

Public Document Pack



To: Councillor Henrickson, Chairperson; and Councillors Clark and Thomson.

Town House,
ABERDEEN 02 November 2022

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely on **WEDNESDAY, 9 NOVEMBER 2022 at 10.00 am.**

Members of the public can view the meeting using the following link but must not activate their cameras or microphones and must only observe the meeting.

[Microsoft Teams meeting link](#)

VIKKI CUTHBERT
INTERIM CHIEF OFFICER - GOVERNANCE

BUSINESS

1.1 Procedure Notice (Pages 5 - 6)

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

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 Erection of single storey extension; formation of dormer; installation of replacement windows and door to rear; and formation of roof lights to front - 125 Blenheim Place Aberdeen (Pages 7 - 36)

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 220604.

2.2 Delegated Report, Original Application Form and Decision Notice (Pages 37 - 54)

2.3 Planning Policies Referred to in Documents Submitted (Pages 55 - 56)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 57 - 78)

2.5 Determination - Reasons for Decision

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

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

PLANNING ADVISER - LUCY GREENE

3.1 Erection of first floor extension over existing garage to front - 131 Grandholm Drive Aberdeen (Pages 79 - 100)

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 220673

3.2 Delegated Report, Original Application Form and Decision Notice (Pages 101 - 118)

3.3 Planning Policies Referred to in Documents Submitted (Pages 119 - 120)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 121 - 138)

3.5 Determination - Reasons for Decision

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

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

PLANNING ADVISER - LUCY GREENE

- 4.1 Partial change of use of agricultural field to residential curtilage, erection of garage, and formation of new access with associated works - Kingshills House C128c From Junction With Countesswells Park Rd And North Countesswells Rd To Kingswells Roundabout Kingswells Aberdeen Aberdeen City (Pages 139 - 152)

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 220021.

- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 153 - 174)

- 4.3 Planning Policies Referred to in Documents Submitted (Pages 175 - 176)

- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 177 - 198)

- 4.5 Determination - Reasons for Decision

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

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

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

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

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

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

DETERMINATION OF REVIEW

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

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



Local Review Body (LRB)

9th November 2022

**Erection of single storey extension; formation of dormer;
installation of replacement windows and door to rear; and
formation of roof lights to front
220604/DPP - 125 Blenheim Place**

