

# Public Document Pack



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

Town House,  
ABERDEEN 29 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 **MONDAY, 5 DECEMBER 2022 at 10.00 am.**

Members of the public can view the meeting using the following link but must not activate their camera or microphone and must observe the meeting only. [Link to join Teams meeting.](#)

VIKKI CUTHBERT  
INTERIM CHIEF OFFICER - GOVERNANCE

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

1.1 Procedure Notice (Pages 5 - 6)

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

Link to the [Local Development Plan](#)

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

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

2.1 Detailed Planning Permission for the erection of single storey rear extension, porch to front and first floor side extension over garage - 30 Cruickshank Crescent (Pages 7 - 26)

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 220891.

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 27 - 46)

2.3 Planning Policies Referred to in Documents Submitted (Pages 47 - 48)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 49 - 58)

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 Detailed Planning Permission for the erection of first floor extension over existing garage to front - 1 West Craigbank Crescent Aberdeen (Pages 59 - 74)

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 220358.

3.2 Delegated Report, Original Application Form and Decision Notice (Pages 75 - 90)

3.3 Planning Policies Referred to in Documents Submitted (Pages 91 - 92)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 93 - 104)

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 Detailed Planning Permission for the installation of solar panels to roof - 1 Westerton Road Aberdeen (Pages 105 - 122)  
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 220667.
- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 123 - 144)
- 4.3 Planning Policies Referred to in Documents Submitted (Pages 145 - 146)
- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 147 - 152)
- 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

IIAs related to reports on this agenda can be viewed [here](#)  
To access the Service Updates for this Committee please click [here](#)  
Website Address: [aberdeencity.gov.uk](http://aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Lynsey McBain on [lymcbain@aberdeencity.gov.uk](mailto: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) 5<sup>th</sup> December 2022

**220891/DPP - 30 Cruickshank Crescent, Bucksburn**

Erection of single storey rear extension, porch to front and first floor side extension over garage

