighting guidelines
- Extension represents only 18% increase in floorspace
- Height of roof is subservient to original house and respects character
- It is an obvious modern addition. Architectural character of listed building has been retained.
- Extension will adapt house for modern living allowing its use for the next 100 years.

# Policies – LDP 2017

Policy H1: Relates to new residential developments (excerpt)

## Policy H1 - Residential Areas

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

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



# Policies – LDP 2017

## Policy D4: Historic Environment (excerpt)

### Policy D4 - Historic Environment

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

# 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

# Policies – LDP 2017

- D1: Quality Placemaking by Design
- D5: Our Granite Heritage
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- R6: Waste Management Requirements for New Development

# Evaluation

- Primacy of Development Plan
- The Planning Act requires all applications to be determined in accordance with Development Plan unless material considerations indicate otherwise
- Careful assessment, each application treated on its merits

# Basis for Decision

Zoning: Do members consider that the proposed development would comply with Policy D4 on Historic Environment and national guidance, on Listed Buildings and Conservation Areas?

How would it affect the character and amenity of the area as set out in policy H1 and the relevant supplementary guidance?

**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

# Thank you Questions ?

Lucy Greene (Planning Advisor): [lgreene@aberdeencity.gov.uk](mailto:lgreene@aberdeencity.gov.uk)

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## Strategic Place Planning

### Report of Handling

<b>Site Address:</b>	55 Argyll Place, Aberdeen, AB25 2HU,
<b>Application Description:</b>	Erection of 1.5 storey and single storey extension and installation of rooflights to rear
<b>Application Ref:</b>	220221/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	22 February 2022
<b>Applicant:</b>	Ms Anna Celnik
<b>Ward:</b>	Mid Stocket/Rosemount
<b>Community Council:</b>	Rosemount And Mile End
<b>Case Officer:</b>	Jamie Leadbeater

### RECOMMENDATION

Refuse

### APPLICATION BACKGROUND

#### Site Description

The application site is the residential curtilage of a category-B listed end-of-terrace one and three-quarter dwellinghouse on the western side of Argyll Place in Rosemount, which lies within the Rosemount & Westburn Conservation Area.

The application property is predominantly finished in an ashlar granite to front and rear with pink granite stringcourse on front elevation. Two piended dormer windows are incorporated into the front roofslope with granite chimney stacks on both sides whilst the rear roof slope incorporates rooflights and a unique third chimney stack inset into the principal rear elevation wall. A partially hipped roof single storey extension lies on the rear elevation which is finished in a local granite and slate tiled roof featuring four rooflights. Some brick quoining is also incorporated into the extension.

A detached pitched roof garage with gables to front and rear exists within the rear garden area finished in a green render and a set of black vehicle access doors complete the western boundary enclosure to the site, which are accessed by a rear lane serving properties 37 – 93 Argyll Place. Mile End Lane adjoins the rear lane to the west which serves other residential properties to the west of the site.

#### Relevant Planning History

Application Number	Proposal	Decision Date
220222/LBC	Erection of 1.5 storey and single storey extensions and installation of rooflights to rear	Status: Refused 16.05.2022



## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed Planning Permission is sought for the erection of a rear extension with two and single storey components, and installation of rooflights.

The extension projects up to 4.5m out from the principal rear elevation at a width of 8m, set 1.3m off the southern boundary wall and 1.18m off the northern boundary wall. The single storey part of the extension would have an eaves height of 3.5m with a flat roof whilst the two-storey part of the extension would have an eaves height of 4.82m and ridge height of 6.15m, with the two-storey component of the extension projecting 0.5m further out from the rear elevation than the single storey part. The west elevation of the extension will be predominantly glazed across both floor levels with a brown timber cladding surrounding, which would also finish the southern elevation. Granite down-takings from the existing rear extension would finish the northern elevation. Rooflights would be incorporated into both roof planes of the two-storey pitched roof and one in the flat roof of the single storey part of the extension.

### **Amendments**

1. Retention of chimney
2. Width of extension reduced
3. White smooth render removed
4. Existing granite within building to be dismantled integrated into ground floor of extension

### **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=R7PISXBZKV500> .

## **CONSULTATIONS**

**ACC - Roads Development Management Team** – No objection.

**Rosemount And Mile End Community Council** – No response received.

## **REPRESENTATIONS**

One representation has been received, which objects to the proposal. The matters raised can be summarised as follows –

- The proposed proximity of the extension to 57 Argyll Place will lead to a loss of daylight and outlook to the neighbouring property;
- The proposed two storey height of the extension would result in a loss of sunlight/increase in overshadowing within the rear garden ground of 57 Argyll 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. Section 59 of the same Act places a duty on planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### **National Planning Policy and Guidance**

- Scottish Planning Policy
- Historic Environment Policy for Scotland (HEPS)
- Historic Environment Scotland – *Managing Change in the Historic Environment: Extensions*
- Historic Environment Scotland – *Managing Change in the Historic Environment: Setting*

### **Local Development Plan**

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: “Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration”.

The following policies are relevant –

- Policy H1 – Residential Areas
- Policy D1 – Quality Placemaking by Design
- Policy D4 – Historic Environment
- Policy D5 – Our Granite Heritage
- Householder Development Guide (Supplementary Guidance)

### **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. The following policies in the

Proposed Plan are considered relevant:

- Policy H1 – Residential Areas
- Policy D1 – Quality Placemaking
- Policy D2 – Amenity
- Policy D6 – Historic Environment
- Policy D8 – Our Granite Heritage

## **EVALUATION**

### **Principle of Development**

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

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

### **Overdevelopment**

Guidance over what constitutes “overdevelopment” is taken from General Principles 4 and 5 under Section 3.1.4 in the Householder Development Guide SG, which states that the built footprint of a dwellinghouse as extended should not exceed twice that of the original dwelling and no more than 50% of the rear curtilage of a dwelling should be covered by development. The proposed extension would comply with these requirements and therefore the proposal is not regarded as being ‘overdevelopment’ from a two-dimensional perspective. However, this consideration does not define whether the proposal is acceptable or not in totality.

### **Impact on Character (including impact on Rosemount & Westburn Conservation Area)**

#### *Extension*

Given the proposed extension is set over a metre off each side boundary, the max. 4.5m projection of the extension would not pose a tension with regards to the 3m projection limitations set out in section 3.1.5 of the Householder Development Guide SG. The same section of the SG states that two-storey extensions to grouped terrace properties will not normally be acceptable. However, this proposal is not considered to fall within a definition of a ‘grouped terrace’ and therefore the proposal does not pose a tension with part of the SG either. Notwithstanding, the character merits of the proposal need to be assessed against relevant national and local policy and guidance given the site’s conservation area context as well as being mindful the proposal forms part of a category B-listed terrace.

At the national level, Historic Environment Scotland (HES), have published “Managing Change in the Historic Environment” guidance on extensions to existing buildings within conservation areas and to listed buildings, as well as guidance on how developments can impact on the ‘setting’ of listed buildings. The guiding principles set out in these national guidance documents are highly relevant to the proposal and underpin the objectives and requirements of local planning policies such as Policy D4 in the extant ALDP 2017. Given the sensitivity of the site, the impact on the ‘character of the surrounding area’ as set out in Policy H1 shall be assessed in this policy context.

HES guidance states that extensions must protect the character and appearance of its parent building by being subordinate in scale and form, located on secondary elevation, and must be

designed in a high-quality manner using appropriate materials. The guidance also recognises that historic buildings, such as the application property, vary in the extent to which they can accommodate change without loss to special architectural interest and that extensions have the potential to impact on the 'setting' of adjacent historic buildings, which should be taken into account when considering a proposal.

The existing rear elevation of the listed building comprises a chimney, three first floor windows and ground floor window adjacent to the single storey extension – with the chimney, windows and granite façade being regarded as the key features which contribute heavily to the building's special character. The proposed extension would consume one first floor and the only ground floor window within the rear elevation currently on show, as well as much of the granite façade of the rear elevation. The eaves and ridge heights of the two-storey part of the extension sit uncomfortably on the rear elevation, particularly with the eaves sitting under the eaves of the main part of the building and position of the ridge height set against the base of the unique rear chimney stack. Subsequently, although the extension would be sited on a secondary elevation, it is considered the proposed extension would not be subordinate in scale and form to the existing dwellinghouse and would not protect its historic character, appearance and setting of the building as seen from the principal western viewpoint on Mile End Lane.