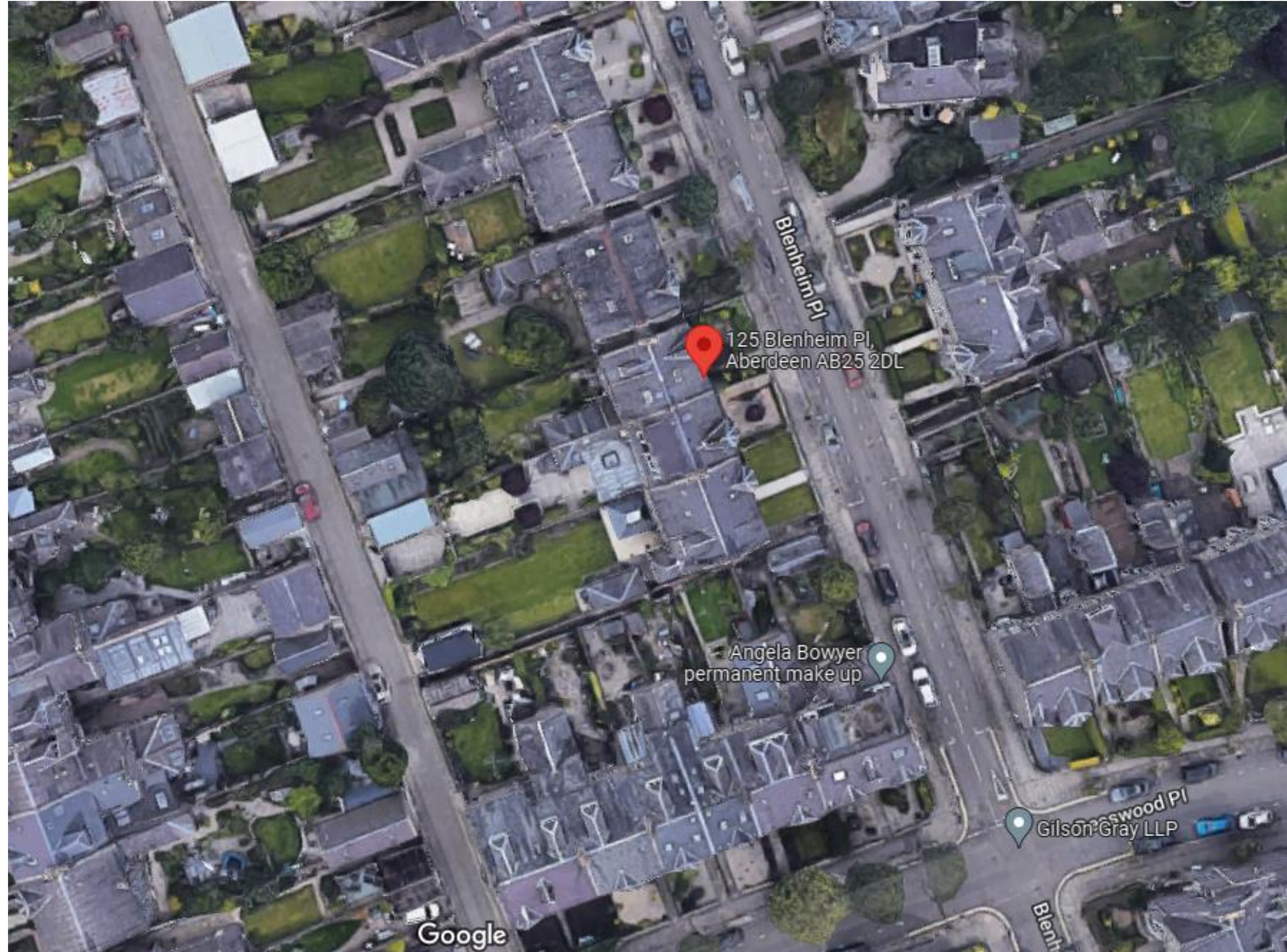
Lucy Greene, Planning Advisor

Location Plan



2022

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Google 3D 2022



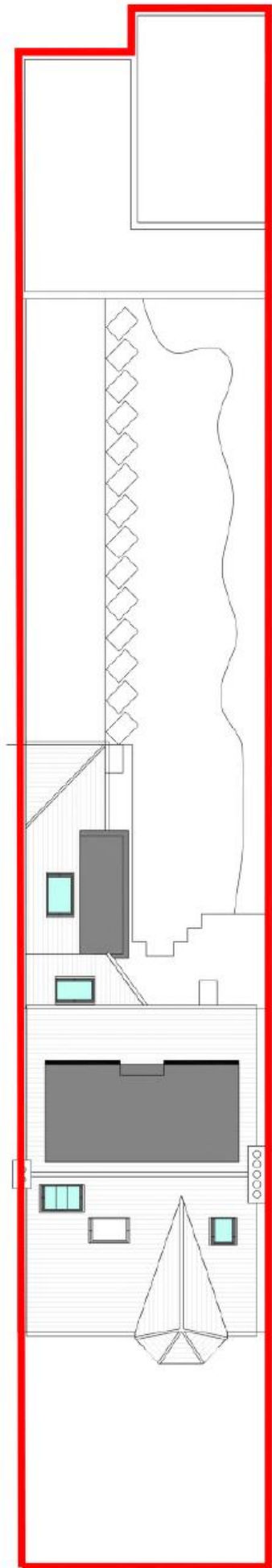
Google Streetview 2022



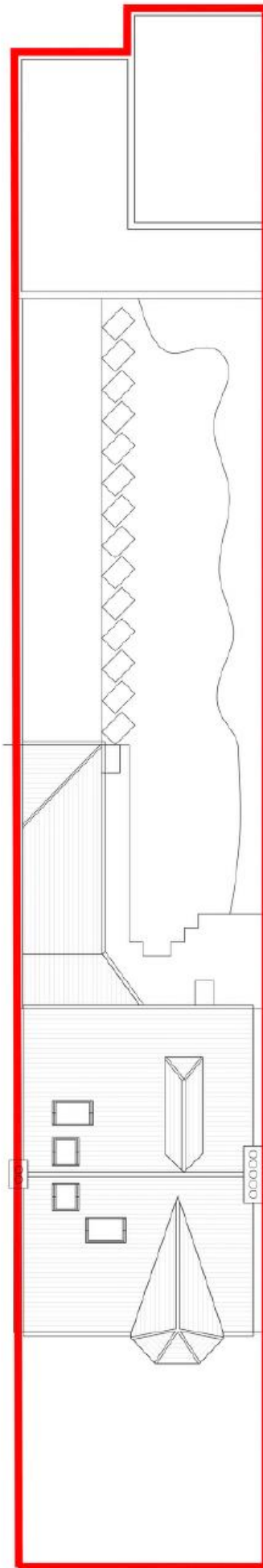
Google Streetview 2022



Site Plan / Roof Plan



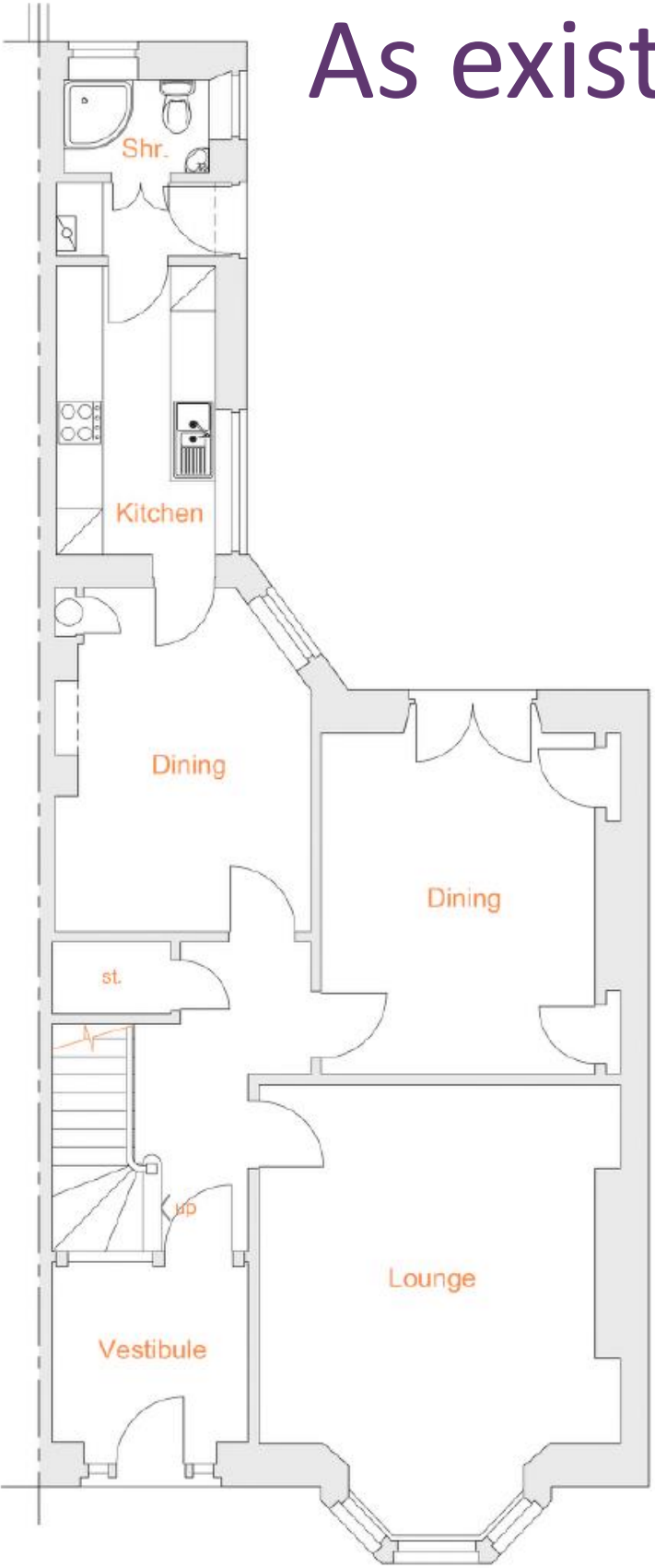
As proposed



As existing

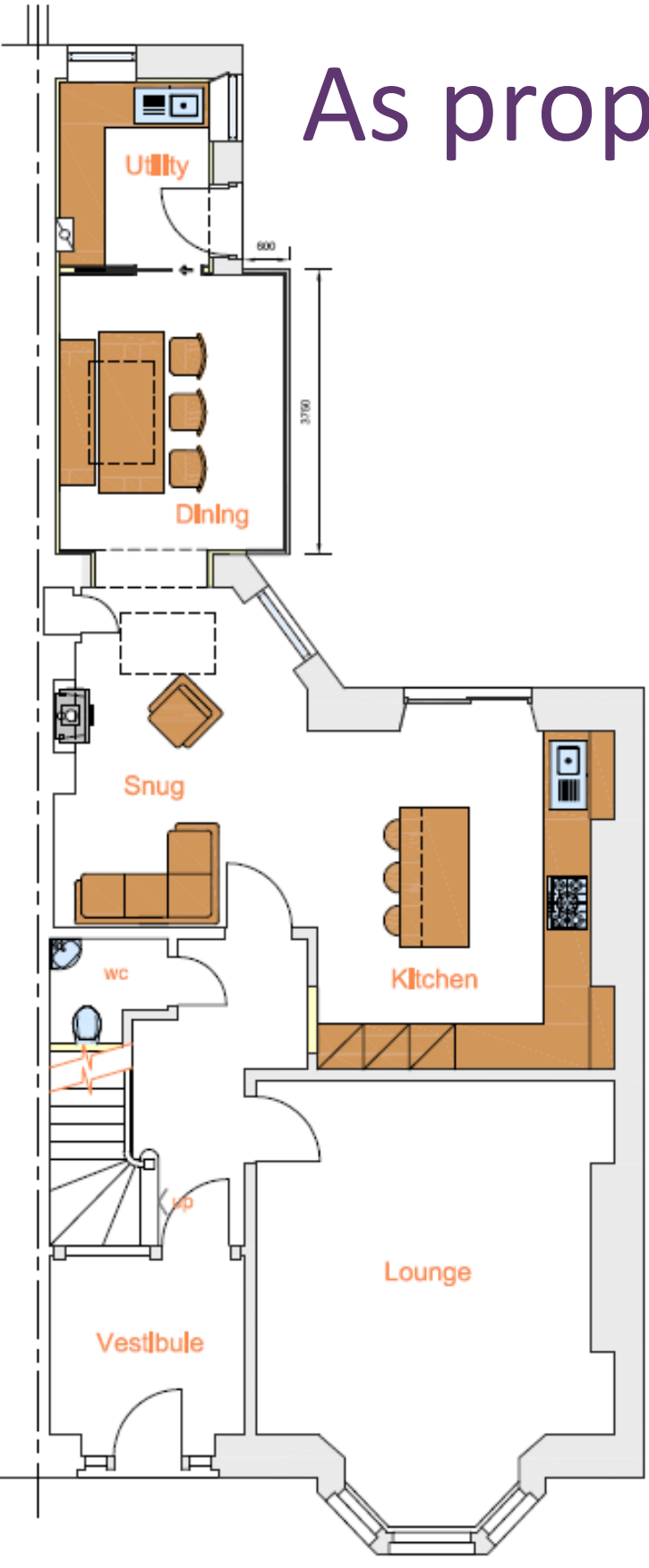
Floor Plans

As existing



Ground Floor Plan - 1:50

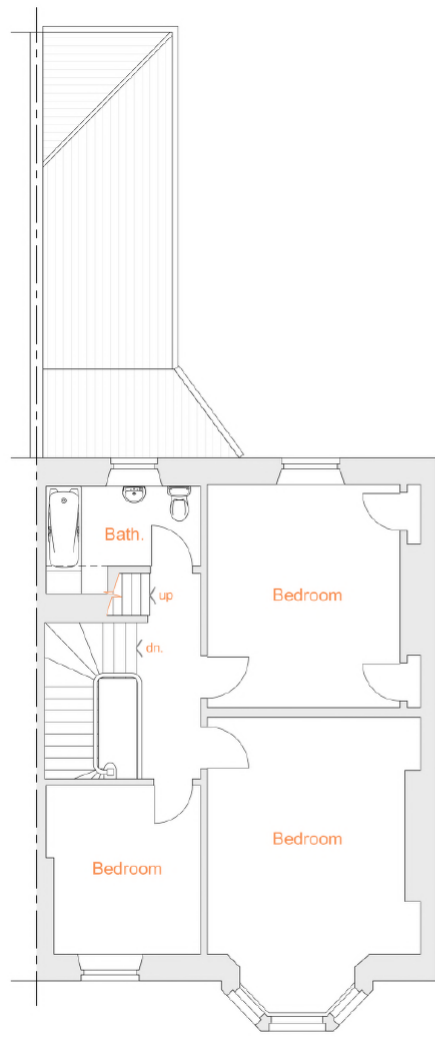
As proposed



Ground Floor Plan

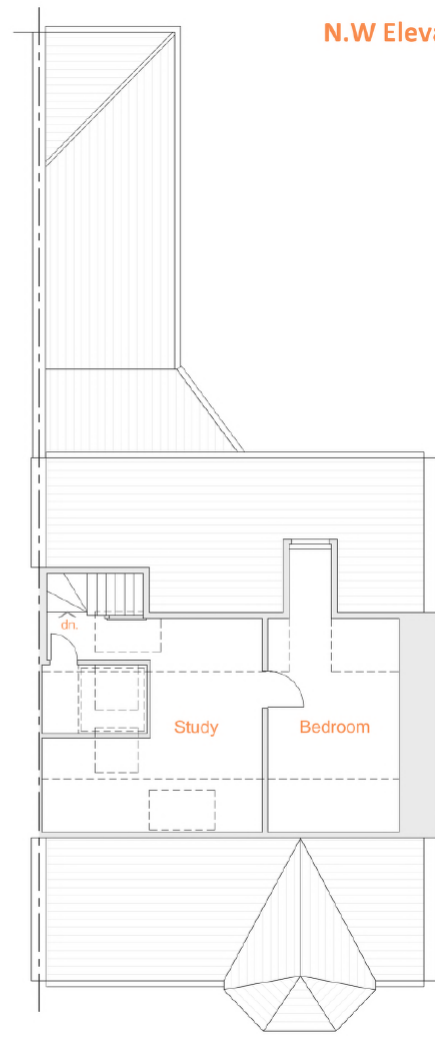
Floor Plans

As Existing



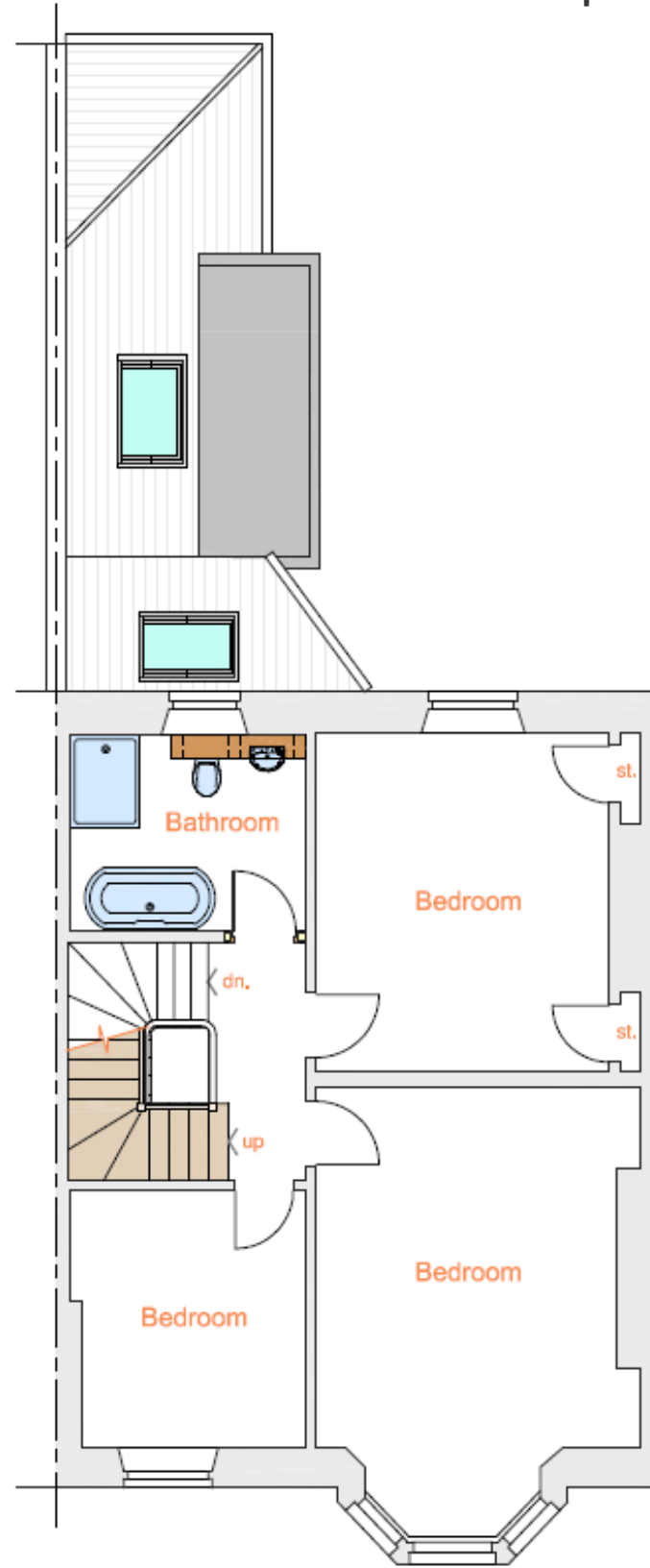
First Floor Plan - 1:50

N.W. Elevation

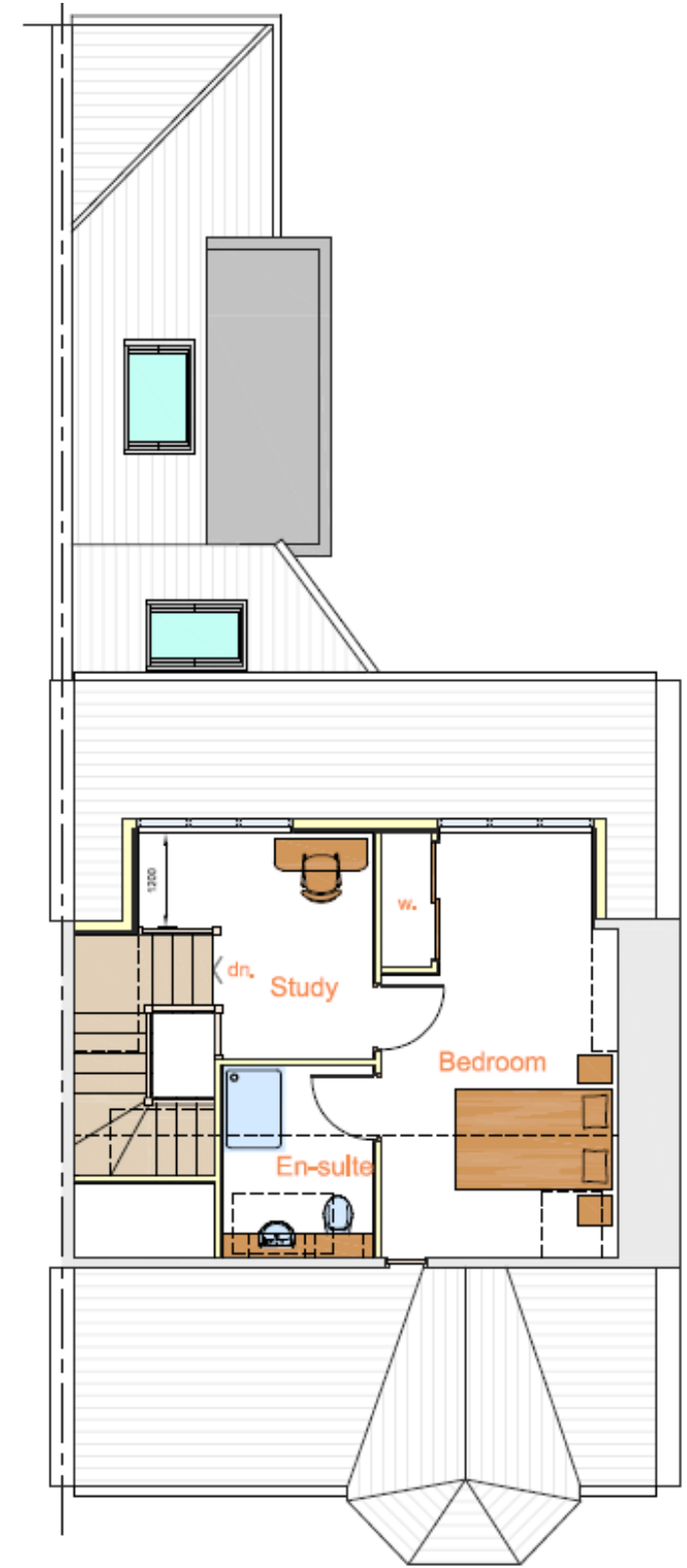


Second Floor Plan - 1:50

As Proposed



First Floor Plan

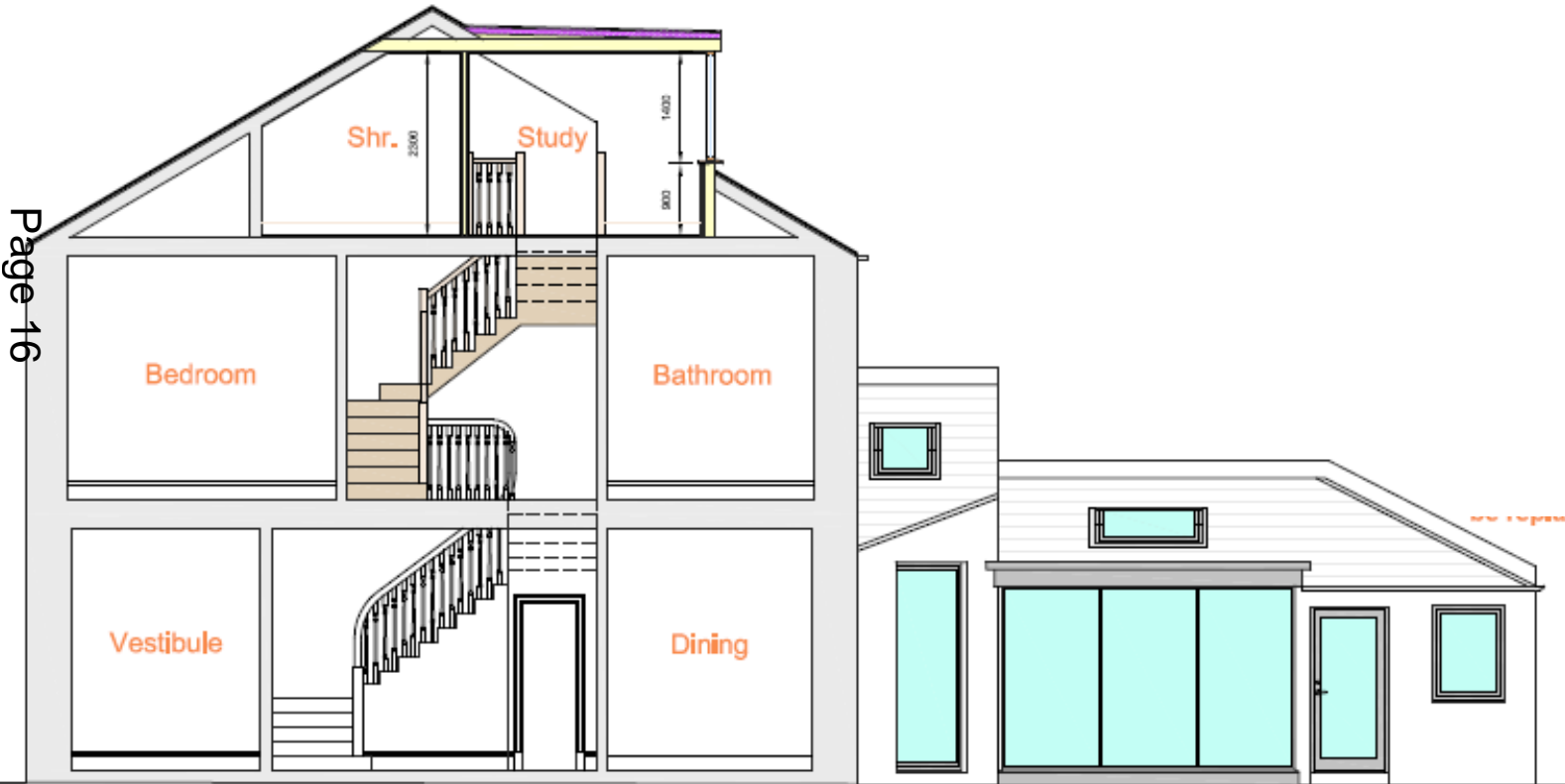


Second Floor Plan

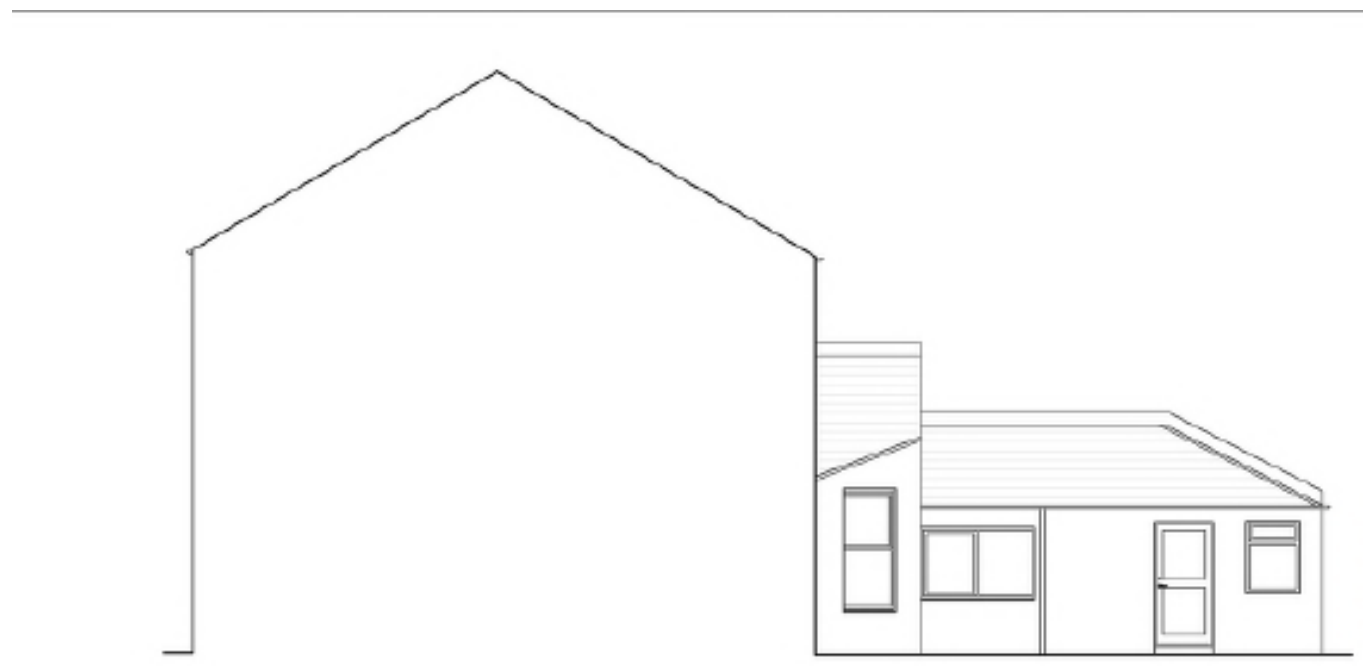
Proposed Elevation

Existing Elevation

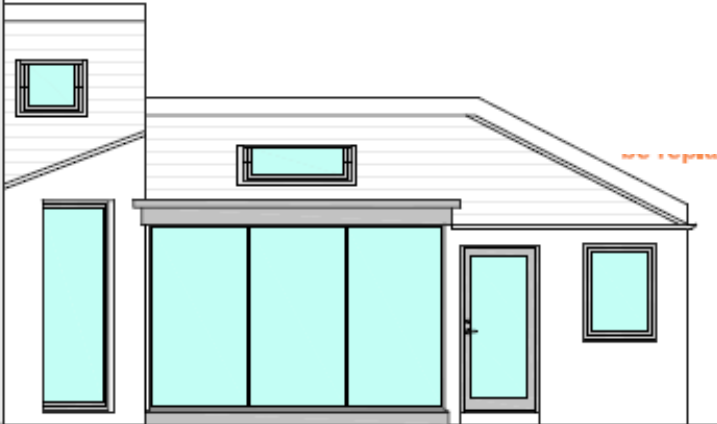
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North West Elevation



N.W Elevation - 1:100



Proposed Elevation (SW), including neighbour

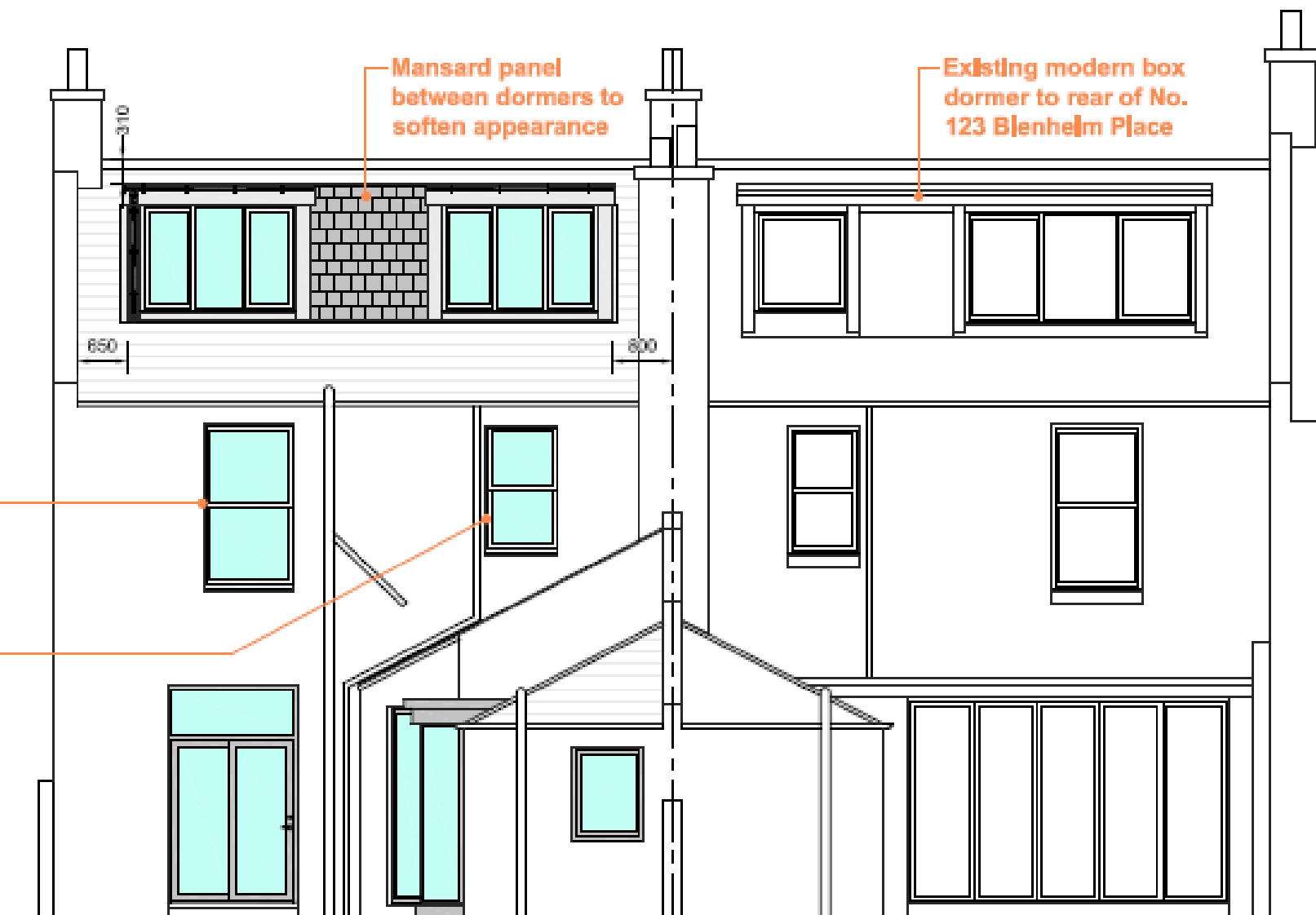
Existing Elevation

Ex. defective timber window to be replaced with new white UPVC sash & case look-a-like (stepped) window. Window proportion to match with $\frac{50}{30}$ split & following points adhered to;

- no more than 25mm of the outer window frame should be visible at the top and sides, once the window has been fitted into the masonry opening.
- the meeting rails must fully overlap.
- the bottom rail of the lower sash must be at least 75mm high.
- the glass must be recessed from the front face of the sash by at least 10mm.

Smaller first floor window to rear elevation, currently UPVC tilt & turn to be replaced as per above,

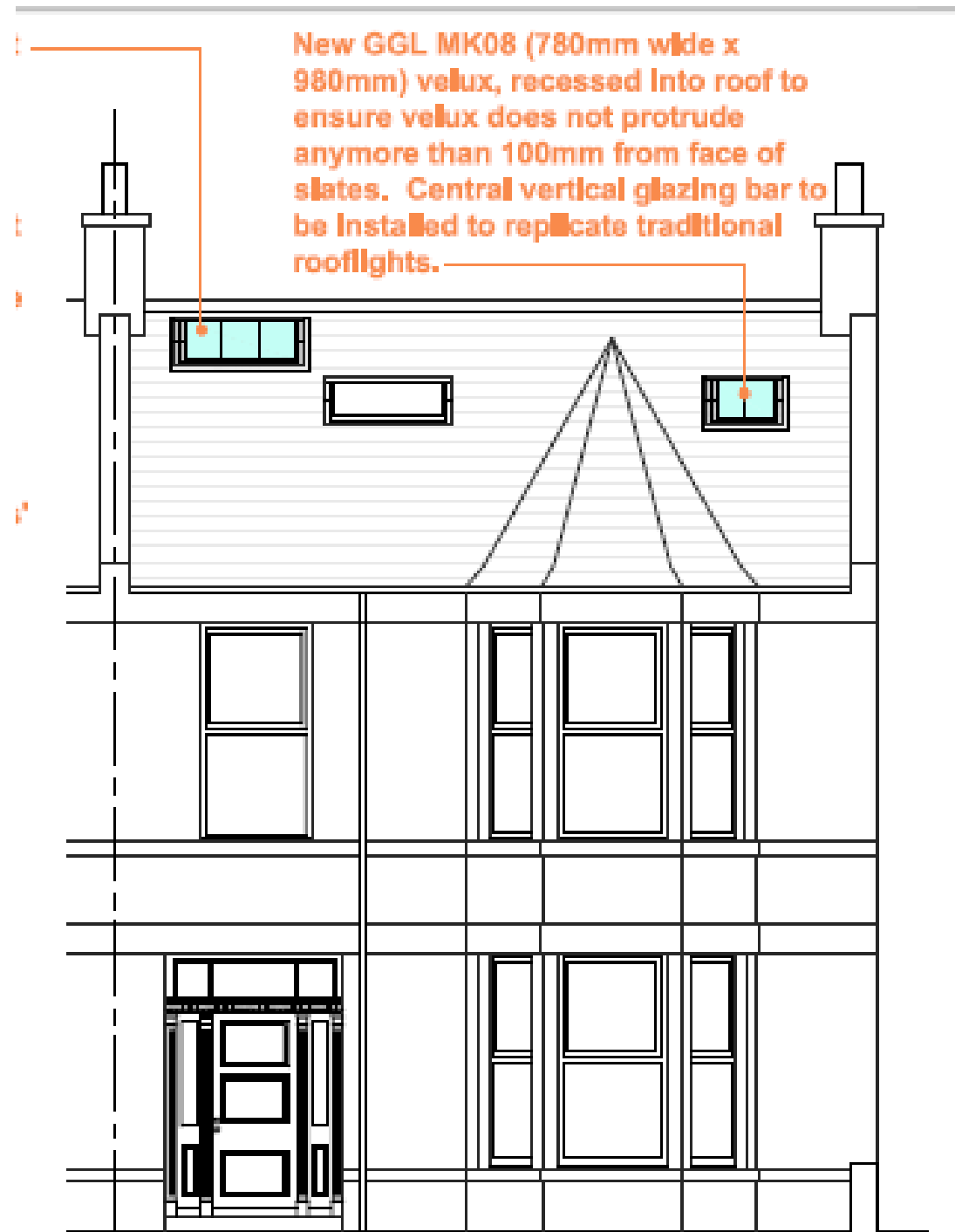
NOTE: Ground floor windows at rear elevation, out of public view to be grey, whilst first & second floor windows will be white.



Rear South West Elevation



Proposed Elevation (NE)



Front North East Elevation

Existing Elevation



Images as Proposed



External Finishes

Roof:- single ply flat roof to new dormer & projecting extension (grey)

Dormer Mansards/Haffits:- second hand welsh slates to match main roof (grey)

Fascia's:- White upvc fascia's & soffits to new dormers and grey upvc to small glazed extension at ground floor

Doors:- Grey upvc rear doorset & rear patio doorset with fanlight above

Windows:- White upvc windows throughout first & second floors, whilst ground floor to be grey upvc
Full height glazed panes to new projecting extension

Velux:- GGL UK04 (1340x980mm) centre pivot velux roof window to lower rear annexe over new dining area

GGL MK08 (780x1400mm) centre pivot velux roof window to rear annexe over snug area

GPL MK08 (780x980mm) top opening velux roof window to front roof within bedroom, with central conservation glazing bar installed

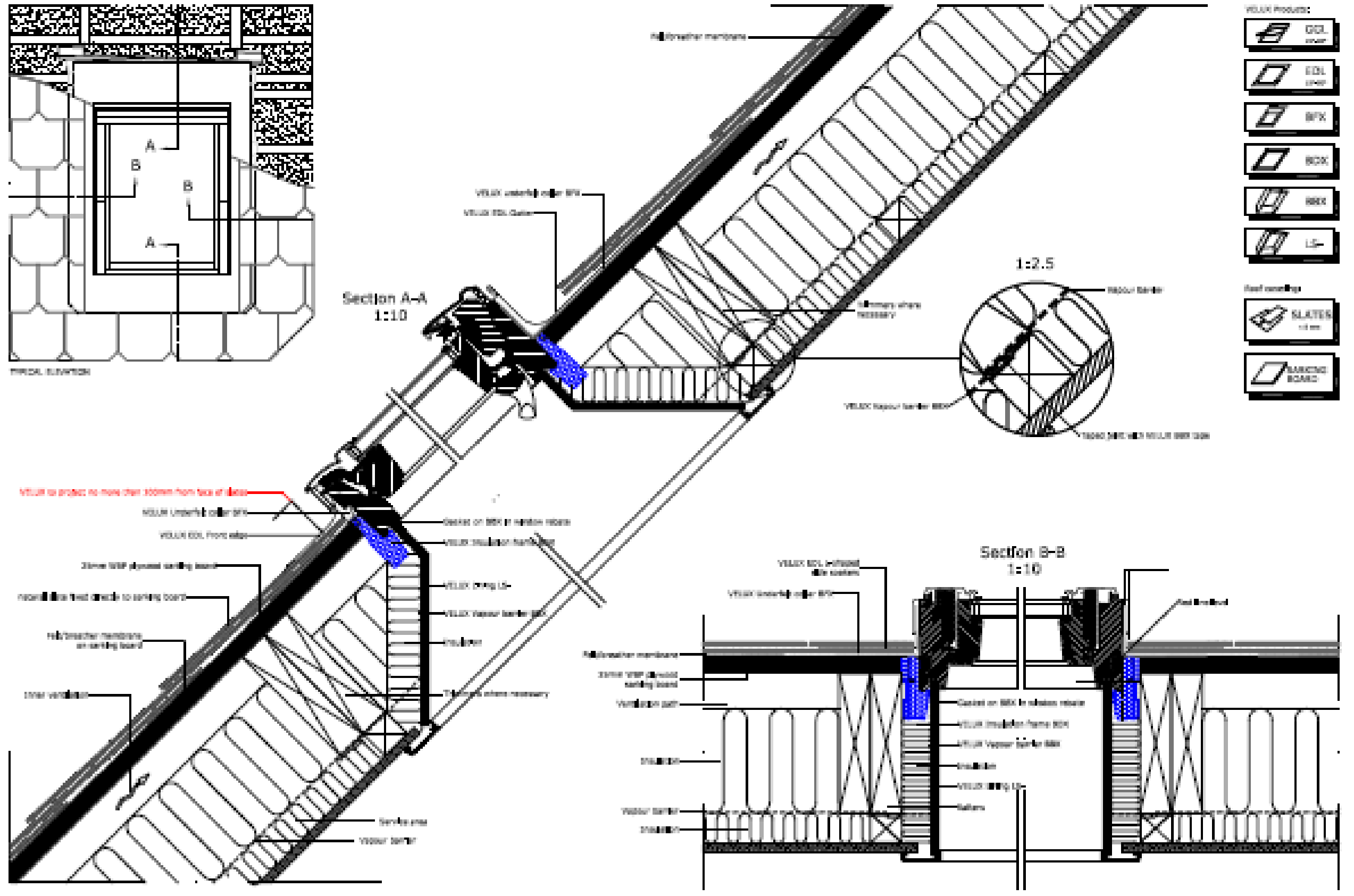
GGL UK04 (1340x980mm) centre pivot velux roof window to front roof over stairwell, with vertical conservation bars to replicate old "north light"

Rainwater Goods:- Black upvc half round gutters & 68mm dia. black upvc downpipes

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Proposed Rooflight Details



Reasons for Refusal

- Stated in full in Report of Handling in Agenda. Key points:
- Large rooflight proposed to front would be incompatible in scale and location
- Proposed rear dormer results in loss of traditional former and creation of considerable mass on roof. Tensions with Householder DG and Managing Change: Roofs
- With exception of adjoining property (not a precedent) alterations in area designed with consideration for context
- The features do not preserve the Conservation Area
- Contrary to relevant policies in adopted and Proposed LDP, Householder DG, Windows SG and HES Managing Change Guidance

Applicant's Case

- Aspects of the application deemed acceptable by PA are single storey extension, rooflights to rear and replacement windows
- Proposed rooflight to front is recessed conservation style with vertical bars. This is in guidance and replicates style of typical Victorian lights over stairwells. Many roofs in area have three rooflights
- Rear dormer: existing dormer not thought to be original; proportions of neighbouring dormer have been replicated; this would not set a precedent; dormer complies with design guide in respect of placement on roof and vertical panel, substantial area of main roof remain.
- Rear roof cannot be seen from street and quite restricted view from rear lane.

Applicant's Case, continued

- Reference to refusal at 57 Blenheim Place, which is dissimilar
- Reference made to flat roof box dormers visible from application property at 48 & 50 Fountainhall Rd, also at 28 & 30 Fountainhall Rd; a dormer on front rear on Blenheim Place
- Window frame at first floor to rear is in poor state of repair and replacement would reduce energy use. This is the only s/c window in elevation. Proposals include replacing poor smaller first floor window with s/c style upvc; replacement of both would create uniformity .