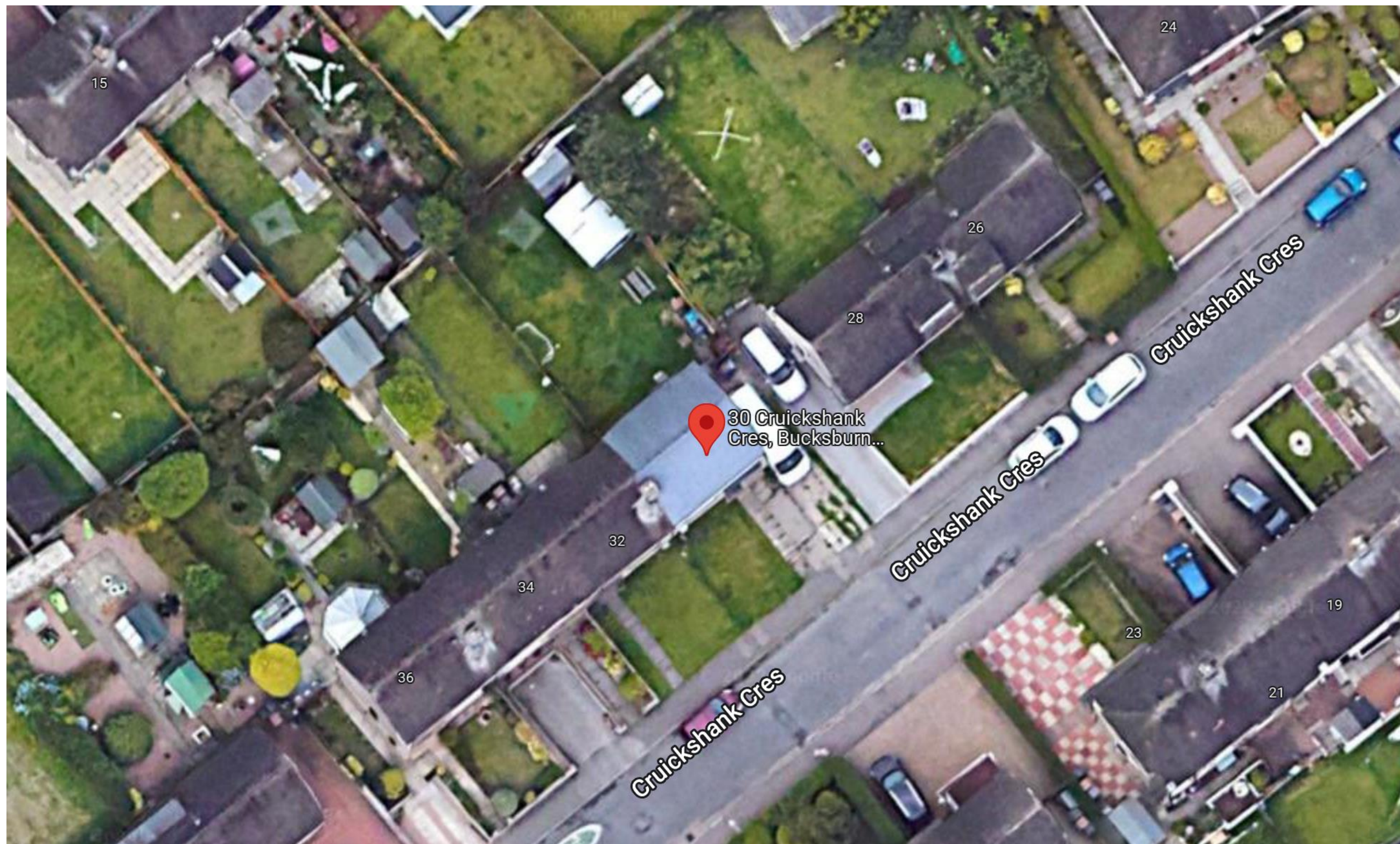
Lucy Greene, Planning Advisor

# Location Plan

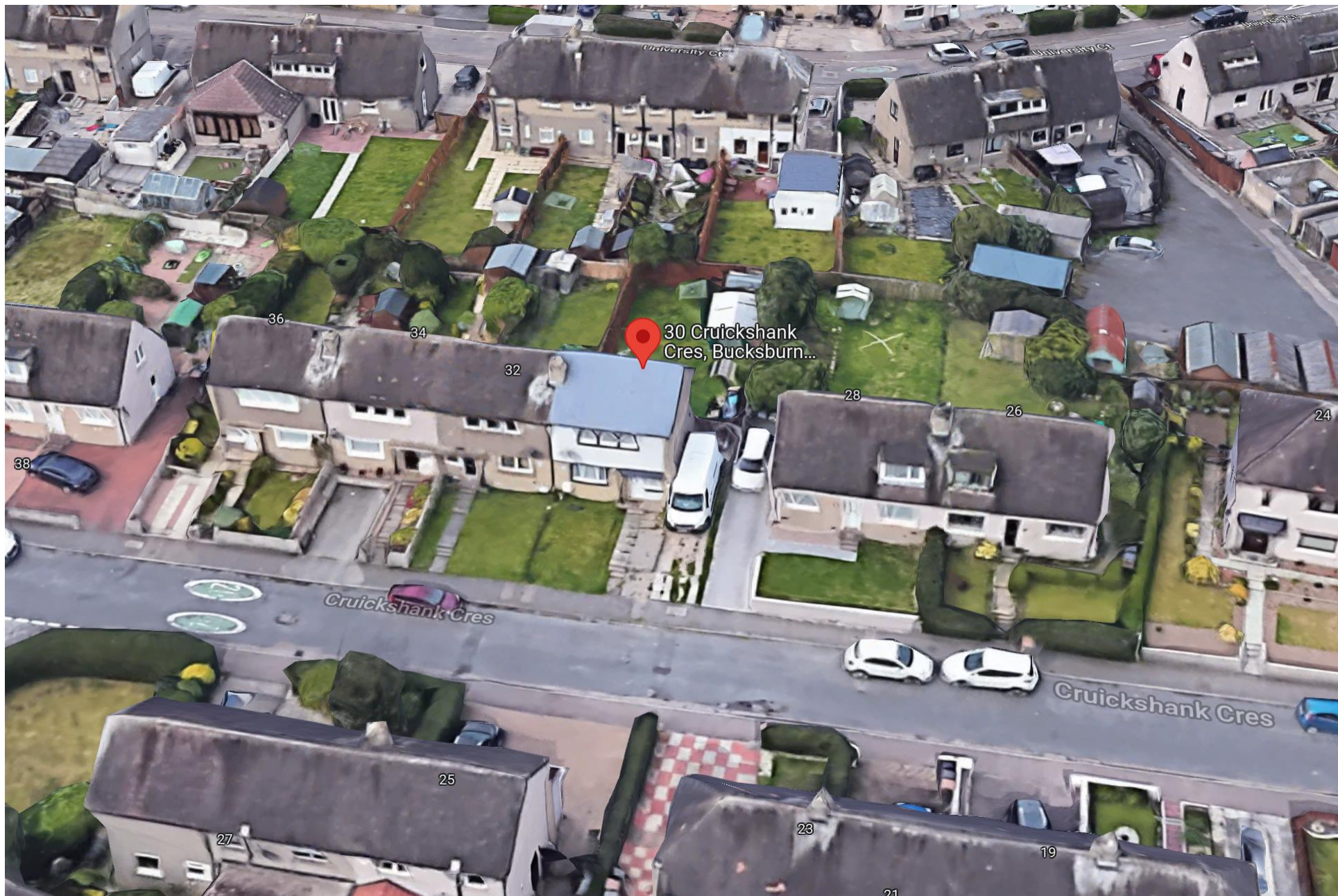




# Aerial Photograph



# Google 3D 2022



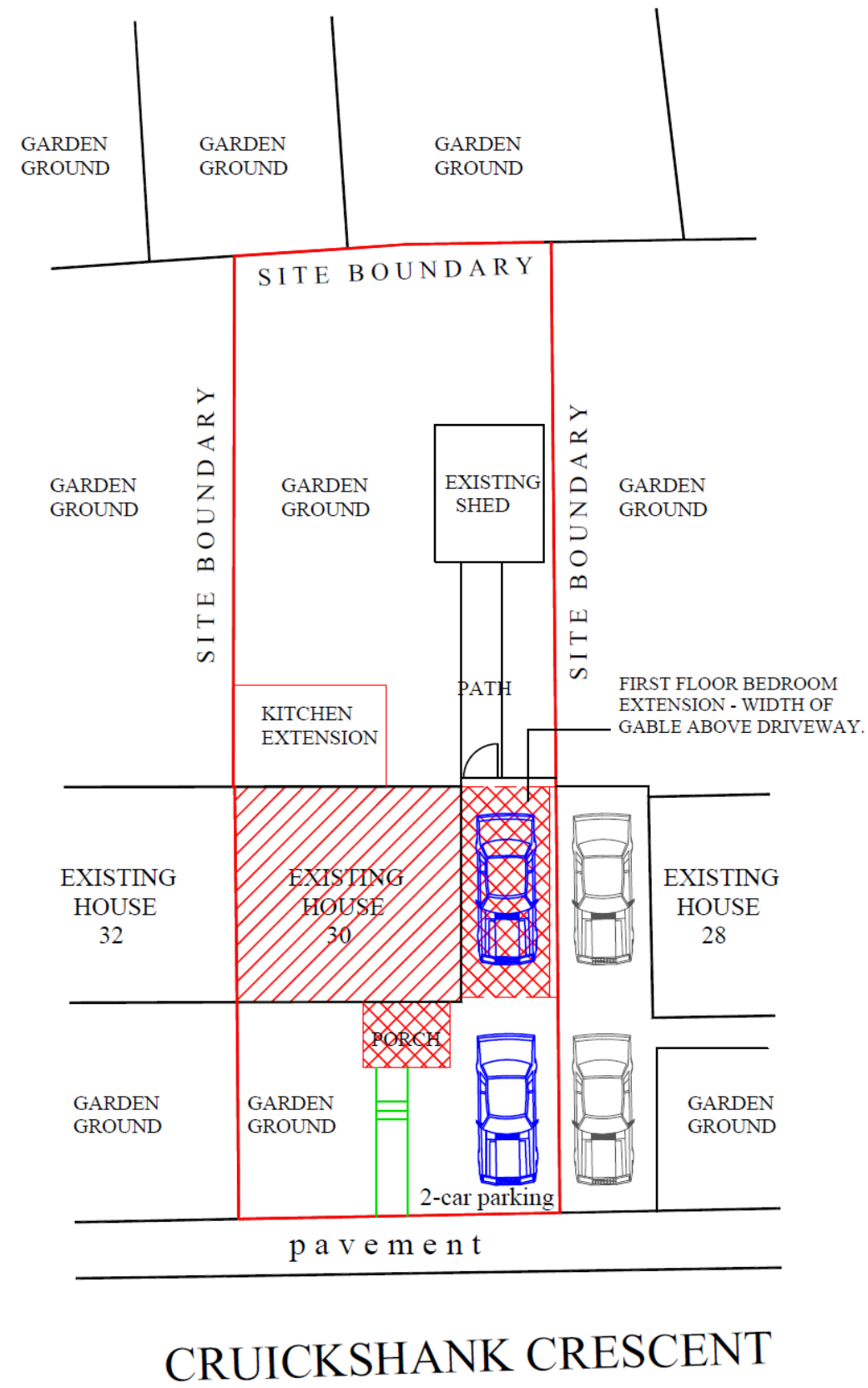
# Google 3D 2022



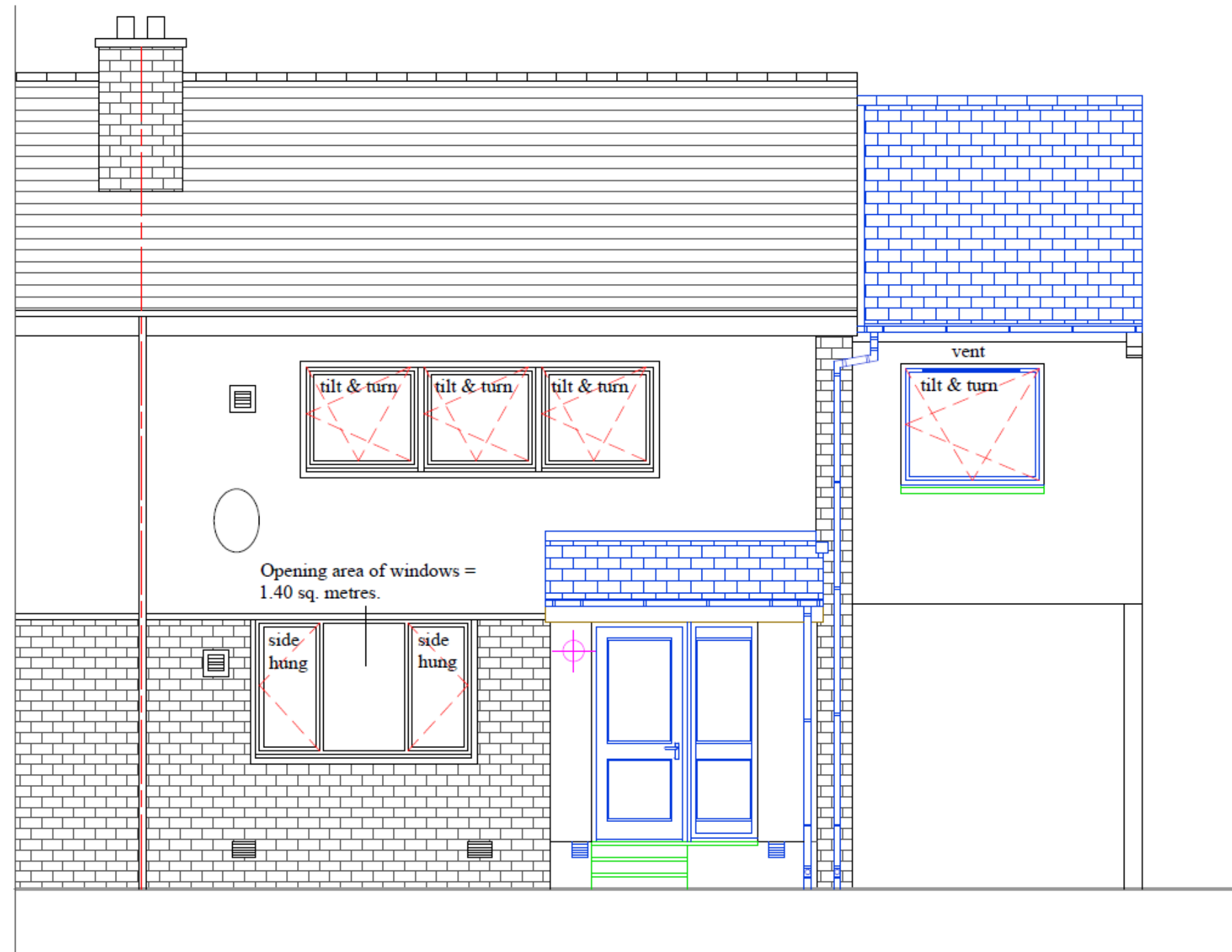
# Google Streetview 2022



# Plans as Proposed

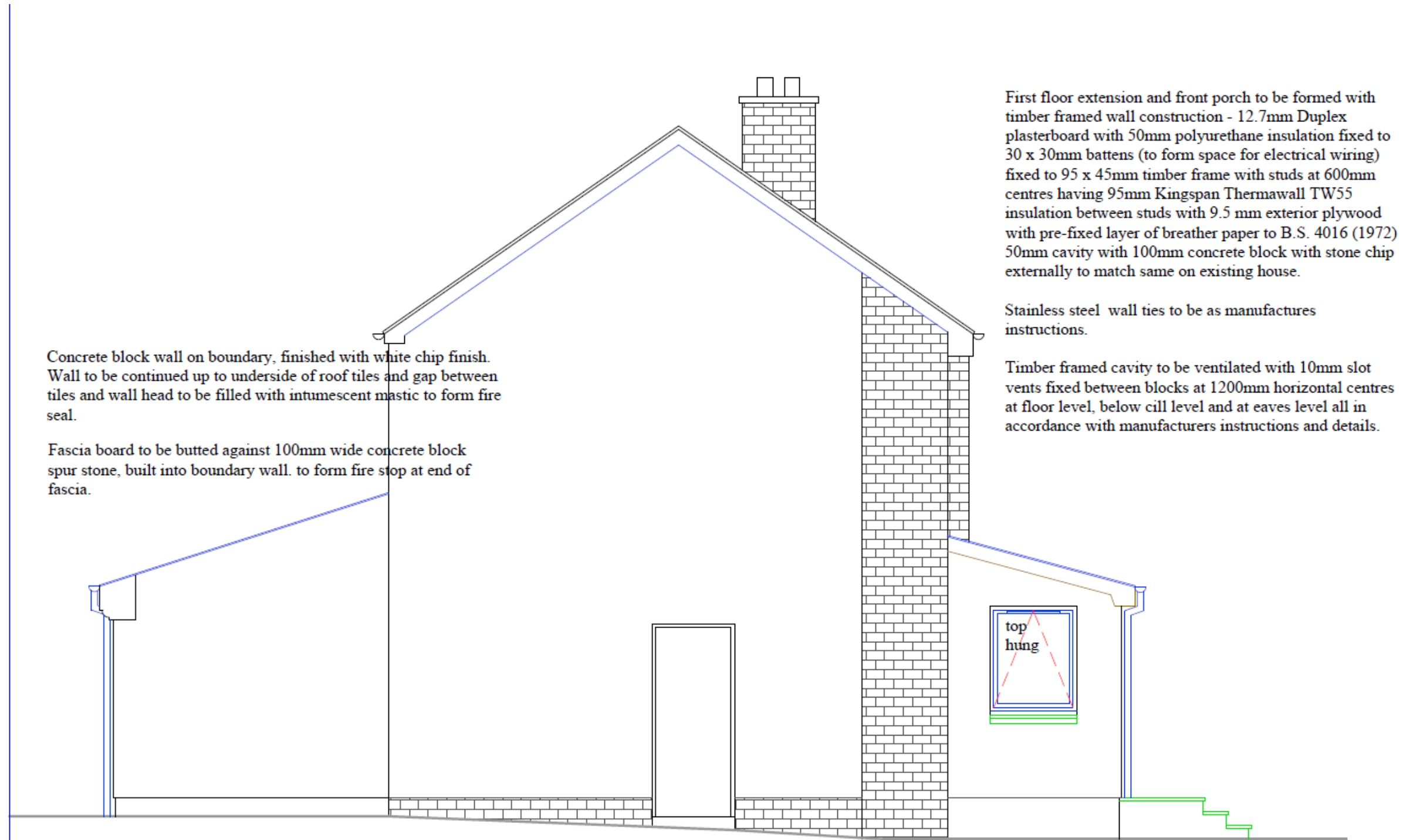


# Proposed Elevation front



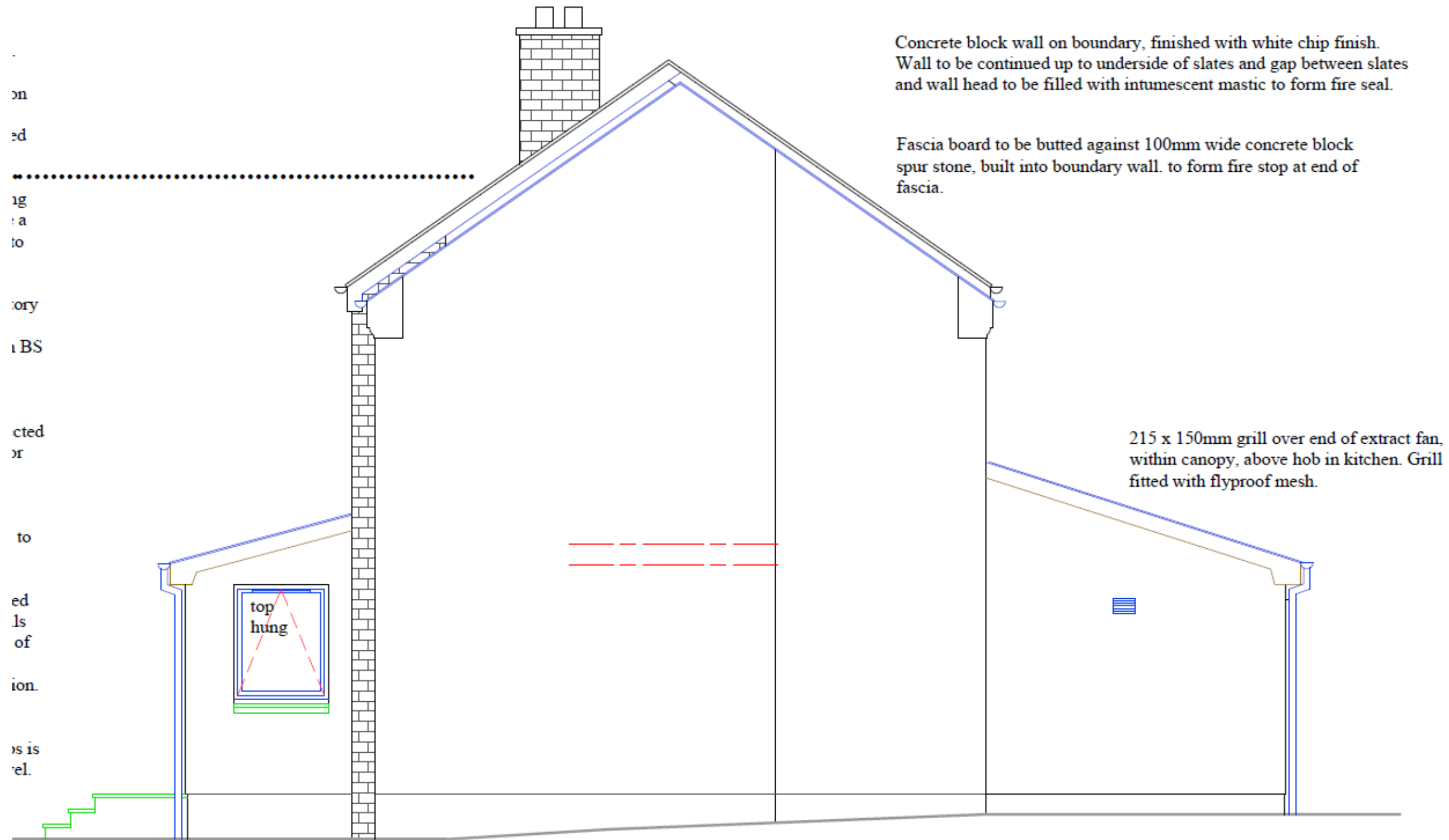
**PROPOSED SOUTH EAST ELEVATION.**

# Proposed Elevation (sides)



**PROPOSED SOUTH WEST ELEVATION.**

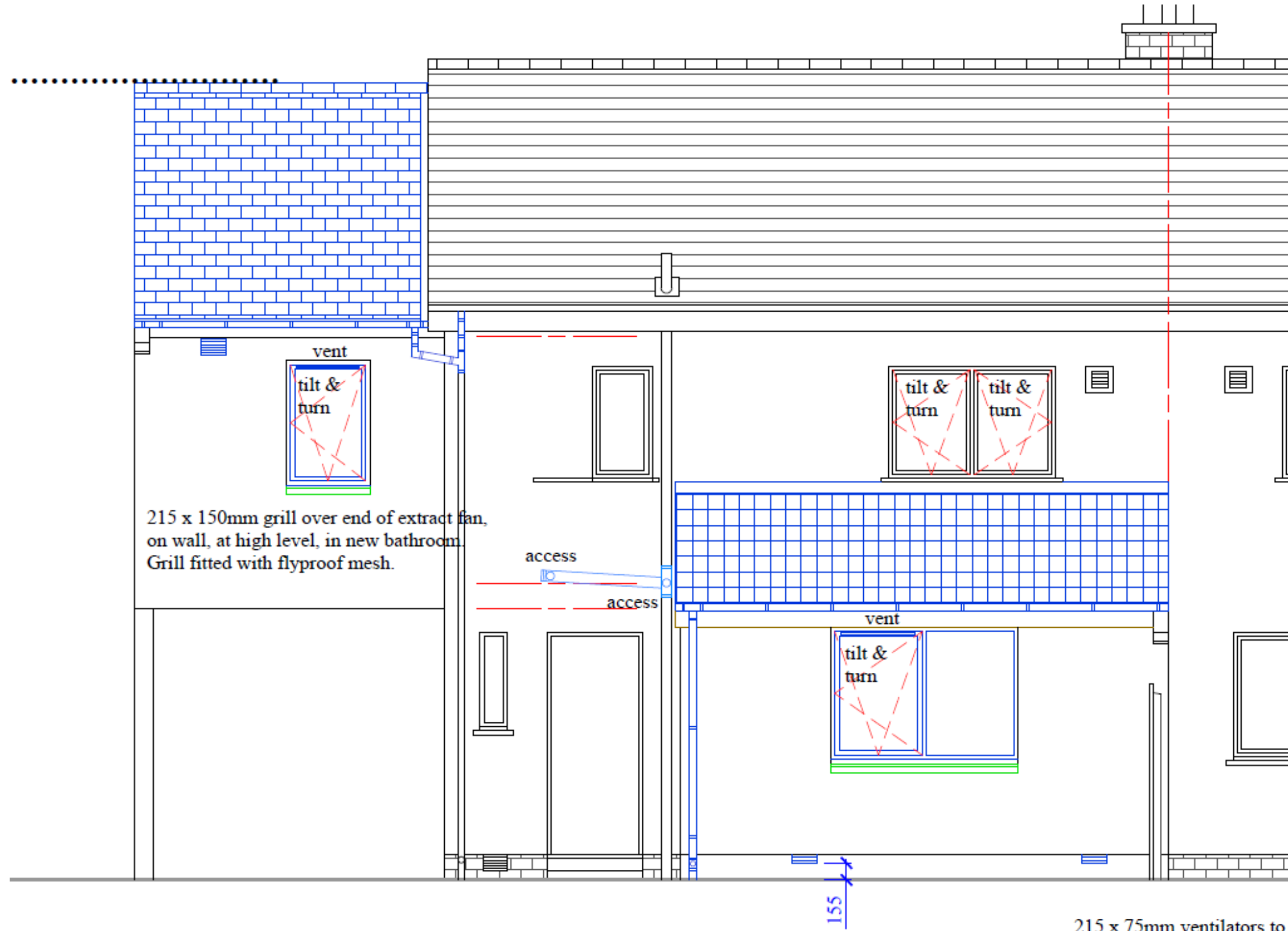
# Proposed Elevation (sides)



**PROPOSED NORTH EAST ELEVATION.**



# Proposed Elevation to rear



215 x 150mm grill over end of extract fan, on wall, at high level, in new bathroom. Grill fitted with flyproof mesh.

access

access

155

215 x 75mm ventilators to be fixed in external wall to ventilate sub floor areas, in existing timber floor of existing house as shown. Ducts to be laid in concrete slab.

## PROPOSED NORTH WEST ELEVATION.

Scale : 1/50.

0m

1.0m

3.0m

5.0m

# Reasons for Refusal

- Stated in full in Report of Handling in Agenda. Key points:
  - Impact on neighbour to side at no. 28
  - Extension not complementary to the existing dwelling and out of character with the area
  - Contrary to Policy H1 and D1, and Householder Design Guide

# Applicant's Case

## Summary:

- Proposal is same as those approved at Marischal Gardens, which were approved and are under construction.
- Gable window in neighbours house used to be a bedroom but is now a small store and is to be converted to shower room; neighbour has confirmed no objection.

# 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 and occupiers of neighbouring properties as set out in policy H1 and the relevant supplementary guidance?


- 1. Does the proposal comply with the Development Plan when considered as a whole?**
- 2. Do other material considerations weigh for or against the proposal? Are they of sufficient weight to overcome any conflict with the Development Plan?**

Decision – state clear reasons for decision



Thank you  
Questions ?

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

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

<b>Site Address:</b>	30 Cruickshank Crescent, Bucksburn, Aberdeen, AB21 9BT
<b>Application Description:</b>	Erection of single storey rear extension, porch to front and first floor side extension over garage
<b>Application Ref:</b>	220891/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	14 July 2022
<b>Applicant:</b>	Mr Mariusz Crudzien
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Bucksburn and Newhills
<b>Case Officer:</b>	Sam Smith

### **RECOMMENDATION**

Refuse

### **APPLICATION BACKGROUND**

#### **Site Description**

The application site comprises a two-storey end-terrace dwelling in a residential area, sharing a boundary with 32 Cruickshank Crescent to the southwest. The dwelling has a south-east principal elevation that fronts onto Cruickshank Crescent and to the northwest sits the rear garden of the site that adjoins the rear gardens of other properties. There is an existing driveway to the northeast of the site that adjoins the driveway at 28 Cruickshank. The existing dwelling is finished in a mix of stone chip render and brick, fitted with a white PVC door and windows and a slate roof.

#### **Relevant Planning History**

No relevant planning history.

### **APPLICATION DESCRIPTION**

#### **Description of Proposal**

Planning permission is sought for proposed works, which consists of two extensions to the side and front of the dwelling.

To the front or south east, a porch extension has been proposed. This would measure 2.5m in width and 1.88m in length. The porch would have a door and glazed panel with a width of 1.59m on the front elevation with windows on the southwest and northeast elevations measuring 950mm in width and 1.3m in height.

To the side or northeast, a two-storey extension would form a first-floor extension sitting over a carport that would extend the existing width of the dwelling. The extension would measure 6.18m in length, 2.83m in width and 7.56m in height to the proposed ridge, which sits 215mm below the ridge of the existing dwelling. The front elevation of the extension would have a window that measures 1.36m in width and 1.24m in height and the rear elevation would have a window on the rear elevation measuring 770mm in width and 1.24m in height. The proposed carport would measure 2.71m in width and 6.18m in length, with an access width of 2.61m. The external wall of the carport, supporting the proposed first-floor extension would measure 170mm in width.

Both the proposed extensions would be finished in materials to match the existing dwelling.

A rear extension is also proposed that would form a kitchen to the rear of the dwelling. This extension is considered to be permitted development and thus does not form part of this application and will not be assessed.

### **Amendments**

The proposed porch has been reduced in size at the request of the Planning Service.

### **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=REYV47BZHVH00>

### **CONSULTATIONS**

**ACC - Roads Development Management Team** – No objections to the proposal.

**Bucksburn and Newhills Community Council** – No comments received.

### **REPRESENTATIONS**

None

### **MATERIAL CONSIDERATIONS**

#### **Legislative Requirements**

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

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

Scottish Planning Policy (SPP)

#### **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 five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, 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 H1: Residential Areas  
Policy D1: Quality Placemaking by Design

### **Supplementary Guidance**

Householder Development Guide (HDG)  
Transport and Accessibility

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

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. The PALDP constitutes the Council’s settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The following policies are relevant –

Policy H1: Residential Areas  
Policy D1: Quality Placemaking  
Policy D2: Amenity

### **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. Householder development would accord with Policy H1 in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area, result in the loss of valued and valuable open space and it complies with the Supplementary Guidance, in this case the Householder

Development Guide (HDG). Additionally, the Transport and Accessibility Supplementary Guidance is also relevant to the assessment of this application in relation to the impact on amenity.

The main planning considerations for this proposal relate to the design of the extension in the context of the existing dwelling as well as the surrounding character and appearance of the residential area. There is also a consideration for the loss of amenity to the neighbouring dwelling in relation to privacy, daylight, sunlight and general amenity due to the proximity of the proposed extension to 28 Cruickshank Crescent and sitting on the boundary of a shared driveway area with no existing boundary treatment.

The site comprises an existing residential curtilage and the proposal would thus not result in the loss of any valuable or valued open space. All other matters, included over development, are discussed below.

### Scale and Design

The footprint of the existing dwellinghouse is 41.72m<sup>2</sup>. As the footprint of the proposed extensions equates to 22.3m<sup>2</sup>, the erection of these extensions would not result in the doubling of the footprint of the dwellinghouse. The area of the rear curtilage around the existing dwelling is 208.34m<sup>2</sup>. As the combined footprint of the existing shed and proposed side extension is 30.61m<sup>2</sup> the side extension would not result more than 50% of the rear curtilage area be covered in development. In addition, the footprint of the front curtilage is 59.22m<sup>2</sup> and as the proposed porch has a footprint of 4.69m<sup>2</sup>, it would not result in more than 50% of the front curtilage area be covered in development. As such, the proposal is not considered to result in over development and therefore complies with the relevant parts of Policy H1.

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. While 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. Supplementary Guidance expects extensions to be architecturally compatible in design and scale with the surrounding area and for the materials used to be complementary to the existing building. Furthermore, extensions are required to be subordinate in size to the original dwelling. Extensions of more than one storey to a terraced or end-terrace dwelling will normally be refused where it sits on a mutual boundary unless the site is subject to specific circumstances to justify it.

In this case, the siting of the proposed extension would be acceptable in the context of the site as it would sit to the side of the end-terrace dwelling, sharing a boundary with an adjacent set of dwellings rather than to the rear and it is accepted that there are other examples of two-storey side extensions in the surrounding area. As such, because of its location and overall height, which sits just below the ridge of the existing dwelling, the extension is considered subordinate and therefore with respect to this aspect of the proposal would be deemed acceptable. However, the Planning Service still need to establish if the overall scale would be appropriate, especially when considering the potential impact on both the visual amenity of the area and residential amenity of the neighbouring property.. These considerations have been assessed below.

The proposed side extension is of a form that is considered compatible to the existing elevation of the dwelling, with a pitched roof of the same shape as the existing. In terms of design, the extension would result in a completely solid wall on this north-east elevation, while there is only a ground-floor door on the existing elevation, there would be a minimal change in appearance to the solid wall. However, as the extension would sit on the shared boundary with 28 Cruickshank Crescent, the development would have a negative overbearing visual impact for the neighbouring residents due to the massing and the fact it would sit closer to the neighbouring property than the existing north east elevation. In relation to the front and rear elevation, the windows on the side

extension are not centrally aligned and are of a different size and vertical position to the windows on the existing dwelling. These windows are therefore considered to sit uncomfortable on the respective elevations and are not considered consistent with the existing dwelling.