It is noted that no. 59 and 61 Argyll Place and other properties further north within the same listed terrace comprise of rear projecting components which sit below the eaves of the main house but these parts of neighbouring dwellinghouses are historic i.e., built at the time of those houses being built, and the proportions of these neighbouring houses are different to the application property. Subsequently, these existing buildings could not be used as a justification for the proposed design. Listed Building Consent (LBC) application 220222/LBC for the same proposal was recently refused. As part of that application's assessment, comments were received from Historic Environment Scotland (HES) who expressed their concern about the scale and height of the proposal relative to the rear granite façade. This is considered to be of particular significance in supporting the Planning Service's view that the proposal would cause harm to the character and visual amenity of the surrounding area and wider Rosemount and Westburn Conservation Area given HES rarely provide comment on applications.

The re-use of granite with the extension's outer finish is welcomed and would render the proposal compliant with Policy D5 in the extant ALDP 2017. However, whilst it is accepted that the re-use of granite and timber cladding are appropriate high-quality finishing materials for the listed dwellinghouse, their proposed use is not considered sufficient to materially outweigh the concerns posed by the overall scale and massing of the extension.

### *Rooflight*

Section 3.1.9 in the Householder Development Guide SG provides guidance on new rooflight proposals. Three existing rooflights exist to the top of the rear roof plane which are historic and the proposed single rooflight would be set further down the roof slope and off-set from the established rooflight arrangement to serve the existing staircase. Whilst the proposed rooflight would be much larger than the existing, it would have a vertical proportion in a conservation design style and would be integrated into the roof plane sufficiently to be in-keeping with historic rooflights further up the roof slope. Although this part of the proposal is regarded as being generally compliant with the supplementary guidance, this does not render the proposal acceptable in its entirety.

### Impact on residential amenity

The principal three main considerations for assessing the impact of proposed development on neighbours' residential amenity in line with the guidance set out in appendices 2 and 3 in the Householder Development Guide SG are: privacy, daylighting and sunlighting (overshadowing).

With regards to privacy, windows are set c. 2m in from both side boundaries and orientated down the applicant's garden so there is unlikely to be any significant impacts on the level of privacy currently afforded to 53 and 57 Argyll Place. The first-floor bedroom window, however, given it projects 4.5m out from the existing rear elevation above the height of the southern boundary wall would give rise to some possible loss of privacy along the northern part of the 53 Argyll Place's rear garden. This, however, is not sufficient in itself to justify refusal of the application.

In respect of daylighting, the applicant has demonstrated that the extension would have an acceptable impact on both adjacent neighbours' windows by showing 45-degree lines extending downwards from the single and two storey eaves heights do not cross the mid-point of the adjacent windows ground floors windows, in line with the assessment methodology set out on the in Appendix 2 of the Householder Development Guide. Additionally, given the extension is set off both the north and south side boundaries by over a metre and the fact the two-storey part of the extension lies to the north of 53 Argyll Place, the proposal would also have an acceptable sunlighting/overshadowing impact on neighbouring properties. It should be noted, however, that as a consequence of the application site lying at a higher land level than neighbouring property 57 Argyll Place, coupled with the fact the extension would be higher and lies closer to the said neighbour's southern ground floor window, the window and garden outside of it would result in some loss of sunlight/increase in shadow during the middle part of the day when the sun moves round to the south.

#### Loss of valuable and valued open space

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

#### Compliance with Supplementary Guidance and Policy H1

The proposal would comply with the relevant requirements of the Householder Development Guide supplementary guidance. However, as it is considered that the proposal would fail to have an acceptable impact on the character of the surrounding area, the proposal would not comply with all requirements of Policy H1.

Furthermore, as the character considerations of Policy H1 are intrinsically connected to the relevant requirements of policies D1 and D4 in the extant ALDP 2017, the proposal would not comply with these policies either.

#### **Matters Raised in Representation**

- *The proposed proximity of the extension to 57 Argyll Place will lead to a loss of daylight and outlook to the neighbouring property* – As explained above, the proposed extension would have an acceptable daylighting impact on this neighbouring property. The proposed extension would lessen the outlook from 57 Argyll Place, but the level of impact is likely to be acceptable given the extension is set off the shared boundary.
- *The proposed two storey height of the extension would result in a loss of sunlight/increase in overshadowing within the rear garden ground of 57 Argyll Place* – The proposal would likely result in some loss of sunlight/additional overshadowing during the middle part of the day to the neighbour's ground floor window nearest the shared boundary and rear garden area, but this level of impact would not be so significant it would justify refusal of the application on its own.

#### **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 not acceptable overall in terms of both Plans for the reasons previously given.

**Conclusion**

Overall, the proposed extension would be excessive in scale and massing resulting in it overwhelming the rear part of the listed building. This would adversely impact on the 'setting' of the listed application property, especially when viewed from Mile End Lane and dilute the building and wider listed terraces' contribution to the Rosemount and Westburn Conservation Area from the same viewpoint. This would subsequently result in the extension having an adverse and therefore unacceptable impact on the character of the surrounding area. These concerns outweigh the acceptability of the proposed new rooflight. Subsequently, the proposal would fail to comply with all relevant requirements of policies H1, D1 and D4 in the extant Aberdeen Local Development Plan 2017 as well as policies H1, D1 and D6 in the Proposed Aberdeen Local Development Plan. Additionally, the proposal would be at odds with relevant national policy and guidance published by Historic Environment Scotland. In the absence of any other overriding material considerations, the application is recommended for refusal.

**RECOMMENDATION**

Refuse

**REASON FOR RECOMMENDATION**

The proposed rear extension would be excessive in scale and massing on the basis that it would have an adverse impact on the historic character, setting and appearance of the category B-listed building and wider terrace it lies within, thus detracting from the character and appearance of the surrounding area, which would be of detriment to the Rosemount & Westburn Conservation Area. As such, the proposal would fail to comply with all relevant requirements of Policy H1 (Residential Areas), Policy D1 (Quality Placemaking by Design) and Policy D4 (Historic Environment) in the extant Aberdeen Local Development Plan 2017 and policies H1 (Residential Areas), D1 (Quality Placemaking) and D6 (Historic Environment) in the Proposed Local Development Plan. The proposal would also be at odds with relevant national policy and guidance published by Historic Environment Scotland. The design merits of the proposed rooflight and re-use of existing granite within the proposed extension are not considered to materially outweigh the departures from the aforementioned relevant policies and guidance. Therefore, the proposal is worthy of refusal.

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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 100538310-001

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

## Description of Proposal

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

House Extension

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:	Albyn Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Architects	Building Name:	Suite 1 Chattan Mews
Last Name: *	Ltd.	Building Number:	18
Telephone Number: *	01224 630163	Address 1 (Street): *	Chattan Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB10 6RD
Email Address: *	info@albynarchitects.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Anna	Building Number:	55
Last Name: *	Celnik	Address 1 (Street): *	Argyll Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:	01224630163	Postcode: *	AB25 2HU
Fax Number:			
Email Address: *	info@albynarchitects.co.uk		

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

55 ARGYLL PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB25 2HU

Please identify/describe the location of the site or sites

Northing

806715

Easting

392550

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Trees

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

☐ Yes ☒ No

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

## Access and Parking

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

☐ Yes ☒ No

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

## Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

## Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Architects Ltd.

On behalf of: Ms Anna Celnik

Date: 22/02/2022

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

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

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

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

## Declare – For Householder Application

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

Declaration Name: Albyn Architects Ltd.

Declaration Date: 22/02/2022

## Payment Details

Online payment: ABSP00007971

Payment date: 22/02/2022 12:06:00

Created: 22/02/2022 12:07

## **DECISION NOTICE**

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

Architects Ltd.  
Albyn Architects  
Suite 1 Chattan Mews  
18 Chattan Place  
Aberdeen  
Scotland  
AB10 6RD

on behalf of **Ms Anna Celnik**

With reference to your application validly received on 22 February 2022 for the following development:-

**Erection of 1.5 storey and single storey extensions and installation of rooflights to rear at 55 Argyll 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:

<b>Drawing Number</b>	<b>Drawing Type</b>
C037-001	Location Plan
C037 - 101 A	Ground Floor Plan (Proposed)
C037 - 102 A	First Floor Plan (Proposed)
C037 - 301 A	Site Cross Section
C037 - 103 A	Site Layout (Proposed)
C037 - 201 B	Multiple Elevations (Proposed)

#### **DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION**

1. Retention of chimney

2. Width of extension reduced
3. White smooth render removed
4. Existing granite within building to be dismantled integrated into ground floor of extension

## **REASON FOR DECISION**

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

The proposed rear extension would be excessive in scale and massing on the basis that it would have an adverse impact on the historic character, setting and appearance of the category B-listed building and wider terrace it lies within, thus detracting from the character and appearance of the surrounding area, which would be of detriment to the Rosemount & Westburn Conservation Area. As such, the proposal would fail to comply with all relevant requirements of Policy H1 (Residential Areas), Policy D1 (Quality Placemaking by Design) and Policy D4 (Historic Environment) in the extant Aberdeen Local Development Plan 2017 and policies H1 (Residential Areas), D1 (Quality Placemaking) and D6 (Historic Environment) in the Proposed Local Development Plan. The proposal would also be at odds with relevant national policy and guidance published by Historic Environment Scotland. The design merits of the proposed rooflight and re-use of existing granite within the proposed extension are not considered to materially outweigh the departures from the aforementioned relevant policies and guidance. Therefore, the proposal is worthy of refusal.