Policies – LDP 2017

Policy H1:

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

Householder Development Guide **GENERAL**



Extensions (inc dormers) should:

Be “*architecturally compatible with original house and surrounding area*” (design, scale etc)

Should not ‘*dominate or overwhelm*’ the original house. Should remain visually subservient.

Should not result in adverse impact on **privacy, daylight, amenity**

Approvals pre-dating this guidance do not represent a ‘**precedent**’

Householder Development Guidance **DORMERS**

General Principles

- Proposals should be *“architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale”*.
- No existing extensions, dormers or other alterations which were approved prior to the introduction of this supplementary guidance will be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document.(precedent)
- New dormers should *“respect scale of the building and should not dominate, overwhelm or unbalance the original roof”*;
- In terraces or blocks of properties of uniform design where there are no existing dormers, the construction of new dormers will not be supported on the front or other prominent elevations (e.g. fronting onto a road);
- **On traditional properties, original dormers must be retained and repaired, and their removal and/or replacement with larger or modern dormers will not be permitted**
- On individual properties or in terraces where there are existing well-designed dormers and where there is adequate roof space, the construction of new dormers which match those existing may be acceptable. Additional dormers will not be permitted however, if this results in the roof appearing overcrowded. These dormers should be closely modelled in their detail and position on the roof, on the existing good examples. They will normally be aligned with windows below;

Householder Development Guidance **DORMERS**

Dormer Windows – Older properties of a traditional character: Rear elevations

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

Scottish Planning Policy (SPP)

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

HES's Managing Change Guidance: Roofs

- Importance of roofs as elements that define character of historic buildings
- Early historic dormers should be retained



ABERDEEN
CITY COUNCIL



Aberdeen City Conservation Area Character Appraisals and Management Plan

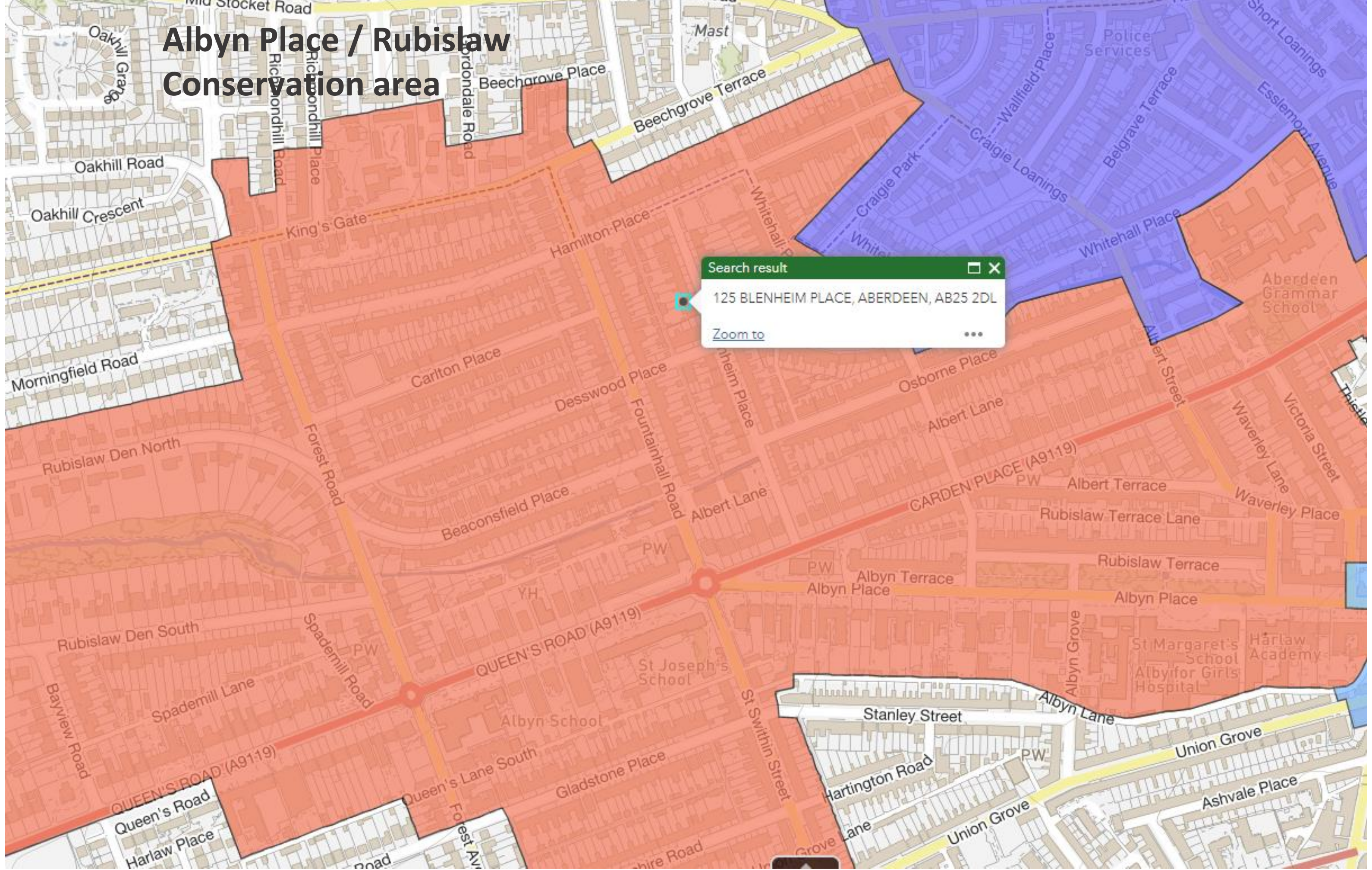
Albyn Place and Rubislaw

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

July 2013

Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4 - Marischal College
Broad Street
Aberdeen
AB10 1AB
www.aberdeencity.gov.uk

Albyn Place / Rubislaw Conservation area



Search result

125 BLENHEIM PLACE, ABERDEEN, AB25 2DL

[Zoom to](#)

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: Does the proposal comply with the tests set out in policy H1 (Residential Areas), including the Householder Guide ?

HES Managing Change : Roofs ?
Impact on the Conservation Area ?

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

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

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2>
	<p>Report of Handling</p>

Site Address:	125 Blenheim Place, Aberdeen, AB25 2DL
Application Description:	Erection of single storey extension; formation of dormer; installation of replacement windows and door to rear; and formation of roof lights to front
Application Ref:	220604/DPP
Application Type:	Detailed Planning Permission
Application Date:	12 May 2022
Applicant:	Mrs S. Grant
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw
Case Officer:	Jemma Tasker

RECOMMENDATION

Refuse.

APPLICATION BACKGROUND

Site Description

The application site is located on the western side of Blenheim Place and relates to a traditional granite, 2 storey, terraced dwellinghouse and its associated front and rear curtilage. The dwelling has an east facing principal elevation fronting Blenheim Place. 127/129 Blenheim Place and 123 Blenheim Place are located to the north and south respectively. The property backs on to a rear lane that runs between, and parallel to, Blenheim Place and Fountainhall Road.

To the rear of the property, windows and doors are framed in white uPVC with the exception of one window which is a timber framed sash and case. There is an existing single/one-and-a-half storey annex which projects from the rear elevation of the dwellinghouse, along the mutual boundary with 123 Blenheim Place. It measures approximately 8.5m in length, 2.7m in width and 4-5.2m in height.

The surrounding area is characterised by properties of a similar architectural character. With the exception of the adjoining property (123 Blenheim Place) which contains a modern box dormer, the vast majority of the roofs of these properties – notably on the western side of Blenheim Place – contain either piended dormers or rooflights. The site lies within the Albyn Place and Rubislaw Conservation Area.

Relevant Planning History

Application Number	Proposal	Decision Date
111354	Proposed window and door replacement	20.10.2011
		Status: Approved Unconditionally.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a single storey extension; the formation of a dormer; the installation of replacement windows and a door to the rear; and the formation of rooflights to the front.

The extension would project 0.6m from the side (north-west) elevation of the extension single storey annex, for a length of c.3.8m. It would have a flat roof design at a height of c.2.8m and be fully glazed.

On the south-western roofslope, the existing pitched roof dormer would be removed. It would be replaced by a box dormer, measuring approximately 6.4m in width. It would be positioned 850mm from the adjoining dwelling, 650mm from the granite tabling and 310mm from the roof ridge. Glazing would be located at either end of the dormer and c.1.5m wide slated solid panel would exist in between.

Other alterations to the rear include the installation of replacement windows and doors. All windows and doors would be replaced with uPVC windows. At first floor level, these would be a sash and case style and within the dormer, these would be casement windows. Windows and doors at ground floor level would be coloured grey while the remainder at first and second floor level would be coloured white. Furthermore, two rooflights would be installed to the annex.

To the front of the dwelling, it is proposed to install a 1344mm x 980mm rooflight and a 780mm x 980mm rooflight. Both of these rooflights would be recessed into the roofslope and would contain central glazing bars.

Amendments

The application has been amended since original submission in that additional information has been added regarding the proposed windows and rooflights. Additionally, windows at first and second floor level are proposed to be white, rather than grey as originally proposed.

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=RB RTHCBZFQS00>

CONSULTATIONS

Queen's Cross and Harlaw Community Council – No response received.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

Historic Environment Policy for Scotland (HEPS)

Development Plan

Aberdeen City and Shire Strategic Development Plan 2020

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.

Aberdeen Local Development Plan 2017 (ALDP)

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, weight 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 D1 – Quality Placemaking by Design

Policy D4 – Historic Environment

Policy H1 – Residential Areas

Supplementary Guidance

The Householder Development Guide

The Repair and Replacement of Windows and Doors

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 relevant –

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy D6 – Historic Environment

Policy D8 – Windows and Doors

Policy H1 – Residential Areas

Other Material Considerations

HES Managing Change in the Historic Environment: Windows and Roofs

Albyn Place and Rubislaw Conservation Area Character Appraisal and Management Plan (July, 2013)

EVALUATION

Principle of Development

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

The proposal would not result in the loss of open space given it relates to alterations to a dwellinghouse and within its curtilage. Other issues are assessed in the evaluation below.

Scale and Design

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment. The six qualities of placemaking referred to Policy D1 requires development to reinforce the established pattern of development and to reflect local style and urban form.

Single Storey Extension

In terms of scale, at 2.3sqm in footprint, the proposed extension would not double the footprint of the original dwelling and in excess of 50% of the original rear garden ground would remain undeveloped. Therefore, the scale of the extension would be very minor. It would not result in overdevelopment and would be acceptable in terms of both the plot size and the surrounding area.

In terms of design, the scale of the resultant structure would ensure that it plays a subordinate role to the original building; it would make an acceptable contribution to its setting, neither masking nor overwhelming the original dwellinghouse. The proposal would result in an extension that would be well detailed, using appropriate materials (predominantly glass) which would sit suitably with the existing building. Due to its positions on the rear elevation, it would not be readily visible from out with the application site, thereby having negligible impact on the visual amenity of the surrounding area.

Replacement Windows and Doors

It is recognised that all windows and doors to the rear of the property are uPVC framed, with the exception of one window at first floor level which a historic timber framed sash and case window.

The Repair and Replacement of Windows and Doors SG sets out that removing original or historic elements will only be supported if it can be demonstrated to the satisfaction of the Council that the historic windows have deteriorated beyond practicable/economic repair. The agent has provided some information and photographs of the window in question, setting out that cill/sole repairs are required, as well as chord replacement, re-putty of glazing, amongst others. The Planning Authority consider the list provided to relate to general repairs, with photographs showing little evidence of the windows being in a poor condition. Thus, the agent was requested to provide further information regarding the condition of the window; however, to date this has not been provided, with the agent confirming that the application should be determined in its current form. Therefore, the principle of replacing this historic window is not accepted.

With regard to the remaining windows, the principle of replacing these is acceptable, given they are not original/historic.

The SG sets out that *'on non-public elevations within conservation areas, the context and setting of the building is required to be assessed to ensure proposals will have no detrimental impact on the character and appearance of the conservation area. Replacement windows should match the historic proportions, profile and dimension of the original windows and avoid heavy frames, but it may be acceptable to have a different material and/or method of opening'*. In this case, existing windows to the rear are a mixture of uPVC sash and case and tilt-and-turn, with the exception of the window noted above. Given the level of uPVC framed windows already on this elevation, the use of this framing material is considered acceptable in this instance.

At first floor level, the windows would be of a sash and case design, the details of which demonstrate compliance with the SG: 'The Repair and Replacement of Windows and Doors'. At ground floor level, the windows and doors would largely replace the design of the existing windows and doors, which are considered acceptable given what is currently in situ.

It is noted that windows at first floor level would be white, while windows and doors at ground floor level would be grey. The SG sets out that *'white has been the default colour of window frame repairs and replacements for the past 20 years. In order to encourage uniformity, where there are multiple units in a building new windows will be white'*. However, given the rear elevation of the dwelling at ground floor level sees many modern interventions (such as the uPVC French doors and proposed extension) and given they cannot be seen from a public viewpoint, the use of grey frames at this level can be accepted in this instance.

The details of the replacement windows are acceptable; however, as sufficient information has not been provided to demonstrate that the existing historic window is beyond practicable/economic repair, the proposed window replacement fails to comply with the SG: 'The Repair and Replacement of Windows and Doors'.

Rooflights

The HDG sets out that *'on older buildings, and particularly on listed buildings and buildings in conservation areas, a 'conservation' type of rooflight will be expected'*. Rooflights to the front elevation of the dwelling would be recessed into the roofslope and contain central glazing bars. However, the proposed rooflight serving the hall would measure 1340mm x 980mm and would be located slightly above an existing rooflight of similar dimensions. While of a traditional design, the scale of the rooflight is considered excessive, especially when positioned next to an existing large rooflight, resulting in this area of the roofslope being somewhat cluttered. The agent was asked to provide a justification for the size of the rooflight – given the proposed dormer should afford the hallway sufficient light – but failed to do so. Regardless of any justification that may have been offered by the applicant, it is considered that the proposed large rooflight creates a cluttered roofslope, which is incongruous with surrounding front roofslopes which generally contain one

large rooflight and one small rooflight. This aspect of the proposal is unacceptable as it fails to comply with the HDG.

However, the HDG goes on to confirm that a 'conservation' type rooflight is of particular importance on public elevations, and when considering the proposed rooflights to the rear, it is recognised that these will not be overly visible from a public viewpoint. In light of this, while the rear rooflights would not contain a central glazing bar nor would they be recessed into the roofslope, they would be of an acceptable scale and would not serve to overwhelm the roofslope by virtue of scale or quantity. As a result, due to the non-public nature of the roofslope, on an elevation where there are other modern interventions, the proposed rooflights to this elevation are considered acceptable in this instance.

Dormer

One of the general principles of the HDG is that dormers should be architecturally compatible in design and scale with the original house and its surrounding area. The Guide also states, '*on traditional properties, original dormers must be retained and repaired, and their removal and/or replacement with larger or modern dormers will not be permitted*'. Whilst there is not definitive evidence available to confirm whether the existing dormer is original, i.e. dating from when the property was built in the late 19th century, it is nevertheless considered to be historic and is clearly of historic and traditional design. The proposal would result in the loss of this historic dormer, to be replaced with a large modern box dormer, leading to significant tension with the HDG and adverse impact on the character of the conservation area.

In respect to the surrounding context, while it is recognised that the adjoining property at 123 Blenheim Place contains a large, modern box dormer, this dormer was approved in 2009, some 13 years ago and is the only example of such a dormer design and size in Blenheim Place. The HDG is clear in setting out that '*no existing extensions, dormers or other alterations which were approved prior to the introduction of this supplementary guidance will be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document*'. Additionally, what must be given significant weight in this case is the fact that the rear elevations of the properties on the western side of Blenheim Place (north of Desswood Place) and the majority to the east of Blenheim Place are similar in their appearance and architectural details. A significant contributing factor to this similarity is that the vast majority of properties of this house type in the surrounding area contain piended dormers, rooflights or nothing at all. Notwithstanding the presence of neighbouring property's dormer and while there is not specifically uniformity across the roofslopes of the surrounding area, any alterations or additions are sympathetic, subservient, traditional dormer additions or rooflights. This similarity across such a large number of properties – and importantly the general omission of flat roof dormers – is a contributing factor to the character and appearance of the area. As such, it is considered by the Planning Service and echoed by the HDG, that existing historic elements should be protected and retained to ensure that the existing character is preserved with only changes that enhance the existing area would be considered.

In light of the above, it is considered that the proposed dormer would appear unduly visually dominant on the roofslope, especially in comparison to neighbouring properties, covering some 52% of the roofslope. The dormer would be a considerable mass compared to the majority of neighbouring buildings, which typically contain rooflights, or 1 or 2 piended dormers. Additionally, through the incorporation of a flat roof, it would contrast significantly with that traditional style of the dormers in the immediate area, and thus the non-traditional architectural form would be inappropriate in this particular instance.

This proposal could set a precedent for similar proposals which could be granted planning permission under current policies and guidance, which cumulatively would be significantly detrimental to the character of the surrounding area.

While the proposed dormer extension would comply with some of the specific guidelines relating to dormers contained within the HDG, the overriding determining factor, and statutory duty of the Planning Authority, is the consideration of the impact of the proposal on the character and appearance of the conservation area. The proposed enlargement to extend the dormer would comprise the removal of the traditionally designed dormer, located in a publicly visible location. It would result in the loss of similarity of this part of Blenheim Place, creating a dormer at odds with the context of the surrounding area. It would therefore be detrimental to the character of the surrounding area, in conflict with Policy H1, it would not conform with the qualities of successful placemaking in conflict with Policy D1 in that it would not reinforce the established pattern of development and reflect local styles and urban form, and it would conflict with the HDG Supplementary Guidance in that it would not be architecturally compatible in design and scale with the original building in the context of the surrounding area.

Impact on the Historic Environment

Scottish Planning Policy (SPP), Historic Environment Policy for Scotland (HEPS) and Policy D4 (Historic Environment) of the ALDP all seek to ensure that new development in Conservation Areas either preserves or enhances the character and appearance of the Conservation Area. An assessment of the impact of the proposals on the character of the area is made in the foregoing evaluation and the same principles apply to the impact of the proposals on the character and appearance of the wider Albyn Place and Rubislaw Conservation Area.

The replacement windows would see the loss of a historic sash and case window, which has not been satisfactorily demonstrated to be beyond practical/economic repair, to the detriment of the character and appearance of the Conservation Area.

The proposed rooflight to the front of the dwelling, to serve the stairwell, is excessive in scale for its location. It would result in a cluttered roofslope, at odds with the character of surrounding roofslopes, which although may see modern rooflights, are generally of a respectful scale. Thus, this aspect of the proposal fails to adequately preserve or enhance the character and appearance of the Conservation Area.

Lastly, the proposed dormer would be in direct conflict with HES's Managing Change Document – Roofs, which states that *'the addition of new features to principal or prominent roof slopes should generally be avoided. New dormers and rooflights should be appropriately designed and located with care'*. The proposal would, in effect, remove the existing traditionally designed dormer and create a considerably large mass on the roofslope which is unsympathetic to the traditional scale and form of the original building. With the exception of the adjoining property, the rear elevations of the surrounding properties on the western side of Blenheim Place do not see any flat roof dormer additions; the vast majority of any additions have been designed, sited and scaled with due consideration for the context of the original properties. In the current context, the proposal to create a large flat roof dormer to the application property would contribute to the incremental increase in insensitive alterations to roofspaces which would harm the prevailing character and appearance of the Albyn Place and Rubislaw Conservation Area.

Overall, it is considered that the proposed works would detrimentally affect the character and appearance of the property's front and rear elevations, prominently visible from the streetscape and rear service lane, and that of the wider Conservation Area. The proposal therefore fails to comply with the principles of SPP, HEPS, Policy D4 of the ALDP and HES's Managing Change Document – Roofs.

Impact on Residential Amenity

The proposal would not adversely impact neighbouring residential amenity in terms of privacy, sunlight and background daylight, in accordance with Policies H1 and D1 of the ALDP, and the HDG.

Conclusion

The proposal would result in the unjustified loss of a historic window. Additionally, because of the scale and positioning of the front large rooflight, and because of the extended form and flat roof design of the dormer, the two would be at odds with surrounding residential properties and thus would have a significant adverse impact of the character of the surrounding area, in conflict with Policy H1. They would not reflect the established pattern of development and urban form, in conflict with Policy D1 and thus would be detrimental to the character of the surrounding area. Lastly, the proposed works would detrimentally affect the character and appearance of the Albyn Place and Rubislaw Conservation Area, contrary to Policy D4, SPP and HEPS.

Proposed Aberdeen Local Development Plan 2020

In relation to this particular application, the Policies D1, D2, D6 and H1 in the proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan 2017 and the proposal is not acceptable in terms of both Plans for the reasons previously given.

Policy D8 is a new policy which relates to historic windows being retained, repaired and restored. For the reasons noted above, the proposal fails to comply with this policy of the Proposal Plan.

RECOMMENDATION

Refuse.

REASON FOR RECOMMENDATION

While aspects of the proposal could be deemed acceptable in terms of design, scale and materials, the proposed large rooflight to the front would be of an incompatible scale and location, creating a cluttered roofslope. The proposed dormer creates significant tension with the Householder Development Guide and HES's Managing Change guidance relating to roofs as it would result in the loss of a historic dormer and the erection of an unsympathetic dormer which would be a considerable mass on the rear elevation of the original building, which is prominently visible from the rear service lane. With the exception of the adjoining property – which does not set a precedent – alterations along the other rear elevations nearby have been designed with due consideration for the context of the area but the proposed dormer extension would be at odds with that context.

Therefore, overall, the proposal would have a detrimental impact on the character and appearance of the Conservation Area and would thus fail to comply with Scottish Planning Policy; Historic Environment Policy for Scotland; Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D4 (Historic Environment) of the Adopted Aberdeen Local Development Plan 2017; guidance contained within the Supplementary Guidance 'The Householder Development Guide' and 'The Repair and Replacement of Windows and Doors' and HES's Managing Change Guidance relating to roofs; and Policies D1, D2, D6, D8 and H1 of the Proposed Aberdeen Local Development Plan 2020. There are no material planning considerations of sufficient weight which would warrant 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

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 100560303-001

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)

Dormer extension, window replacements, small rear 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:	J.V. Carroll, Chartered Architectural Technologists		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Ross	Building Name:	Inverden House
Last Name: *	Clarihew	Building Number:	<input type="text"/>
Telephone Number: *	01224 643106	Address 1 (Street): *	Queens Lane North
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Aberdeen
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	AB15 4DF
Email Address: *	info@jvcarroll.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	<input type="text"/>
First Name: *	I	Building Number:	125
Last Name: *	Grant	Address 1 (Street): *	Blenheim Place
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	ABERDEEN
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	AB25 2DL
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

125 BLENHEIM PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB25 2DL

Please identify/describe the location of the site or sites

Northing

806155

Easting

392391

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: Ross Clarihew

On behalf of: Mr & Mrs I Grant

Date: 12/05/2022

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: Mr Ross Clarihew

Declaration Date: 12/05/2022

Payment Details

Online payment: ABSP00008281
Payment date: 12/05/2022 13:39:00

Created: 12/05/2022 13:39

DECISION NOTICE

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

Ross Clarihew
J.V. Carroll, Chartered Architectural Technologists
Inverden House
Queens Lane North
Aberdeen
Scotland
AB15 4DF

on behalf of **Mrs S. Grant**

With reference to your application validly received on 12 May 2022 for the following development:-

Erection of single storey extension; formation of dormer; installation of replacement windows and door to rear; and formation of roof lights to front at 125 Blenheim 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:

<u>Drawing Number</u>	<u>Drawing Type</u>
G:65 - 05	Location Plan
G:65 - 04 A	Elevations and Floor Plans (Proposed)
G:65 - 06	Window Cross Section (Proposed)

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

The application has been amended since original submission in that additional information has been added regarding the proposed windows and rooflights. Additionally, windows at first and second floor level are proposed to be white, rather than grey as originally proposed.