It has been noted as part of the submission of this application that there are two extensions at 20 and 22 Marischal Gardens with the same design as the proposed. These two extensions are formed of a two-storey side extension with a first-floor window, aligning with the existing windows on the dwellings, and ground floor enclosed garage. This design is considered to be compatible with their respective existing dwellings as it shows a continuation of the existing building design as well as the existing street scene, extending the appearance of the terraced building line. These two extensions are also considered to have less of a visual impact than the proposed development and are therefore not considered to be of the same design as the proposed extension. The photograph submitted showing the unfinished garage at 22 Marischal Gardens shows the enclosed garage at 20 Marischal Gardens to be less prominent than an open car port, which is the current unfinished form at 22 Marischal Gardens. Therefore, a two storey extension has the potential of being acceptable if it was of a similar design, consistent with the existing dwelling and would not result in a negative impact on the amenity of the neighbouring dwelling.

In relation to the proposed porch, front extensions are required to be of a scale and design that is complementary and consistent with the existing dwelling. Further to this, porches should be modest, avoid incorporating additional rooms and be designed with a substantial proportion of glazing as to not detract from the original dwelling or character of the streetscape. Any proposed front extension should have due consideration for the appearance and character of the existing building line. The scale of the proposed porch is considered to be appropriate in the context of the existing dwelling as it is of a similar width to the existing entrance canopy on the dwelling and would be of a similar design to the existing door and window on the front elevation. The height is also considered subordinate as it is a single storey porch extension which sits comfortably below the first-floor windows on the dwelling. In addition, the porch is considered to have been designed with sufficient glazing to minimise the visual impact it would have on the street scene. The proposed porch does not contain an additional room and would therefore comply with relevant guidance.

There are no approved existing front porches along Cruickshank Crescent and the addition of a porch at 30 Cruickshank Crescent would impact the existing building line as it would be the only dwelling with an extension forward of this line. However, this would not have a detrimental impact on the appearance of the surrounding area due to the range of boundary treatments to the front of dwellings along Cruickshank Crescent, with hedges, retaining walls and boundary walls to the front of dwellings and sections of terraced and semi-detached dwellings breaking up building line. As the porch would be of an appropriate scale and design and would have a minimal impact on the appearance of the street scene, it would be considered acceptable.

While the proposed porch can be accepted given its suitable scale and design which would not pose a detrimental impact on the existing dwelling and surrounding area, the scale of the proposed side extension is considered an issue overall. Additionally, the design of the extension is considered to diverge from the design of the existing dwelling and is not considered to be in keeping with the appearance of the surrounding area. Therefore, based on the above assessment, the proposal overall would be in tension with Policies H1 and D1 of the ALDP. However, due consideration is required to be given to the remaining criteria of Policy H1, as discussed below.

### Amenity

No extension should result in the amenity of any neighbouring property being adversely affected. Due to the proximity of the proposed extension to the semi-detached boundary, the level of blocked daylight and sunlight has been assessed in line with the methods set out in Appendix 2 of

the HDG. For the sunlight assessment, the 45° line has been placed at a height of 2m for extensions that are southwest of a potentially impacted area. This assessment has identified up to 2.5m of additional adverse overshadowing beyond the existing overshadowing caused by the existing dwelling to 28 Cruickshank Crescent. As the extension would sit on the mutual boundary adjacent to the driveway at the neighbouring property, any overshadowing would be confined to southwest elevation of the neighbouring property. It is noted and accepted that the proposed porch would not have an impact on overshadowing or loss of daylight as it sits 3.15m and 3.88m from the northeast and southwest boundaries, respectively.

Due to aforementioned overshadowing, there is a concern for loss of daylight to the neighbouring dwelling. The window on the first floor at 28 Cruickshank Crescent has been identified as a former bedroom that is currently being used as a storage room. As there is a potential for this room to be used as a bedroom at a later date and there are no other windows to this room, the 25° method has been tested to determine the impact on amenity to this window. An extension should fall under the 25° line drawn from the centre of a potentially impacted window to be considered to have a minimal impact on daylight received by the window. This assessment has found that the proposed extension sits at a height of 1.54m above the height of this line, having a significant impact on the light received by this room. There is also a side door on the southwest elevation of the neighbouring dwelling. The 25° method has shown that the proposed extension would worsen, but not have a detrimental impact on, the loss of daylight to this door caused by the existing dwelling as it is a secondary access to the dwelling.

Once again the existing two-storey extensions at 20 and 22 Marischal Gardens have been used to justify this proposal, however, as these two extensions share a mutual boundary and neither have a window on the end elevation, they are not considered to have an adverse impact on the amenity to each other. In addition, the layout of each of these dwellings includes a first-floor window to the front and rear of the dwelling, allowing sufficient daylight receipt, in direct contrast to this application and site context. In light of this, the aforementioned extensions are not considered comparable and will not be discussed further in this evaluation.

As the extension would sit on the mutual boundary shared with 28 Cruickshank Crescent and measure 7.56m in height to the ridge, it would have an overbearing impact on the neighbouring property. While this space is used as a driveway, such an impact could be accepted, if it wasn't for the other issues related to this proposal. Additionally, as the existing neighbouring driveway is 2.72m in width, it falls below the standard 3m width for driveways as required in the Transport and Accessibility Supplementary Guidance. As the mutual boundary is currently not treated with anything, this driveway is able to be used to manoeuvre out of a car. However, should the proposed extension be approved and ultimately erected, it would have a direct impact on general amenity of this space.

In terms of privacy, the proposed extension would have windows to the front and rear of the extension. Due to the location of the proposed rear window being near the mutual boundary of the site, there is a potential for overlooking into the garden at 28 Cruickshank Crescent. However, as this is a semi-detached dwelling and there are existing first-floor windows at 26 Cruickshank Crescent, the extension would not have a detrimental impact on the privacy at the neighbouring site as there is existing overlooking into the rear garden. The proposed porch has windows on the northeast and southwest elevations. As this would be to the front of the building line, significantly visible from the public road, and would sit 3.15m and 3.88m from the adjacent boundaries, these windows are not considered to have a negative impact on the privacy of the neighbouring dwellings.

Overall, while an extension could be accepted, the proposed extension is considered to have a negative impact on the neighbouring dwelling in terms of lost daylight to the first-floor window on the south-west elevation which has no other windows to the space. Furthermore, there are



concerns regarding the fact the proposal would have an over bearing impact, as well as impacting on the general amenity of 28 Cruickshank Crescent. Therefore, the proposal would not comply with remaining criteria of Policy H1 of the ALDP.

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

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

### **RECOMMENDATION**

Refuse

### **REASON FOR RECOMMENDATION**

The proposed extension is in tension with the relevant policies, as well as the standards set out in the Householder Development Guide as it would result in a negative impact on amenity for an adjacent property as daylight would be lost to the neighbouring gable window. Furthermore, the design of the proposed extension is not considered to be consistent and complementary to the existing dwelling and would be out of character with the surrounding area. The overall proposal is therefore not considered appropriate in the context of the site. As such, the proposal is not considered to comply with Policy H1: Residential Areas and Policy D1: Quality Placemaking by Design of the Aberdeen Local Development Plan, the Householder Development Guide Supplementary Guidance and the relevant policies of the Proposed Aberdeen Local Development Plan 2020.

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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            100584318-001

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)

EXTENSIONS TO DWELLING HOUSE IN 3 SEPARATE LOCATIONS

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:	WILLIAM F FORBES LTD		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	WILLIAM	Building Name:	
Last Name: *	FORBES	Building Number:	3
Telephone Number: *	01224 824079	Address 1 (Street): *	FAIRVIEW GROVE
Extension Number:		Address 2:	DANESTONE
Mobile Number:		Town/City: *	ABERDEEN
Fax Number:		Country: *	SCOTLAND
		Postcode: *	AB22 8ZE
Email Address: *	w.forbes16@hotmail.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr		You must enter a Building Name or Number, or both: *
Other Title:		Building Name:	
First Name: *	MARIUSZ	Building Number:	30
Last Name: *	CRUDZIEN	Address 1 (Street): *	CRUICKSHANK CRESCENT
Company/Organisation		Address 2:	BUCKSBURN
Telephone Number: *		Town/City: *	ABERDEEN
Extension Number:		Country: *	SCOTLAND
Mobile Number:		Postcode: *	AB21 9BT
Fax Number:			
Email Address: *	w.forbes16@hotmail.com		

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

30 CRUICKSHANK CRESCENT

Address 2:

BUCKSBURN

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB21 9BT

Please identify/describe the location of the site or sites

Northing

809293

Easting

389066

## 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: WILLIAM FORBES

On behalf of: Mr MARIUSZ CRUDZIEN

Date: 13/07/2022

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 WILLIAM FORBES

Declaration Date: 13/07/2022

## Payment Details

Online payment: ABSP00008525  
Payment date: 13/07/2022 16:05:00

Created: 13/07/2022 16:05



## **DECISION NOTICE**

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

### **Detailed Planning Permission**

William Forbes  
William Forbes LTD  
3 Fairview Grove  
Aberdeen  
AB22 8ZE

on behalf of **Mr Mariusz Crudzien**

With reference to your application validly received on 14 July 2022 for the following development:-

**Erection of single storey rear extension, porch to front and first floor side extension over garage  
at 30 Cruickshank Crescent, Bucksburn**

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

<b>Drawing Number</b>	<b>Drawing Type</b>
MC01 / 06.	Location Plan
MC01 / 07B.	Site Layout (Proposed)
MC01 / 02B.	Multiple Floor Plans (Proposed)
MC01 / 03B.	Multiple Elevations (Proposed)
MC01 / 04B.	Site Cross Section
	Other Drawing or Plan

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

The proposed porch has been reduced in size at the request of the Planning Service.

## **REASON FOR DECISION**

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

The proposed extension is in tension with the relevant policies, as well as the standards set out in the Householder Development Guide as it would result in a negative impact on amenity for an adjacent property as significant daylight would be lost to the neighbouring gable window. Furthermore, the design of the proposed extension is not considered to be consistent and complementary to the existing dwelling and would be out of character with the surrounding area. The overall proposal is therefore not considered appropriate in the context of the site. As such, the proposal is not considered to comply with Policy H1: Residential Areas and Policy D1: Quality Placemaking by Design of the Aberdeen Local Development Plan, the Householder Development Guide Supplementary Guidance and the relevant policies of the Proposed Aberdeen Local Development Plan 2020.

**Date of Signing** 4 October 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](http://www.eplanning.scot).

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

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

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

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# Consultee Comments for Planning Application 220891/DPP

## Application Summary

Application Number: 220891/DPP

Address: 30 Cruickshank Crescent Bucksburn Aberdeen AB21 9BT

Proposal: Erection of single storey rear extension, porch to front and first floor side extension over garage

Case Officer: Sam Smith

## Consultee Details

Name: Mr scott lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

## Comments

I note that this application is for the erection of a single storey rear extension, porch to front, and first floor side extension over the garage. The site is located in the outer city, outwith any controlled parking zone.

The proposals would see this property increase from 2 bedrooms to 3. As such, the parking requirement would remain unchanged at 2 spaces being required.

Proposed are two spaces - a single driveway, and cavity beneath the first floor side extension. I note that this is denoted as a garage, but appears to be more of a car port - can this be clarified? Additionally no dimensions for either the driveway to remain, or the car port, are provided, these are required to ensure they conform to the required standards.

Upon receipt of this information I will be better placed to provide a comprehensive Roads response.

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## **Application 220891/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](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 \(www.gov.scot\)](#)

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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 100584318-003

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="WILLIAM F FORBES LTD"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="WILLIAM"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="FORBES"/>	Building Number:	<input type="text" value="3"/>
Telephone Number: *	<input type="text" value="01224 824079"/>	Address 1 (Street): *	<input type="text" value="FAIRVIEW GROVE"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="DANESTONE"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="ABERDEEN"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="SCOTLAND"/>
		Postcode: *	<input type="text" value="AB22 8ZE"/>
Email Address: *	<input type="text" value="w.forbes16@hotmail.com"/>		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="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="MARIUSZ"/>	Building Number:	<input type="text" value="30"/>
Last Name: *	<input type="text" value="CRUDZIEN"/>	Address 1 (Street): *	<input type="text" value="CRUICKSHANK CRESCENT"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="BUCKSBURN"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="ABERDEEN"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="SCOTLAND"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Postcode: *	<input type="text" value="AB22 8ZE"/>
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="30 CRUICKSHANK CRESCENT"/>
Address 2:	<input type="text" value="BUCKSBURN"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB21 9BT"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="809293"/>	Easting	<input type="text" value="389066"/>
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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)

EXTENSIONS TO DWELLING HOUSE

## 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.

AN EXTENSION TO AN EXACT SAME PROPERTY, ON AN ADJOINING STREET, WAS APPROVED AND IS CURRENTLY UNDER CONSTRUCTION. THIS HAS BEEN EXPANDED IN A DOCUMENT IN THE SUPPORTING DOCUMENTS SECTION.

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)

ELEVATION OF PREVIOUSLY APPROVED EXTENSION WITH EXTRACT FROM PLANNING APPROVAL DOCUMENT.  
ELEVATION OF REFUSED CLIENT EXTENSION WITH EXTRACTS OF CORRESPONDENCE BETWEEN AGENT AND PLANNING OFFICER.

## Application Details

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

220891/DPP

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

13/07/2022

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

04/10/2022

## Review Procedure

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

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

Yes  No

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

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

Yes  No

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

Yes  No

## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

## **Declare – Notice of Review**

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

Declaration Name: Mr WILLIAM FORBES

Declaration Date: 17/10/2022

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**EXTENSION TO PROPERTY AT MARISCHAL GARDENS, BUCKSBURN, APPROVED BY ABERDEEN CITY COUNCIL & IS PRESENTLY UNDER CONSTRUCTION. MARISCHAL GARDENS & CRUICKSHANK CRESCENT ARE ADJOINING STREETS IN THE SAME NEIGHBOURHOOD & THE HOUSES HAVE THE SAME FLOOR PLANS AND ELEVATIONS.**

The approved Planning Documentation for the extension at Marischal Gardens contained the following reason for approval :-

*"... the two storey side extension... would be architecturally compatible in design and otherwise of an ancillary scale with the original dwelling and the surrounding area".*



**ELEVATION TO PROPERTY AT CRUICKSHANK CRESCENT,  
BUCKSBURN, REFUSED PLANNING PERMISSION BY  
ABERDEEN CITY COUNCIL.**

The Refusal Notice for my client's extension in an adjoining street at 30, Cruickshank Crescent reads :-

*"The proposed extension is in tension with the relevant policies, as well as the standards set out in the Householder Development Guide as it would result in a negative impact on amenity for an adjacent property as significant daylight would be lost to the neighbouring gable window. Furthermore, the design of the proposed extension is not considered to be consistent and complementary to the existing dwelling and would be out of character with the surrounding area. The overall proposal is therefore not considered appropriate in the context of the site."*

The reference in the above script refers to "significant daylight would be lost to the neighbouring gable window". This issue was addressed, by me, in an email to the Planning Officer, which read :-



Continued :-

**ELEVATION TO PROPERTY AT CRUICKSHANK CRESCENT,  
BUCKSBURN, REFUSED PLANNING PERMISSION BY  
ABERDEEN CITY COUNCIL.**

*" I recently sent the altered drawings, to my client, to keep him updated on the progress of the application and he has just come back to me, letting me know that the gable room, on the neighbour's house used to be a small bedroom, but the first-floor layout has been altered recently, to increase the size of an existing bedroom and the space behind the window, **is now a small store**, which they are thinking of converting to a small shower room. My client has also today, discussed his proposals, with the neighbour and the neighbour has confirmed, he would have no objections to the property being extended."*

*"I would also like to reiterate my statement regarding "setting a precedent for the area", as stated by many Aberdeen City Planning Officers in the past and I think this has already been done, with the approval of the extension in Marischal Gardens."*

I also sent a letter to the Planning Department which read :-

*" I have also looked at the planning submission for a similar property in Marischal Gardens and despite the fact there is a garage door, the extension is identical. I see your reference to the gable window on the neighbours property and I think we have already established that in my clients case the window in question is into a small storage area and has no impact on the neighbours property, this has also been agreed with the neighbour, although I appreciate this has no bearing on your decision. Your decision is now being based on the impact, of the extension, on the property and the neighbourhood."*

Continued :-

**ELEVATION TO PROPERTY AT CRUICKSHANK CRESCENT,  
BUCKSBURN, REFUSED PLANNING PERMISSION BY  
ABERDEEN CITY COUNCIL.**

The remainder of the letter to the Planning Officer read as follows :-

*" In your recent email you stated that "The design of the extension is also considered out of character with the area and does not sit well with the existing dwelling". Yet I see from the approval documents for the Marischal Gardens extension that "... the two storey side extension... would be architecturally compatible in design and otherwise of an ancillary scale with the original dwelling and the surrounding area". I would like this to be considered for my clients extension, as it is in the same neighbourhood, with the same style houses and the same mix of houses, both terraced and semi-detached. I stated earlier about setting a precedent for the area, your department has to be consistent."*