**Date of Signing** 18 May 2022



**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](http://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 220221/DPP**

## **Application Summary**

Application Number: 220221/DPP

Address: 55 Argyll Place Aberdeen Scotland AB25 2HU

Proposal: Erection of 1.5 storey and single storey extensions and installation of rooflights to rear

Case Officer: Jamie Leadbeater

## **Consultee Details**

Name: Mr scott lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

## **Comments**

I note that this application is for the erection of 1.5 storey and single storey extensions, and the installation of rooflights to the rear of 55 Argyll Place. The site is located in the outer city, in controlled parking zone Z.

The proposals will see the property increase from 3 bedrooms to 4 bedrooms, increasing the parking requirement from 2 to 3 spaces. The property appears to only currently have a single parking space - a garage.

However, as the site is in a controlled parking zone there is no possibility of indiscriminate parking and, as the site is eligible for 2 parking permits, a total of 3 parking spaces are available.

For this reason there are no Roads concerns with the proposals.

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# Comments for Planning Application 220221/DPP

## Application Summary

Application Number: 220221/DPP

Address: 55 Argyll Place Aberdeen Scotland AB25 2HU

Proposal: Erection of 1.5 storey and single storey extensions and installation of rooflights to rear

Case Officer: Jamie Leadbeater

## Customer Details

Name: Mr DEREK REDMAN

Address: 57 Argyll Place, Aberdeen AB25 2HU

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to applications ref 220221/DPP and 220222/LBC.

As neighbours to the north of number 55, the proposed full-width and 1.5-story development will lead to a loss of light and outlook to the rear of our property. It will also largely close-in the view from our family room window, and so diminish the room where we spend most of our time.

The listed terraced houses on Argyll Place were originally built to avoid shadowing their neighbours, and for 120+ years this has been preserved. Either granite built rear extensions mirror their neighbour's property back to back, or a single property has a granite rear extension that is at least 3 metres from each boundary wall. This latter situation exists at number 55 and number 57. The proposed development at number 55 builds a single story extension into those 3 metres right up to our boundary wall, raising it to about 5m, and extending it for a depth of about 4m down the garden. Our family room view will be tunnelled, and the sun will not be seen until evening. The south facing downstairs lavatory will get no light at all.

The upper story of the new development will principally have an impact on our garden as it will throw substantially more of it into shadow for longer. This again diminishes our property. That apart, the two story feature is out of keeping with the architecture, materials and aesthetics of Argyll Place.

We have no objection to a single story development running deeper into the garden of number 55, but no closer than the existing, original extension to our boundary wall.

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## Application 220221 – 55 Argyll Place

### Aberdeen Local Development Plan (ALDP)

- H1 – Residential Areas
- D1 - Quality Placemaking by Design
- D4 – Historic Environment
- D5 – Our Granite Heritage

[https://www.aberdeencity.gov.uk/sites/default/files/LDP\\_WS\\_20170328.pdf](https://www.aberdeencity.gov.uk/sites/default/files/LDP_WS_20170328.pdf)

### Supplementary Guidance

Householder Development Guide

[Supplementary guidance and technical advice | Aberdeen City Council](#)

### Other Material Considerations

Scottish Planning Policy 2020

[Scottish Planning Policy - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/scottish-planning-policy-2020/pages/introduction.aspx)

Historic Environment Policy for Scotland (HEPS)

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

Managing Change in the Historic Environment:

[Managing Change in the Historic Environment: Setting | HES | History](#)

[Managing Change in the Historic Environment: Extensions | HES](#)

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 100538310-003

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Albyn Architects"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Albyn Architects"/>	Building Name:	<input type="text" value="Suite 1 Chattan Mews"/>
Last Name: *	<input type="text" value="Ltd."/>	Building Number:	<input type="text" value="18"/>
Telephone Number: *	<input type="text" value="01224 630163"/>	Address 1 (Street): *	<input type="text" value="Chattan Place"/>
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="AB10 6RD"/>
Email Address: *	<input type="text" value="info@albynarchitects.co.uk"/>		

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Anna"/>	Building Number: <input type="text" value="55"/>
Last Name: *	<input type="text" value="Celnik"/>	Address 1 (Street): * <input type="text" value="Argyll 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="AB25 2HU"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="info@albrynarchitects.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="55 ARGYLL PLACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB25 2HU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806715"/>	Easting	<input type="text" value="392550"/>
----------	-------------------------------------	---------	-------------------------------------

## Description of Proposal

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

Erection of 1.5 storey and single storey extensions and installation of rooflights to rear

## 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 uploaded 'Appeal Statement' for full details

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)

See uploaded 'Statement of Appeal' for full details

## Application Details

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

220221/DPP

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

22/02/2022

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

18/05/2022

## 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: . Albyn Architects Ltd.

Declaration Date: 10/06/2022

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# | APPEAL STATEMENT |

PLANNING APPLICATION 220221/DPP & 220222/LBC

HOUSE EXTENSION AT 55 ARGYLL PLACE  
FOR MS. A. CELNIK

7 JUNE 2022





# | INTRODUCTION |

Planning applications ref: 220221/DPP & 220222/LBC were submitted to Aberdeen City Council on 22 February 2022, seeking planning permission for the Erection of 1.5 storey and single storey extensions and installation of rooflights to rear.

## BACKGROUND

The applicant, and joint owner of the property, Anna Celnik wishes to extend her home to create additional bedroom and living accommodation to their family home. Anna has owned the property since October 2017 and loves the existing house and all the period features. The house is, however, too small to accommodate her family. Building this extension is essential to her continued ownership of the house, providing the accommodation she requires.

For Anna, it was key to retain as much of the existing house as possible, with a modern extension an obvious extension to the period home and traditional features.

## LOCATION

55 Argyll Place is a 2-bay asymmetrical house which forms part of a simply ornamented and well-proportioned terrace at Argyll Place, designed by J B Pirie and A Clyne in 1884-1885. The 41-bay terrace is listed as a group at Category B.

The frontages of this terrace have been largely unaltered, however, the rear elevations have been altered and extended over time. See below images of existing house and location.



View of existing frontage (East)



View of existing rear elevation (West)



Location Plan

# | DESIGN |

The extension has been designed in the form of a modern interpretation of the form of the surrounding properties, with the pitched roof of the rear replicating the properties to both the North and South (No.53 & 59/61 – see below image) Granite, from the downtakings has been reused to form a granite 'pier' with the remainder of the extension clad in a high quality Accoya timber, with dark finish.

The eaves of the new pitched roof, sits well below the existing eaves line. This provides a clear definition between the old and new, with minimal impact on the neighbouring properties.

## MATERIALS

The extension is to be clad in a high quality dark timber cladding, with a mixture of horizontal and vertical boards defining the different forms. Granite, from the downtakings has been reused to form a granite 'pier' to the corner of the ground floor extension. The windows and doors are to be dark grey aluminium. The roof of the ground floor extension is to be formed in a dark grey membrane, while the pitched roof is to be formed in slate, to match the existing.

## LAYOUT

The layout has been designed in a way to allow the preservation of the original stair and principle rooms.

The extension has been positioned so that it is spaced off each of the boundaries, minimising the impact of the extension, with the 45 degree line of daylight complying with the design guidelines.



Image 01, showing rear elevations (South/West) Image 02, visualisation of proposed extension

# | REASONS FOR REFUSAL |

The following paragraphs look at the reasons for refusal given in the decision notice. The following pages respond to these reasons, demonstrating how the applications do not conflict with the design guidance.