REASON FOR DECISION

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

While aspects of the proposal could be deemed acceptable in terms of design, scale and materials, the proposed large rooflight to the front would be of an incompatible scale and location, creating a cluttered roofslope. The proposed dormer creates significant tension with the Householder Development Guide and HES's Managing Change guidance relating to roofs as it would result in the loss of a historic dormer and the erection of an unsympathetic dormer which would be a considerable mass on the rear elevation of the original building, which is prominently visible from the rear service lane. With the exception of the adjoining property - which does not set a precedent - alterations along the other rear elevations nearby have been designed with due consideration for the context of the area but the proposed dormer extension would be at odds with that context.

Therefore, overall, the proposal would have a detrimental impact on the character and appearance of the Conservation Area and would thus fail to comply with Scottish Planning Policy; Historic Environment Policy for Scotland; Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D4 (Historic Environment) of the Adopted Aberdeen Local Development Plan 2017; guidance contained within the Supplementary Guidance 'The Householder Development Guide' and 'The Repair and Replacement of Windows and Doors' and HES's Managing Change Guidance relating to roofs; and Policies D1, D2, D6, D8 and H1 of the Proposed Aberdeen Local Development Plan 2020. There are no material planning considerations of sufficient weight which would warrant approval of planning permission in this instance.

Date of Signing 8 August 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.

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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Application

Aberdeen Local Development Plan (ALDP) 2017

- H1 – Residential Areas
- D1 - Quality Placemaking by Design
- H4 – Historic Environment

https://www.aberdeencity.gov.uk/sites/default/files/LDP_WS_20170328.pdf

Proposed Aberdeen Local Development Plan (2020)

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

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

Supplementary Guidance

HES: Managing Change in the Historic Environment: Windows and Roofs

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

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

ACC: Repair and Replacement of Windows and Door SG
[Supplementary guidance and technical advice | Aberdeen City Council](#)

Other Material Considerations

Scottish Planning Policy 2020
[Scottish Planning Policy - gov.scot \(www.gov.scot\)](#)

Historic Environment Policy for Scotland (HEPS)
[Historic Environment Policy for Scotland | Historic Environment Scotland](#)

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

Thank you for completing this application form:

ONLINE REFERENCE 100560303-002

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:	J.V. Carroll, Chartered Architectural Technologists		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ross	Building Name:	Inverden House
Last Name: *	Clarihew	Building Number:	
Telephone Number: *	01224 643106	Address 1 (Street): *	Queens Lane North
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB15 4DF
Email Address: *	info@jvcarroll.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="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="Suzy"/>	Building Number:	<input type="text" value="125"/>
Last Name: *	<input type="text" value="Grant"/>	Address 1 (Street): *	<input type="text" value="Blenheim Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="ABERDEEN"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="SCOTLAND"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB25 2DL"/>
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="125 BLENHEIM 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 2DL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806155"/>	Easting	<input type="text" value="392391"/>
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Description of Proposal

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

Erection of single storey extension; formation of dormer; installation of replacement windows and door to rear; and formation of roof lights to front

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 attached Appeal Statement.

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

Yes No

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

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

Appeal Statement - 125 Blenheim Place G6501A - Ex Survey Drawing G6504A - Sketch proposal drawing G6505 - Site Plans G6506 - Conservation velux details

Application Details

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

220604/DPP

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

12/05/2022

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

08/08/2022

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

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

SITE IS CLOSED OFF AT THE REAR WITH A GATE, ACCESS WOULD NEED TO BE ARRANGED WITH APPLICANT / HOMEOWNER.

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 Ross Clarihew

Declaration Date: 03/10/2022

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PROPOSED SINGLE STOREY EXTENSION, FORMATION OF REAR DORMER, INSTALL OF REPLACEMENT WINDOWS/DOORS TO REAR AND INSTALL OF ROOFLIGHTS AT FRONT AT 125 BLENHEIM PLACE, ABERDEEN

MS S. GRANT



PLANNING APPEAL STATEMENT



J V CARROLL

Chartered Architectural Technologist
Building Design Consultants

INVERDEN HOUSE, QUEENS LANE NORTH, ABERDEEN, AB15 4DF

t: 01224-643 106 e: info@jvcarroll.co.uk

1.0 INTRODUCTION

- 1.1 Householder Planning Permission was sought for replacing existing windows & doors to the rear elevations of the existing property, as well as new/replacement rooflights to the front roof, a new small single storey extension to the existing rear annexe and the formation of a new rear dormer.
- 1.2 Accommodation is currently provided over three storey's. The ground floor houses the main lounge, dining room, sitting room, kitchen & shower room. The first floor contains three bedrooms and the main bathroom, whilst the top floor has a single bedroom.
- 1.3 The dwelling is situated in the cities west end, on Blenheim Place. Blenheim Place is within the Albyn / Rubislaw Conservation Area. The property sits on a sizable plot, which is detailed later in this statement along with the plot ratio.
- 1.4 The appeal site is surrounded by similar 2 ½ storey traditional granite dwellings in what is a built-up area. The frontage faces Blenheim Place itself, whilst the rear of the site backs on to a rear access lane. The property benefits from having a garage to the rear of the site, which is accessed from the said lane.
- 1.5 The application was seeking additional accommodation and improvements / reconfiguration of what is currently in place, in line with more modern living standards. Despite being a sizeable property, as is often the case, the use of space is not always in line with what is desired in today's age.
- 1.6 Planning Permission was refused (220604/DPP) on 8th August 2022.
- 1.7 This statement will provide the basis of our appeal to the Local Review Body. The appeal is being made as we disagree with the view of the planning authority on this proposal and would ask that further consideration to be given to the site context and a more proactive view to the proposal.

2.0 APPRAISAL

Applicants Name: Ms. S. Grant

Design Brief: To improve accommodation to top floor, replace defective windows and replace unsympathetic replacements, improve kitchen space and extend as necessary

Site Details: 125 Blenheim Place, Aberdeen, AB25 2DL

Total Site area = 400 sq.m. Plot Ratio = 35%

Grid Ref = [NJ 92383 06181](#)

2.1 The site is located on Blenheim Place, connecting Hamilton Place to the North and Desswood Place to the South. The rear of the site is accessed from a rear vehicular access lane. Blenheim Place is in the west end of the city within a conservation area. The property is bounded by similarly constructed dwellings in what is a largely residential area, albeit the west end office area is relatively close by.

2.2 This statement has been prepared and submitted in support of our appeal to the Local Review Body for application (220604/DPP) which was determined on 8th August 2022.

2.3 The Planning authority have detailed their concerns / reasons for refusal within the refusal document and the Report of Handling.

2.4 Below is a brief summary of their reasons for refusal;

- Rooflight to front roof – deemed not suitable due to size & location.
- Replacement rear dormer – mass deemed too large on roofspace and deemed unsympathetic in design and replaces a “traditional style dormer.

The following aspects of the application were deemed acceptable;

- Single storey extension to the rear.
- Velux rooflights to rear.
- Replacement of existing UPVC framed windows/doors to the rear.

2.3 Topography – The site is generally level, with the front garden containing pathways/grass and the rear containing a hard standing rear pathway/patio and grassed areas with flowerbeds.

2.4 The appeal site extends to some 400 sq.m. and houses the property, rear garage and associated domestic garden space. The site is already serviced by the usual utilities such as gas, electric, BT etc as well as being connected to the combined drainage / sewer system. The site is bounded all around by granite rubble boundary walls.

- 2.5 Access to the site is taken directly from the west side of Blenheim Place at the front and the rear access lane to the east. Blenheim Place can be accessed from Hamilton Place to the north or Desswod Place to the south, this is the same for rear access lane which runs parallel with Blenheim Place itself.



* Site highlighted in red line

3.0 PLANNING

3.1 There is no other recent planning history on this site.

3.2 **Aberdeen Local Development Plan (2017) (ALDP)**

- Policy H1: Residential Areas
- Policy D1: Quality Placemaking by Design
- Policy D4 – Historic Environment
- Householder Development Guide

3.3 Pre-Application Discussion:

No pre-application discussion were sought in this instance.

4.0 RESPONSE TO PLANNING REFUSAL

We believe the appeal statement before you presents justification for the Planning Refusal to be overturned in favour of an approval. Whilst we respect the view of the Planning authority and the Policies which they refer to, we also completely disagree with their assessment of this application and their subsequent justification. We will elaborate on their various concerns below;

FRONT ROOFLIGHT

We note the Planning Authorities concerns regarding the front large rooflight. However, we would make the following points on this subject;

- The velux specified here is a recessed conservation style type velux, with vertical glazing bars included. This is recommended in the local authority guidance.
- The velux had originally been shown split into three sections vertically, in order to replicate a common design at the top corner of roofslopes on Victorian style houses such as the appeal property. These rooflights are normally borrowed lights down into stairwells below, as is the case in this instance. Currently there is a standard unsympathetic velux in this location, however prior to this we would have expected there to have been a 3 pane rooflight as per the below examples taken in the vicinity.

At the request of the Planner, we amended this to a single vertical bar, albeit this is not something we agreed with. However, the size of the velux continued to be an issue. Please see photos of examples of the type of rooflight design which we are attempting to replicate –



- There are many roofs in the area which have 3 rooflights on the front elevation, including on Blenheim Place and we do not believe the install of this sympathetic conservation recessed rooflight will create a cluttered roof space. A rooflight already exists in the area in question, we simply wish to increase with width of this. The 3rd rooflight on this roof is being added to the north side and is not connected to the two to the south side of the roof. See below front elevation illustration -



Front North East Elevation

REAR DORMER

We note the Planning Authorities concerns regarding the rear dormer. However, we would make the following points on this matter;

- We do not believe the existing small dormer to be original itself, with the applicants understanding being that this was added by the previous owner during their 50 year ownership period. The General Principles of the HDG refer to the “original dormers” being retained.
- The proportions of the dormer adjacent at No. 123 Blenheim Place have been replicated in order of uniformity, given their close proximity.
- Concerns regarding the approval of this application setting precedent we feel are not correct. The appeal property is unique in that it does not sit on a terrace which has no rear dormers. Whilst the run of dwellings 119-147 Blenheim Place are all terraced as are they are joined on in some form, normally by lower level side annexes providing access to upper flats. However, No. 119 – 125 run in a terrace of their own, this can be viewed in the below front street photo –



The central property (No. 123) already has a flat roof rear dormer, whilst we seek one at No. 125 to the north. This would only set precedent if 119/121 sought the same to the south. Roofslope’s further north up Blenheim are non-connected to the run of 119-125 Blenheim Place and therefore could not be treated on the same merits as the situation before you.

- The Planning Authority have stated there is no specific uniformity to the roof slope’s in this area. Whilst we acknowledge that as No. 123 was approved circa 2009, then this does not set precedent officially as it was prior to the current Policies being set in place. However, each application should be considered on its surroundings & site context, therefore we would expect this to be a consideration.
- The dormer design guide has been followed regarding recommended distances from tabling stones, distances down from the ridge and a mansard panel between the windows has also been introduced, rather than a vertical panel in order to soften the appearance. There remains substantial areas of slating on the main roof as displayed on drawings/visuals.

Our 3d visuals, with the adjoining properties dormer shown, demonstrates how the two dormers correspond on the roofslope. See visual below –



We could understand the concern if the adjoining dormer was not already in place, but feel given that it is, then there is no reason that these two dormers cannot sit side by side without compromising the Conservation Area. We do not believe this will cause issues with requests for similar proposals, other than potentially that of the roof at 119/121 Blenheim Place. We understand the Planning Authority treat each application on its own merits and for that reason we would have hoped an approval could be given on this dormer.

- The rear elevation cannot be viewed from any main road and is even quite restricted from the unclassified rear access lane.
- We are aware of a recent similar application at 57 Blenheim Place, which the Planner said verbally was taken into consideration to ensure continuity between applications, which we respect, however we would point out the existing roof at No. 57 had two existing sizeable traditional dormers, whilst our roof has a very small narrow dormer. The property which adjoins 57/59 Blenheim Place, which would be known as 61/63 Blenheim Place, has two matching traditional dormers. See photo below of the rear roofslope of



57-63 Blenheim Place to demonstrate this. Introducing a flat roof dormer in this situation where there is already uniformity would not in our opinion be a positive change. However, this establishes a clear difference between how these two proposals should be viewed, as their existing situations differ considerably.

- Below are some examples of flat roofed box dormers in the immediate vicinity: -



* View from rear window of application site



* Box dormer examples on Fountainhall Rd



* Box dormer on Blenheim Pl front elevation



* Rear view of app site & ex. rear dormer @ 123 Blenheim Pl

REAR HISTORIC WINDOW

We note the Planning Authorities concerns regarding the replacement of the single traditional rear window. However, we would make the following points on this matter;

- Window requires extensive repairs including but not limited to the following;
 1. Windows would need to be removed and taken back to workshop.
 2. Re-glued.
 3. Axle pulleys beyond repair and would require replacement, however same type no longer available, which means a different type would need to be fitted which causes patching up of woodwork internally to get these installed.
 4. Re-putty of glazing.
 5. Cill/sole repairs.
 6. Chord replacement.
 7. Decoration.

Given the above, it is more economic for the replacement of this window. Understandably our client has a desire for double glazing, in order to reduce the heat loss of their home. Condensation is also common on such windows which does not create suitable living conditions to what is a main bedroom of the house. Our clients are reluctant to spend such vast amounts of money on something that is inferior in today's buildings standards and will continue to allow the egress of large amounts of heat from their home.

- Given the emphasis on the reduction of energy use and the spiraling energy costs currently, every effort should be made now to improve one's own homes by measures such as this to reduce the outpouring of heat through defunct old windows. This can be offset however, and a compromise reached by way of sympathetic replacements.
- Whilst we acknowledge the Policy in place, we need to re-emphasize that this is the only traditional sash & case window on this elevation. However, the proposal will reinstate the sash & case style to the first floor level, albeit in UPVC.

Furthermore, our clients wish to replace the other first floor tilt & turn window with a correctly proportioned sash & case window for continuity. The current window has a heavy double UPVC frame down each side and being tilt & turn, is not a stepped arrangement. We had hoped that a proactive view on the pros of gaining uniformity on the first-floor level would offset the loss of a defective traditional window, whilst losing a previously unsympathetic UPVC replacement.



** Photo of ex. rear elevation*



** Photo of ex. tilt & turn window to FF*

5.0 RELEVANT EXAMPLE

During discussions with our client the below local examples were identified to us with the question of why Planning Permission would be granted in this situation. We have been able to take some time to search these developments on the planning portal which is in the immediate vicinity of the appeal site, and which has received a more favourable decision from the Planning Authority.

56 Fountainhall Road (220063/DPP)

This is for the formation of a rear dormer, very similar to that of the Appeal site. It includes a dormer with windows at each end with a slated infill panel between. Similarly, this dormer complies with the dormer design guide set out in the Householder Development Guide, as does the application before you. The only difference is the Appeal site has an existing small peaked dormer, which we are fairly certain is not existing anyway. Both sites are located in the same Conservation area, both are at the rear on “non-public” elevations. Both existing house designs are similar.

Why was a modern box dormer permitted in this instance?

Why were grey windows permitted in this instance, when we were specifically told this was not acceptable & contrary to guidance and we changed to white prior to Determination?

The Planning report for 56 Fountainhall Road states;

“does not have an unacceptable impact on the character and amenity of the surrounding area;”

“would not be visible from the main street Fountainhall Road. The back of the property is accessed from Desswood Place. Adjacent properties have existing box-style dormer extensions to the rear, visible from the same vantage points”.

“development is proposed to the non-public (rear elevations, the guidelines for older traditional properties may be relaxed”

“Given the proposed dormer is also situated on a non-public rear elevation, with similar box-style extensions in adjacent properties, it is not considered that the proposed dormer would harm or have any additional or significant negative impacts on the character or appearance of the conservation area”.

Given the similarities between the proposed dormer designs, existing house style and their location on rear elevations, as well as being in the immediate area of each other, within the same Conservation Area, we would expect a similar conclusion. Instead, we appear to have a significant contrast in decisions, with two Planning Reports/Decisions which contradict each other.

On one hand previously approved dormers are discounted due to their approval sometime ago, then on the other hand used as back up for a more positive recommendation. This reverts to our comments earlier regarding the dormer immediately adjacent to the appeal site being given more credence, given it is in its immediate surroundings.



** 56 Fountainhall Road dormer under construction & on completion, viewed from appeal site. Grey windows to new dormer, which can be viewed from the rear the same as the appeal application before you.*

59 Deeswood Place

This includes a wrap around extension, new rooflights and replacement dormer windows. Whilst the extension itself is of no concern to this application, the replacement of the two small traditional dormer windows is. These have been replaced with modern box dormers which are clad all around with zinc cladding. This is in the same Conservation area as the appeal site. The rear elevation is visible from the side access lane, as well as Deeswood Place itself. As you will see in the photo overleaf the entire development is quite overwhelming, however the dormers especially. The dormers on the rear are no longer symmetrical on these semi-detached properties and lack uniformity.

Why was the replacement of traditional dormers allowed in this instance?

Why was a modern box dormer permitted in this instance?

The Planning report states;

“The scale and form of the proposed replacement dormers would modernize the appearance of dormer windows on the rear of the application property.....”

Given the similarities between the small traditional existing dormers, and their location on rear elevations, we felt there would be no issue with ourselves losing similar dormers on our own application. However, that has not been the case.

We feel there is suitable grounds for the approval of the appeal property along with the fact of the existing box dormer immediately adjacent at No. 123 Blenheim Place.



** 59 Desswood Place – rear dormers as built and approved under App (200400/DPP)*

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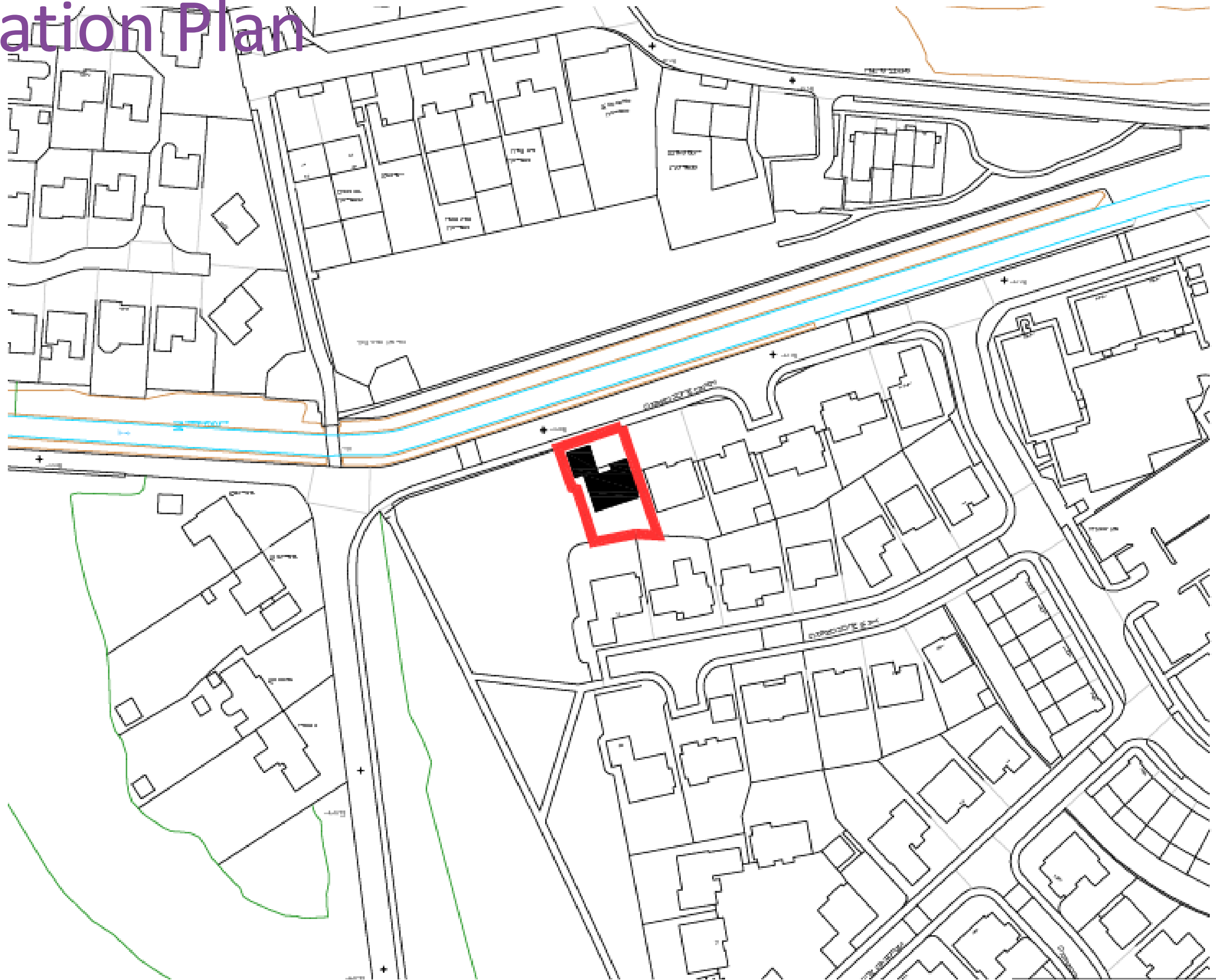
Local Review Body (LRB) 9th November 2022

220673/DPP - 131 Grandholm Drive

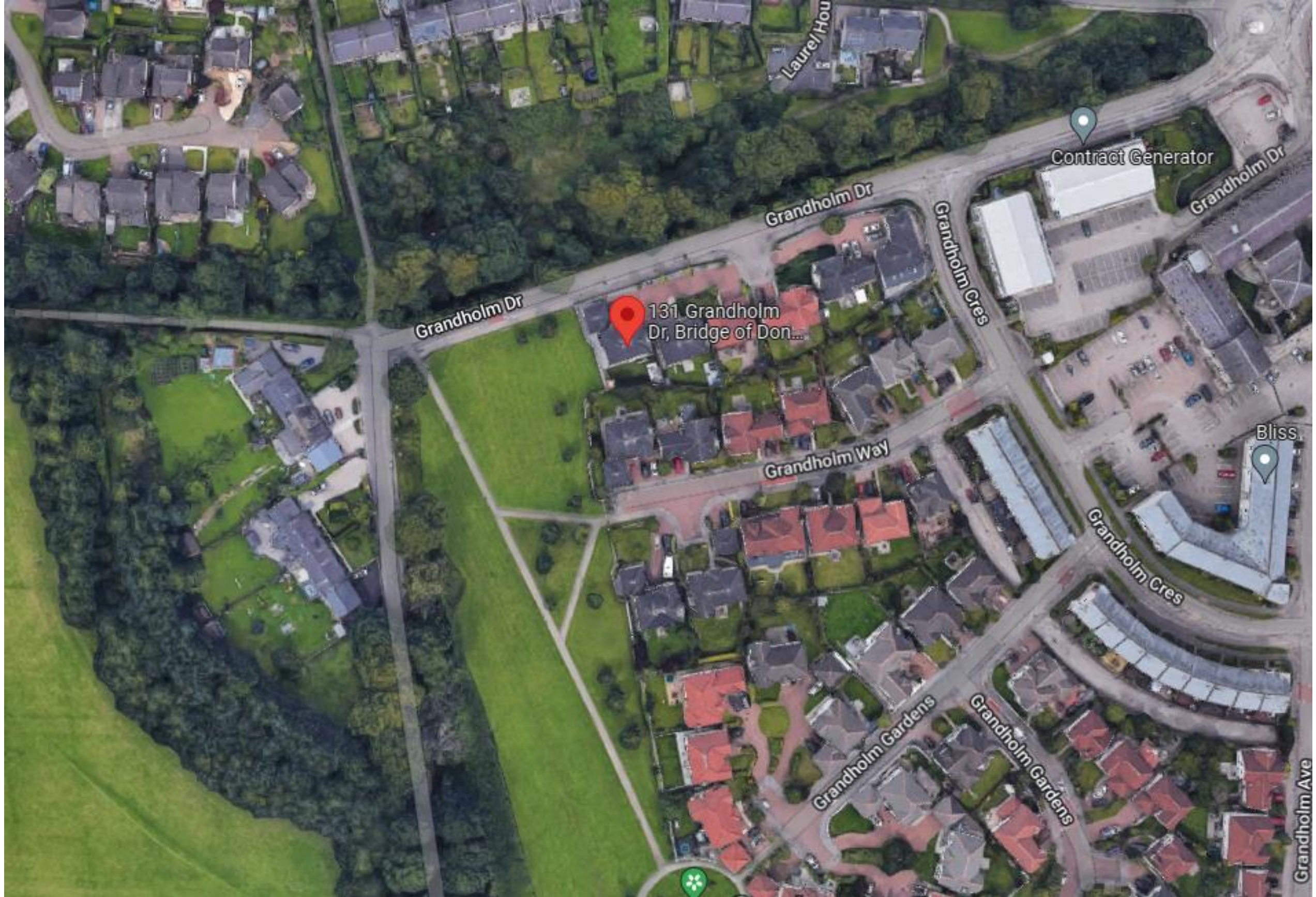
Erection of first floor extension over existing garage to front