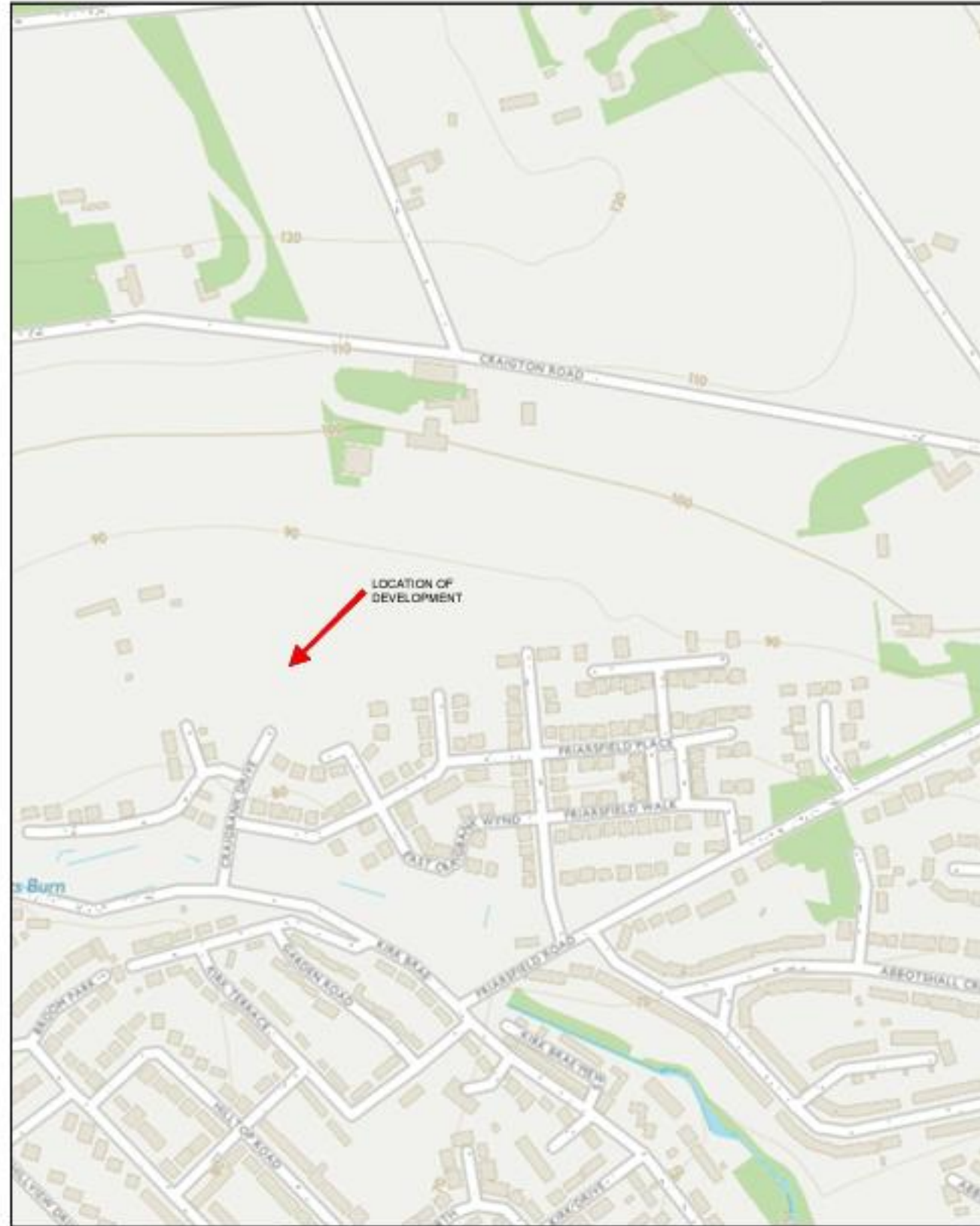
Consistency for approving extensions, in the same area, to the same style of house, has not been applied, by Aberdeen City Council Planning Department. Consideration should be given to reversing the refusal decision, for the extension of the property at 30, Cruickshank Crescent, Bucksburn.

# Local Review Body (LRB) 5th December 2022

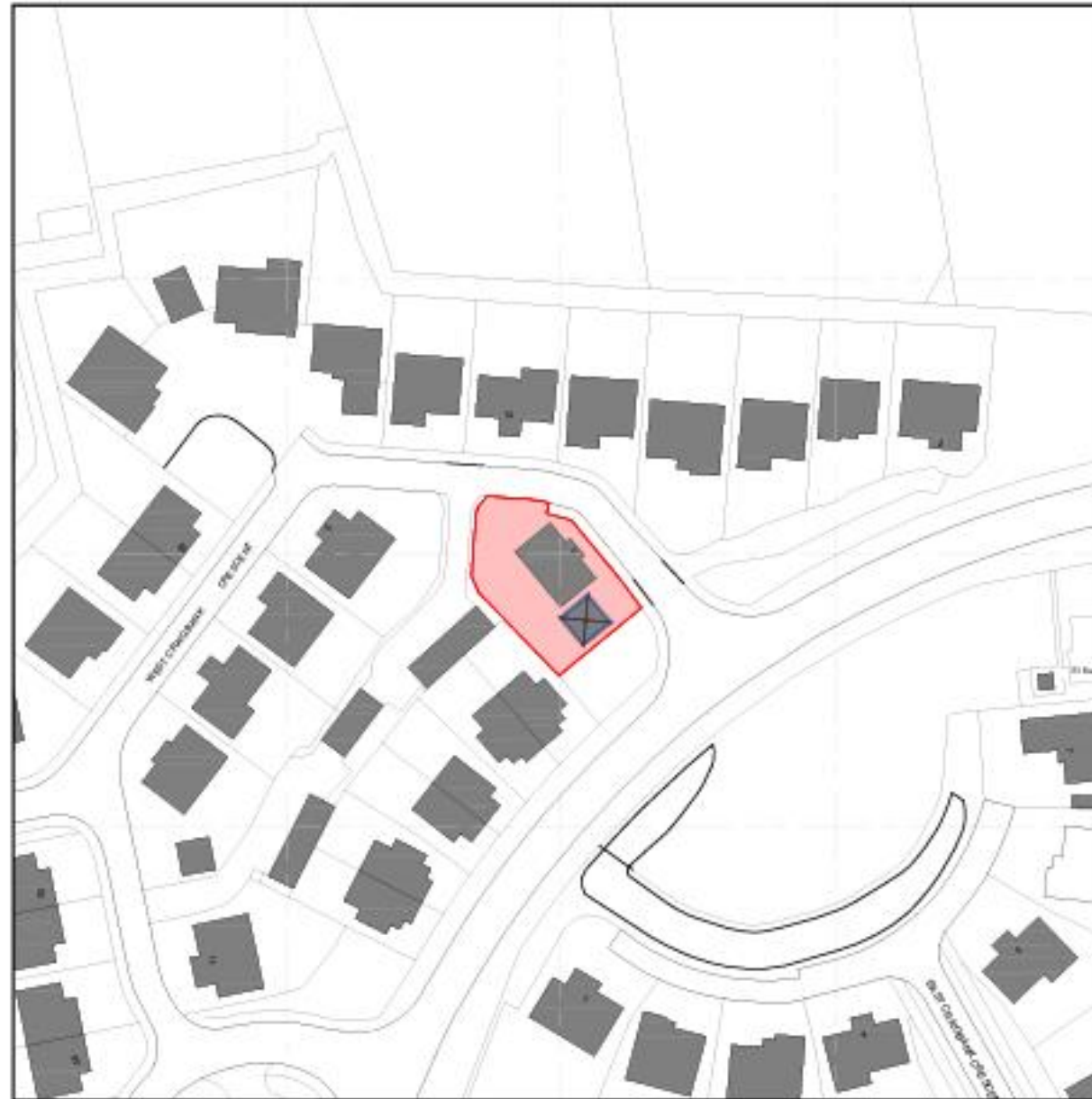
**220358/DPP - 1 West Craigbank Crescent, Cults**  
Erection of first floor extension over existing garage to front

Lucy Greene, Planning Advisor

# Location Plan



Supplementary Location Plan  
Scale 1:5000 (on A3)



Location Plan  
Scale 1:1250 (on A3)

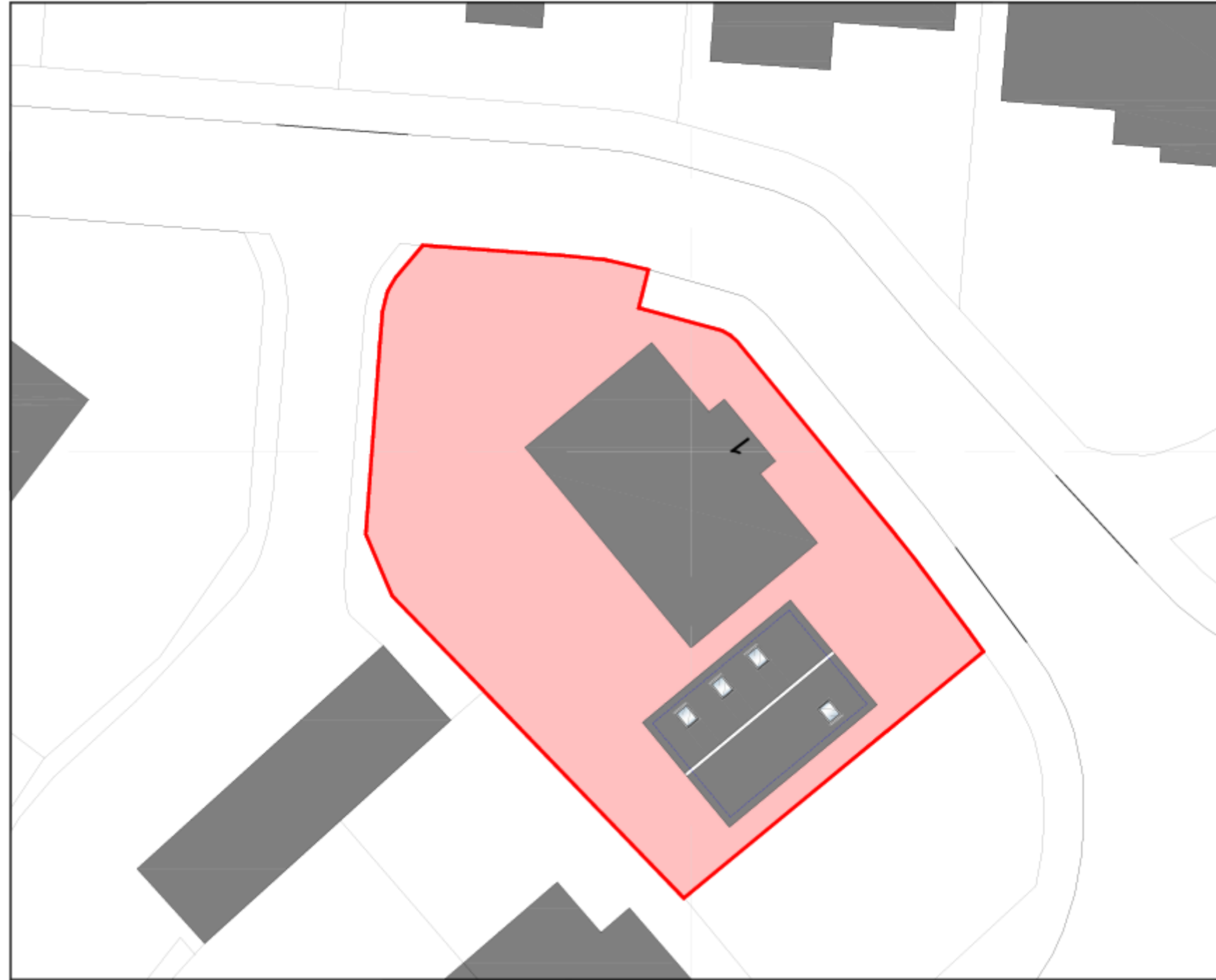
# Streetview Google 2022



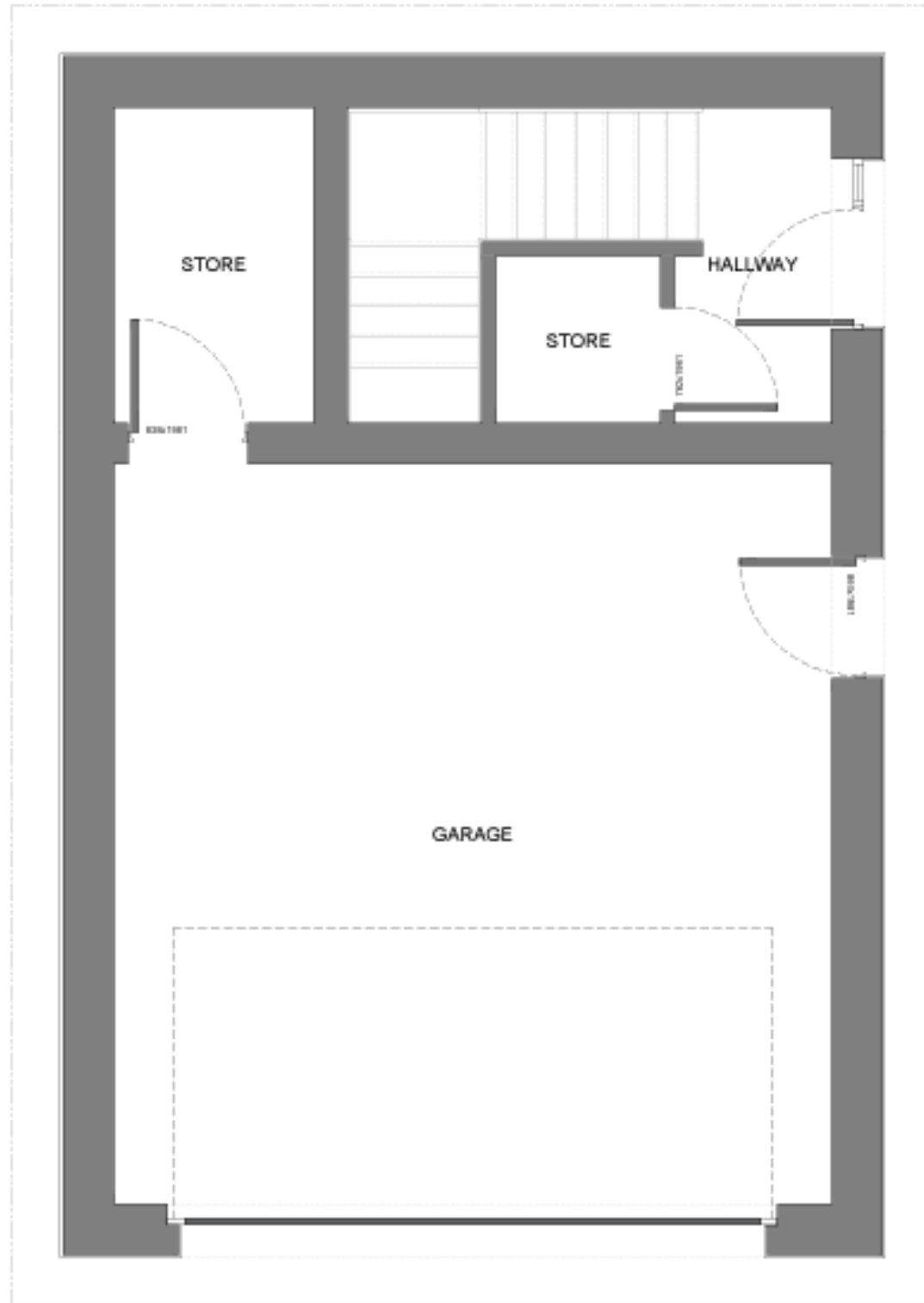
# Streetview Google 2022



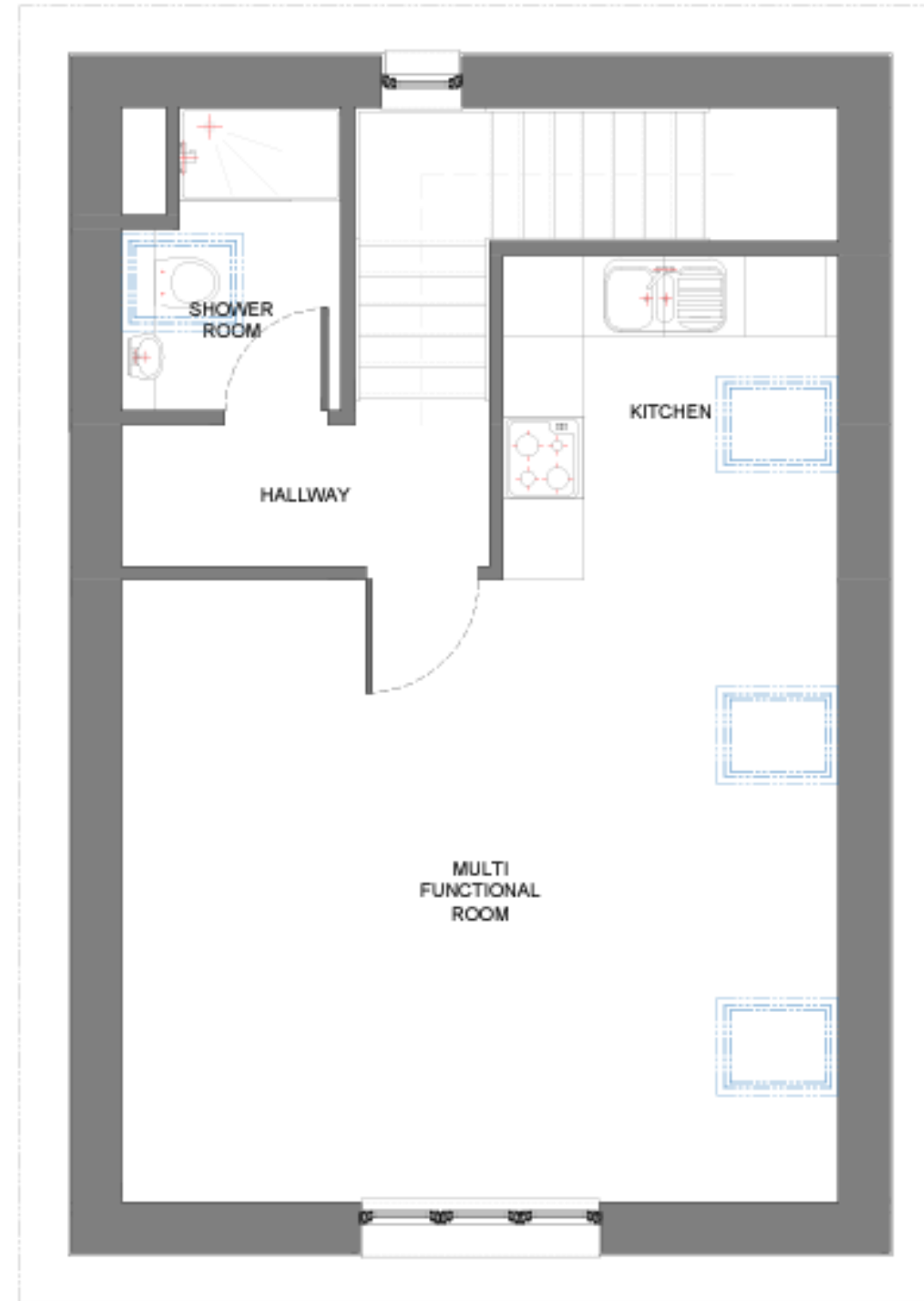
# Plans as Proposed



# Plans as Proposed



**Proposed Ground Floor Plan**  
Scale 1:50 (on A3)



**Proposed First Floor Plan**  
Scale 1:50 (on A3)



# Proposed Elevations

## PROPOSED MATERIALS

### WALLS:

1. DENOTES EXTENT OF EXISTING WALLS, FULL ELEVATION TO BE RENDERED TO AVOID OBVIOUS JOINS.
2. PROPOSED EXTENSION WALLS TO BE FINISHED WITH A RENDER AND DRY STONE CHIPPING, COLOURS TO MATCH EXISTING DWELLING.  
  