## PLANNING APPLICATION REF: 220221/DPP

*“The proposed rear extension would be excessive in scale and massing on the basis that it would have an adverse impact on the historic character, setting and appearance of the category B-listed building and wider terrace it lies within, thus detracting from the character and appearance of the surrounding area, which would be of detriment to the Rosemount & Westburn Conservation Area.*

*As such, the proposal would fail to comply with all relevant requirements of Policy H1 (Residential Areas), Policy D1 (Quality Placemaking by Design) and Policy D4 (Historic Environment) in the extant Aberdeen Local Development Plan 2017 and policies H1 (Residential Areas), D1 (Quality Placemaking) and D6 (Historic Environment) in the Proposed Local Development Plan.*

*The proposal would also be at odds with relevant national policy and guidance published by Historic Environment Scotland.*

*The design merits of the proposed rooflight and re-use of existing granite within the proposed extension are not considered to materially outweigh the departures from the aforementioned relevant policies and guidance. Therefore, the proposal is worthy of refusal.”*

## PLANNING APPLICATION REF: 220222/LBC

*“The proposed rear extension, by virtue of its scale and massing relative to the rear elevation and chimney, would have an adverse impact on the historic character and appearance of the category B-listed building and therefore would fail to preserve the building's special character.*

*As such, the proposal would fail to comply with the Policy D4 (Historic Environment) in the extant Aberdeen Local Development Plan 2017 and Policy D6 (Historic Environment) in the Proposed Local Development Plan, as well as being at odds with Historic Environment Policy for Scotland (HEPS) and relevant managing change guidance for extensions to listed buildings published by Historic Environment Scotland at the national level. Therefore, the proposal is not acceptable and worthy of refusal.*

*The ABOVE building(s) is/are included by category in the statutory List of Buildings of Special Architectural or Historic Interest compiled by the Secretary of State as Category B.”*

# | REASONS FOR REFUSAL |

## PLANNING APPLICATION REF: 220221/DPP - ADDRESSING THE ISSUE OF SCALE, MASSING & ADVERSE IMPACT ON HISTORIC CHARACTER

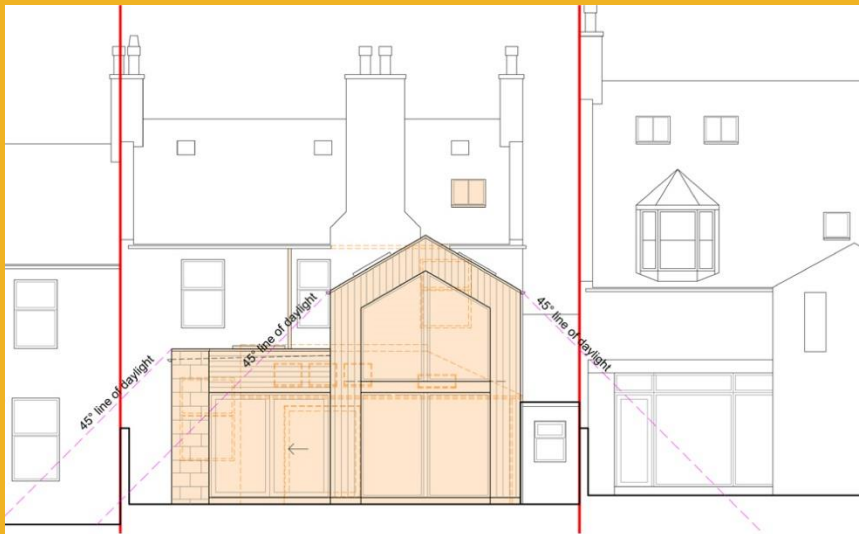
The proposed rear extension has a footprint of 34sqm (ground) + 19.5sqm (1<sup>st</sup>) replacing an existing ground floor extension of 14sqm. This equates to a total additional extended area of 39.5sqm. Given the existing house floor area totals 216sqm, the extension represents only an 18% increase.

The West (rear) elevation has been designed in a manner to respect its Historic Character, with the pitched roof designed to replicate the design of the neighbouring projections (No's 59/61). The height of the extension has been designed to be subservient to the original house, with the eaves height of the extension no higher than the extension at neighbouring house, No. 53. (see below west elevation)

The extension extends over only 2 original windows, with a previous extension demolished. All other aspects of the historic character have been retained. The granite, from the duntakings, has been utilised to form an attractive 'pier' on the corner of the proposed extension.

The only other proposed alteration is 1No. new rooflight to the existing roof. This has only a minor impact on the form and appearance of the existing roof.

We, therefore, believe the proposed extension does not conflict with the above policies listed in the refusal.



# | REASONS FOR REFUSAL |

PLANNING APPLICATION REF: 220222/LBC - ADDRESSING THE ISSUE OF SCALE, MASSING & ADVERSE IMPACT ON HISTORIC CHARACTER

## POLICY D4 – HISTORIC ENVIRONMENT

*“The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP, its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. It will assess the impact of proposed development and support high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas, archaeology, scheduled monument, historic gardens and designed landscapes.”*

## POLICY D6 – HISTORIC ENVIRONMENT (PROPOSED LOCAL PLAN)

*“Development must protect, preserve and enhance Aberdeen's historic environment, including its historic fabric. There will be a presumption in favour of the retention and appropriate reuse of historic environment assets that contribute positively to Aberdeen's character. Appropriate developments, including new features and fixings, must be designed to respect the character, appearance and setting of the historic environment and protect the special architectural or historic interest of listed buildings, conservation areas and historic gardens and designed landscapes. Stone cleaning will only be supported if in line with local and national guidance. Proposals which have the potential to impact on historic environment assets, or a significant element thereof, will be required to ensure the effective recording, assessments, analysis, archiving and publication of any reports or records to an agreed timeframe.”*

## RESPONSE

- The extension is of a high quality design, using high quality materials, to contrast and compliment the existing house.
- The extension is an obvious addition and does not pretend to be part of the original house, allowing the story and history of the house to be read and understood.
- The design and scale, is subservient to the original house and replaces an existing extension.
- The architectural and historic interest of the listed building has been maintained.
- The extension will allow the house to be utilised for the next 100 + years, being adapted to the modern way of living, ensuring future occupation and maintenance.

In line with the above points, we believe the proposed extension does not conflict with the above policies listed in the refusal.

# | CONCLUSION |

As architects, based in Aberdeen, we respect the significant heritage of the area and interest in this proposed extension.

Having prepared several design connotations with input from the planners, where we have looked to address many of the concerns raised against the proposed application, we believe this is a well considered and refined design proposal.

For the reasons stated in this document, we believe the reasons given for the refusal of the applications are not justified. Therefore, the appeal should be allowed and the applications for the formation of the extension approved.

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# Local Review Body (LRB)