Lucy Greene, Planning Advisor

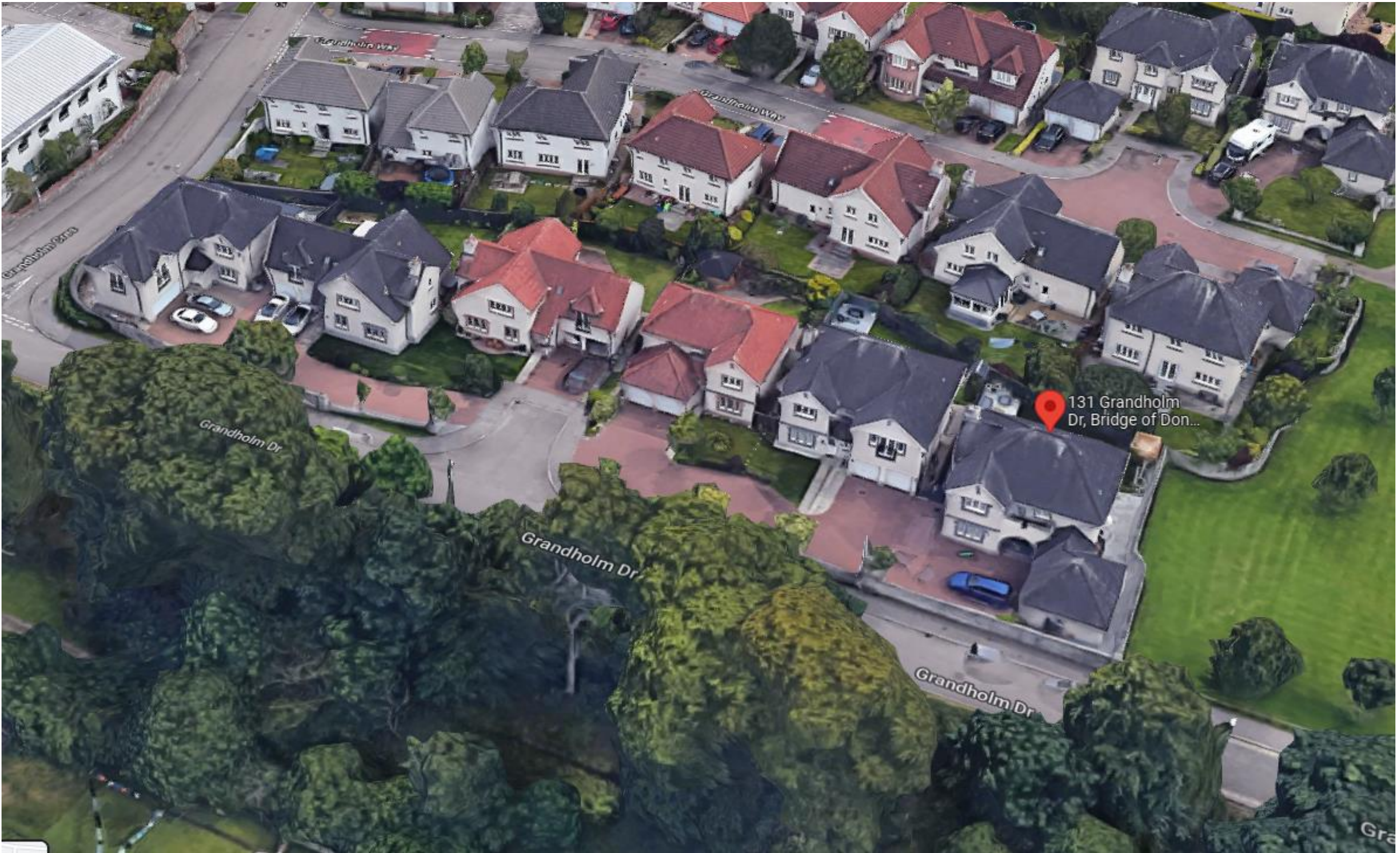
Location Plan



Aerial Photograph 2022



Google 3D 2022



Google Streetview 2022

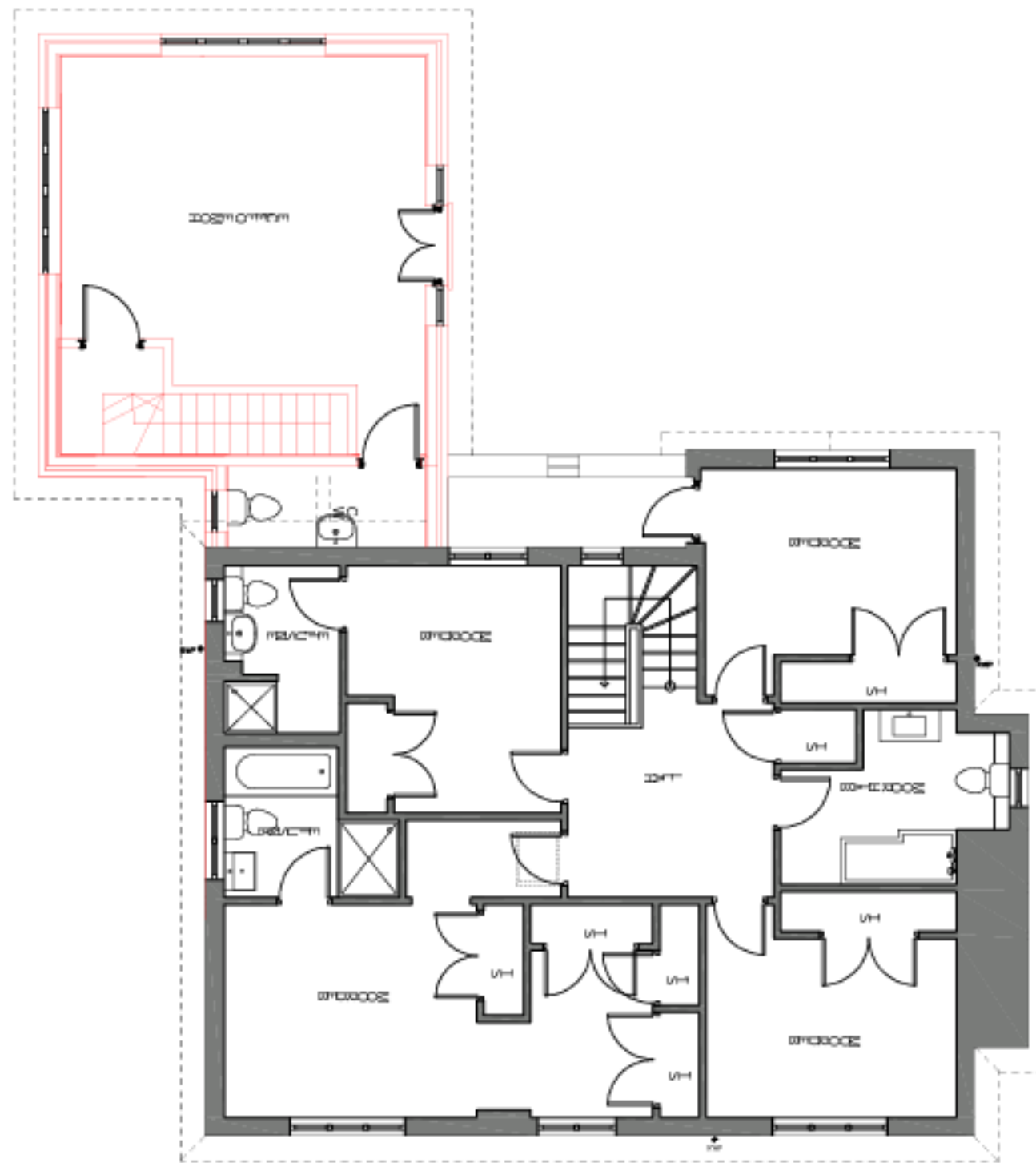
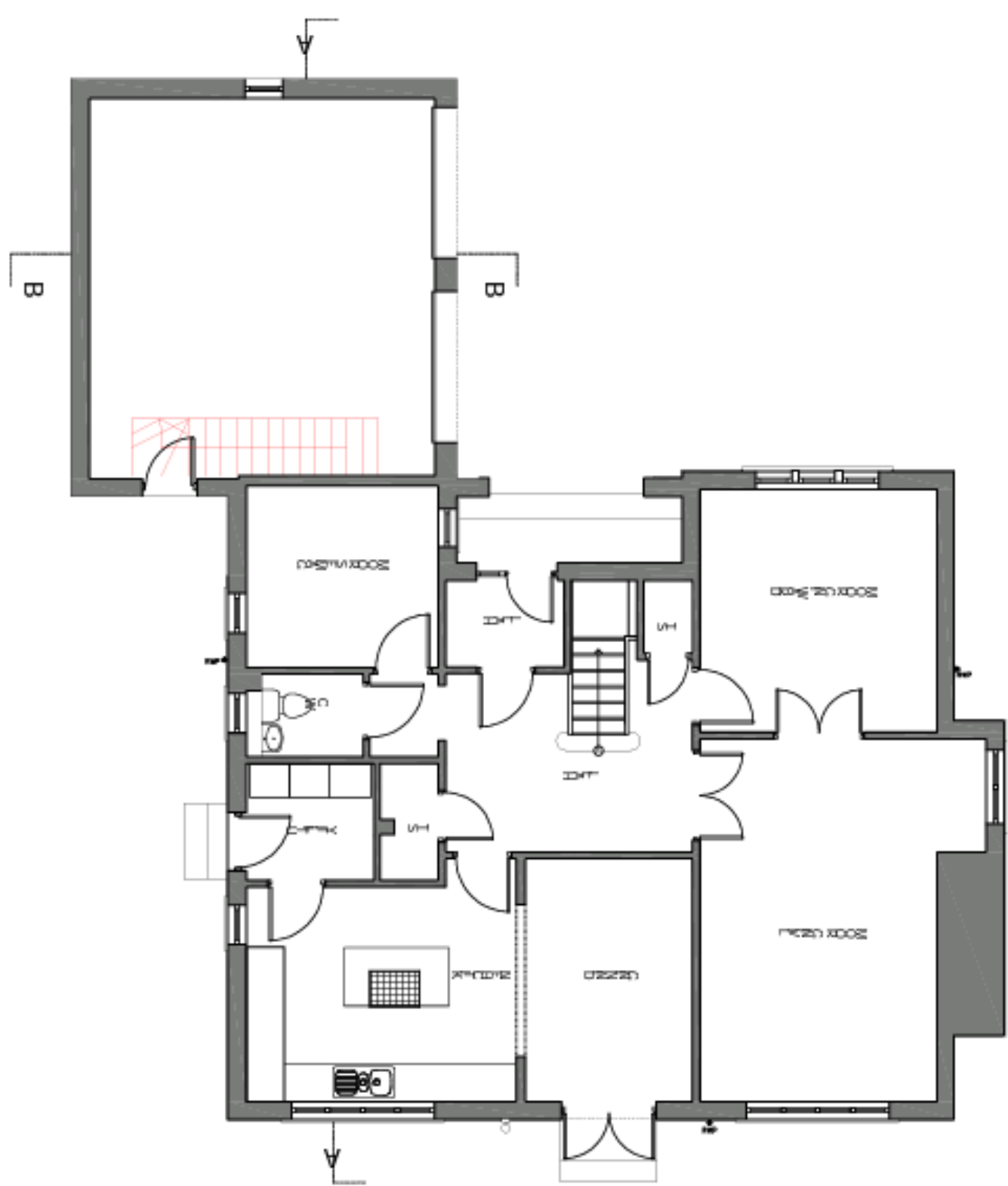


Google Streetview 2022



Google

Plans as Proposed



Proposed Elevation front

Existing Elevation

Page 86



Proposed Elevation (side)

Existing Elevation

Page 87



Proposed Elevation (side)

Existing Elevation



Proposed Elevation (rear)

Existing Elevation

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Visualisations



Visualisations



Reasons for Refusal

- Stated in full in Report of Handling in Agenda. Key points:
 - Inappropriate design for the house and context: scale, siting, roof design, massing and scale would result in over development.
 - Adverse impact on visual amenity of the surrounding area, esp. rear elevation from the open space
 - Overwhelms and dominates original form and appearance of dwelling and is not subservient in terms of height, mass or scale.
 - Contrary to Policy H1 and D1, and Householder Design Guide

Applicant's Case

- House is two storeys, fronts Grandholm Drive but has garage extending forward of house, which is prominent element.
- Garage provides termination at end of private road and mirrors other end where no. 121 has a projection forward of the main house.
- Character of the houses views across open space to west is of two storeys behind masonry wall.
- Proposed extension introduces windows to first floor on all elevations and mirrors band course on front of house, with roof replaced in same form. Finish, colour and pitch of roofs is continues and the extension is sensitive solution.

Applicant's Case continued

- In terms of Householder DG front extension criteria and Policy H1:
- The design fits well with composition of the drive and other properties
- Windows at first floor level contribute to streetscene
- Relate well to approach at 121 Grandholm Drive
- Hipped roof, window design, band course and materials match existing
- No change to building line. Increase to two storeys mirrors no. 121
- Not within conservation area
- Two storey extensions are generally possible
- No increase in footprint
- No unacceptable impact on character and amenity of area, nor on open space

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.

Householder Development Guide

Extensions should be architecturally compatible in design and scale with the house and surrounding area.

Two storey extensions to side may be acceptable, subject to criteria above.

Front extensions should be of scale and design complementary to dwelling, careful consideration to: impact on adjacent property; visual amenity, any building line and position of adjacent buildings

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

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	131 Grandholm Drive, Aberdeen, AB22 8AE
Application Description:	Erection of first floor extension over existing garage to front
Application Ref:	220673/DPP
Application Type:	Detailed Planning Permission
Application Date:	26 May 2022
Applicant:	Mr Lee Grant
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Danestone
Case Officer:	Laura Robertson

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

131 Grandholm Drive is located within the Grandholm Development in Danestone, north of the River Don. The house is a large, 2 storey detached property with an attached single storey garage to the north west of the site, built forward of the building line. The house is located on a corner plot and is the last house on Grandholm Drive, heading west. It is located at the edge of a larger development with a well-used area of public open space with a footpath to its west. The site is enclosed by a circa 1.8m Fyfestone boundary wall.

Relevant Planning History

There is no relevant planning history for this site.

APPLICATION DESCRIPTION

Description of Proposal

The proposal is for the erection of a first floor extension above the existing garage, located to the front of the house, to form a home office. The resulting form would be 2 storeys in height with the roof designed in the same pyramid form as existing, with a linking section of roof to join into the main roof of the house.

Amendments

Additional window on the north elevation and string course to front.

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=RCG4GUBZG5U00>

CONSULTATIONS

Danestone Community Council – no comments were received

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

Aberdeen City and Shire Strategic Development Plan 2020

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.

Aberdeen Local Development Plan 2017

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, weight 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 –

H1: Residential Areas

D1: Quality Placemaking by Design

Supplementary Guidance

Householder Development Guide (HDG)

Proposed Aberdeen Local Development Plan 2020

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council

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

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

The foregoing can only be assessed on a case-by-case basis.

The following policies are relevant –

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

EVALUATION

Principle of Development

The application site is located within the residential area of Grandholm within the Bridge of Don. The area is allocated within the Local Development Plan 2017 as residential and as such is covered by Policy H1: Residential Areas. Policy H1 confirms that a proposal for householder development will be approved in principle if it does not constitute over development, does not have an unacceptable impact on the character and amenity of the surrounding area, does not result in the loss of valuable and valued areas of open space and that it complies with the Supplementary Guidance, which in this case is the Householder Development Guide (HDG).

From a detailed analysis of the site's context, it is concluded that this proposal represents over development of the property and of the site. This is due to the siting, scale, form and massing of the proposal which is not appropriate for the site, the house or its surrounding context. The Aberdeen Local Development Plan Householder Development Guide clearly states "Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale." The proposal does not satisfy this guidance, given the scale, mass and height are clearly not subservient to the existing house and would be unduly prominent in the streetscape.

In terms of design the proposed the roof would project above that of the house it is extending onto which does not sit comfortably with the house or the surrounding context. Furthermore, the issue is exacerbated by the fact that the existing garage sits forward of the building line. The HDG states "Front extensions will only be considered acceptable in situations where they would not impact negatively on the character or amenity of the original dwelling and the surrounding area". It states further "Front extensions of any type should be of a scale and design which is complementary to and consistent with, the original dwelling". The proposal is contrary to the HDG.

It is noted that the supporting statement makes reference to 121 Grandholm Drive at the far end of the row, but the context of this house is completely different. The application site is located adjacent to the open space whereas the dwelling at 121 is integrated within the site and the wider development being surrounded to the east, south and west by houses. Furthermore, that property was designed as such and not extended, with the two storey element relating better to the properties in that it sits and has a far less complex roof form, design and relationship with the main

body of the dwelling. Other similar properties, with garages backing onto the open space, are all single storey and there are no other garages of the design and scale proposed elsewhere within the development. The visual illustrations within the supporting statement clearly demonstrates the inappropriate massing of the proposal and that the large roof extension will not be subordinate to, or sit comfortably with, the existing house, especially when viewed from the open space to the rear. Based on the information set out above, the proposal is not acceptable in terms of Policies H1: Residential Areas and D1: Quality Placemaking by Design as well as the HDG Supplementary Guidance.

In relation to residential amenity, there are no issues of overlooking or overshadowing arising from the proposed extension and as such it would satisfy this element of the policy. Furthermore, the proposed materials consisting of Derby spar harling to match existing, white UPVC windows, Marley Grey Rooftiles and black UPVC guttering and downpipes, are all compatible with the existing house and surrounding area and as such would be deemed acceptable. However, neither the acceptability of the finishing materials nor the lack of impact on residential amenity overcomes the significant concerns with and unacceptability of the scale, form, massing and position of the extension.

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 unacceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposal is of an inappropriate design for the house and surrounding context. The scale and siting of the proposed extension, the roof design, massing and general scale of the proposal, would result in over development. The proposal would also result in an adverse impact on the visual amenity of the surrounding area, in particular of the rear elevation from within the open space. The proposed extension overwhelms and over dominates the original form and appearance of the dwelling and is clearly not subservient in terms of height, mass or scale. As such the proposal is contrary to Policies H1: Residential Areas and D1: Quality Placemaking by Design as well as the Householder Development Guide Supplementary Guidance.



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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 100568522-002

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

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

131 GRANDHOLM DRIVE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB22 8AE

Please identify/describe the location of the site or sites

Northing

809570

Easting

392388

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="Katrina Denholm Architect"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Katrina"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Denholm"/>	Building Number:	<input type="text" value="8"/>
Telephone Number: *	<input type="text" value="+447988637703"/>	Address 1 (Street): *	<input type="text" value="8 Scotsmill Avenue"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="8 Scotsmill Avenue"/>
Mobile Number:	<input type="text" value="+447988637703"/>	Town/City: *	<input type="text" value="Blackburn"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="AB21 0HR"/>
Email Address: *	<input type="text" value="katrina.denholm@gmail.com"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Lee"/>	Building Number:	<input type="text" value="131"/>
Last Name: *	<input type="text" value="Grant"/>	Address 1 (Street): *	<input type="text" value="Grandholm Drive"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Bridge of Don"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Aberdeen City"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB22 8AE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Proposal/Application Details

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

Was the original application part of this proposal? *

Yes No

Application Details

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

Application: *

Document Details

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

Checklist – Post Submission Additional Documentation

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

The additional documents have been attached to this submission. *

Yes No

Declare – Post Submission Additional Documentation

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

Declaration Name: Mrs Katrina Denholm

Declaration Date: 29/08/2022

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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 100568522-001

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

Description of Proposal

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

Extension over garage to create home office

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:	<input type="text" value="Katrina Denholm Architect"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Katrina"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Denholm"/>	Building Number:	<input type="text" value="8"/>
Telephone Number: *	<input type="text" value="+447988637703"/>	Address 1 (Street): *	<input type="text" value="8 Scotsmill Avenue"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="8 Scotsmill Avenue"/>
Mobile Number:	<input type="text" value="+447988637703"/>	Town/City: *	<input type="text" value="Blackburn"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="AB21 0HR"/>
Email Address: *	<input type="text" value="katrina.denholm@gmail.com"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Lee"/>	Building Number:	<input type="text" value="131"/>
Last Name: *	<input type="text" value="Grant"/>	Address 1 (Street): *	<input type="text" value="Grandholm Drive"/>
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="Aberdeen City"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB22 8AE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

131 GRANDHOLM DRIVE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB22 8AE

Please identify/describe the location of the site or sites

Northing

809570

Easting

392388

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: Katrina Denholm

On behalf of: Mr Lee Grant

Date: 25/05/2022

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: Mrs Katrina Denholm

Declaration Date: 25/05/2022

Payment Details

Departmental Charge Code: client pay direct

Created: 25/05/2022 16:55

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Katrina Denholm
Katrina Denholm Architect
8 Scotsmill Avenue
Blackburn
United Kingdom
AB21 0HR

on behalf of **Mr Lee Grant**

With reference to your application validly received on 26 May 2022 for the following development:-

**Erection of first floor extension over existing garage to front
at 131 Grandholm Drive, Aberdeen**

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

Drawing Number	Drawing Type
KHD-A1485-P-01-001 A	Multiple Floor Plans (Proposed)
KHD-A1485-P-01-004 C	Multiple Floor Plans (Proposed)
KHD-A1485-P-01-005 C	Multiple Elevations (Proposed)

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 proposal is of an inappropriate design for the house and surrounding context. The scale and siting of the proposed extension, the roof design, massing and general scale of the proposal, would result in over development. The proposal would also result in an adverse impact on the visual amenity of the surrounding area, in particular of the rear elevation from within the open space. The proposed extension overwhelms and over dominates the original form and appearance of the dwelling and is clearly not subservient in terms of height, mass or scale. As such the proposal is contrary to Policies H1: Residential Areas and D1: Quality Placemaking by Design as well as the Householder Development Guide Supplementary Guidance.

Date of Signing 15 September 2022

A handwritten signature in black ink that reads "Daniel Lewis". The signature is written in a cursive, slightly slanted style.