(ASSUMED CALEDONIAN HARVEST ON WHITE BY "STONE PACK")
3. PROPOSED EXTENSION WALLS BELOW DPC TO BE BUILT WITH PRECAST STONE BLOCKWORK, COLOUR TO MATCH EXISTING DWELLING.  
  
(ASSUMED B8 SIENNA PINK)
4. PRE CAST STONE ELEMENTS SURROUNDING WINDOWS AND DOORS TO MATCH DPC BLOCKWORK COLOUR.  
  
(ASSUMED B8 SIENNA PINK)

### ROOF:

5. PROPOSED ROOF TO MATCH EXISTING DWELLING.  
  
(ASSUMED MARLEY DUO EDGEMERE ROOF TILES SMOOTH GREY).
6. PROPOSED ROOF RIDGE TO MATCH EXISTING DWELLING.  
  
(ASSUMED OLD ENGLISH DARK RED RIDGE).

### FASCIAS / SOFFITS:

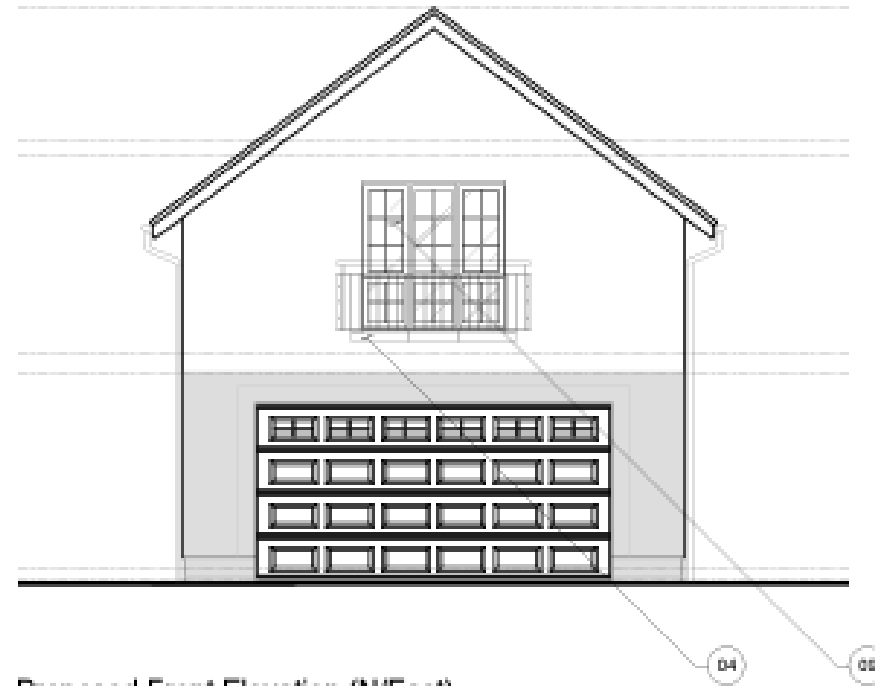
7. PROPOSED FASCIAS TO BE WHITE uPVC, TO MATCH EXISTING DWELLING.

### GUTTERING:

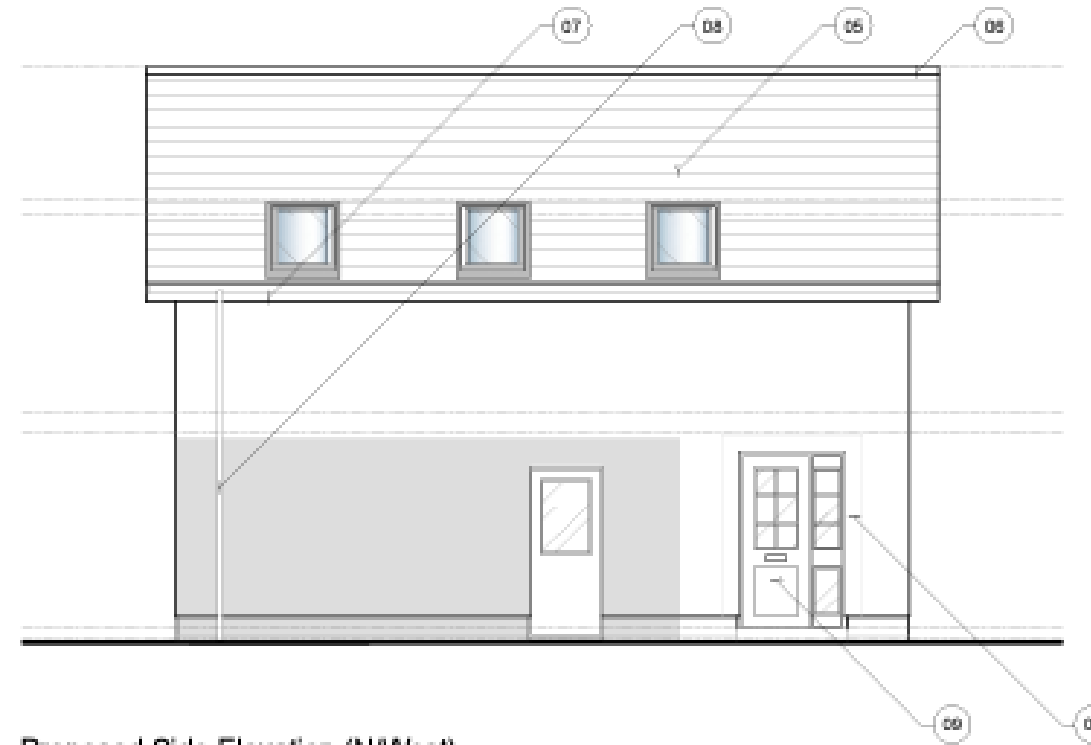
8. PROPOSED RAINWATER GOODS - GUTTERING & DOWNPIPE TO BE BLACK uPVC. TO MATCH EXISTING DWELLING.

### WINDOWS & DOORS:

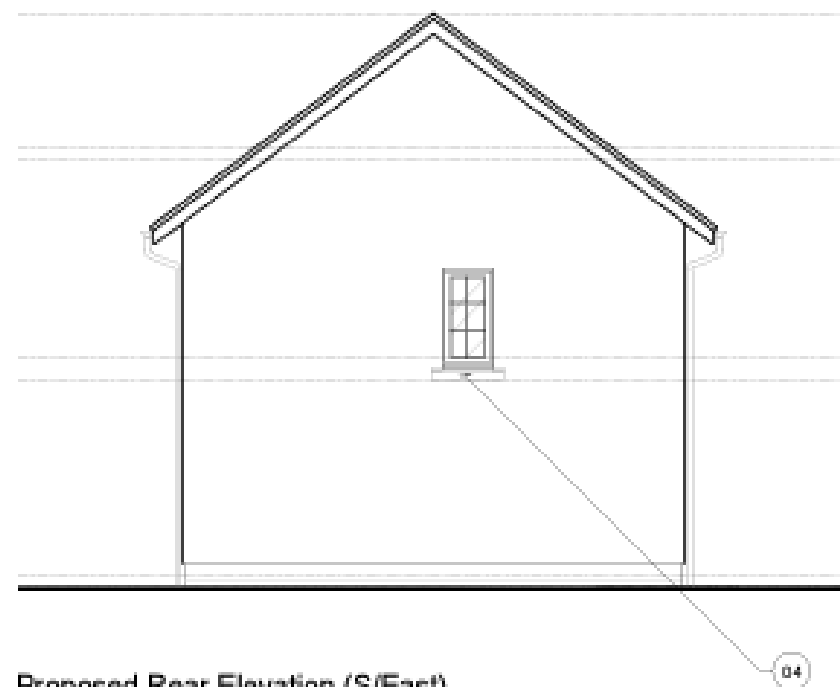
9. PROPOSED WINDOW AND DOORS TO BE WHITE uPVC, TO MATCH EXISTING DWELLING.



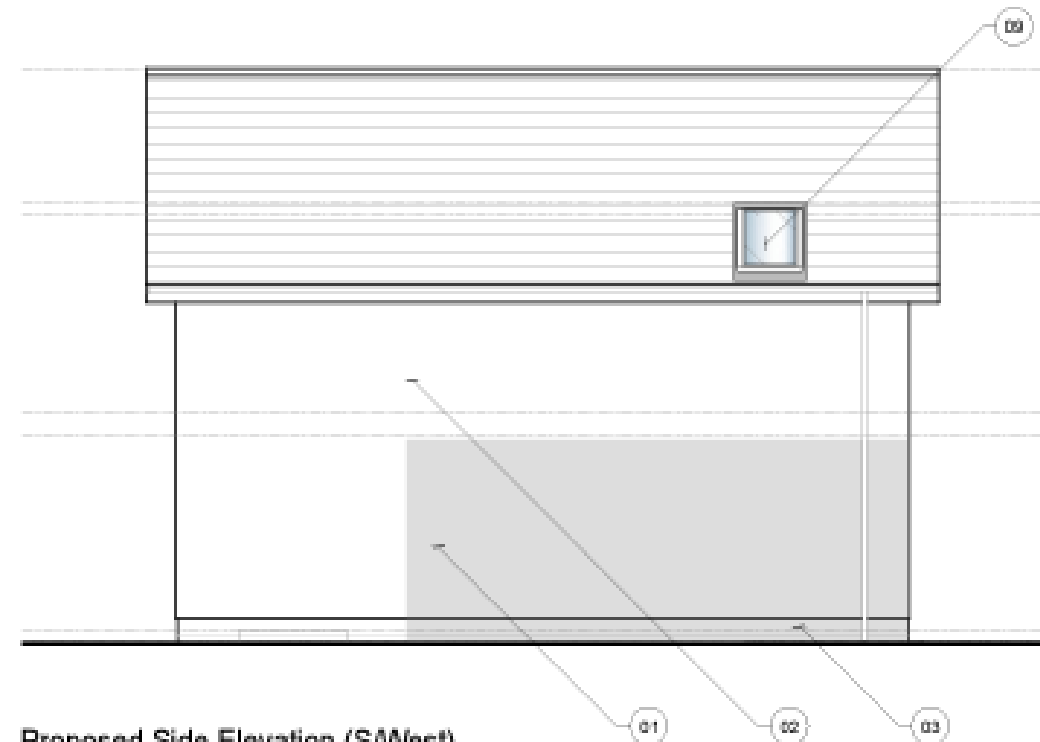
Proposed Front Elevation (N/East)  
Scale 1:100 (on A3)



Proposed Side Elevation (N/West)  
Scale 1:100 (on A3)



Proposed Rear Elevation (S/East)  
Scale 1:100 (on A3)



Proposed Side Elevation (S/West)  
Scale 1:100 (on A3)

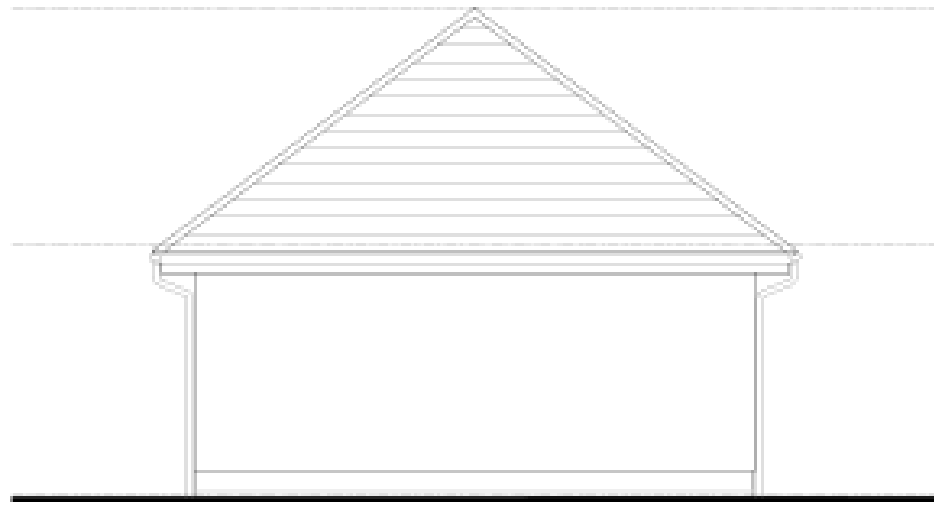
# Existing Elevations



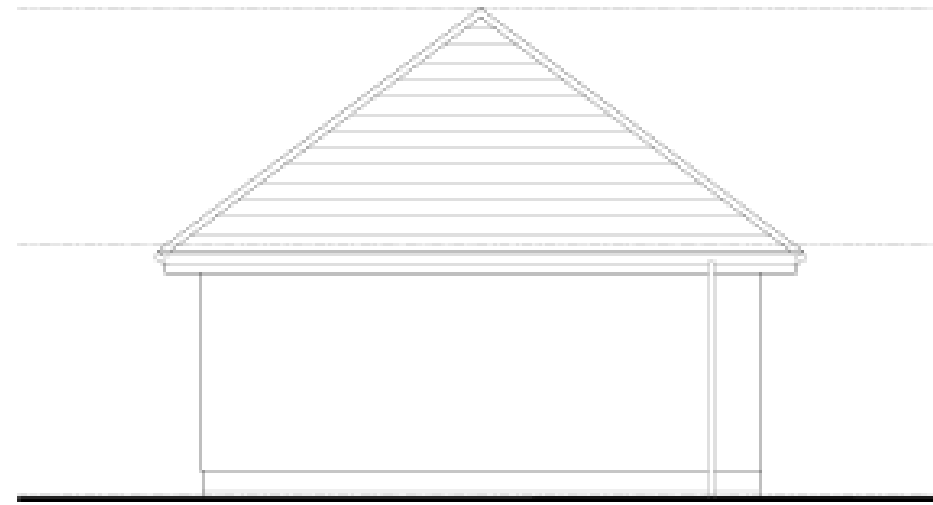
**Existing Front Elevation (N/East)**  
Scale 1:100 (on A3)



**Existing Side Elevation (N/West)**  
Scale 1:100 (on A3)



**Existing Rear Elevation (S/East)**  
Scale 1:100 (on A3)



**Existing Side Elevation (S/West)**  
Scale 1:100 (on A3)

# Reasons for Refusal

- Stated in full in Report of Handling in Agenda. Key points:
  - Adverse impact on visual amenity of the surrounding area, due to layout, composition, size and scale, in this location
  - Not secondary to main house in terms of height, form or scale.
  - Contrary to Policy H1 and D1, and Householder Design Guide

# Applicant's Case

- Corner plot set back from street with green space, young trees and shrubs, which will grow and together with fencing to provide screening from Craigbank Drive.
- That the design and scale match similar structures built by Cala elsewhere in the development (see applicant's statement for images and drawings). Design and materials will align.
- Personal reasons
- In terms of footprint and height increase, the proposal is secondary to the house.
- Alternative proposal would be a gable extension of more impact

# 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

Sets a number of general rules in respect of outbuildings, including garages, sheds and greenhouses:

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

# D1: Quality Placemaking by Design

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

Proposals will be assessed against the following six essential qualities:

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

# Evaluation

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



# Basis for Decision

Zoning:

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


- 1. Does the proposal comply with the Development Plan when considered as a whole?**
- 2. Do other material considerations weigh for or against the proposal? Are they of sufficient weight to overcome any conflict with the Development Plan?**

Decision – state clear reasons for decision



Thank you  
Questions ?

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

 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <p style="margin-top: 20px;">Report of Handling</p>
---------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------

<b>Site Address:</b>	1 West Craigbank Crescent, Cults, Aberdeen, AB15 9AU
<b>Application Description:</b>	Extension to existing garage to form recreational room above
<b>Application Ref:</b>	220358/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	23 March 2022
<b>Applicant:</b>	Mrs Fiona Herrell
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Cults, Bieldside & Milltimber
<b>Case Officer:</b>	Ross McMahon

### **RECOMMENDATION**

Refuse

### **APPLICATION BACKGROUND**

#### **Site Description**

The application site comprises a large, modern, two-storey detached dwelling and its front, side and rear curtilage. The dwelling sits within a large corner plot fronting onto West Craigbank Crescent. A detached double garage sits to the south of the dwelling and is accessed via West Craigbank Crescent.

#### **Relevant Planning History**

None.

### **APPLICATION DESCRIPTION**

#### **Description of Proposal**

Detailed planning permission is sought to alter the existing detached double garage to accommodate a deeper floor plan and provide upper floor accommodation including a store, hallway, staircase, shower room, kitchen and multi-functional room, including the existing garage space. The altered structure would have a rectangular floor plan measuring c. 8.9m by 6m and a gable roof measuring c.4.1m to the eaves and 7m to the proposed ridge, thus becoming a 1¾-2 storey structure. Finishing materials would match those of the existing garage, including concrete roof tiles, dry dash render, pre-cast stone blockwork and door surrounds, black PVCu rainwater goods and white PVCu windows, doors and fascia.

#### **Amendments**

None.