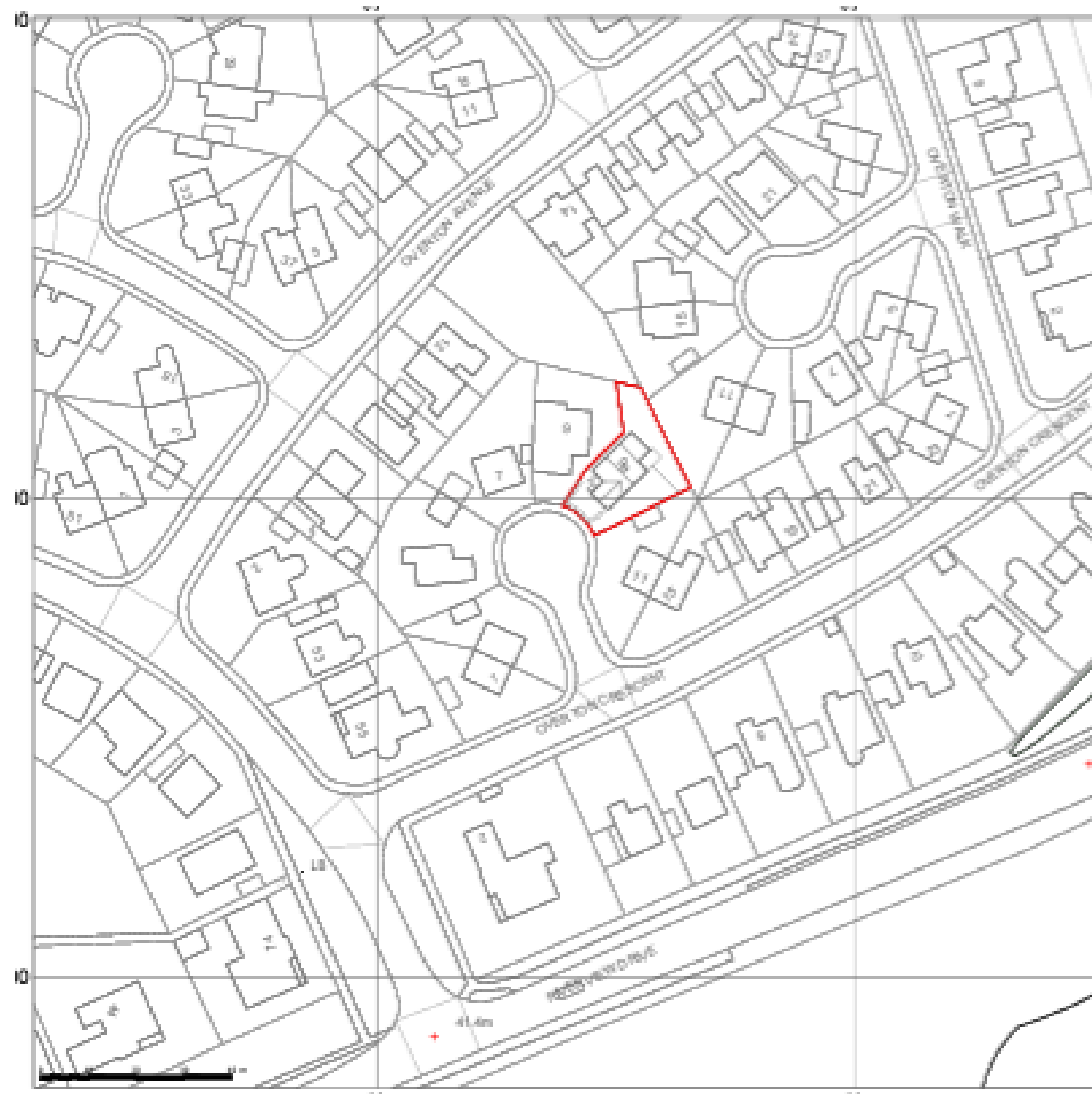
## 20th July 2022

**220422/DPP - 9A Overton Crescent**  
Erection of 2 storey extension to front/side

Lucy Greene, Planning Advisor