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

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

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

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

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

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

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Application 220673/DPP

Aberdeen Local Development Plan (ALDP) 2017

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

https://www.aberdeencity.gov.uk/sites/default/files/LDP_WS_20170328.pdf

Proposed Aberdeen Local Development Plan (2020)

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

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

Supplementary Guidance

ACC: Householder Design 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)

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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 100568522-003

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 **T** Agent

Agent Details

Please enter Agent details

Company/Organisation:	Katrina Denholm Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Katrina	Building Name:	
Last Name: *	Denholm	Building Number:	8
Telephone Number: *	+447988637703	Address 1 (Street): *	8 Scotsmill Avenue
Extension Number:		Address 2:	8 Scotsmill Avenue
Mobile Number:	+447988637703	Town/City: *	Blackburn
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB21 0HR
Email Address: *	katrina.denholm@gmail.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="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Lee"/>	Building Number:	<input type="text" value="131"/>
Last Name: *	<input type="text" value="Grant"/>	Address 1 (Street): *	<input type="text" value="Grandholm Drive,"/>
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="Aberdeen City"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB22 8AE"/>
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="131 GRANDHOLM DRIVE"/>
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="AB22 8AE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="809570"/>	Easting	<input type="text" value="392388"/>
----------	-------------------------------------	---------	-------------------------------------

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 first floor extension over existing garage to front

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.

Planning support statement in documents outlines why we would like this application reviewed, as we believe, as outlined in the document it complies with policy. Furthermore, the initial planner was based in Canada, so no survey was undertaken by the original planner. We have also been agreeable to several extensions in a hope to resolve this issue.

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)

Location Plan, Site Plan (Existing & Proposed), Existing plans & elevations, Proposed Plans & elevations, Planning statement

Application Details

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

220673/DPP

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

25/05/2022

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

15/09/2022

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: Mrs Katrina Denholm

Declaration Date: 19/09/2022

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Planning Statement

131 Grandholm Drive

THE-22-0032

Mr Lee Grant

August 26, 2022

1 INTRODUCTION

This statement has been prepared on behalf of Mr Lee Grant to review the proposal for the erection of first floor extension over existing garage at 131 Grandholm Drive against the Development Plan and other material considerations. The proposed development has been submitted for planning permission, planning application reference 220673/DPP.

This report has been based on the following drawings and a site visit to the property and the surrounding area.

Site Plans – KHD-A1485-P-01-001 Rev A

Existing Plans – KHD-A1485-P-01-002

Existing Elevations - KHD-A1485-P-01-003

Proposed Plans – KHD-A1485-P-01-004 Rev C

Proposed Elevations - KHD-A1485-P-01-005 Rev C

2 SITE AND CONTEXT

The site is located within the Grandholm Urban Village, Bridge of Don. This was a modern redevelopment of the Former Grandholm Woolen mill completed by CALA Homes in c. 2010. The Grandholm development centres around the Category A listed Mill, surrounded by 3 storey terraced town houses, which then transition into larger 2 storey detached houses of a more standard type reflecting the housing range and design employed by CALA at this time. The houses have been finished in a range of grey or red roofs and window surround details. The majority of houses in this area have hipped roofs with a projecting gable feature. The house forms a part of the modern residential development and it is not located within a Conservation Area nor is it a listed building.

The house is the last property on Grandholm Drive heading west. To the north is the former Mill Lade running parallel to Grandholm Drive. All the properties fronting Grandholm Drive are set behind a c.1.8m high masonry wall with houses accessed from an internal private drive. Figure 1 shows the house on the left hand of Grandholm Drive located behind the wall.



Figure 1: Grandholm Drive Street View

The house is two storeys and fronts towards Grandholm Drive, but also has a garage extending forward of the main house. The garage is a prominent element to the house and provides a frontage and termination to the private road. This is mirrored to the other end of the private drive with number 121 having a projection forward of the main house providing a bookend to the private cul-de-sac. The garage is off-set and extends beyond the side elevation of the house.



Figure 2: View to front of house from Grandholm Drive

The side and rear elevations of the existing house can be seen from the public open space to the west behind the masonry wall. All detached properties along this edge are two-storey and sit behind a masonry wall. The character of this edge of the development as viewed from the park is two-storey.



Figure 3: Western Edge of Grandholm Village

3 PROPOSED DEVELOPMENT

The proposal is to create a home office above the existing garage located to the front of the house. To achieve this, it is proposed to raise the height of the garage structure from single storey to two storeys in height. The proposal introduces windows at first floor level to all elevations and mirrors the band course on the front of the main house. It also replaces the roof in the form of the existing garage.

The roof is to be replaced in its current form on the extended part of the house. This maintains continuity in the finish and colour and also the pitch of the roofs on the existing house and surrounding properties. This is considered to be a sensitive solution to the extension of this house.

4 POLICY CONTEXT

Sections 25 and 37 of the Town & Country Planning (Scotland) Act 1997 requires that in the determination of an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In this context the development Plan includes the Aberdeen City and Shire Strategic Development Plan 2020, the Aberdeen Local Development Plan 2017 and Supplementary Guidance that has been adopted as a part of the Aberdeen Local Development Plan 2017.

As a householder development this application is not of a strategic nature and the principal policies for determination against are Policy H1 – Residential Areas of the Aberdeen Local Development Plan and Supplementary Guidance – The Householder Development Guide.

Policy H1 seeks to support householder development assuming it meets the following criteria:

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.

Supplementary Guidance can be adopted in accordance with Section 22 of the Town and Country Planning Act (Scotland) 1997. Supplementary Guidance is limited to providing further detail on the policies of the Local Development Plan rather than new principles or policies. The Householder Development Guide therefore, provides further advice to assist in the determination as to whether an application complies with the criteria of Policy H1.

The Householder Development Guide largely focusses on those types of extensions that are most typical and it deals with the issues of privacy and daylight and also alterations to traditional properties in traditional streets.

5 PUBLIC CONSULTATION

There have been no comments made in response to the statutory consultation or neighbour notification process. The Applicant had discussed the proposals with neighbours in advance of the submission of this application to ensure that there would not be any concerns of impact on privacy.

6 CONSIDERATION OF PROPOSAL

The proposed extension relates to an existing garage and whilst it is forward of the existing building line, it is only increasing the height of an existing structure. The property was designed by the developer of the urban village with this feature. The garage extension forward of the building line in the context of the site creates a bookend to either end of the private driveway off Grandholm Drive. The proposal must be considered in the context of the cluster of buildings forming this courtyard.



Figure 3: View to Opposite End of Street (No. 121)



Figure 4: Street View of No. 121

Indicative visualisations of the house in Figures 5 and 6 show the house as it exists and with the proposed extension. In terms of the overarching policy H1 this would not suggest that the proposed development would have an unacceptable impact on the character and amenity of the surrounding area. To the street the extension has been designed to be in keeping and appear as a part of the original house. To the Park the extension to two storeys is not out of keeping with the majority of the buildings bounding this space being of two storeys.



Figure 5 Front Elevation Existing and Proposed



Figure 6 View from Park Existing and Proposed

Within the Householder Development Guide there is guidance on front extensions and Table 1 below lists the points and considers the proposal against each of these. Criteria related to porches is not relevant to this application and have not been considered.

Table 1: Front Extension Criteria

Criteria	Comment
<p>Front extensions of any type should be of a scale and design which is complementary to, and consistent with, the original dwelling.</p>	<p>As shown in Figure 5 and 6, and within the proposed elevations the design is considered to fit well with the composition of the private drive and properties. The extension to the existing garage provides windows at first floor level that add to the street scene and provide an element of repetition between the approach to number 121 Grandholm Drive where there is accommodation and windows with a Juliet balcony above the garage.</p> <p>The design of the proposed extension replicates the hipped form of the roof, and the materials are chosen to match the existing house.</p> <p>The extension is proposed with fenestration to all elevations that reflect the design and proportions of the existing house. The band course has been replicated from the existing house, breaking up the height of the elevation as with the existing house.</p> <p>The building addresses open space and woodland to the west and north</p>

	respectively, which does not detract from its setting.
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.	There is not a change to the building line resulting from the proposed development. As noted previously the increase in height to two storeys mirrors the opposite end of the private drive and adds to its symmetry.
Within a Conservation Area, it will not be permitted to add a front extension to any property which forms part of an established building line.	The site is not located in a conservation area.

Section 3.1.5 of the Householder Guide in discussing house extensions, notes that in the case of a two-storey detached dwellings a two-storey extension will generally be possible, subject to the considerations set out in the 'General Principles' Section. The general principles of the Householder Development Guide expect that 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 the height, mass and scale.

The height alone of the proposal in this case is not a restriction, as it is accepted that two storey extensions on two-storey properties are generally possible. Its acceptability is considered on its impact on the visual appearance of the house and how this extension is composed, taking into account the context of the street. Whilst not common in a traditional street layout that a two-storey extension to the front of the house would be appropriate, in these circumstances the design of the original dwelling, the nature of the cluster of buildings forming this courtyard and the design of the house opposite at number 121 would allow for and encourage a development of this form.

In dealing with the other criteria of Policy H1 the proposal is considered to comply with these requirements in full as listed below.

1. There is no increase in the footprint of development on the plot and the development would not be considered to be over development.
2. As considered the proposal would respond to its context and surroundings and would not have an unacceptable impact on character and amenity of the surrounding area.
3. There is no impact on open space resulting from the development.
4. The supplementary guidance relevant in this situation is the Householder Development Guide, and following consideration the proposal would not be in conflict with the aims and expectations of this guide.

7 CONCLUSION

Policy H1 of the Aberdeen Local Development Plan seeks to support householder development undertaken by private individuals who want to make improvements to their home providing that they do not constitute over development, do not have an unacceptable impact on the character of the surrounding area, do not result in the loss of open space and comply with supplementary guidance.

In consideration of the surrounding context, the existing house and the proposed design, it is our professional opinion that the proposals as submitted do comply with these policies and support should be provided for this development

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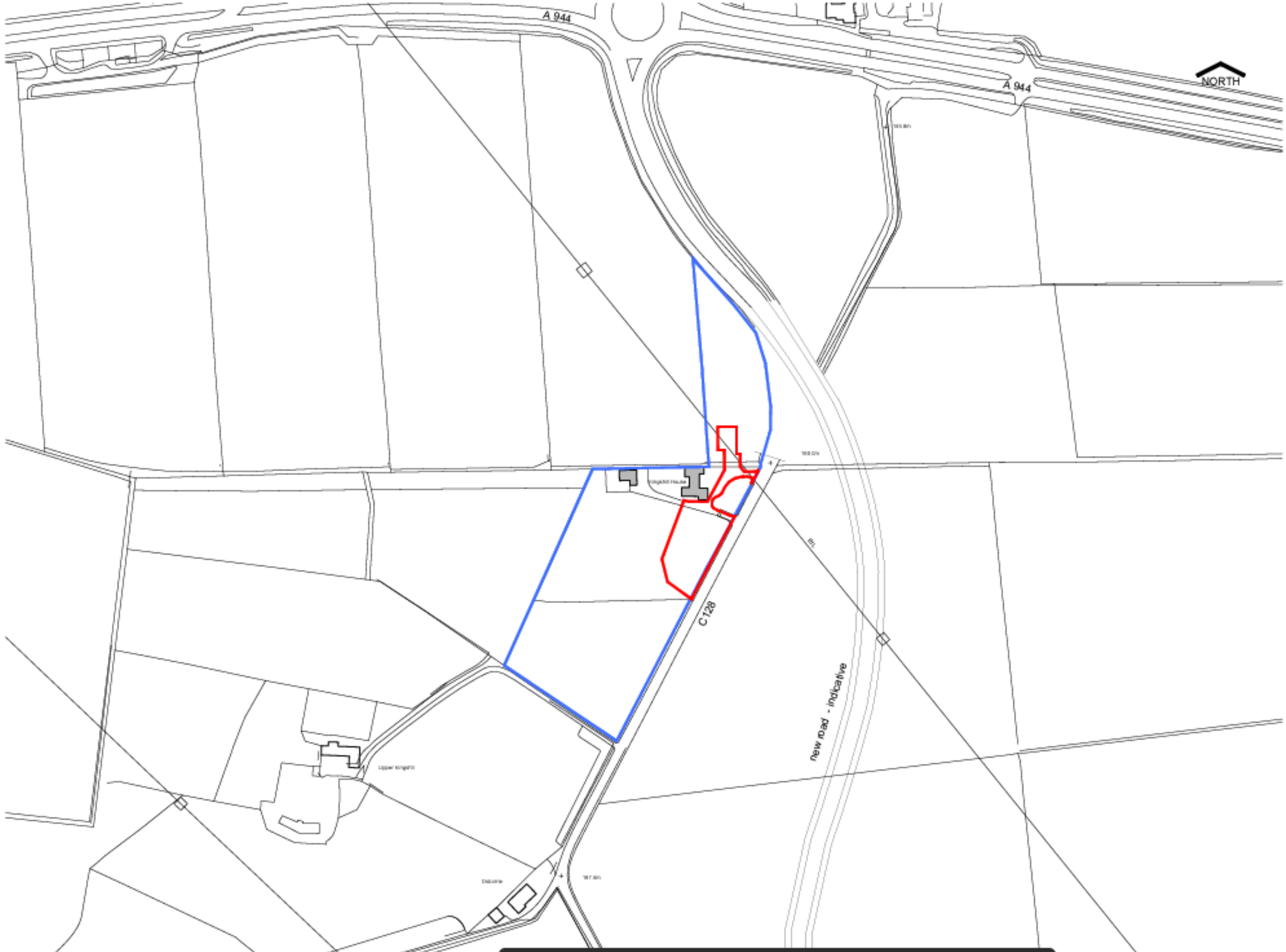


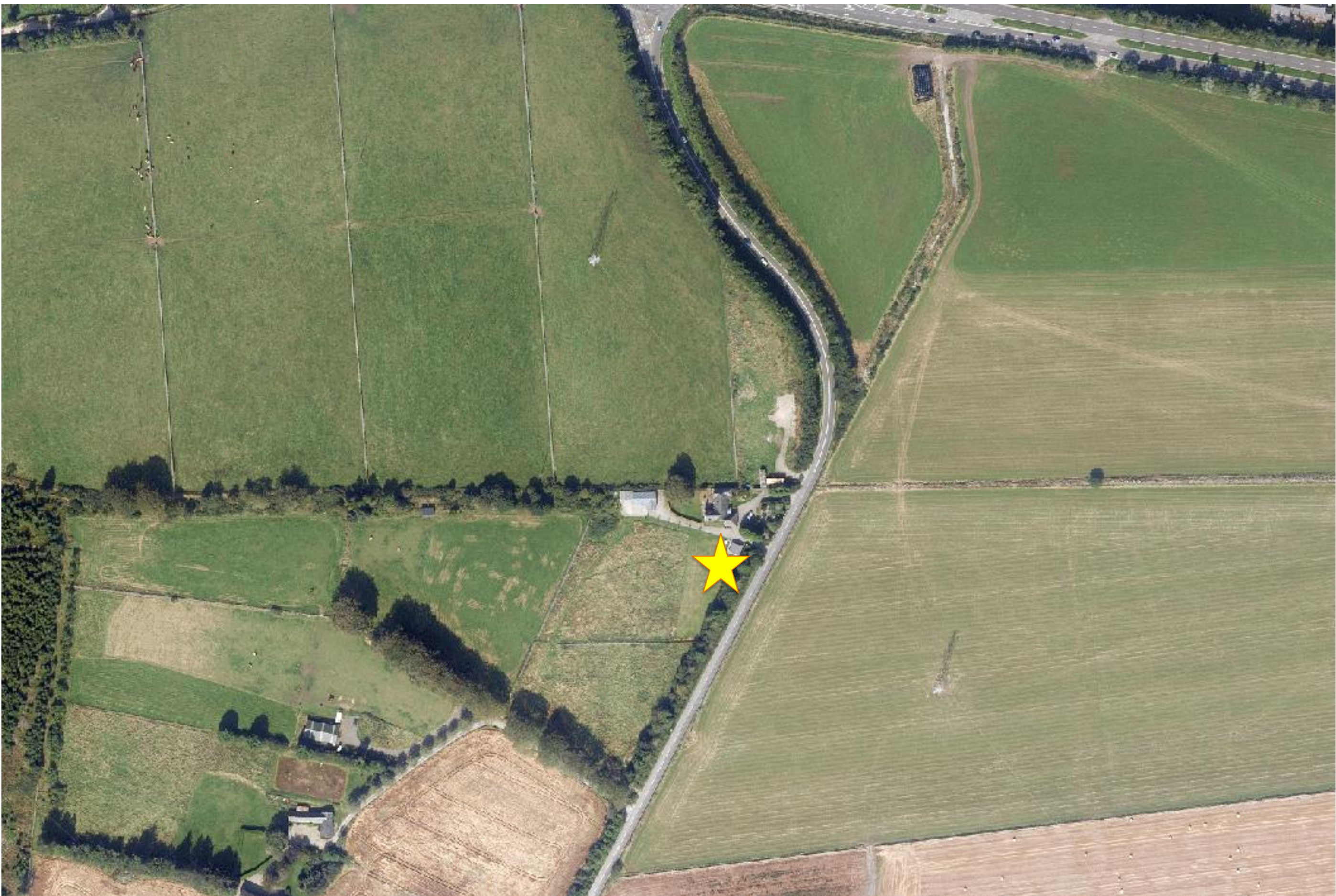
Local Review Body (LRB) 9th November 2022

220021/DPP - Partial change of use of agricultural field to residential curtilage, erection of garage, and formation of new access with associated works at Kingshill House, C128c From junction with Countesswells \road and North Countesswells Road to Kingswells roundabout, Kingswells

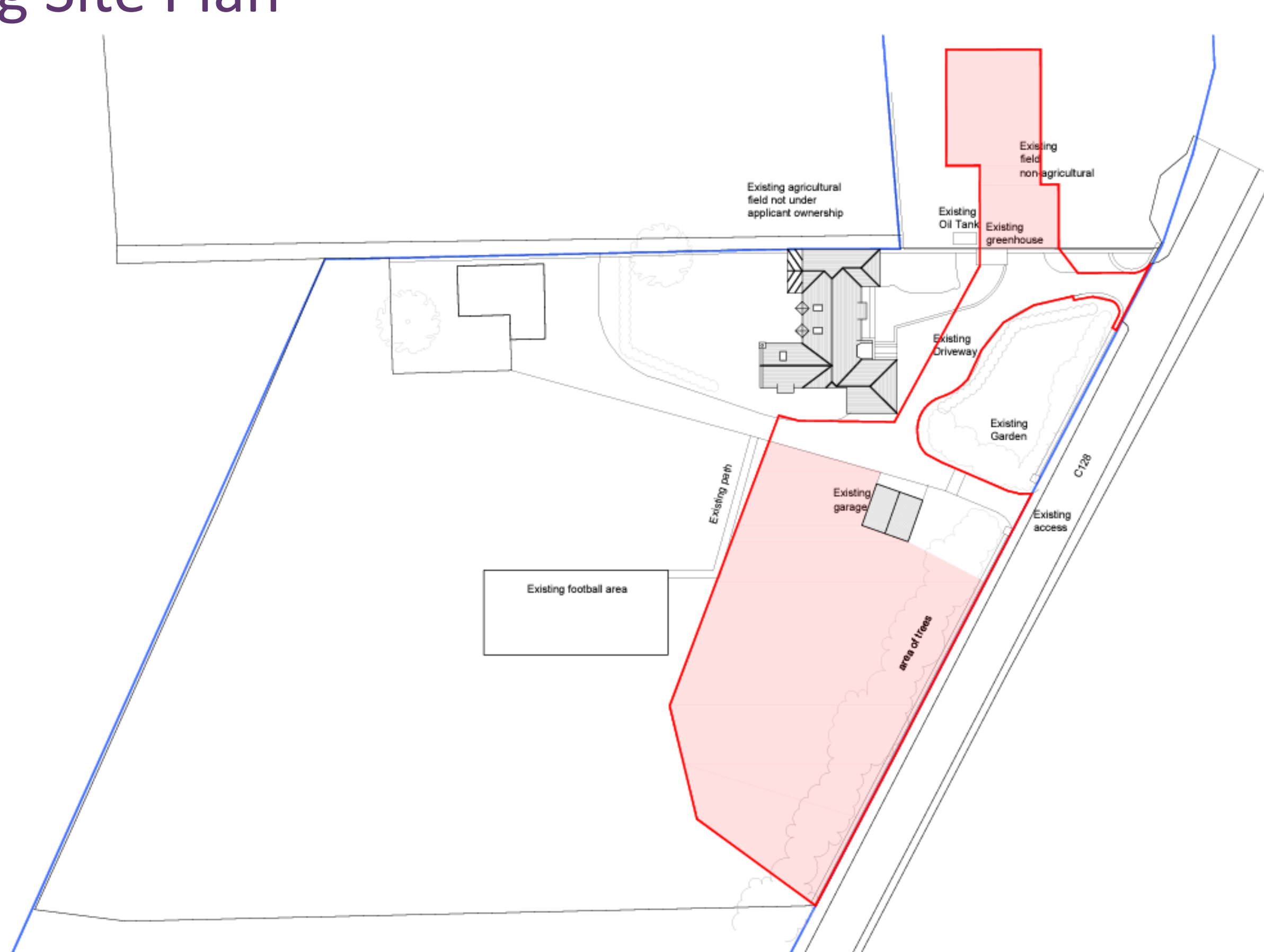
Lucy Greene, Planning Advisor

Location Plan

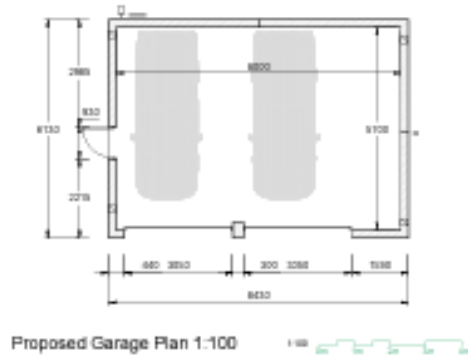




Existing Site Plan

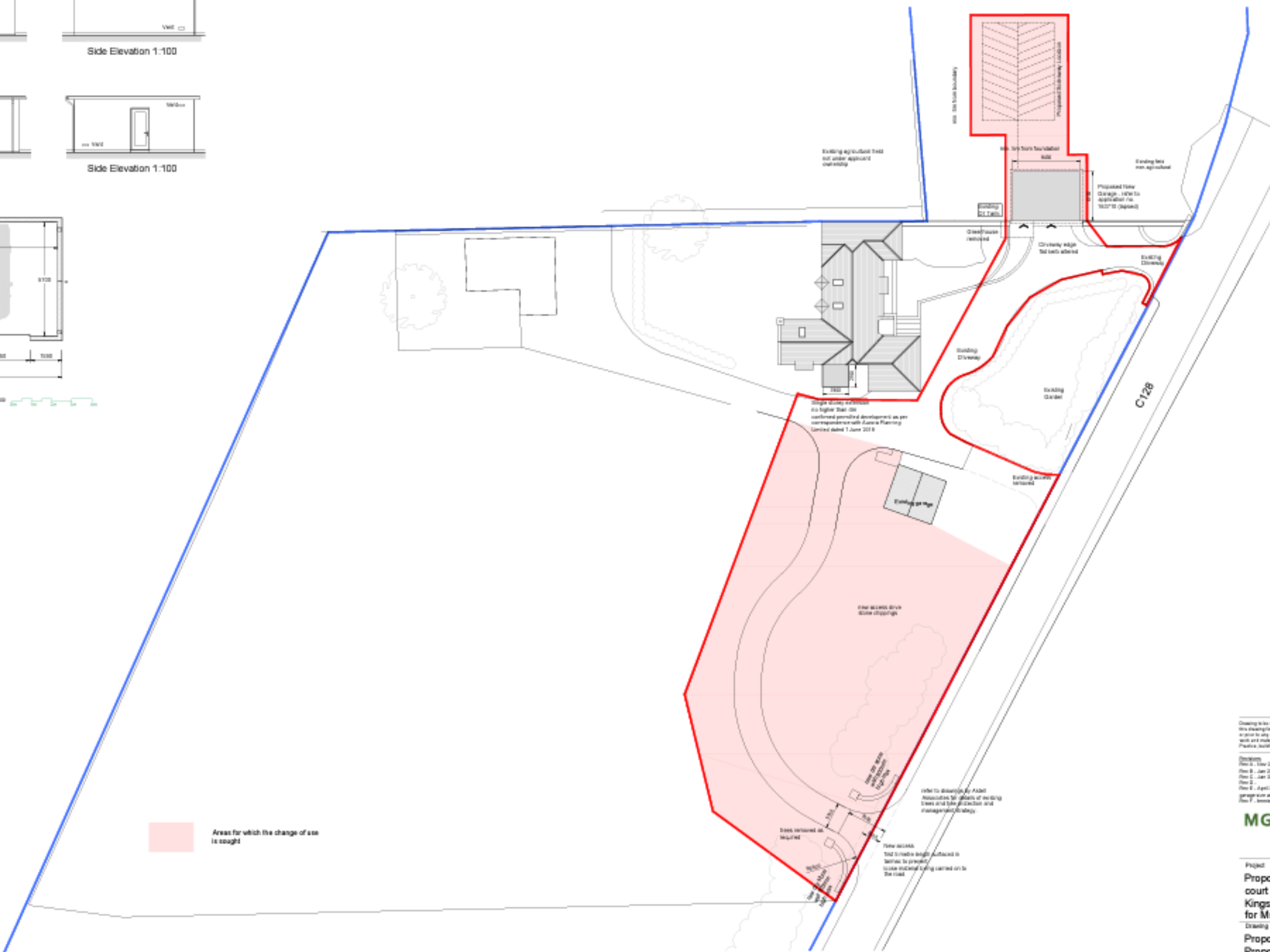


Proposed Site Plan



Proposed Materials and Finishes

- Walls** - 215mm concrete block finished with 20mm smooth white render (K-Rend OEA) externally
- Doors** - Main garage doors in segmented metal garage doors
Side door to be 900 x 2340mm plywood faced solid exterior quality doors stained to suit.
- Roof** - Dark grey Samall Irish
- Eaves & Fascia** - lined with plywood for painting, colour to match flat roof finish.
- Dowpipes & Gutters** - Black UPVC



Drawing to be used in conjunction with the Planning application in any court and made Public Notice.