## **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=R97847BZLS300>

## **CONSULTATIONS**

**Cults, Bielside & Milltimber Community Council** – No comments received.

## **REPRESENTATIONS**

None received.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

### **Development Plan**

#### **Strategic Development Plan**

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

#### **Local Development Plan**

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

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

The following policies are relevant –

- Policy LR1 (Land Release Policy)
- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking by Design)

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

- Householder Development Guide

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

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

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

The foregoing can only be assessed on a case-by-case basis. The following policies of the Proposed ALDP are of relevance in the assessment of this planning application:

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

## **EVALUATION**

### **Principle of Development**

The ALDP 'proposals map' identifies the entirety of the site being located within Opportunity Site 41 – Friarsfield (OP41). Policy LR1 (Land Release Policy) applies to development within such areas and where relevant to the proposal states that development on an allocated site or in close proximity to an allocation that jeopardises the full provision of the allocation will be refused. The proposed development consists of an alteration/extension to an ancillary building associated with and existing dwelling delivered under OP41, and on that basis approval of the application would not jeopardise the provision of the allocation as required by Policy LR1.

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

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

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

The Council's SG stipulates that no more than 50% of the front or rear curtilage should be covered by development. The footprint of the extended ancillary building would see the retention of a sufficient side/rear garden ground area. As such, and with regard to proviso 1, the proposal would not amount to overdevelopment of the site with regards to garden ground coverage.

## Design & Amenity

Policy D1 (Quality Placemaking by Design) states that all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment. Further to the above, the Council's Householder Development Guide SG sets a number of general rules in respect of outbuildings, including garages, sheds and greenhouses:

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

The proposed extended ancillary outbuilding fails to comply with the majority of the above requirements. The proposed structure, owing to its resultant size and scale in combination with its siting and exposure to adjacent roads and footpaths, would have a significant detrimental impact on the character and appearance of the area. The resultant outbuilding is not considered to be sufficiently subordinate in scale to the dwelling or appropriate to the wider streetscape and fails to respect the prevalent context of the surrounding area – the aforementioned SG notes that two storey outbuildings are generally not permitted. Second storeys, were permissible, should generally be accommodated within the roof space of a single storey structure.

Whilst there are no similarly sized structures within this parcel of dwellings, the Planning Service notes that similar structures have been constructed as part of a housing development to the east of the site, however, it should be noted that the context is wholly different from the application site in that the substantial ancillary structures have limited presence to the street, being set back behind and within the rear garden of substantial dwellings.

The Planning Service considers that a reduced version of the proposed scheme could be supported. A structure of a similar footprint with upper floor accommodation limited to the roof space only, may be supported by the Planning Service subject to detail and further review. This solution was offered to the applicant however the Planning Service received instruction to determine the application in its current form.

For the aforementioned reasons, the proposal fails to comply with key elements of the Council's Householder Development Guide SG, and additionally, fails to comply with Policy D1 (Quality Placemaking by Design) and Proviso 2 of Policy H1 (Residential Areas).

**Residential Amenity**

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

**Proposed Aberdeen Local Development Plan**

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan, apart from Policy D2, which is a new policy aimed at protecting residential amenity. However, it is considered that this aspect has been sufficiently assessed by current policies. The proposal is unacceptable in terms of both Plans for the reasons previously given.

**RECOMMENDATION**

Refuse

**REASON FOR RECOMMENDATION**

The proposed garage extension/alterations by reason of its layout, composition, size and scale in combination with its location and exposure to the public road would cause harm to the visual amenity and character of the streetscape. The proposed extension is not considered to be suitably secondary to the host building owing to its size, scale and form. The proposal is therefore considered to have a detrimental impact on the character and appearance of the building and, owing to its exposed nature, the surrounding area. The proposed extension therefore conflicts with the relevant provisions of Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017, including the Council's Supplementary Guidance: Householder Development Guide. On the basis of the above, it is considered that there are no material planning considerations of sufficient weight that would warrant approval of the application.

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

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

Thank you for completing this application form:

ONLINE REFERENCE      100545447-001

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

## Description of Proposal

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

Extension to existing garage to form upstairs recreational room.

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

No  Yes - Started  Yes - Completed

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	AK architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ashley	Building Name:	Westpoint House
Last Name: *	Keenon	Building Number:	
Telephone Number: *	01224789715	Address 1 (Street): *	Prospect Road, Arnhall Business Park
Extension Number:		Address 2:	Westhill
Mobile Number:		Town/City: *	Aberdeenshire
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB32 6FJ
Email Address: *	admin@ak-architecture.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Fiona	Building Number:	1
Last Name: *	Herrell	Address 1 (Street): *	1 West Craigbank Crescent
Company/Organisation		Address 2:	Cults
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	AB15 9AU
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

1 WEST CRAIGBANK CRESCENT

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 9AU

Please identify/describe the location of the site or sites

Northing

803670

Easting

388969

## 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: Ashley Keenon

On behalf of: Mrs Fiona Herrell

Date: 23/03/2022

Please tick here to certify this Certificate. \*

## Checklist – Application for Householder Application

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

- a) Have you provided a written description of the development to which it relates? \*  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 Ashley Keenon

Declaration Date: 23/03/2022

## Payment Details

Online payment: ABSP00008077  
Payment date: 23/03/2022 12:47:00

Created: 23/03/2022 12:47

## **DECISION NOTICE**

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

### **Detailed Planning Permission**

Ashley Keenon  
AK architecture  
Westpoint House  
Prospect Road, Arnhall Business Park  
Westhill  
Aberdeenshire  
United Kingdom  
AB32 6FJ

on behalf of **Mrs Fiona Herrell**

With reference to your application validly received on 23 March 2022 for the following development:-

**Extension to existing garage to form recreational room above  
at 1 West Craighbank Crescent, Cults**

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>
0161-01-01-02-001 P01	Location Plan
0161-01-01-02-005 P01	Multiple Floor Plans (Proposed)
0161-01-01-02-006 P01	Multiple Floor Plans (Proposed)
0161-01-01-02-007 P01	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 proposed garage extension/alterations by reason of its layout, composition, size and scale in combination with its location and exposure to the public road would cause harm to the visual amenity and character of the streetscape. The proposed extension is not considered to be suitably secondary to the host building owing to its size, scale and form. The proposal is therefore considered to have a detrimental impact on the character and appearance of the building and, owing to its exposed nature, the surrounding area. The proposed extension therefore conflicts with the relevant provisions of Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017, including the Council's Supplementary Guidance: Householder Development Guide. On the basis of the above, it is considered that there are no material planning considerations of sufficient weight that would warrant approval of the application.

**Date of Signing** 13 July 2022



**Daniel Lewis**  
Development Management Manager

## **IMPORTANT INFORMATION RELATED TO THIS DECISION**

### **RIGHT OF APPEAL**

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

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

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

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



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

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

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## **Application 220358/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](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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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      100545447-004

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="AK architecture"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Ashley"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Keenon"/>	Building Number:	<input type="text" value="100"/>
Telephone Number: *	<input type="text" value="01224789715"/>	Address 1 (Street): *	<input type="text" value="100 Union Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="AB10 1QR"/>
Email Address: *	<input type="text" value="admin@ak-architecture.co.uk"/>		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Fiona"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Herrel"/>	Address 1 (Street): *	<input type="text" value="West Craigbank Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Cults"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 9AU"/>
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="1 WEST CRAIGBANK CRESCENT"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 9AU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="803670"/>	Easting	<input type="text" value="388969"/>
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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)

Enlargement and extension of existing garage.

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please refer to attached supporting statement document.

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

Yes  No

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

I have now added in the clients personal circumstances and justification for the extension along with original cala information.

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)

Supporting Statement CALA plans Previously submitted plans Refusal notice

## Application Details

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

220358/DPP

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

23/03/2022

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

13/07/2022

## Review Procedure

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

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

Yes  No

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

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

Yes  No

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

Yes  No

## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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



## **Declare – Notice of Review**

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

Declaration Name: Mr Ashley Keenon

Declaration Date: 05/10/2022

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04 October 2022

**SUPPORTING STATEMENT:**

Planning and Environmental Appeals Division  
Ground Floor  
Hadrian House  
Callendar Business Park  
Callendar Road  
Falkirk  
FK1 1XR

**Client Project Address:**  
Mr & Mrs P. Herrell  
1 West Craigbank Crescent  
Cults  
Aberdeen  
AB15 9AU

**RE: Decision Notice for Application No 220358/DPP**

To whom it may concern,

Below is a summary of the project and photographs from the site visit.

**1.0 INTRODUCTION**

1.1 This supporting statement has been prepared on behalf of AK architecture's client.

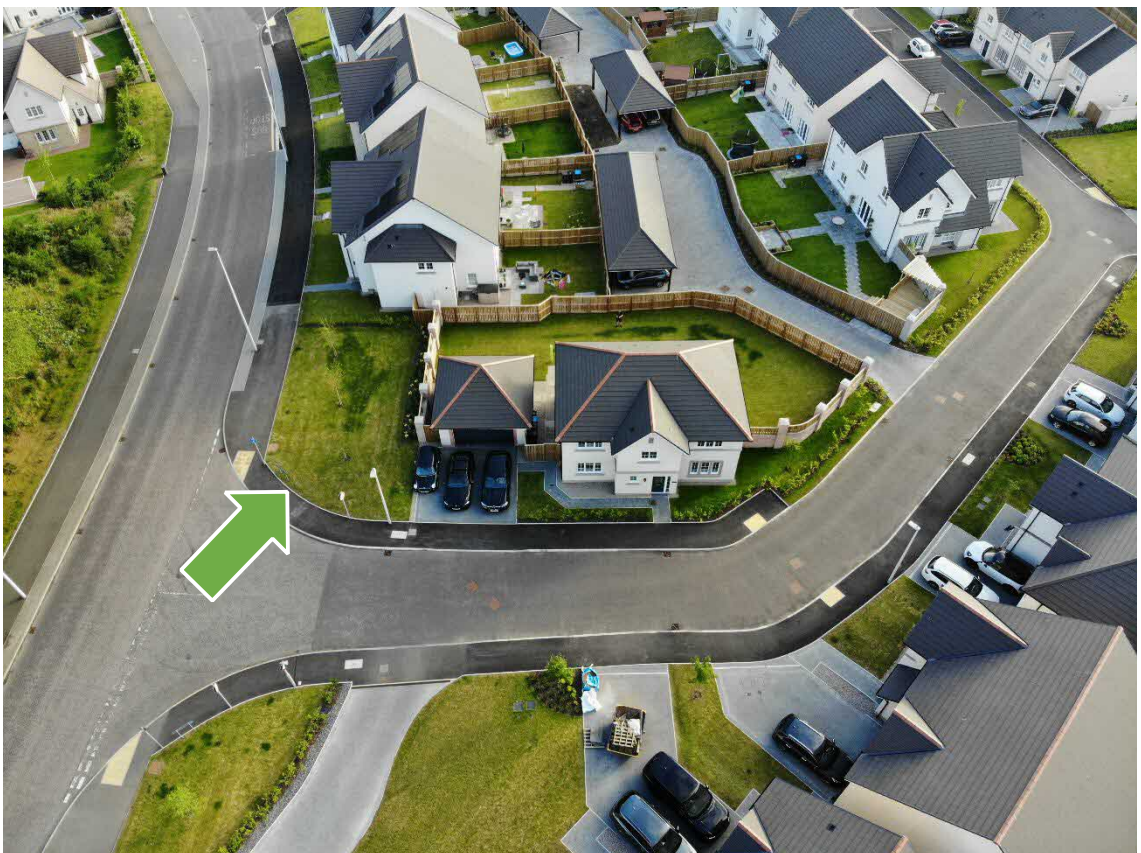
**2.0 EXISTING SITE CONDITIONS**

- 2.1 The client owns the current property and also resides in the property and will do so after the proposed garage extension.
- 2.2 The site is located within a small cluster of new build dwellings completed in 2021 as part of overall larger-scale development.
- 2.3 Current access to the property is via an adopted side street leading from the main development access through road of Craigbank Drive.
- 2.4 The site offers off-street parking for three vehicles plus garage parking.
- 2.5 The dwelling is a detached dwelling with an ancillary detached garage.
- 2.6 The dwelling is situated on a corner plot set back from the main road by approximately 15m of green space amenity land with young trees and shrubs planted, which will mature into a larger soft-scaped screening.

This area can be noted in drone imagery shown in images;  
0161-01-PHOTO\_001  
0161-01-PHOTO\_002



0161-01-PHOTO\_001 (Aerial Photograph)



0161-01-PHOTO\_002 (Aerial Photograph)

2.7 At present, within this development cluster, three garages with ancillary accommodation above were built as part of the initial development by Cala.



0161-01-PHOTO\_003 (Aerial Photograph)

2.8 The original Cala drawings for this can also be found below.

Architectural drawings for a detached double garage with ancillary accommodation. The drawings include:

- Four elevations: front elevation, side elevation, rear elevation, and another side elevation.
- A scale bar for the elevations: 0 to 10 METRES, SCALE: 1:100.
- Ground floor plan showing a garage, hall, and store.
- Upper floor plan showing a recreation space, shower, and store.
- A scale bar for the floor plans: 0 to 10 METRES, SCALE: 1:50.
- A table of gross areas:

GROSS AREAS	IND	RD
GROUND FLOOR	8.86	73
FIRST FLOOR	42.25	458
TOTALS	49.25	530

**CALA**  
 CALA Management Limited  
 Calder House, Calder Business Park  
 Calder Road, Falkirk, FK1 1TQ, UK  
 Tel: 01224 802200 Fax: 01224 802091  
 www.cala.co.uk

Project Title: Residential Development + Ancillary Works  
 Kirk Brae, Culls, Aberdeen

Project Name: Detached Double Garage 2 with ancillary Accommodation over

DATE	BY	REV	DESCRIPTION
08/02/14	EC	1	ISSUED FOR PERMIT
08/02/14	EC	2	ISSUED FOR PERMIT
08/02/14	EC	3	ISSUED FOR PERMIT
08/02/14	EC	4	ISSUED FOR PERMIT
08/02/14	EC	5	ISSUED FOR PERMIT
08/02/14	EC	6	ISSUED FOR PERMIT
08/02/14	EC	7	ISSUED FOR PERMIT
08/02/14	EC	8	ISSUED FOR PERMIT
08/02/14	EC	9	ISSUED FOR PERMIT
08/02/14	EC	10	ISSUED FOR PERMIT

0161-01-PHOTO\_004 (Cala Drawing)

### 3.0 PROPOSALS

- 3.1 The proposed garage extension submitted in planning application 220358/DPP was designed to a scale and mass equal to Cala's originally designed and already exists on site, as noted in the above photos.

0161-01-PHOTO\_003

0161-01-PHOTO\_004

- 3.2 The proposed material finishes will also align with the proposed development.

### 4.0 JUSTIFICATION

- 4.1 The client has noted their personal circumstances for the justification of the proposed development, and is noted below.

"We are seeking to make alterations to our garage to create additional living space. This is needed as our elderly parents do not live in Aberdeen (one set live in Dollar, the other set live in Redcar, North Yorkshire) and two of them have disabilities (and are blue badge holders) so when they come to visit it is often for an extended period of time. Having a dedicated guest suite above the garage will increase their comfort during their visits and enhance our overall enjoyment of the property."

- 4.2 We understand the importance of adhering to centralised building and design regulations to ensure new construction is architecturally compatible with its existing surroundings. However, we believe it's equally important to evaluate each application based on its merit and personal circumstance, considering not only the property and its features but also accounting for its locality. In doing so, not blanketly apply rules for rejection, but allow for the context of the area, considering its unique corner plot setting with a large amenity area that will in future have mature trees and shrubs that will visually screen and break up the sight of the existing and proposed works.

We also believe the proposed garage extension's scale and mass align with planning regulations based on the footprint-to-land ratio.

- 4.3 We would strongly disagree with the council's comment, "The proposed garage extension/alterations by reason of its layout, composition, size and scale in combination with its location and exposure to the public road would cause harm to the visual amenity and character of the streetscape."

The proposed development would only see an increase in footprint by 34% and an overall height increase of 1.6m. In addition, the vastness of the existing streetscape would pale an insignificance based on being setback 15m from the public road noted in an area already screened by a fence and wall construction and planted trees and shrubs.

- 4.4 We strongly disagree with the council's further comments "The proposed extension *is not considered to be suitably secondary to the host building owing to its size, scale and form.*"

Based on the actual physical numbers over perceived observations, we do not believe this is the case. The applicant's dwelling is 174.48m<sup>2</sup>, and the proposed size of the garage amenity is 49.25m<sup>2</sup>, the same size as the existing garages with ancillary accommodation on site.

Based on what has been built and approved for the development, a similar property of 210.89m<sup>2</sup> with a garage with ancillary accommodation is only 19% larger in size. As noted previously, we do not think that an increase in garage footprint of 34% and an overall height increase of 1.6m would substantiate the council's comment.

- 4.5 The client's alternative option would be to apply for planning permission to construct a gable extension to the existing dwelling to provide the additional space required, as outlined in their statement. However, we believe that this garage enlargement would be less impactful than a gable extension in terms of mass and scale.

## 5.0 CONCLUSION

- 5.1 We believe the considerations put forward in this supporting statement justify the feasibility of the proposed garage extension and would be a far more sensible approach in both practicability and economic sense than the alternative of a gable extension.

We trust that the above information is satisfactory at this stage, and we look forward to hearing from you soon.