# Location Plan



# Aerial Photograph 2022





# Google 3D 2022

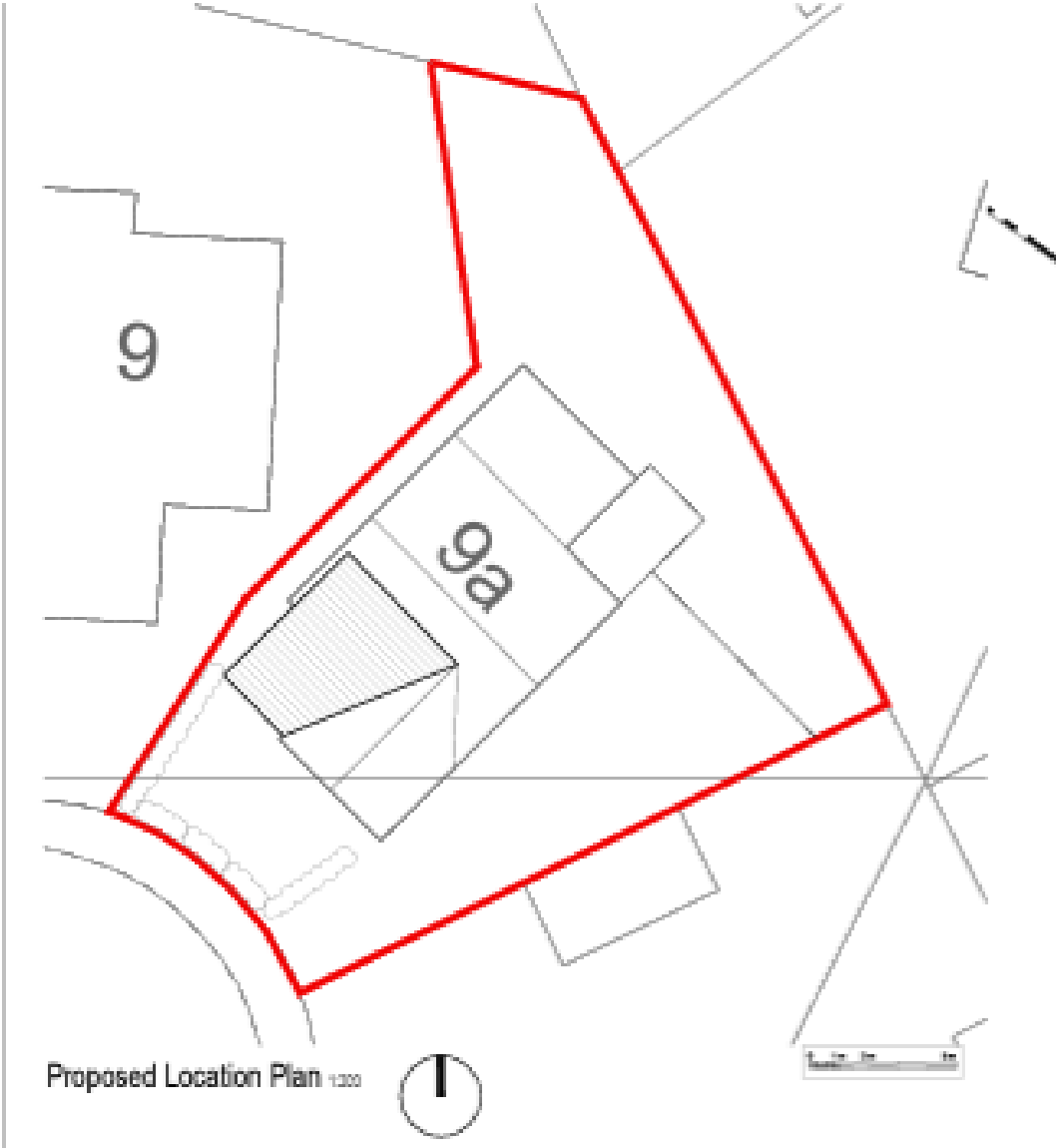




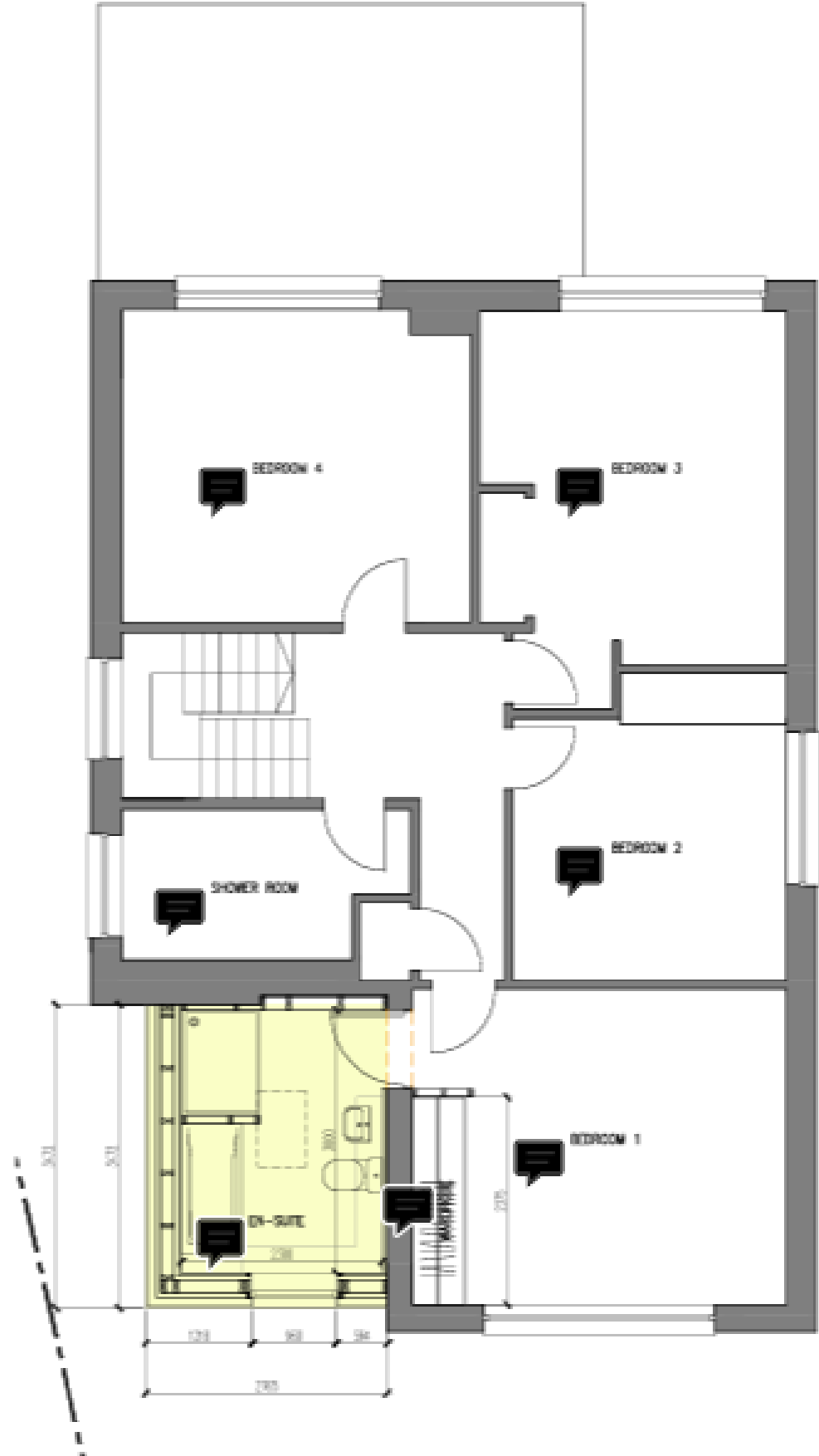
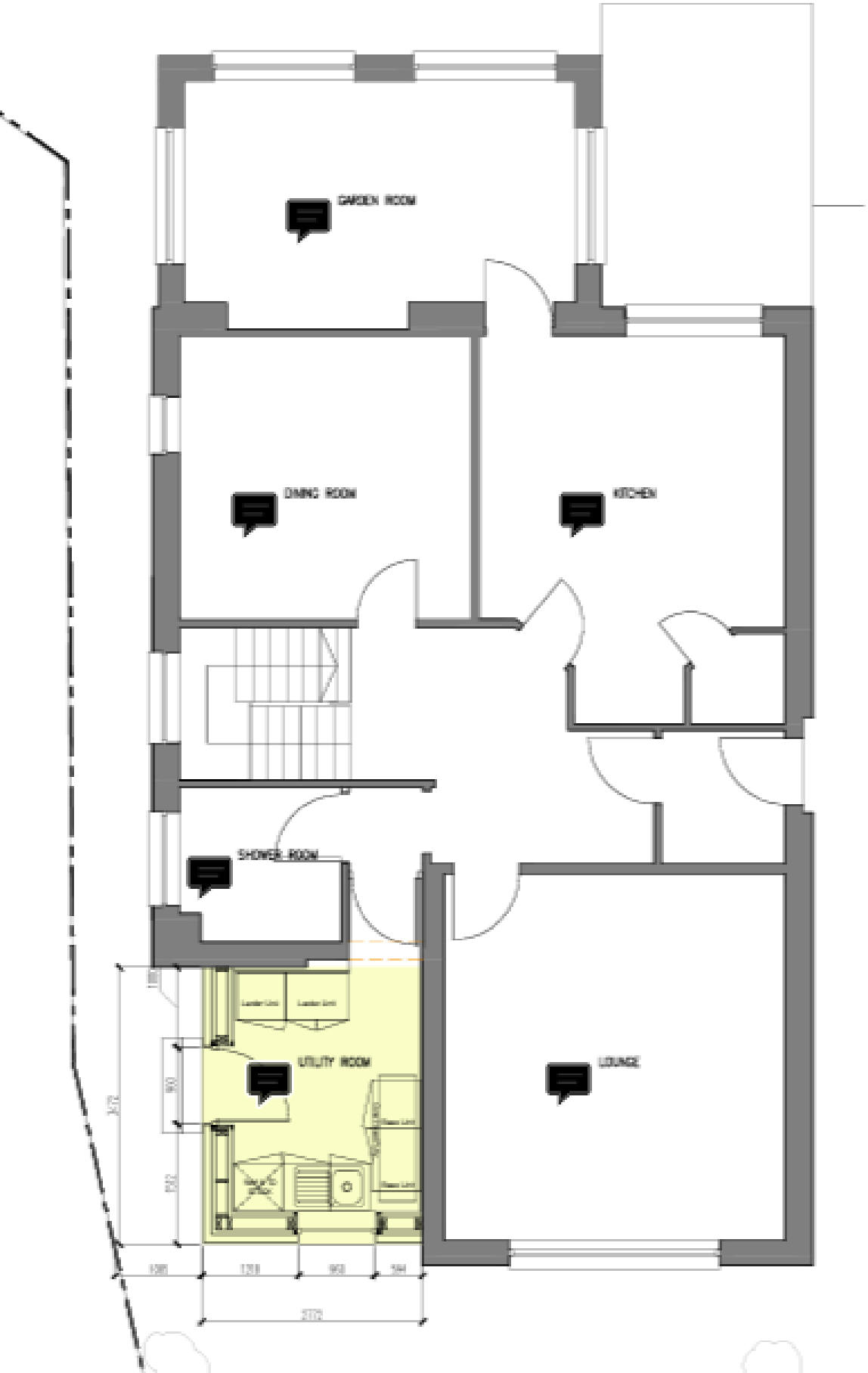
# Google Streetview 2008