Revisions:
 Rev 1 - 10/01/20
 Rev 2 - 15/01/20
 Rev 3 - 22/01/20
 Rev 4 - 29/01/20
 Rev 5 - 05/02/20
 Rev 6 - 12/02/20
 Rev 7 - 19/02/20

MG

Project:
 Proposed Court & Kingsford for Mr
 Drawing:
 Proposed

Reasons for Refusal

- Contrary to Green belt policy to extend residential curtilage and create access
- Consideration given to potential permitted development
- Visual difference between residential curtilage and agricultural fields
- Flat roof garage not high quality as required by Green Belt policy
- Proposal would not protect or enhance character of green belt , contrary to SPP
- Loss of trees
- Visual impact of tree loss
- Contrary to Policy on Trees and Woodland and Design

Applicant's Case

- Does not harm character of Green Belt nor contravene policy, due to being:
 - Located within boundaries of residential development
 - Small scale
 - Not increasing intensity of activity
 - Ancillary to residential use
- Design – demonstrates six qualities of successful places
- Complies with policies on transport, sustainable & active travel, flooding and drainage and trees and woodlands in adopted and proposed plans
- Is sustainable development in terms of SPP
- No objections
- Extent of residential curtilage considered
- Benefits of proposed access

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.

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

- D1 – Design
- T2 – Transport Impact of Development
- NE2 – Green Belt
- NE5 – Trees and Woodland

Proposed Plan policies

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

Impact on trees, visual amenity and character of area

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

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	Kingshills House, C128c From Junction With Countesswells Park Rd And North Countesswells Rd To Kingswells Roundabout, Kingswells, Aberdeen, AB15 8QB
Application Description:	Partial change of use of agricultural field to residential curtilage, erection of garage, and formation of new access with associated works
Application Ref:	220021/DPP
Application Type:	Detailed Planning Permission
Application Date:	11 January 2022
Applicant:	Mr J.S. Davidson
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Dineke Brasier

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is an irregular area measuring c.2200m² and includes part of the residential curtilage of Kingshill House and part of the agricultural fields to its north and south, which fall within the same ownership. Kingshill House is a substantial detached dwelling set in a residential curtilage extending to c.1600m², which contains a detached double garage building granted planning permission following application 190967/DPP. To its west is a stables block, which is located outwith the residential curtilage; to the north and south are agricultural fields, some falling within the same ownership; and to its east is a dead-end road, which previously linked the Kingswells roundabout and Countesswells prior to the opening of the new Western link road to Countesswells. Beyond that are more agricultural fields. The plot has two vehicular accesses, both providing access and egress onto the road.

Relevant Planning History

190967/DPP – Erection of domestic garage (retrospective) – Approved on 22nd July 2019.
 160710/DPP – Construction of detached triple garage – Approved on 15th August 2016

APPLICATION DESCRIPTION

Description of Proposal

The application can be split into three distinct parts:

1. Change of use of an area extending to c.1850m² from agricultural land to residential curtilage to the north and south of the existing residential garden ground;
2. Construction of a new vehicular access into the plot. The vehicular access would be located c.50m south from the existing southern access into the site; and
3. Construction of a detached double garage. The building would measure c.8.3m by c.5.8m,

would have a flat roof and an overall height of c.2.8m. Proposed finishes include smooth white render, a dark grey sarnafill roof, timber eaves and fascias, segmented metal garage doors, and a timber pass door in the west side elevation;

Amendments

Revised site plan submitted showing removal of the existing southern vehicular access; removal of a proposed tennis court; reduction in area requested to be included in the residential curtilage; and proposed new vehicular access moved further south.

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=R5JZ40BZJJM00>

- Planning Statement by Aurora Planning
- Tree Survey by Astell Associates, dated 27th April 2022

CONSULTATIONS

ACC - Roads Development Management Team – No objection following removal of third vehicular access into the site and confirmation of internal dimensions of the proposed garage.

Cults, Bielside and Milltimber Community Council – None received

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy

Development Plan

Aberdeen City and Shire Strategic Development Plan (2020)

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.

Aberdeen Local Development Plan (2017)

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, weight 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 –

- NE2: Green Belt
- NE5: Trees and Woodland
- D1: Quality Placemaking by Design
- T2: Managing the Transport Impact of Development

Supplementary Guidance

Transport and Accessibility
Trees and Woodland

Proposed Aberdeen Local Development Plan (2020)

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

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

The foregoing can only be assessed on a case-by-case basis.

The following policies are relevant –

- NE1: Green Belt
- NE5: Trees and Woodlands
- D1: Quality Placemaking
- D2: Amenity
- T3: Parking

EVALUATION

Principle of Development

The site is located in the Green Belt and Policy NE2 (Green Belt) of the 2017 Aberdeen Local Development applies. This policy sets out that 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.

The proposal is for a change of use of agricultural land to residential curtilage, creation of a new vehicular access, and construction of a detached double garage. None of these would fall under one of the types of development set out above, and the proposal will need to be assessed against the exceptions as set out in the policy.

Exception 1 sets out that proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:

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

In this case, the proposal would include a change of use of agricultural land to residential curtilage. The existing residential curtilage is defined by the area immediately to the front and rear of the dwelling, and is bounded by the driveway and hedge along the south and west boundary of the area to the rear of the dwelling; existing field boundaries along the north boundary from the road to the east to the edge of the residential curtilage to the rear, and the road edge along the east. The enclosed nature of this area defines it clearly as the residential curtilage of the property as does the extent of landscaping and type of vegetation. The area subject of the proposed change of use is more open and continues to have the appearance of an agricultural field due to its boundaries, size and landscaping. It is considered that the existing residential curtilage would comprise the boundary of the existing activity, and this proposed change of use would thus result in development outwith the existing residential boundary. Furthermore, the existing residential curtilage extends to c.1700m², with the proposed resultant residential curtilage extending to a total of c.3550m², equating to an increase of the residential curtilage by c.1850m², or more than 100%, with the resultant residential curtilage being more than double the size of the existing. As such, it is considered that the intensity of activity is significantly increased and for these reasons this part of the proposal would not comply with Policy NE2.

As set out in Scottish Planning Policy, one of the main purposes of the Green Belt is to direct development to the most appropriate locations, and to protect and enhance the character, landscape setting and identity of settlements. In this respect, it should be noted that the extension of the residential curtilage would allow permitted development rights in relation to outbuildings to be applied in the area subject of this application. Currently, any domestic structure in the agricultural fields would require planning permission, allowing additional control of development within the green belt. Following the proposed change of use, this area would benefit from 'normal' householder permitted development rights, which would allow for the construction of substantial outbuildings and other structures without the need for planning permission in this location. Cumulatively, this could have an adverse impact on the openness of the Green Belt in this location and thus have an adverse impact on the character and landscape setting of the green belt in this location. It is considered that, in this instance, permitted development rights could not be removed as that would result in a situation where the original residential curtilage would continue to benefit from permitted development rights, and the 'additional' residential curtilage would not have these permitted development rights. In addition, in general, a residential curtilage can and would be expected to have a more ordered, manicured appearance due to enhanced landscaping, i.e. increased grass cutting, additional planting areas, hard landscaping such as the creation of patios and installation of garden furniture. This would impact on and reduce the agricultural, rural character of the surrounding area to the detriment of its established character and appearance.

The proposed new vehicular access would further introduce a domestic element within the green belt, increasing activity within this part of the larger site and falling outwith the established boundary of residential activity, and would thus be considered not to comply with the exception

criteria of Policy NE2. It is noted that the original drawings submitted as part of the application located the proposed new vehicular access at a distance of c.25m from the existing access, whereas the amended drawings have moved this further south to a distance of c.50m from the existing southern access. Even though unacceptable in its original position as set out above, this repositioning would further aggravate the adverse impact of the proposed new access on the character and appearance of the Green Belt.

In their supporting statement, the applicant sets out that the new access is required as, since the stopping up of the road, cars can only enter the site from the south. It is stated that it is difficult to turn the corner into the existing driveways from the south, and that it is not clear where the front of the house is. However, no clear evidence has been submitted demonstrating that the existing accesses are no longer fit for purpose. It is further not demonstrated that alterations to the existing accesses are not possible to improve access into the site. It is considered that alterations to the existing accesses would have a significantly smaller impact on the character and appearance of the Green Belt and the surrounding area and would thus be the preferred approach to resolve any potential existing issues with access into the site. Furthermore, it is questioned that the proposed new driveway would adequately address some of the issues raised by the applicant as the new driveway would meet the existing residential curtilage and dwelling to the side, and still not from the front. Furthermore, the amended drawings submitted have moved the driveway c.25m further south, thus increasing its length compared to its original position and further increasing the detrimental impact of the proposed driveway on the character and appearance of the surrounding area and the Green Belt. The applicant has not explained fully, nor justified why the access is required to be formed some considerable distance from the house.

Therefore, taking account of the above, it is considered that the proposal would not meet the criteria as set out in exception 1, and would thus not comply with Policy NE2 (Green Belt) of the 2017 Aberdeen Local Development Plan.

The proposed garage would be located immediately to the north of the existing residential curtilage. However, its position in close proximity and immediately to the front of the main dwelling and adjacent to the existing driveway would ensure a functional and practical relationship between the proposed garage and the dwelling. This minor encroachment of a domestic building in agricultural land to allow construction of this building would therefore be accepted. The final clause in Policy NE2 (Green Belt) sets out that all development should be of the highest quality. The proposed garage would have a flat roof design and would be finished in smooth white render. The flat roof finish of the proposed garage, although successful in reducing the height and prominence of the building in the wider street scene, would not be considered to be of the highest quality, and can thus not be considered to comply with this clause of Policy NE2.

Trees and Woodlands

Policy NE5 (Trees and Woodlands) carries a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. Along the eastern boundary of the site is a tree belt/shelter belt separating the application site from the public road. This tree/shelter belt contributes positively to the rural character of the surrounding area and its visual amenity. The creation of the new vehicular access would result in the loss of a number of trees in the tree belt situated between the dwelling and the road and would create a further gap in this continuous tree/shelter belt.

A tree survey was submitted as part of the application, which sets out that 11 trees within the tree belt were surveyed in the current proposed position of the access. Four of these will be removed to allow for the construction of the driveway, along with a section of hawthorn. In addition, a fifth tree will be removed for health and safety and one tree is to be transplanted. Finally, the access would cross over the root plate of one tree, which will need to be protected by constructing the

driveway on a cellular confinement system for the first 15m. The trees to be removed are classed as category C trees with the tree to be transplanted classed as a category B tree.

This removal of trees to create a gap in the existing tree belt to construct the proposed access is considered to have a detrimental impact on the character and visual amenity of the green belt and surrounding area. The submitted tree survey does not cover the full extent of the tree belt and does not include either the previously proposed location of the access, or the areas immediately adjacent to the existing accesses, which could potentially be widened, rather than creating an entirely new access. There is a reference setting out that the tree belt is in a better condition further to the north, but no further evidence has been provided to substantiate this, especially in relation to the areas immediately adjacent to the existing accesses. Based on the information currently submitted, it is considered that the creation of a further gap in the existing tree belt would have an increased adverse visual impact on the surrounding area, especially in relation to its location in the green belt, compared to the visual impact of the potential widening of one of the existing accesses. The presence of the tree/shelter belt is a characteristic of the surrounding area, and the forming of an additional gap in this would not take sufficient cognisance of the context of the surrounding area. The proposal is therefore considered contrary to Policy NE5 and Policy D1.

Transport and Access

The proposal would see the creation of a new vehicular access. The road is stopped up immediately to the north of the application property following the construction of the new western link road between the Kingswells roundabout and Countesswells. As such, there is no passing vehicular traffic although there is a path to the link road for cyclists and pedestrians just after the property. The creation of the new access would create no adverse impact on road safety. However, in their comments, Roads Development Management set out that in general it is not accepted for residential properties to have more than two vehicular accesses. As such, it was requested that one of the existing vehicular accesses would be stopped up. A revised site plan has demonstrated that the existing southern vehicular access would be stopped up as part of the proposal, and this is thus considered acceptable.

Confirmation has been provided that the internal dimensions of the garage are in compliance with standards as provided in the Supplementary Guidance: Transport and Accessibility and are thus acceptable.

Residential Amenity

Given the nearest neighbouring property is set at a distance of exceeding 100m from the proposed development, this would not have an adverse impact on the residential amenity of this property.

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 in terms of both Plans for the reasons previously given.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. The extension of the residential curtilage of Kingshills House and creation of a further access into the site would be contrary to Policy NE2 (Green Belt) of the Aberdeen Local Development Plan (ALDP) which has an embargo on all development except for that which is essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction/quarry restoration or landscape renewal. Further, it doesn't comply

with the specific exceptions listed in the policy as it would be located outwith the boundary of existing activity within the site and would result in an increase in activity. Consideration is given to the potential of additional development as an increase in the size of residential curtilage would allow an increase in the area to which residential permitted development rights would apply and the visual difference between residential curtilage and agricultural fields in relation to the vegetation grown, amount of landscaping and level of maintenance undertaken. Finally, it is considered that the use of a flat roof for the proposed garage would not contribute positively to the appearance of the surrounding area, and would not constitute development of the highest quality as required under Policy NE2 (Green Belt) The proposal would thus not comply with exception 1 and the final clause of Policy NE2 (Green Belt) of the 2017 ALDP; or Policy NE1 (Green Belt) of the 2020 Proposed Local Development Plan. In addition, the proposal is considered not to protect or enhance the character and landscape setting of the green belt and could result in inappropriate development in the proposed wider residential curtilage, contrary to paragraph 49 of Scottish Planning Policy, nor would it constitute any of the types of development which might be considered in the Green Belt under paragraph 52.

2. The creation of an additional gap in the tree/shelter belt along the eastern boundary of the site would have a detrimental visual impact on the character and appearance of the surrounding area, and would result in tree loss and loss of visual amenity that has not been sufficiently justified through the exploration of alternative access arrangements, e.g. the widening of the existing accesses into the site. The proposal would thus not comply with Policy NE5 (Trees and Woodlands) and Policy D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan and Policy NE5 (Trees and Woodlands) and Policy D1 (Quality Placemaking) of the 2020 Proposed Local Development Plan.

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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 100519802-001

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)

Partial change of use of recreational/landscaped ground to residential curtilage and erection of garage, creation of tennis court and formation of new access.

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:	Aurora Planning Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Pippa	Building Name:	
Last Name: *	Robertson	Building Number:	22
Telephone Number: *	07985 703268	Address 1 (Street): *	Rubislaw Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB10 1XE
Email Address: *	pippa@auroraplanning.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	c/o agent
First Name: *	J.S.	Building Number:	
Last Name: *	Davidson	Address 1 (Street): *	c/o agent
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	c/o agent
Extension Number:		Country: *	c/o agent
Mobile Number:		Postcode: *	c/o agent
Fax Number:			
Email Address: *	info@auroraplanning.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

KINGSHILLS HOUSE

Address 2:

KINGSWELLS

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 8QB

Please identify/describe the location of the site or sites

Northing

805930

Easting

386840

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

3995.90

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)

Former equestrian land which has more recently been used as recreational/landscaped garden ground. For further details, please see the planning statement submitted with the application.

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

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

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

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)? *

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

Water Supply and Drainage Arrangements

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

Do your proposals make provision for sustainable drainage of surface water?? * 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)

Development involves the change of use of land with the erection of a garage, creation of a tennis court and formation of a new access, all to be used in connection with the existing dwelling house, for which there are existing waste collection arrangements in place, such that no new waste collection arrangements are required.

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Pippa Robertson

On behalf of: Mr J.S. Davidson

Date: 11/01/2022

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

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

Planning statement

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: Miss Pippa Robertson

Declaration Date: 11/01/2022

Payment Details

Online payment: ABSP00007784
Payment date: 11/01/2022 15:36:00

Created: 11/01/2022 15:36

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DECISION NOTICE

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

Pippa Robertson
Aurora Planning Limited
22 Rubislaw Terrace
Aberdeen
United Kingdom
AB10 1XE

on behalf of **Mr J.S. Davidson**

With reference to your application validly received on 11 January 2022 for the following development:-

**Partial change of use of agricultural field to residential curtilage, erection of garage, and formation of new access with associated works
at Kingshills House, C128c From Junction With Countesswells Park Rd And
North Countesswells Rd To Kingswells Roundabout**

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

<u>Drawing Number</u>	<u>Drawing Type</u>
1278C_202_F	Site Layout (Proposed)
1278_C_SLP_C	Location Plan

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

Removal of the existing southern vehicular access; removal of a proposed tennis court; reduction in area requested to be included in the residential curtilage; and proposed new vehicular access moved further south.

REASON FOR DECISION

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

1. The extension of the residential curtilage of Kingshills House and creation of a further access into the site would be contrary to Policy NE2 (Green Belt) of the Aberdeen Local Development Plan (ALDP) which has an embargo on all development except for that which is essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction/quarry restoration or landscape renewal. Further, it doesn't comply with the specific exceptions listed in the policy as it would be located outwith the boundary of existing activity within the site and would result in an increase in activity. Consideration is given to the potential of additional development as an increase in the size of residential curtilage would allow an increase in the area to which residential permitted development rights would apply and the visual difference between residential curtilage and agricultural fields in relation to the vegetation grown, amount of landscaping and level of maintenance undertaken. Finally, it is considered that the use of a flat roof for the proposed garage would not contribute positively to the appearance of the surrounding area, and would not constitute development of the highest quality as required under Policy NE2 (Green Belt) The proposal would thus not comply with exception 1 and the final clause of Policy NE2 (Green Belt) of the 2017 ALDP; or Policy NE1 (Green Belt) of the 2020 Proposed Local Development Plan. In addition, the proposal is considered not to protect or enhance the character and landscape setting of the green belt and could result in inappropriate development in the proposed wider residential curtilage, contrary to paragraph 49 of Scottish Planning Policy, nor would it constitute any of the types of development which might be considered in the Green Belt under paragraph 52.
2. The creation of an additional gap in the tree/shelter belt along the eastern boundary of the site would have a detrimental visual impact on the character and appearance of the surrounding area, and would result in tree loss and loss of visual amenity that has not been sufficiently justified through the exploration of alternative access arrangements, e.g. the widening of the existing accesses into the site. The proposal would thus not comply with Policy NE5 (Trees and Woodlands) and Policy D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan and Policy NE5 (Trees and Woodlands) and Policy D1 (Quality Placemaking) of the 2020 Proposed Local Development Plan.

Date of Signing 2 September 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.

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 220021/DPP

Application Summary

Application Number: 220021/DPP

Address: Kingshills House C128c From Junction With Countesswells Park Rd And North Countesswells Rd To Kingswells Roundabout Kingswells Aberdeen Aberdeen City AB15 8QB

Proposal: Partial change of use of agricultural field to residential curtilage and erection of garage, creation of tennis court and formation of new access with associated works

Case Officer: Dineke Brasier

Consultee Details

Name: Mr Michael Cowie

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for partial change of use of agricultural field to residential curtilage and erection of garage, creation of tennis court and formation of new access with associated works at Kingshills House, C128c from junction with Countesswells Park Rd and North Countesswells Rd to Kingwells Roundabout, Kingswells, Aberdeen, Aberdeen City AB15 8QB.

Further to previous Roads Development Management (RDM) comments dated 17th March 2022 on the portal, it is noted that the applicant has submitted updated plans and proposals in order to address such comments.

It is noted that the proposal now proposes to close the existing southernmost access and the creation of a new vehicular access, it is confirmed that this access is acceptable and provides adequate visibility.

Additionally, the proposals have been amended to the proposed double garage to meet the minimum internal dimensions of 5.7m x 5.7m.

It is confirmed that the applicant has addressed previous RDM comments and therefore have no further observations or comments in regard to this application.

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Application 220021/DPP - Policies

Aberdeen Local Development Plan (ALDP)

- D1 - Quality Placemaking by Design
- T2: Managing the Transport Impact of Development
- NE2: Green Belt
- NE5: Trees and Woodland

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

Proposed Aberdeen Local Development Plan (2020)

- NE1: Green Belt
- NE5: Trees and Woodlands
- D1: Quality Placemaking
- D2: Amenity
- T3: Parking

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

Supplementary Guidance

Transport and Accessibility

Trees and Woodland

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

Other Material Considerations

Scottish Planning Policy (2014)

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

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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 100601868-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="c/o agent"/>
First Name: *	<input type="text" value="J S"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Davidson"/>	Address 1 (Street): *	<input type="text" value="c/o agent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="c/o agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="c/o agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="c/o agent"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="info@auroraplanning.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="KINGSHILLS HOUSE"/>
Address 2:	<input type="text" value="KINGSWELLS"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 8QB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805930"/>	Easting	<input type="text" value="386840"/>
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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)

Partial change of use of agricultural field to residential curtilage, erection of garage and formation of new access, with associated works.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see separate Statement of Reasons.

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

Yes No

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

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

Please see Appendix One to the Statement of Reasons

Application Details

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

220021/DPP

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

11/01/2022

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

02/09/2022

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)

A site visit would allow members to see the issues with the existing access, and how little the proposed development would be visible in the surrounding area.