Yours sincerely



**Ashley Keenon**  
Director

For and on Behalf of AK architecture

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# Local Review Body (LRB) 5<sup>th</sup> December 2022

220667/DPP - 1 Westerton Road,  
Installation of solar panels to roof

Lucy Greene, Planning Advisor

# Location Plan



# Aerial Photograph

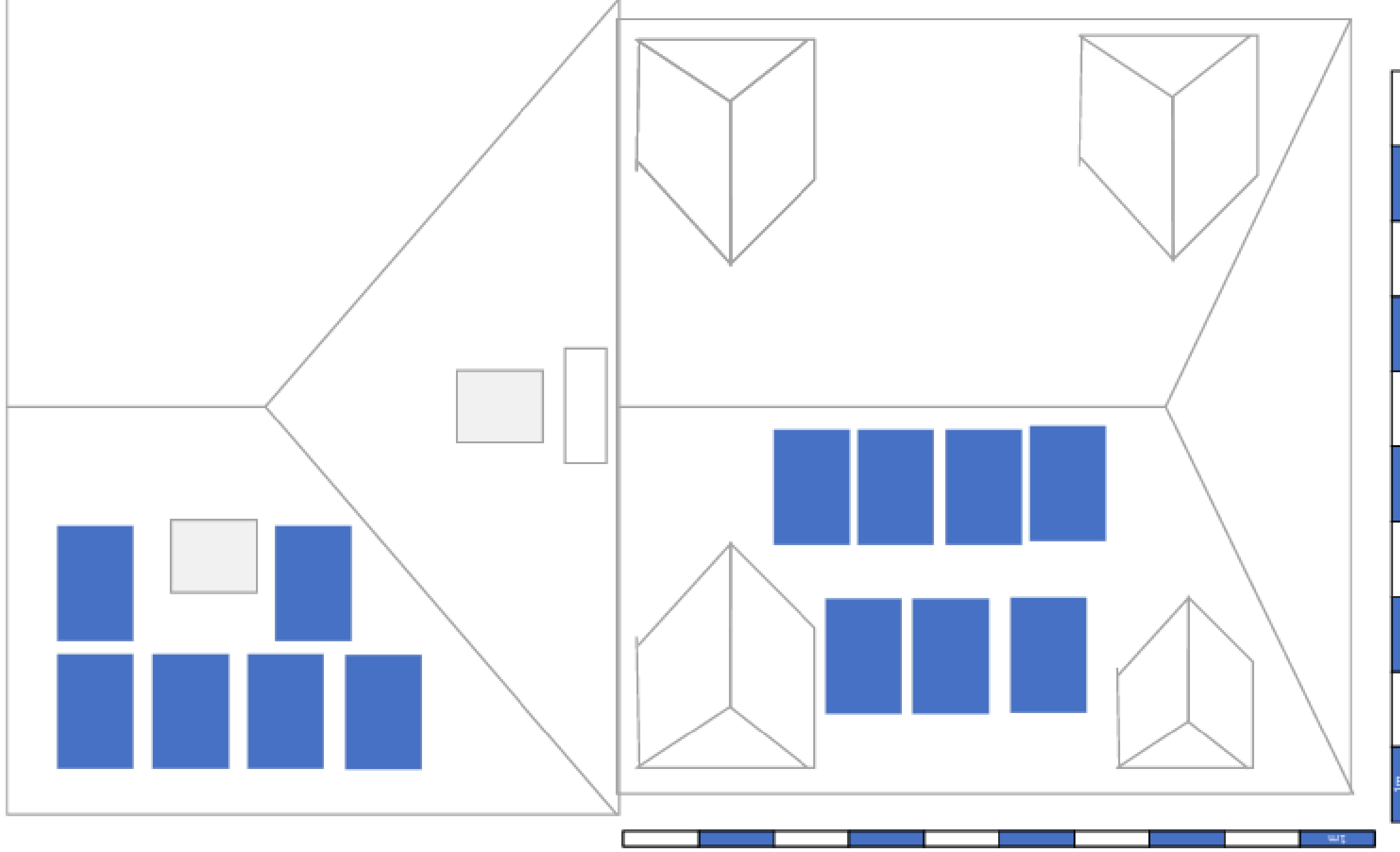


# Google 3D 2022



# Plans as Proposed

Proposed Roof Plan showing  
solar panels in blue



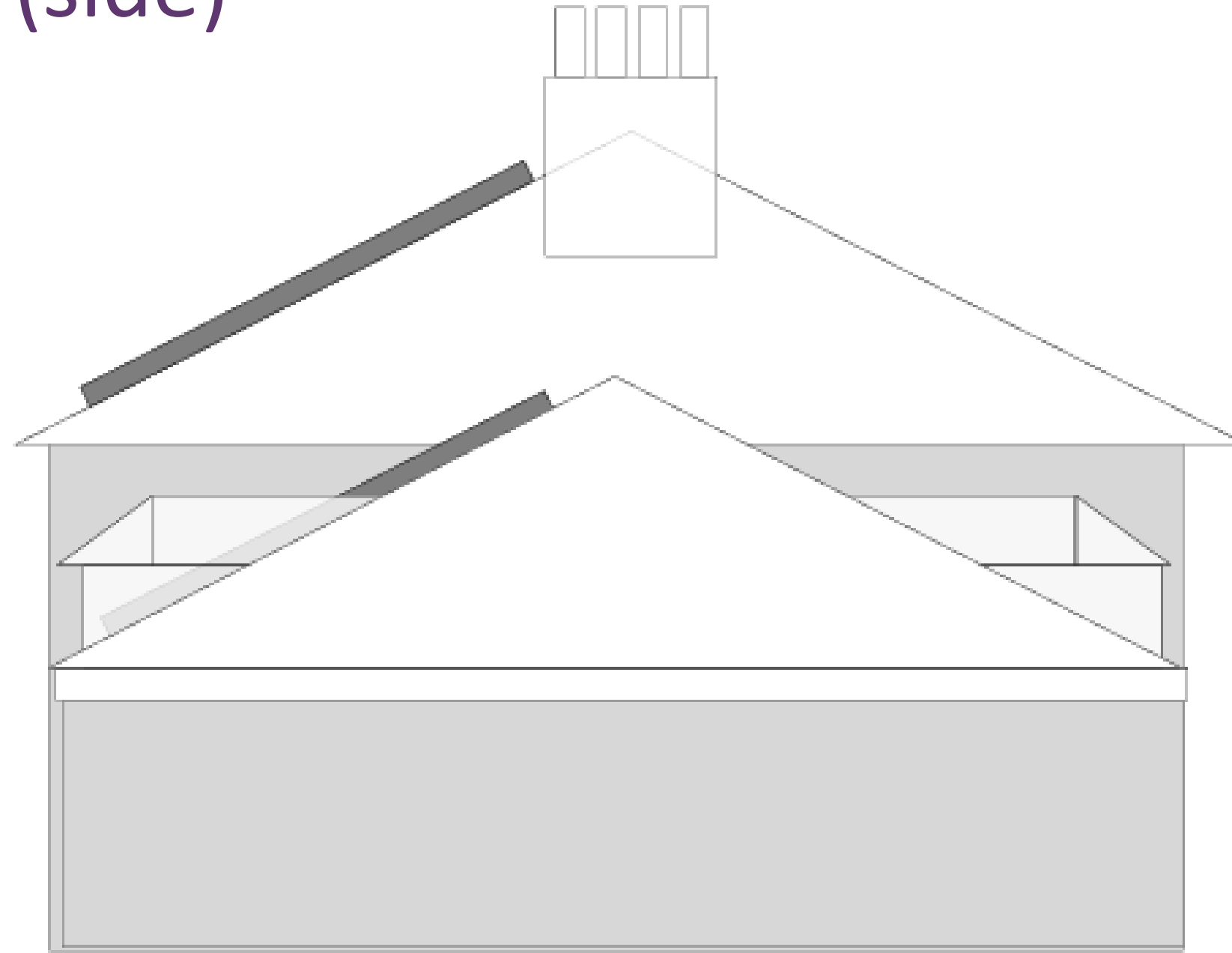
Scale  
1:100

# Proposed Elevation front

Solar panels to be installed on the roof as indicated in blue

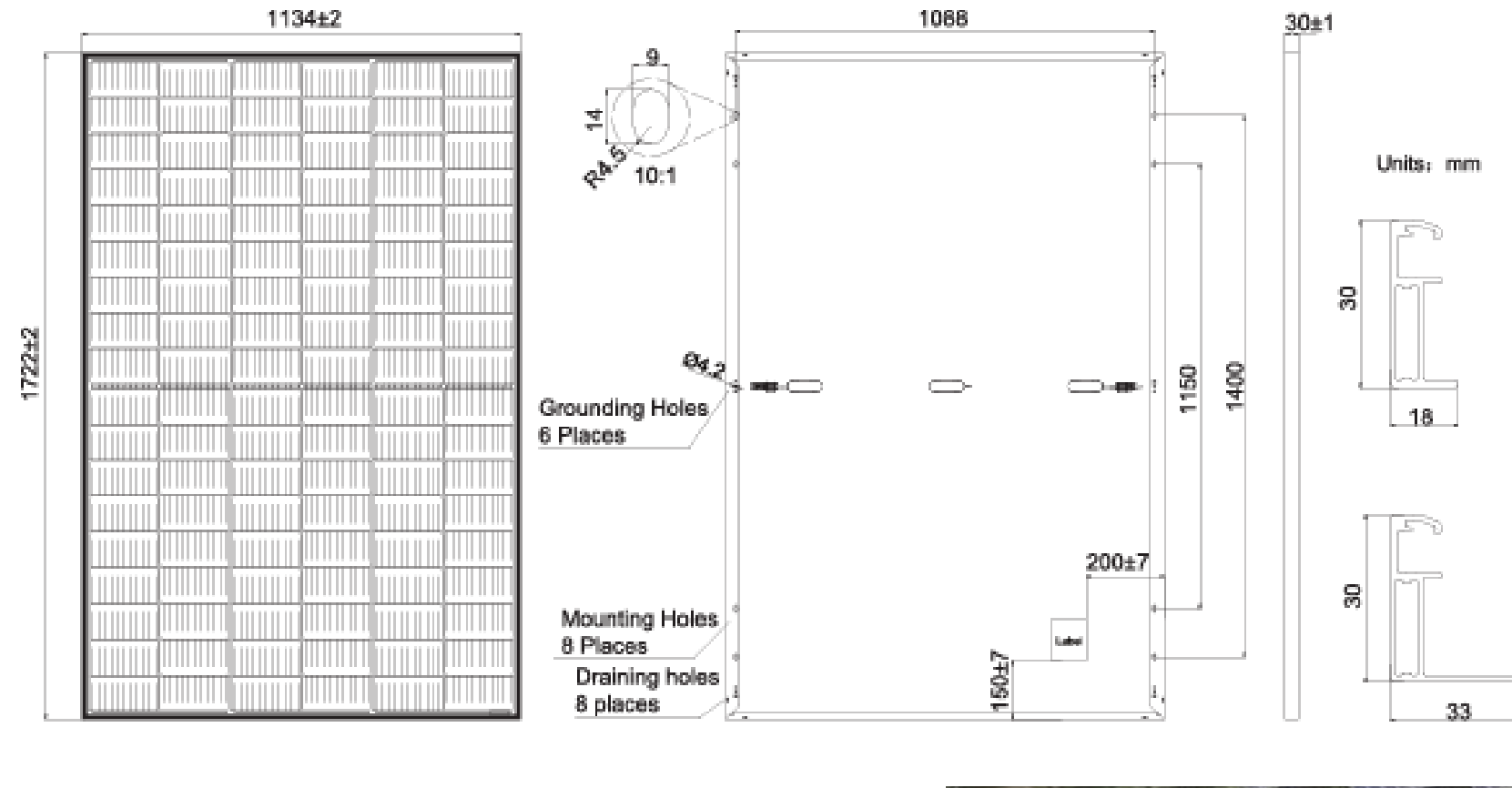


# Proposed Elevation (side)



East facing side elevation  
Scale 1:100





# Proposed panels



 Higher output power

 Lower LCOE



# Reasons for Refusal

- Stated in full in Report of Handling in Agenda. Key points:
  - Requirement for solar panels and alternative improvements not sufficiently explored
  - Location and design of panels would be overly prominent, with adverse impact on Conservation Area
  - Contrary to Policy H1-Residential Areas D1-Design, D4-Historic Environment, R8-Renewables and Householder Design Guide
  - Contrary to Managing Change Guidance on Roofs and Micro-renewables, and HEPS

# Applicant's Case

## Summary:

- The panels would be grey on a grey roof, and not raised high. They would complement the building.
- The Energy Saving Trust assess insulation and existing energy savings prior to approving loan. House is heated by gas and electricity from panels would be used for EVs as well as none heating needs.
- Solar panels would reduce CO2 emissions as use of grid electricity would decrease – with grid electricity largely coming from burning gas.

# Policies – LDP 2017

Policy H1: Relates to new residential developments (excerpt)

## Policy H1 - Residential Areas

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

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

# Policies and Guidance

## Adopted LDP 2017

- D4 – Historic Environment
- R8 – Renewable and Low Carbon Energy Developments

## Proposed Aberdeen Local Development Plan (2020)

- D1 – Quality Placemaking
- D2 – Amenity
- H1 – Residential Areas
- Policy D6: Historic Environment
- Policy R8: Renewable and Low Carbon Energy Developments

- Householder Design Guide
- Historic Environment Policy for Scotland (HEPS)
- Managing Change in the Historic Environment: Roofs
- Managing Change in the Historic Environment: Micro-Renewables
- Scottish Planning Policy 2020

# Pitfodels Conservation Area



ABERDEEN  
CITY COUNCIL



Aberdeen City Conservation Area Character Appraisals and Management Plan

## Pitfodels

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

January 2015

Planning and Sustainable Development  
Aberdeen City Council  
Business Hub 4 - Marischal College  
Broad Street  
Aberdeen  
AB10 1AB  
[www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

# 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 and character of the Conservation Area as set out in policy H1 and the relevant supplementary guidance?

- 1. Does the proposal comply with the Development Plan when considered as a whole?**
- 2. Do other material considerations weigh for or against the proposal? Are they of sufficient weight to overcome any conflict with the Development Plan?**

Decision – state clear reasons for decision






Thank you  
Questions ?

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

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

<b>Site Address:</b>	1 Westerton Place, Cults, Aberdeen, AB15 9NS
<b>Application Description:</b>	Installation of solar panels to roof
<b>Application Ref:</b>	220667/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	6 June 2022
<b>Applicant:</b>	Mr Steve Aitken
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Cults, Bieldside and Milltimber
<b>Case Officer:</b>	Sam Smith

### **RECOMMENDATION**

Refuse

### **APPLICATION BACKGROUND**

#### **Site Description**

The application site consists of a two-storey semi-detached dwelling with a one and three-quarter storey extension on the east elevation, located in a residential area and the Pitfodels Conservation Area. The dwelling adjoins 2 Westerton Place to the west and a detached dwelling to the east with a south-facing principal elevation that fronts onto Westerton Place; a cul-de-sac that also serves 1 to 5 Westerton Place. The rear elevation bounds a public lane to the north that forms part of the Green Space Network and Urban Green Space that sits parallel to Deeside Way, used as a public footpath. In terms of the roof space, there is an existing rooflight on the roof on the front elevation.

#### **Relevant Planning History**

There is one relevant planning application and a further application for tree removal.

Application Number	Proposal	Decision Date
131616	Domestic double garage with first floor accommodation.	31.01.2014 Status: Approved

### **APPLICATION DESCRIPTION**

#### **Description of Proposal**

Planning permission is sought for the installation of 13 solar panels on the south-facing roof of the existing dwelling and extension. The proposed panels would each have a width of 1.13m, a length of 1.72m and sit 213mm in height above the existing roof plane and would be finished with black frames.

**Amendments**

None.

**Supporting Documents**

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RCFTE5BZG4K00>

Solar panel specification  
Supporting Statement

**CONSULTATIONS**

**Cults, Bielside and Milltimber Community Council** – no comments received.

**REPRESENTATIONS**

None

**MATERIAL CONSIDERATIONS****Legislative Requirements**

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

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

**National Planning Policy and Guidance**

Scottish Planning Policy (SPP)

Historic Environment Policy for Scotland (HEPS)

Managing Change in the Historic Environment: Roofs

Managing Change in the Historic Environment: Micro-renewables

**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

This 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 five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, 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 H1: Residential Areas

Policy D1: Quality Placemaking by Design

Policy D4: Historic Environment

Policy R8: Renewable and Low Carbon Energy Developments

### **Supplementary Guidance**

Householder Development Guide (HDG)

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

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. The PALDP constitutes the Council’s settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The following policies are relevant –

Policy H1: Residential Areas

Policy D1: Quality Placemaking

Policy D2: Amenity

Policy D6: Historic Environment

Policy R8: Renewable and Low Carbon Energy Developments

## **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. Householder development would accord with Policy H1 in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area, result in the loss of valued and valuable open space and it complies with the Supplementary Guidance, in this case the Householder Development Guide (HDG).

The proposal would not constitute over development or result in the loss of any open space given that the proposed alterations are to be located on the existing roof space of the dwelling within the existing residential curtilage. The main planning considerations in relation to this proposal relate to the quality of the design and scale of the proposed alterations in the context of any impact it may have on the appearance and character of the surrounding residential area and historic environment. There is also a consideration for the impact the proposal may have on the visual amenity afforded to the neighbouring dwellings and residential area. These matters are discussed in the evaluation below.

### **Scale, Design and Impact on the Historic Environment**

The Managing Change in the Historic Environment: Micro-renewables requires that, before considering micro-renewables, the energy efficiency of a building must first be addressed through

improvements to the fabric of a building. The comments made by the Council's Conservation Officer reiterate this point and further explain that improvements to the thermal efficiency of the dwelling should be explored if micro-renewables cannot be installed in a discreet location. The below assessment has been carried out to determine whether alternative solutions to improve the energy efficiency of the dwelling have been sufficiently considered, and whether the proposed solar panels would be discreet in the context of the conservation area and acceptable on this site.

During the assessment of this application, the Planning Service advised that before considering solar panels, the applicant would first need to consider improvements to the fabric of the building to improve the energy efficiency of the building. This included details of the micro-renewables guidance to outline what is expected before considering solar panels. The Council's Conservation Officer has noted that the information submitted does not demonstrate that sufficient upgrades to the dwelling have been made to justify the installation of solar panels. The supporting statement notes that an assessment was carried out by the Energy Savings Trust to justify the proposed solar panels which considered the insulation and energy efficiency of the existing dwelling. However, details of this assessment or adopted energy efficiency measures have not been provided. The Conservation Officer has noted that more could be done beyond individual room temperature control and waste heat reuse from electronics to improve the energy performance of the dwelling. Further to this, the submitted calculations for solar panels have demonstrated the energy these panels could provide but do not reflect the energy needs of the dwelling to justify the need for 13 solar panels. It is considered that further building improvements could be made, resulting in the energy required for the dwelling being reduced and therefore, fewer solar panels than proposed being required.