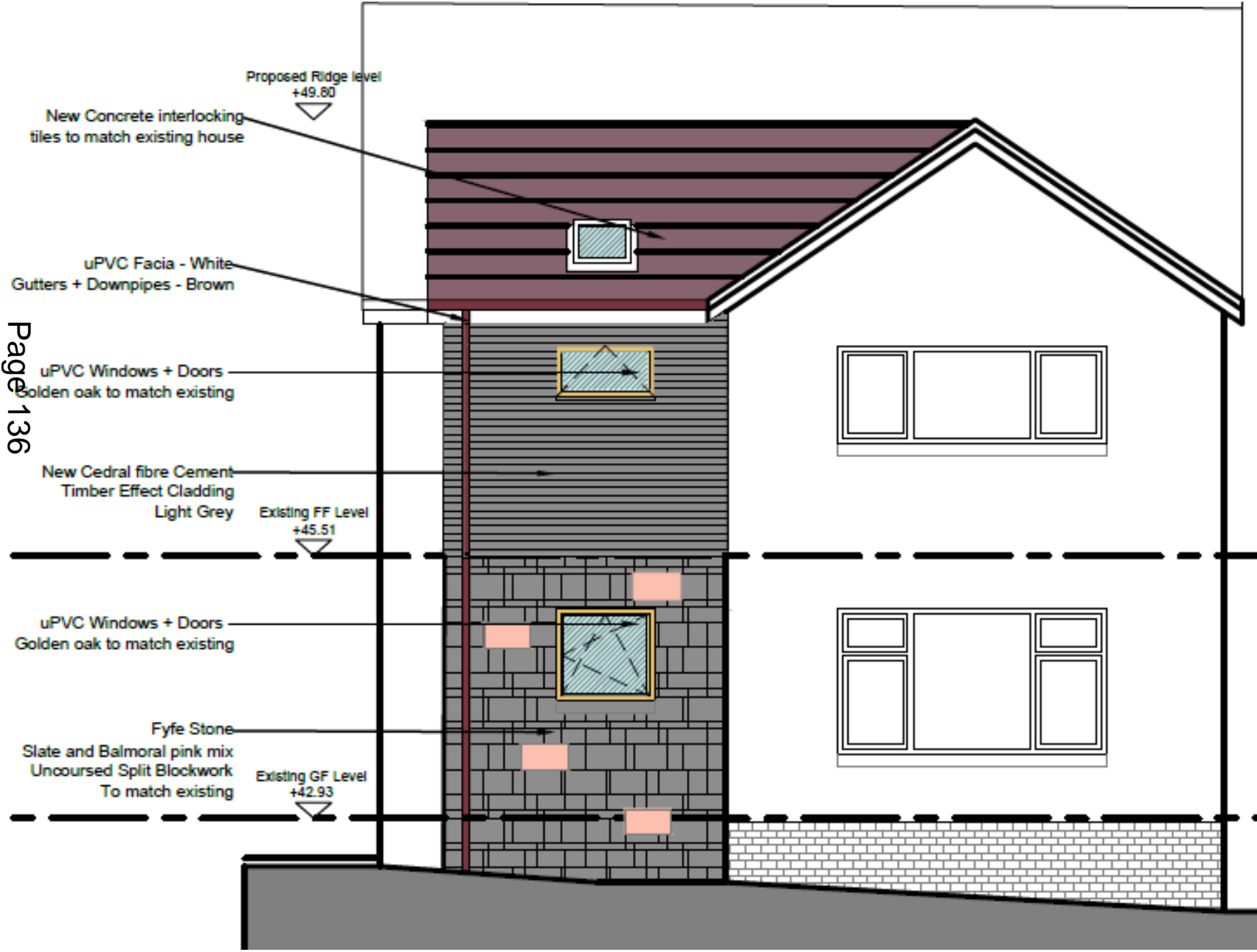
# Plan as Proposed



# Proposed Floor Plans



# Proposed Elevation (south-west)



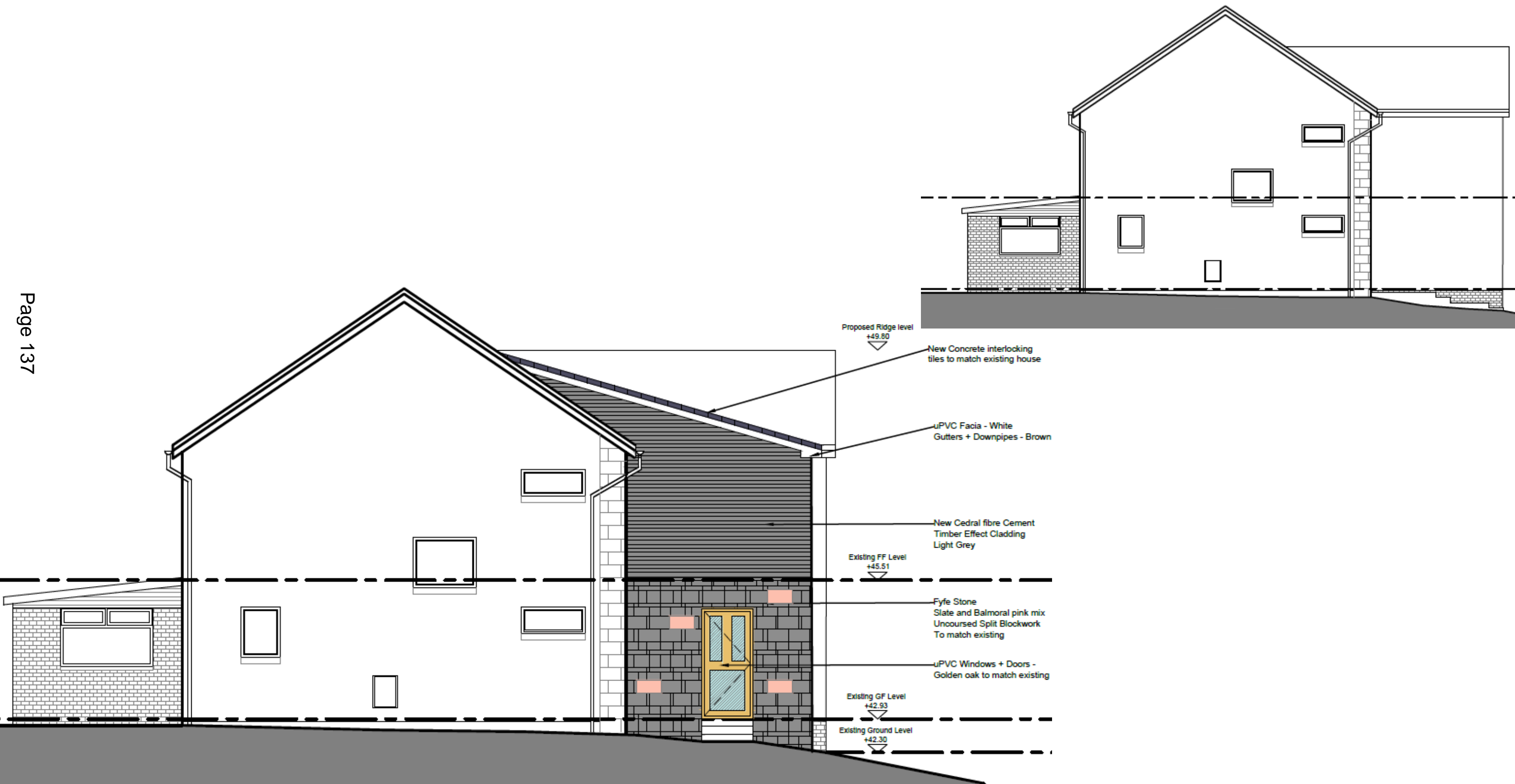
# Existing Elevation



# Proposed Elevation (north west)

# Existing Elevation

Page 137





# Reasons for Refusal

- Stated in full in Report of Handling in Agenda. Key points:
- Layout, composition, form and scale within cul-de-sac would harm visual amenity and the character of the street
- Lacks architectural compatibility, due to massing and lack of glazing
- Contrary to Policy H1 and D1

# Applicant's Case

- 9A was the host for a property split and has already had a two storey extension to the front.
- Front door to No. 9 has always been set back with an entrance ramp – proposed extension does not impact on amenity space or cause over shadowing
- Existing two storey extension breaks the 'radial development line'
- Scale and materials are consistent with existing property
- Window openings relate to the uses of rooms and large openings would over power the elevation

# Policies – LDP 2017

Policy H1: Relates to new residential developments (excerpt)

## Policy H1 - Residential Areas

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

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

# 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

# Evaluation

- Primacy of Development Plan
- The Planning Act requires all applications to be determined in accordance with Development Plan unless material considerations indicate otherwise
- Careful assessment, each application treated on its merits

# Basis for Decision

Zoning:

How would it affect the character and amenity of the area as set out in policy H1 and the relevant supplementary guidance?

- 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

# Thank you Questions ?

Lucy Greene (Planning Advisor): [lgreene@aberdeencity.gov.uk](mailto:lgreene@aberdeencity.gov.uk)



## Strategic Place Planning

### Report of Handling

<b>Site Address:</b>	9A Overton Crescent, Aberdeen, AB21 7FW
<b>Application Description:</b>	Erection of 2 storey extension to front/side
<b>Application Ref:</b>	220422/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	31 March 2022
<b>Applicant:</b>	Mrs Carolyn Cosgrove
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Dyce & Stoneywood
<b>Case Officer:</b>	Ross McMahon

## **RECOMMENDATION**

Refuse

## **APPLICATION BACKGROUND**

### **Site Description**

The application site comprises a modern, two-storey, detached dwelling and its front, side and rear curtilage. The dwelling fronts onto Overton Crescent, forming part of a radial cul-de-sac arrangement shared with five other dwellings and is bound to the north, south and east by residential properties and their respective gardens.

### **Relevant Planning History**

None.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought to erect a two-storey extension to the front/side (south-west) elevation of the dwelling to accommodate a utility room at ground floor and an en-suite at upper floor level. The extension would incorporate a lean-to roof with rooflight and be finished in concrete roof tiles, light grey timber effect cladding, grey and pink cast stone, Golden Oak PVCu framed windows and doors, white PVCu fascia and brown PVCu rainwater goods.

### **Amendments**

None.

### **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=R9LT4XBZM3N00>



- *Planning Statement*

## **CONSULTATIONS**

**Dyce & Stoneywood Community Council** – No comments received.

## **REPRESENTATIONS**

None received.

## **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.

### **Development Plan**

#### **Strategic Development Plan**

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

#### **Local Development Plan**

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: “Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration”.

The following policies are relevant –

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking by Design)

### **Supplementary Guidance (SG)**

- Householder Development Guide

### **Proposed Aberdeen Local Development Plan 2020**

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. 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. The following policies of the Proposed ALDP are of relevance in the assessment of this planning application:

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)

## **EVALUATION**

### **Principle of Development**

The ALDP 'proposals map' identifies the entirety of the site being located within a 'residential area'. Policy H1 (Residential Areas) applies to development within such areas, and states that a proposal for householder development will be approved in principle if it:

1. does not constitute overdevelopment;
2. does not have an unacceptable impact on the character and amenity of the surrounding area;
3. does not result in the loss of valuable and valued areas of open space; and
4. complies with SG.

There would be no loss of open space given the nature and type of development proposed, in that the works consist of an extension to a private dwellinghouse set within its established curtilage. Therefore, in terms of establishing the acceptability of the principle of the proposal in the context of Policy H1, provisos 1, 2 and 4, as set out above, are applicable. Where appropriate, such matters are discussed in the context of the Council's Householder Development Guide SG (hereafter referred to as 'SG'), below.

The Council's SG stipulates that the built footprint of the dwellinghouse as extended should not exceed twice that of the original dwelling, and that no more than 50% of the front or rear curtilage should be covered by development. The proposal complies in each respect: the footprint of the proposed extension would not exceed twice that of the original property and the construction of the extension would see the retention of a sufficient front garden ground. As such, and with regard to proviso 1, the proposal would not amount to overdevelopment of the site.

### **Design & Amenity**

Policy D1 (Quality Placemaking by Design) states that all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment. Additionally, the Council's SG requires that proposals for extensions be architecturally compatible in design and scale with the original house and the surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale.

Further to the above, the Council's Householder Development Guide SG sets a number of general principles in respect of front extensions, stating that such interventions will only be considered acceptable in situations where they would not impact negatively on the character or amenity of the original dwelling and the surrounding area. In all cases the established building line of the street should be respected. Front extensions of any type should be of a scale and design which is complementary to, and consistent with, the original dwelling. In all cases, careful consideration will be given to (i) impact on adjacent property; (ii) visual impact; and (iii) the extent of any building line and the position of the adjacent buildings generally.