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: Miss Pippa Robertson

Declaration Date: 03/10/2022

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**NOTICE OF REVIEW
UNDER
S.43a(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

in respect of

DECISION TO REFUSE PLANNING APPLICATION REFERENCE 220021/DPP

for

**PARTIAL CHANGE OF USE OF AGRICULTURAL FIELD TO RESIDENTIAL CURTILAGE, ERECTION
OF GARAGE, AND FORMATION OF NEW ACCESS, WITH ASSOCIATED WORKS**

at

**KINGSHILLS HOUSE
ABERDEEN
AB15 8QB**

STATEMENT OF REASONS



1 Introduction

1.1 Planning application reference 220021/DPP, seeking planning permission for the partial change of use of agricultural land to residential curtilage to accommodate the erection of a garage and the formation of a new access at Kingshill House, Aberdeen, AB15 8QB was refused by officers under delegated powers on 2 September 2022 [Document 10]. Our client now seeks a review of that decision for the reasons set out in this Statement, as read alongside the other documents submitted with this (a list of which is provided at Appendix One, and which includes a Planning Statement [Document 8] that provides full details of the proposed development, the reasons for this, and why the application should be approved).

1.2 In summary, this Statement demonstrates that the reasons given for the refusal of the application are not justified, and that the application should instead be approved on the basis that the proposed development:

- complies with Policy NE2 of the Aberdeen Local Development Plan 2017 (ALDP) [Document 11], with this conclusion being consistent with the approach that has been taken in respect of other similar applications in the City, due to this being -
 - located within the property boundaries of existing residential development in the green belt,
 - small scale in nature;
 - not increasing the intensity of activity on the application site, and
 - very much ancillary to the existing residential use;
- demonstrates the six qualities of successful places in accordance with Policy D1 of the ALDP;
- complies with all other relevant policies of the ALDP, together with associated supplementary guidance, namely Policy T2 – Managing the Transport Impact of Development, Policy T3 – Sustainable and Active Travel, Policy NE6 – Flooding, Drainage and Water Quality, and Policy NE5 – Trees and Woodlands, together with associated supplementary guidance [Document 12];
- complies with the Proposed Aberdeen Local Development Plan (PLDP) [Document 13] for the same reasons as it complies with the equivalent policies in the ALDP;



- constitutes development that contributes to sustainable development in terms of Scottish Planning Policy (SPP) [Document 14], with this being a significant material consideration in respect of this application due to the age of the ALDP, and the balance is tilted in favour of planning permission being granted as a result;
- is consistent with the aims of the green belt, and indeed delivers a number of notable benefits in terms of these, such that it should be supported as being in accordance with the underlying principles behind Policy NE2 even if it is considered to be a departure from the technical terms of the Policy (although, for the avoidance of doubt, it is maintained that it does comply with Policy NE2 for the reasons given above and set out in more detail below); and
- with regards to the proposed garage specifically, the Council have previously made it clear that a garage in this location is acceptable, having previously granted planning permission for a garage here pursuant to planning application reference 160710, with the garage now proposed being smaller than that and must therefore be considered equally as acceptable if not more so.

1.3 It should also be noted that there were no objections to the application from any neighbours or statutory consultees, including the Community Council.

2 Proposed development

2.1 When the application was submitted, planning permission was sought for the creation of a tennis court, as well as a new garage and access as described in the Planning Statement submitted with this, with the application site covering all the land which our client owns, together with Kingshill House. However, in response to feedback from the case officer, and in the interest of working constructively to deliver a mutually acceptable development, this was since amended such that:

- the proposed tennis court and change of use of the land to facilitate that was removed from the application; and
- the application site was reduced in size to comprise only the land reasonably required for the proposed new access and garage.

2.2 It is though clear from the Report of Handling for the application [Document 9] that one of the officers' key concerns is the extent by which the curtilage of Kingshill House would be extended by the approval of this application, albeit the figures given in the Report do not reflect what is shown on the proposed site plan submitted with the application [Document 4], with that having been informed by the Council's



assessment of the size of the existing curtilage previously. Specifically in this respect, it should be noted that:

- whereas the Report of Handling describes the existing curtilage as being only the area immediately to the front and rear of the dwelling, with this *“bounded by the driveway and hedge along the south and west boundary of the area to the rear of the dwelling; existing field boundaries along the north boundary from the road to the east to the edge of the residential curtilage to the rear, and the road edge along the east”*, this ignores the fact that the Council recently granted planning permission for a garage to the south of the access on the basis that this was included in the curtilage of the existing house (planning application reference 190967), as confirmed in the Report of Handling for that [Document 15], and this needs to be taken into account when calculating the extent of the existing curtilage accordingly;
- while the boundary of the existing residential curtilage is then undefined, it is assumed for the purposes of this application that it roughly follows a line from the road to garage approved pursuant to planning application reference 190967, as shown on the proposed site plan, with that not having been contested by the case officer during their assessment of the application; and
- taking the above into account, the existing residential curtilage extends to around 180m² more than the c.1,700m² cited in the Report of Handling, while the area for which a change of is sought extends to just 1,671m² rather than c.1,850m², representing a percentage increase that is significantly less than that indicated in the Report of Handling.

2.3 In any event, and irrespective of how much of the application site is curtilage at present, the total resultant curtilage would not be unusually large for a house the size of Kingshill House in a rural location such as this, and should be considered appropriate in this context as a result.

2.4 It should also be noted that, whereas one of the drivers behind the application was to improve access to the property (for further details on which, see paragraph 2.2 of the Planning Statement), a number of potential ways to achieve this were considered before deciding on the design solution for which planning permission is now sought, including realigning one or both of the existing access. However:

- there is no obvious way of realigning the existing northern access without major works which would result in the loss of mature trees and part of the granite boundary wall, with this option discounted accordingly; and



- for the existing southern access, a significant realignment would be required, impacting on trees which are generally of a higher quality than those in the location of the proposed new access (with the Tree Report submitted with the application [Documents 5, 6 and 7] referring to this part of the tree belt as containing some good quality beech, maple and other deciduous trees, which our client is seeking to protect), in addition to which it would not be immediately clear when entering the site from here where the front of the house/parking is, and vehicles would face a tight turn right to come round to the front of the house.

2.5 The solution proposed in terms of this application has then been identified as the preferred option on the basis that this would have the least impact on the existing trees, with the trees in the vicinity of the proposed new access being described in the Tree Report as being of a poor quality, particularly compared with those to the north.

2.6 For further details on the proposed development and the benefits that this delivers, reference should be made to the Planning Statement, which provides a full written description of this, along with the background to it, with it being important to take this information into account when considering the application and to determine it accordingly.

3 Policy context

3.1 In considering this Notice of Review, it must be remembered that the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, with the relevant Local Development Plan in this case being the ALDP. The relevant provisions of the ALDP are therefore addressed in the Planning Statement, demonstrating that the application should be approved in terms of these for the reasons set out in the first bullet point of paragraph 1.2 above.

3.2 Since the application was submitted however, the ALDP has become over 5 years old (as of 20 January 2022), such that it is now out of date, as defined by the terms of SPP. And, that being the case, the presumption in favour of development that contributes to sustainable development established by SPP is elevated to a **significant** material consideration. More specifically, the decision in respect of *Gladman Developments Limited v The Scottish Ministers [2020] CSIH 28* [Document 16] (the Gladman case) makes it clear that, where the presumption in favour of sustainable development is a significant material consideration, planning permission should be granted unless there are any adverse impacts which ‘*significantly and demonstrably*’ outweigh the benefits of the proposal. The balance is then tilted in favour of planning permission being



granted, with the assessment of whether there are any adverse impacts which *'significantly and demonstrably'* outweigh the benefits of the proposal being part of the equation for determining whether a development is, in overall terms, sustainable.

3.3 In terms of assessing sustainability, paragraph 29 of SPP sets out a number of principles by which any decision in this respect should be guided, albeit most of these are not relevant to development of the nature and scale proposed in this instance. These do though include supporting good design and the six qualities of successful places, which the proposed development demonstrates, as set out in paragraph 4.14 below, and it requires to be assessed positively in this respect accordingly.

3.4 The proposed development therefore clearly constitutes sustainable development, with there being no potential impacts that would *'significantly and demonstrably'* outweigh the benefits outlined above, in terms of which it should be noted that:

- where any concerns have been expressed by officers about the visual impact of the proposed development, these have been addressed in detail in section 4 below; and
- as highlighted above, there were no objections to the application from any neighbours or statutory consultees, including the community council, making it clear that the proposed development did not give rise to any impacts that might be a cause of concern for them.

3.1 In light of the above, it is considered that the proposed development should be considered development that contributes to sustainable development, with no impacts that *'significantly and demonstrably'* outweigh the benefits of the proposed development, and the Review therefore requires to be upheld in line with the decision in the Gladman case, even if it is considered not to comply with the development plan (although, for the avoidance of doubt, it is maintained that the application does comply with the development plan for the reasons given in the Planning Statement and expanded on in this Statement).

3.2 At the same time, it is noted that the Development Plan is currently under review, with:

- the PLDP having recently undergone Examination by Scottish Ministers and expected to replace the ALDP later this year; and
- NPF4 to become part of the Development Plan when it is adopted, with this expected to happen towards the end of 2022.



3.3 As set out in the Planning Statement however, the PLDP does not make any material changes to the policies relevant to the determination of this application, and it is submitted that the application complies with the PLDP for the same reasons as it is considered to comply with the ALDP, as set out in that Statement and expanded on in this one. Likewise, draft NPF4 does not introduce any new policy requirements that would materially affect the determination of this application, and so it is not considered further here.

3.4 Lastly in terms of the policy context, it is noted that the Report of Handling for the application indicates that further evidence would be needed to demonstrate that the existing accesses are no longer fit for purpose, or that the identified issues could not be addressed by altering on one of those, rather than creating a new one, with the implication being that this information would be necessary to support a positive assessment of the application as a departure from Policy NE2 of the ALDP. In this respect, it is maintained that the application is not a departure from Policy NE2 but rather complies with that Policy for the reasons given in the Planning Statement, such that this is a moot point. However, if the application were to be considered as a departure from Policy NE2, the primary consideration should be whether the proposed development would be consistent with the underlying aim of the green belt as set out in the ALDP, that being to: *“maintain the distinct identity of Aberdeen and the communities within and around the city, by defining their physical boundaries clearly”*. The ALDP also states that safeguarding the green belt helps to avoid coalescence of settlements and sprawling development on the edge of the city, maintaining Aberdeen’s landscape setting and providing access to open space. In terms though of any potential impact on the green belt, it should be noted that:

- as set out above, there is currently no physical boundary between our client’s residential curtilage and the land on which the new access would be located, such that maintaining the status quo contributes nothing to the aims of the green belt in terms of maintaining the distinct identity of Aberdeen by defining physical boundaries on the ground;
- approval of this application would have no negative impact in respect of any potential coalescence of settlements or urban area, given that no new residential development is proposed;
- likewise, there would be no negative impact on the landscape setting of the city, with existing trees of any value around the site to be retained; and



- lastly, given that the site does not currently provide public access to open space, there would again be no impact on the aims of the green belt in this regard.

3.5 It is therefore clear that approval of the application would not undermine any of the aims of the green belt, and there is therefore no reason to refuse the application on this basis.

3.6 Conversely, the proposed development would in fact deliver a number of notable benefits in terms of the above aims, in particular insofar as the proposed driveway would create a clearer physical boundary to the greenbelt on the ground, and this should be supported accordingly.

3.7 At the same time, it is important to remember that the application requires to be determined on its own merits, and not on how it compares to any other hypothetical alternatives, with there being no policy basis for requiring the submission of any further information to demonstrate that the proposed development is the best option in this respect. This notwithstanding, alternative options were considered, as set out in paragraph 2.4 above, with the proposed development to which this application relates having a lesser impact than those for the reasons given there, and it should also be supported on this basis as a result.

3.8 In light of the above, the application should be approved as being consistent with the underlying aims of the green belt even if it is considered as a departure from Policy NE2, with this delivering a number of notable benefits while having the least impact of the potential options considered, all of which should be welcomed and supported.

4 Reasons for refusal

4.1 The Decision Notice gives two reasons for refusal of the application, although these contain a number of different elements, each of which is addressed below.

Reason for refusal 1

The extension of the residential curtilage of Kingshills House and creation of a further access into the site would be contrary to Policy NE2 (Green Belt) of the Aberdeen Local Development Plan (ALDP) which has an embargo on all development except for that which is essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction/quarry restoration or landscape renewal. Further, it doesn't comply with the specific exceptions listed in the policy as it would be located outwith the boundary of existing activity within the site and would result in an increase in activity.



4.2 The above notwithstanding, the Report of Handling makes it clear that the proposed new garage would be acceptable in terms of Policy NE2 in principle, subject to comments with regards to the design of this which are addressed below, such that this reason for refusal is understood to relate only to the proposed new access and the extension of the residential curtilage to accommodate that, and the following paragraphs focus on these elements of the proposed development accordingly.

4.3 With regards to how the proposed new access and extension of the residential curtilage to accommodate that should be assessed under Policy NE2, this is addressed in paragraphs 4.3, 4.4, 4.11 and 4.12 of the Planning Statement, in terms of which it is highlighted that:

- Policy NE2 needs to be read in the context of the aims of the green belt, with the proposed access and extension of the curtilage being consistent with those as set out in paragraph 3.4 above;
- the proposed access and extension of curtilage should in any event be supported as a proposal associated with existing activities in the green belt, on the basis that this would –
 - be located within the established property boundaries of Kingswells House and, as such, within the same planning unit as the existing residential use (with regards to which it should be noted that the planning unit is generally defined as the whole unit of occupation, such that it is possible to be within the same planning unit as the existing residential use even if not within the curtilage of the house itself);
 - not involve the creation of any new built structures, with the proposed extension to the curtilage being smaller in size than the existing curtilage (see paragraph 2.2 above), and should thus be considered to be small-scale in nature;
 - not increase the intensity of the residential use, with the existing southern access to be closed up so that the total number of accesses would be unchanged; and
 - clearly be ancillary to the existing residential use of Kingshill House, with the access and extended curtilage being to serve only that.



- supporting this under Policy NE2 would be consistent with the approach taken in respect of other similar applications, including –
 - planning application reference A7/1262, the Report of Handling for which [Document 17] makes it clear that development associated with existing activities in the green belt (in that case a tennis court associated with an existing dwellinghouse) does not need to be within the existing curtilage to be supported (with the tennis court having been on agricultural land outwith the pre-existing curtilage), with no significant policy changes since then that would justify a different conclusion being reached now; and
 - planning application reference 160710, pursuant to which planning permission was granted for a new garage in the same location as the garage for which planning permission is now sought in terms of this application, with the Decision Notice for that (a copy of which is provided as Appendix Two to the Planning Statement) making it clear that this was considered to be wholly compliant with Policy NE2 even though it was located outwith the existing curtilage, and there being no reason to take a different approach to the access and extension to the curtilage also proposed to accommodate that now.

4.4 Taking the above into account, the proposed access and extension of curtilage clearly complies with Policy NE2, and should be supported in principle accordingly.

Consideration is given to the potential of additional development as an increase in the size of residential curtilage would allow an increase in the area to which residential permitted development rights would apply and the visual difference between residential curtilage and agricultural fields in relation to the vegetation grown, amount of landscaping and level of maintenance undertaken.

4.5 This is not a point that was raised during the case officer's assessment of the application but:

- the location of the extended curtilage is such that most of it would be forward of the principal elevation of the house, such that permitted development rights would not apply in any event;
- this notwithstanding, if there are concerns about increasing the area to which residential permitted development rights (PDRs) would apply, planning permission could be granted subject to a condition removing these – this being a common condition to apply and, contrary to what is stated in the Report of Handling, there is no reason why this should not be done, with the proposed site plan making it



clear which parts of the site are existing curtilage within which PDRs apply at present, and any areas within which these would not apply; and

- as set out in paragraph 2.8 of the Planning Statement, no part of the application site has been used for agriculture since before our client purchased the property in 2015, with this having been maintained for domestic recreational use associated with Kingshill House before and since then as shown in the photos provided at Appendix One to that Statement, such that there would be no notable change in the appearance of this land if this application is granted.

4.6 Taking this into account, there is no justification for refusing the application on the basis of concerns about either the extension of the curtilage to which permitted development rights would apply or any change to the appearance of the land for which the change of use is sought, and this reason for refusal requires to be discounted accordingly.

Finally, it is considered that the use of a flat roof for the proposed garage would not contribute positively to the appearance of the surrounding area, and would not constitute development of the highest quality as required under Policy NE2 (Green Belt)

4.7 This point was also not raised during the case officer's assessment of the application, but is again considered to be unjustified, in that:

- while it is noted that Policy NE2 requires all proposals for development in the green belt to be of the highest quality in terms of siting, scale, design and materials, the same high standards are expected of all development under Policy D1 – Quality Placemaking by Design, with flat roofs being a common feature across the city, including in greenbelt locations;
- the Council's **Supplementary Guidance Householder Development Guide** (against which proposals for ancillary development should be assessed, but to which no reference is made in the Report of Handling) does not apply any different standards to development in the green belt compared to development elsewhere (in contrast to, for example, development in conservation areas, where more onerous criteria are applied), and indeed generally refers to outbuildings having either a flat or pitched roof, with the garage proposed in this case being consistent with that;
- the stopped-up nature of the road to the north of Kingshill House, combined with existing landscaping between this and the proposed garage, means that the



proposed garage would not be readily visible in the surrounding area, and would have no notable impact on the appearance of this in any event; and

- having previously granted planning permission for a garage in the same location pursuant to planning application reference 160710, with the garage that is now proposed being smaller than that, and there having been no material policy changes since then, it is inconsistent to assess this less positively than that.

4.8 As such, there is no policy basis for either requiring development in the green belt to contribute any more positively to the appearance of the surrounding area than development anywhere else should, or for concluding that the proposed garage would have any negative impact on that. Rather, this should be assessed positively on the basis that it is consistent with both the Householder Development Guide and the garage approved previously for this site pursuant to planning application reference 160710. Indeed, given that it is of a smaller scale than the garage approved previously, it should be considered more acceptable than that.

The proposal would thus not comply with exception 1 and the final clause of Policy NE2 (Green Belt) of the 2017 ALDP; or Policy NE1 (Green Belt) of the 2020 Proposed Local Development Plan.

4.9 This effectively re-iterates the first part of the reasons for refusal, which has been addressed in detail above, demonstrating that the proposal does comply with Policy NE2 in principle, with the proposed garage also being of a design that complies with the final clause of this as set out in paragraphs 4.7 and 4.8 above, and the development as a whole complies with Policy NE1 of the PLDP for the same reasons.

In addition, the proposal is considered not to protect or enhance the character and landscape setting of the green belt and could result in inappropriate development in the proposed wider residential curtilage, contrary to paragraph 49 of Scottish Planning Policy, nor would it constitute any of the types of development which might be considered in the Green Belt under paragraph 52.

4.10 With regards to this point, it is not clear why the Report of Handling is citing paragraphs 49 and 52 of SPP, given that these relate to Development Planning – i.e. what local authorities should be considering when preparing their Development Plans – rather than development management, and so are not directly relevant to the determination of the application. This notwithstanding, it should be noted that:



- paragraph 49 is the basis for the green belt aims cited in the ALDP, with the proposed development being consistent with these for the reasons set out in paragraph 3.4 above; and
- paragraph 52 expressly allows for the intensification of established uses and, while the proposed development does not result in any intensification of the established residential use, the reference to intensification here is understood to cover small-scale extensions of existing uses, as is proposed, with this supporting the proposed development accordingly.

Reason for refusal 2

The creation of an additional gap in the tree/shelter belt along the eastern boundary of the site would have a detrimental visual impact on the character and appearance of the surrounding area, and would result in tree loss and loss of visual amenity that has not been sufficiently justified through the exploration of alternative access arrangements, e.g. the widening of the existing accesses into the site.

4.11 As highlighted above, it is important to remember that this application requires to be considered on its own merits, and not on the basis of how it compares to any potential alternatives. And, taking this into account, it should be noted that:

- as set out above, the Tree Report submitted with the application describes the trees in the vicinity of the proposed new access as being of a poor quality, with this location having been chosen on the basis that it would have the least impact on any trees of any value;
- more specifically, the Tree Report confirms that the only trees that would be felled to create the new access are category C trees, these being trees of a low quality, including those with no conservation or other cultural value; and
- as a result of the road to the north of Kingshill House being stopped off, combined with the retention of existing trees on either side, there would be very limited views of the proposed new access, with it having no notable impact on the character and appearance of the area as a result, particularly given the low value of the trees here as set out above.

4.12 It should also be noted that, even if the trees were of any value (which, for the reasons given above, they are not), the small size and limited number to be felled, combined with the fact that they are not protected in any way, means that these could have been removed without the need for a felling licence or any other consent prior to



submitting a planning application. And indeed, they could still be removed on this basis now, irrespective of the outcome of this application.

- 4.13 Given the low value of the trees, together with the fact that they could be removed irrespective of the outcome of this application, refusing the application due to a desire to see these retained is not a legitimate reason for doing so, with this also not being supported by policy, as set out below.

The proposal would thus not comply with Policy NE5 (Trees and Woodlands) and Policy D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan and Policy NE5 (Trees and Woodlands) and Policy D1 (Quality Placemaking) of the 2020 Proposed Local Development Plan.

- 4.14 As set out in the Planning Statement, Policy NE5 does not preclude development requiring the removal of any trees at all, but only those which make a particular contribution to nature conservation, landscape character, local amenity or climate change adaptation and mitigation, which the trees in the vicinity of the proposed access do not (as confirmed by the Tree Report). As such, the proposed development is not precluded by Policy NE5, nor is there any conflict with Policy D1. Indeed, the proposed development should be assessed positively in terms of Policy D1, with this demonstrating the six qualities of successful places as set out in that (but which are ignored in the Report of Handling) in that:

- the proposed new drystone wall at the entrance would be in keeping with the semi-rural character of the surrounding area, and **distinctive** in this respect;
- by improving the access to the property, the proposed development will make this more **welcoming, easy to get around, and safe and pleasant**; and
- as a direct result to the changes to the road outside our client's property, one of the key drivers behind this application is to be **adaptable, and resource efficient** in terms of how the land around their property is used.

- 4.15 In light of the above, the application clearly complies with both Policy NE5 and D1 of the ALDP, with it also complying with Policy NE5 and D1 of the PLDP for the same reasons.



5 Conclusion

5.1 Given the above, it is clear that the reasons for refusal of the application are not justified and it should instead be approved on the basis that the proposed development:

- complies with Policy NE2 of the ALDP, with this conclusion being consistent with the approach that has been taken in respect of other similar applications elsewhere in the City;
- demonstrates the six qualities of successful places in accordance with Policy D1 of the ALDP;
- complies with all other relevant policies of the ALDP, together with associated supplementary guidance, namely Policy T2 – Managing the Transport Impact of Development, Policy T3 – Sustainable and Active Travel, Policy NE6 – Flooding, Drainage and Water Quality, and Policy NE5 – Trees and Woodlands, together with associated supplementary guidance;
- complies with the PLDP for the same reasons as it complies with the equivalent policies in the ALDP;
- constitutes development that contributes to sustainable development in terms of SPP, with this being a significant material consideration in respect of this application; and
- is consistent with the aims of the green belt, and indeed delivers a number of notable benefits in terms of these.

Aurora Planning Limited

3 October 2022



Appendix one – list of documents

Application documents

- 1 Application Form
- 2 Location Plan
- 3 Existing Site Plan
- 4 Proposed Site Plan, Garage Plans and Elevations
- 5 Arboricultural Assessment
- 6 Tree Protection Plan
- 7 Tree Report
- 8 Planning Statement
- 9 Report Handling
- 10 Decision Notice

Policy documents

- 11 Aberdeen Local Development Plan 2017
- 12 Supplementary Guidance: Householder Development Guide

Other documents

- 13 Proposed Aberdeen Local Development Plan 2020
- 14 Scottish Planning Policy
- 15 Report of Handling for planning application reference 190967
- 16 Gladman Developments Limited v The Scottish Ministers [2020] CSIH 28
- 17 Report of Handling for planning application reference A7/1262