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1: Quality Placemaking by Design, however 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. Policy H1 further expects any works to not have a negative impact on the character of the surrounding area, while Policy D4: Historic Environment requires adverse development impacts to be minimised and for high quality design to be applied in a conservation area to maintain the historic environment and respect the character and appearance of that area. Further to this, Policy R8: Renewable and Low Carbon Energy Developments requires any renewable development to not cause harm to the local environment, landscape character or appearance of the conservation area. Historic Environment Scotland Managing Change Guidance on Micro-renewables and roofs outlines the requirements for solar panels to historic buildings and outlines expectations that any development is to maintain the character of a conservation area in terms of design, materials used and structure.

In terms of design, the micro-renewables guidance expects any solar panels to be placed on secondary roof slopes or a location hidden from main views, avoiding the principal elevation of a historic building so that it does not detract from the appearance of the building and where the principal elevation is south facing, alternative solutions should be sought. In this case, as the proposed panels sit on the principal south-facing elevation of the dwelling and are therefore in direct conflict with the aforementioned guidance. The proposed solar panels on the side extension, however, could be acceptable as this does not form part of the existing historic building, provided they do not detract from the character of the surrounding conservation area. This aspect of the application was discussed during the assessment of this application and the Planning Service requested that the solar panels be removed from the front elevation of the original dwelling and to have the panels placed solely on the roof of the extension instead.

The guidance for Managing Change in the Historic Environment: Roofs recognises the importance of the form and appearance of a historic roof on the character of the historic environment. Supplementary Guidance further expects any alterations to a dwelling to be architecturally compatible in design and scale with the existing dwelling and to not overwhelm or dominate the

existing roof or appearance of the existing dwelling. The proposed black finish of the panels is not considered to disrupt the existing roof covering and would be compatible in colour to reduce the visual impact they would have on the appearance of the surrounding area. However, the panels would protrude 213mm from the roof plane and consist of 13 panels covering a large portion of both the roof of the original dwelling and its extension. As such, it is considered that the development would change the appearance and form of the roof from both the front and side elevations. This is not acceptable on the original dwelling as this roof contributes to the special interest of the historic building and wider conservation area. It has been noted by the Council's Conservation Officer that more discreet solar options are available that would minimise the visual impact of the proposal such as installing solar panels flush with the roof slate or photovoltaic slates that should be considered alongside thermal energy improvements to the building to reduce the number of panels required on the roof space. However, these options have not been pursued by the applicant, as such the Planning Service are required to assess the application based on the information submitted with the application.

In respect to visibility, the Managing Change Guidance expects new roof fixtures for renewable energy developments to be placed where they would avoid main or visible elevations, avoid being visible from the ground level or breaking the profile of the roof or chimneys, this would ensure that any visual impact is minimised. Further to this, Policy D4 and the Supplementary Guidance expects the design of any proposal to respect the appearance and setting of the conservation area. As mentioned, the proposed panels would be placed on the principal elevation, protruding 213mm from roof plane, disrupting the profile of the roof due to their design, thus making them visible on the south and east elevations, both of which can be seen from Westerton Place and Westerton Road. As such, the proposal is considered to be in conflict with this guidance and would duly have a negative impact on the appearance of the wider conservation area, in that the development would impact negatively on the special historic character of the area due to the overwhelming level of development which seeks to cover the entire primary roof slope.

In terms of the surrounding area, there are no other solar panels on visible, principal elevations of any building in the surrounding conservation area. The site at 14 Westerton Road which sits along Westerton Place has solar panels. However, these panels are not visible from Westerton Place or any public view, and sit on the hidden, secondary roof slope of a detached outbuilding on the site, presenting no impact on the historic building or character of the conservation area. This provides a contrasting example of an acceptable solar panel proposal in the Pitfodels Conservation Area.

The Managing Change Guidance outlines the potential of micro-renewable development having a cumulative impact on the historic environment. The proposed panels on the roof of the existing historic building are considered to detract from the appearance of the existing properties along Westerton Place which are formed of similar traditional slate roofs with existing rooflights. If the proposed solar panels were to be installed on the principal elevation of a historic existing dwelling in the conservation area, there would likely be a considerable cumulative effect on the surrounding conservation area and other conservation areas in Aberdeen City. The other properties along Westerton Place have similar south facing roofs, as such the addition of solar panels on these elevations would significantly change the appearance of this road.

Overall, solar panels in the conservation area would only be acceptable where the energy efficiency they offer would outweigh the harm to the character of the conservation area. It has not been adequately shown that other energy efficiency improvements cannot be made to the dwelling and as the proposed solar panels would sit on the principal elevation of the dwelling, they are not considered to be discreet and would therefore not be acceptable. The proposal would therefore not comply with Policies H1, D1 and D4 of the ALDP or the Managing Change Guidance for Micro-Renewables and Roofs.

### Amenity and Impact of Renewable Energy Developments

Policy R8 and H1 expects no development to result in the amenity of any neighbouring properties being adversely affected in relation to daylight, privacy or general amenity. As the proposed solar panels would be located on the existing roof plane, it is not considered to impact the daylight afforded to the neighbouring properties or impact upon privacy.

Policy R8 expects renewable developments to not have a negative impact on the surrounding area in relation to the local environment, air quality and the character of the conservation area. Any renewable development should also not impact the amenity of the dwelling. The proposed solar panels would not harm the local environment, air quality or amenity of the dwelling as they would be located on the existing roof of the dwelling and would not impact any valued open space or use of the dwelling. Additionally, there would be no impact on tourism due to the nature of the development. However, it has been identified that the proposal would have a negative impact on the character and appearance of the surrounding conservation area due to its location on the visible, principal elevation. It has also been identified that the proposed solar panels could have a negative cumulative impact on the appearance of the conservation area and would therefore be in tension with this part of Policy R8. In addition, the change to the conservation area may impact the neighbouring residents' enjoyment of the area due to the visual change in the historic environment.

Overall, the proposal would not have a negative impact on the neighbouring properties to the site but would cause harm to the character and appearance of the Pitfodels Conservation Area and would therefore not comply with Policy R8 of the ALDP.

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

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

### **RECOMMENDATION**

Refuse

### **REASON FOR RECOMMENDATION**

The proposal has not sufficiently justified the requirement for solar panels and alternative thermal efficiency improvements have not been adequately explored. The proposed panels are not considered to be in a discreet location or in their design as they sit on the principal elevation of a historic building, protruding from the roof slope and would therefore have a negative and adverse impact on the character and appearance of the historic building, as well as the Pitfodels Conservation Area. The overall proposal is therefore not considered appropriate in the context of the site. As such, the proposal is not considered to comply with Policy H1: Residential Areas, Policy D1: Quality Placemaking by Design, Policy D4: Historic Environment and Policy R8: Renewable and Low Carbon Energy Developments of the Aberdeen Local Development Plan, the Householder Development Guide Supplementary Guidance and the relevant policies of the Proposed Aberdeen Local Development Plan 2020 as well as Historic Environment Policy for Scotland, Managing Change in the Historic Environment: Micro-renewables and Managing Change in the Historic Environment: Roofs.





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 100549790-001

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)

mount solar panels on south facing side of the roof of 1 Westerton Place - these would be on top of existing slate roof of main house and existing slate extension

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

## 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="Steve"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Aitken"/>	Address 1 (Street): *	<input type="text" value="Westerton Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Cults Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 9NS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## 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="1 WESTERTON PLACE"/>
Address 2:	<input type="text" value="CULTS"/>
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 9NS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="803041"/>	Easting	<input type="text" value="389922"/>
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## Pre-Application Discussion

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

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

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

Emailed to check that permission was required, Rebecca Kerr confirmed that it was required

Title:

Other title:

First Name:

Rebecca

Last Name:

Kerr

Correspondence Reference Number:

44509

Date (dd/mm/yyyy):

30/03/2022

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

## Site Area

Please state the site area:

50.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

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

currently a slate roof, domestic property

## 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.

## Water Supply and Drainage Arrangements

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

Yes  No

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

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

## Assessment of Flood Risk

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

Yes  No  Don't Know

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

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

Yes  No  Don't Know

## Trees

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

Yes  No

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

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

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

Yes  No

## Schedule 3 Development

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

Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

Yes  No

## Certificates and Notices

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

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

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

Yes  No

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

Yes  No

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mr Steve Aitken

On behalf of:

Date: 25/05/2022

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 principal where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

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

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

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

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Steve Aitken

Declaration Date: 25/05/2022

## Payment Details

Online payment: ABSP00008325

Payment date: 25/05/2022 12:43:00

Created: 25/05/2022 12:43

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## **DECISION NOTICE**

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

#### **Detailed Planning Permission**

Mr Steve Aitken  
1 Westerton Place  
Cults Aberdeen  
United Kingdom  
AB15 9NS

With reference to your application validly received on 6 June 2022 for the following development:-

**Installation of solar panels to roof  
at 1 Westerton Place, Cults**

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

<b>Drawing Number</b>	<b>Drawing Type</b>
	Other Drawing or Plan
	Other Supporting Statement
	Other Supporting Statement
	Roof Plan (Proposed)
	Location Plan
	East Elevation (Proposed)
	Other Drawing or Plan

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

None.

## REASON FOR DECISION

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

The proposal has not sufficiently justified the requirement for solar panels and alternative thermal efficiency improvements have not been adequately explored. The proposed panels are not considered to be in a discreet location or in their design as they sit on the principal elevation of a historic building, protruding from the roof slope and would therefore have a negative and adverse impact on the character and appearance of the historic building, as well as the Pitfodels Conservation Area. The overall proposal is therefore not considered appropriate in the context of the site. As such, the proposal is not considered to comply with Policy H1: Residential Areas, Policy D1: Quality Placemaking by Design, Policy D4: Historic Environment and Policy R8: Renewable and Low Carbon Energy Developments of the Aberdeen Local Development Plan, the Householder Development Guide Supplementary Guidance and the relevant policies of the Proposed Aberdeen Local Development Plan 2020 as well as Historic Environment Policy for Scotland, Managing Change in the Historic Environment: Micro-Renewables and Managing Change in the Historic Environment: Roofs.

**Date of Signing** 14 October 2022

A handwritten signature in blue ink that reads "Daniel Lewis". The signature is written in a cursive style with a clear first name and a last name.

**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 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

### **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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As stated previously the proposed works would result in the installation of 13 solar panels on the primary roofslopes of a historic property (with later extension) in the Pitfodles Conservation Area. The installation of 13 solar panels on the primary roof slopes of this property would have a significant detrimental impact on the special historic character of this building. The intervention would be clearly visible from Westerton Place as well as Westerton Road so would also impact negatively on the special historic character of the wider conservation area.



View from Westerton Road

Making upgrades to the existing building to improve thermal efficiency before exploring the installation of micro-renewables needs to be carried out first especially if the micro-renewables cannot be installed in a discreet location (e.g. secondary roof slope). From the information submitted this does not seem to have been carried out. Individual room temperature control, and waste heat reuse from electronics improves the thermal efficiency of the property but more could still be done. Other interventions into the building to improve thermal efficiency could be explored (e.g. in wall insulation). The supporting statement says *'the Energy Savings Trust, and they have approved the plans - part of this justification was an assessment of existing insulation and energy efficiency measures that are already in place'*. This assessment has not been submitted nor have details of energy saving measures other than individual room temperature control, and waste heat reuse from electronics.

The supporting statement says *'The proposed installation would remove 720kg of CO2 per year with a reduction in electricity use alone considered'*. Solar panels would not reduce the amount of electricity the house uses. It would just reduce the amount of grid electricity being used. Thermal efficiency improvements would reduce the amount of energy the building uses. If the amount of energy the building required was reduced then the number of solar panels required would be reduced.

The supporting statement does not explain why so many solar panels are required. There is some commentary on energy use in the property in the supporting statement but nothing that clearly explains why so many solar panels are required. Without a clear justification for why 13 solar panels covering the entire primary roof slopes of this building and that there is no other alternative is submitted the proposed works should not be supported.

[Managing Change in the Historic Environment: Micro-renewables](#) sets out how improving the thermal efficiency of historic buildings and the installation of micro-renewables should be approached. Key issues 1 and 3 on pg.4 address the points raised above.

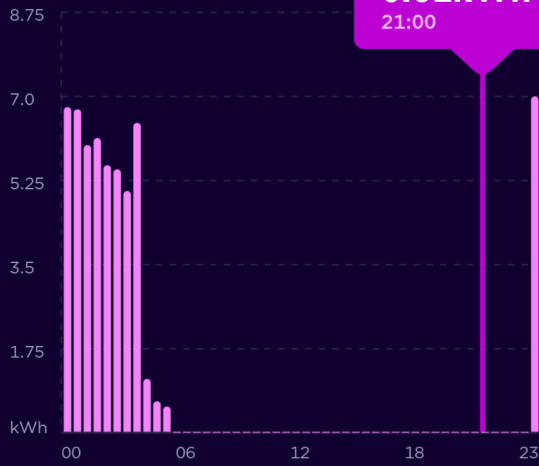
The proposed panels are not the most discreet option. There are more discreet solar panels available (e.g. solar panels that are installed flush with the roof slate). Another alternative would be photovoltaic slates (this may be cost prohibitive). An alternative that should be given due consideration is a combination of thermal efficiency improvements in the existing building and then if required a reduced number of solar panels on the primary roof slopes.

Response to Consultee comment:

1. Whilst the panels would be visible, they would be grey on a grey roof, and inches from the roof itself. The visual of solar panels have come a long way from the blue , raised high from the roof things that used to be an eyesore, to something that can compliment the building.
2. Re thermal efficiency - to be clear, heating is by gas central heating, as opposed to by electricity. The household has two EVs - as such consumption of electricity is ordinarily over 50kWh per day,
3. Re the energy savings trust statement, prior to gaining approval for an energy savings trust loan for the purposes of improvements (which has been achieved in this case) - the energy savings trust perform an assessment of the insulation and existing energy saving measures in the property.
  - a. In this case, as electricity is not providing heating to the house, any insulation will not reduce the electricity use, it would only effect gas use.
4. It is correct that the introduction of solar panels will reduce the CO2 generated - through the fact that the use of grid electricity will be reduced (and that the gas which would be used to heat water will also be turned to zero).. - Currently Gas is the main power source for grid electricity as is evident in the news. <https://grid.iamkate.com/> reducing the use of grid electricity by using renewables (solar with storage) - is what will reduce the CO2 footprint of our home by 720kg by reducing the use of Grid electricity (the home is currently off grid..) see below, 57kWh used of electricity and only 2.64kWh of gas.



**57.72kWh**  
USED



m<sup>3</sup>  Sarah's mode ?

**2.64kWh**  
USED

8923647702



Home



Usage



Bills



## Application 220667/DPP

### Aberdeen Local Development Plan (ALDP) 2017

- H1 – Residential Areas
- D1 - Quality Placemaking by Design
- D4 – Historic Environment
- R8 – Renewable and Low Carbon Energy Developments

[https://www.aberdeencity.gov.uk/sites/default/files/LDP\\_WS\\_20170328.pdf](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
- Policy D6: Historic Environment
- Policy R8: Renewable and Low Carbon Energy Developments

<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

Historic Environment Policy for Scotland (HEPS)

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

Managing Change in the Historic Environment: Roofs

Managing Change in the Historic Environment: Micro-Renewables

[Managing Change in the Historic Environment Guidance Notes | HES](#)

Scottish Planning Policy 2020

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

Pitfodels Conservation Area Character Appraisal

<https://www.aberdeencity.gov.uk/services/planning-and-building-standards/building-conservation-and-heritage/conservation-areas/pitfodels>

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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      100549790-004

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

## Applicant or Agent Details

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

Applicant  Agent

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Steve"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Aitken"/>	Address 1 (Street): *	<input type="text" value="Westerton Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="Cults Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 9NS"/>
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:

1 WESTERTON PLACE

Address 2:

CULTS

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 9NS

Please identify/describe the location of the site or sites

Northing

803041

Easting

389922

## 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)

Solar install at 1 Westerton Place, cults, Aberdeen, AB15 9NS

## Type of Application

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

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

What does your review relate to? \*

Refusal Notice.

Grant of permission with Conditions imposed.

No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

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

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

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

The planning authority decision is based on three aspects: 1. The justification of requirement 2. Alternative thermal efficiency 3. Discrete location / protruding from roof slope I believe each of these aspects are covered in my response letter.

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)

all documents submitted with planning, including response letter.

## Application Details

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

220667/DPP

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

06/06/2022

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

13/10/2022

## Review Procedure

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

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

Yes  No

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

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

Yes  No

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

Yes  No

## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

## Declare – Notice of Review

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

Declaration Name: Mr Steve Aitken

Declaration Date: 14/10/2022

Response to Consultee comment:

1. Whilst the panels would be visible, they would be grey on a grey roof, and inches from the roof itself. The visual of solar panels have come a long way from the blue , raised high from the roof things that used to be an eyesore, to something that can compliment the building.
2. Re thermal efficiency - to be clear, heating is by gas central heating, as opposed to by electricity. The household has two EVs - as such consumption of electricity is ordinarily over 50kWh per day,
3. Re the energy savings trust statement, prior to gaining approval for an energy savings trust loan for the purposes of improvements (which has been achieved in this case) - the energy savings trust perform an assessment of the insulation and existing energy saving measures in the property.
  - a. In this case, as electricity is not providing heating to the house, any insulation will not reduce the electricity use, it would only effect gas use.
4. It is correct that the introduction of solar panels will reduce the CO2 generated - through the fact that the use of grid electricity will be reduced (and that the gas which would be used to heat water will also be turned to zero).. - Currently Gas is the main power source for grid electricity as is evident in the news. <https://grid.iamkate.com/> reducing the use of grid electricity by using renewables (solar with storage) - is what will reduce the CO2 footprint of our home by 720kg by reducing the use of Grid electricity (the home is currently off grid..) see below, 57kWh used of electricity and only 2.64kWh of gas.