Owing to the radial arrangement of dwellings within the cul-de-sac and the proximity and position of the host dwelling and proposed extension to 9 Overton Crescent, the proposed two-storey front/side extension sits uncomfortably close to the adjacent property site and additionally partially obscures its principal elevation. As such, the pattern of development within the street and the space in between dwellings is not respected as a result of the proposal. Further to the above, the solid-void ratio is considered to be unacceptable – the degree of glazing to the front of the extension is not sufficient in addressing the massing of the two-storey structure in the context of the dwelling and wider streetscape, exacerbating the aforementioned issues.

In light of the above, the proposal is not architecturally compatible with the host property and the wider streetscape and arrangement of dwelling within and therefore is contrary to key elements of the Council's Householder Development Guide SG, and additionally, fails to comply with Policy D1 (Quality Placemaking by Design) and Proviso 2 of Policy H1 (Residential Areas).

### **Residential Amenity**

In respect of residential amenity, the Council's SG states that no extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected. In terms of daylight, respective calculations (i.e., the 45-degree method), as set out in Appendix 2 of the Council's SG, demonstrate that the size, scale and location of the proposed front alterations and replacement outbuilding relative to adjacent property are such that there would be no adverse impact to adjacent habitable room windows. With regards to sunlight, the position and orientation of all proposed elements relative to the sun path shows that there would be no adverse impact upon the rear garden ground of adjacent property. All proposed glazing would face toward the public road such that no overlooking of residential property would occur. Accordingly, it is considered that the proposal complies with the Council's SG in respect of ensuring that residential amenity is suitably maintained.

### **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, apart from Policy D2, which is a new policy aimed at protecting residential amenity. However, it is considered that this aspect has been sufficiently assessed by current policies. The proposal is acceptable in terms of both Plans for the reasons previously given.

### **RECOMMENDATION**

Refuse

### **REASON FOR RECOMMENDATION**

The proposed front/side extension by reason of its layout, composition, form and scale and the general arrangement of dwelling within the cul-de-sac would cause harm the visual amenity and character of the streetscape. The proposed extension is not considered to be architecturally compatible with the host building owing to its massing and the lack of glazing found to its principal elevation. The proposal is therefore considered to have a detrimental impact on the character and

appearance of the building and, owing to its exposed nature, the surrounding area. The proposed extension therefore conflicts with the relevant provisions of Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017, including the Council's Supplementary Guidance: Householder Development Guide. On the basis of the above, it is considered that there are no material planning considerations of sufficient weight that would warrant approval of the application.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100550921-001

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

## Description of Proposal

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

Formation of 2 storey extension to the principle elevation.

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:	eb-architect Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ewen	Building Name:	Office 10
Last Name: *	Buchan	Building Number:	
Telephone Number: *	01224969600	Address 1 (Street): *	Badentoy Business Centre
Extension Number:		Address 2:	Badentoy Crescent
Mobile Number:		Town/City: *	Portlethen
Fax Number:		Country: *	Aberdeenshire
		Postcode: *	AB12 4YD
Email Address: *	ewen@eb-architect.com		

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Carolyn	Building Number:	9A
Last Name: *	Cosgrove	Address 1 (Street): *	Overton Cres,
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Dyce,
Extension Number:		Country: *	Aberdeen
Mobile Number:		Postcode: *	AB21 7FW
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

9A OVERTON CRESCENT

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB21 7FW

Please identify/describe the location of the site or sites

Northing

812406

Easting

389450

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

≤ Yes T No

## Trees

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

≤ Yes T No

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

## Access and Parking

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

≤ Yes T No

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

## Planning Service Employee/Elected Member Interest

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

≤ Yes T 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: Ewen Buchan

On behalf of: Mrs Carolyn Cosgrove

Date: 31/03/2022

☐ Please tick here to certify this Certificate. \*

## Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

☐ Existing and Proposed elevations.

☐ Existing and proposed floor plans.

☐ Cross sections.

☐ Site layout plan/Block plans (including access).

☐ Roof plan.

☐ Photographs and/or photomontages.

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

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

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

## Declare – For Householder Application

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

Declaration Name: Mr Ewen Buchan

Declaration Date: 31/03/2022

## Payment Details

Online payment: ABSP00008118  
Payment date: 31/03/2022 10:44:00

Created: 31/03/2022 10:45

## **DECISION NOTICE**

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

Ewen Buchan  
eb-architect Ltd  
Office 10  
Badentoy Business Centre  
Badentoy Crescent  
Portlethen  
Aberdeenshire  
AB12 4YD

on behalf of **Mrs Carolyn Cosgrove**

With reference to your application validly received on 31 March 2022 for the following development:-

**Erection of 2 storey extension to front/side  
at 9A Overton Crescent, 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:

<b>Drawing Number</b>	<b>Drawing Type</b>
2168 - SD01	Location Plan
2168 - PL01	Elevations and Floor Plans

#### **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:-

The proposed front/side extension by reason of its layout, composition, form and scale and the general arrangement of dwelling within the cul-de-sac would cause harm the visual amenity and character of the streetscape. The proposed extension is not considered to be architecturally compatible with the host building owing to its massing and the lack of glazing found to its principal elevation. The proposal is therefore considered to have a detrimental impact on the character and appearance of the building and, owing to its exposed nature, the surrounding area. The proposed extension therefore conflicts with the relevant provisions of Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017, including the Council's Supplementary Guidance: Householder Development Guide. On the basis of the above, it is considered that there are no material planning considerations of sufficient weight that would warrant approval of the application.

**Date of Signing** 29 June 2022



**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](http://www.eplanning.scot).

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

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

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

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## **Aberdeen Local Development Plan (ALDP)**

[Aberdeen Local Development Plan | Aberdeen City Council](#)

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

## **Supplementary Guidance**

Householder Development Guide

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

## **Other Material Considerations**

Proposed Aberdeen Local Development Plan (2020)

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



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

Thank you for completing this application form:

ONLINE REFERENCE 100550921-002

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:	<input type="text" value="eb-architect Ltd"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Ewen"/>	Building Name:	<input type="text" value="Office 10"/>
Last Name: *	<input type="text" value="Buchan"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01224969600"/>	Address 1 (Street): *	<input type="text" value="Badentoy Business Centre"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Badentoy Crescent"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Portlethen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Aberdeenshire"/>
		Postcode: *	<input type="text" value="AB12 4YD"/>
Email Address: *	<input type="text" value="ewen@eb-architect.com"/>		

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="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="9A"/>
First Name: *	<input type="text" value="Carolyn"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Cosgrove"/>	Address 1 (Street): *	<input type="text" value="Overton Cres,"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Dyce,"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Aberdeen"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="AB21 7FW"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

## Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="9A OVERTON CRESCENT"/>
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="AB21 7FW"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="812406"/>	Easting	<input type="text" value="389450"/>
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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 2 Storey extension to the principle elevation to form utility room and Ensuite.

## 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.

Supporting statement included. Review of decision to form the extension in a corner of the clients site that is deemed unusable. The scale and form is relevant to the existing dwelling and due review should be given. This house was the host house to a previous plot split. The approved additional house has been approved without due consideration to the left over amenity space to the host property.

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)

Existing and proposed plans Supporting statement.

## Application Details

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

220422/DPP

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

31/03/2022

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

29/06/2022

## 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)

I would suggest that a site visit would allow the review panel to understand the site better. In relation to the area we are looking to develop.

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?. \*

T Yes ≤ No

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

T 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? \*

T 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? \*

T 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 \*

T 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 Ewen Buchan

Declaration Date: 30/06/2022

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## **Planning Response**

### **9A Overton Cres, Dyce.**

9A is the host property for the plot split and has already been developed with a two-storey extension to the front of the property prior to the plot split.

The location of the Front door to 9 Overton Crescent has always been set back from the front of the property and current the road is not visible from the road due to the ground floor front extension.

The area between the front door of 9 Overton Crescent and the boundary is used for an entrance ramp and as such our proposed developed does not have any adverse impact to the amenity space or the dwelling with over shadowing.



The approved plot split has created an area within the curtilage of the property useable and is a prime location for development with minimum impact of the surrounding properties. There is precedent already on this site for a 2-storey development on the principal elevation to house the existing lounge and master bedroom. This developed already breaks the radial development line referred to in the planners' comments.

9 Overton Crescent broke the existing pattern of development with its scale, proportion, and location in relation to the boundaries and road. 9A also breaks the pattern of development with the existing extension on the principal elevation. As such there is no consistent pattern of development within the cul de sac area.

The scale of the proposed development is consistent to the existing property and respects the materials of the existing development. A single storey extension would not sit respectfully with the existing scale of development.

The window opening sizes relate directly to the use behind and the other windows in the dwelling, large openings in this extension would over power the elevation and also make the spaces unusable due to the nature of their use.



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