

# Public Document Pack



To: Councillors Boulton (Chairperson), Allan and Mason.

Town House,  
ABERDEEN 25 February 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 **TUESDAY, 8 MARCH 2022 at 3.30 pm.**

**Please note that members will undertake a site visit of Borrowstone, Borrowstone Road, at 2.00pm.**

**Members of the public can observe the proceedings of the meeting using the Microsoft Teams Link [here](#), however cameras and microphones must be switched off throughout.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

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

1.1 Procedure Notice (Pages 3 - 4)

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

**THE FOLLOWING LINK WILL TAKE YOU TO THE LOCAL DEVELOPMENT PLAN.**

[Local Development Plan](#)

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

**PLANNING ADVISER - LUCY GREENE**

2.1 Borrowstone, Borrowstone Road - Alterations and Extension to Dwellinghouse - 210930 (Pages 5 - 22)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 210930.

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 23 - 38)

2.3 Planning Policies Referred to in Documents Submitted (Pages 39 - 40)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 41 - 66)

2.5 Determination - Reasons for Decision

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

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

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

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

## 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.

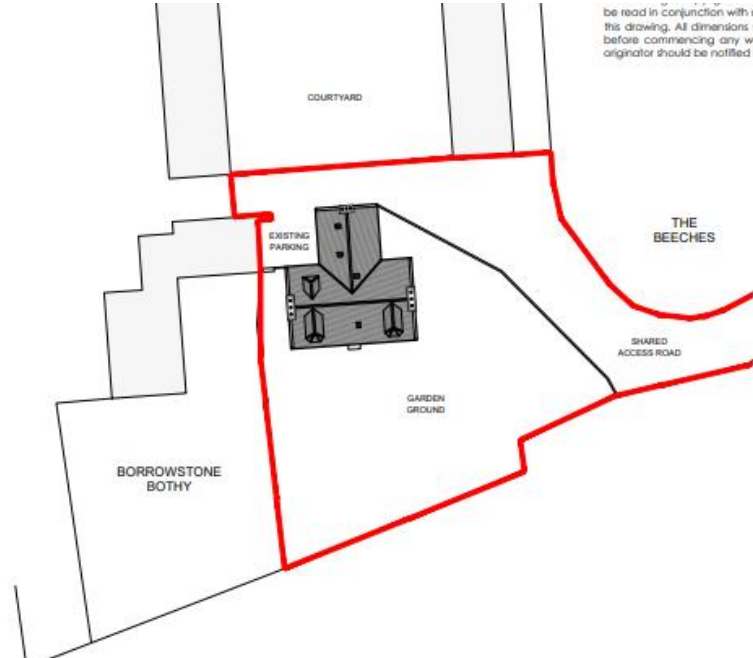
# LOCAL REVIEW BODY



210930/DPP– Review against refusal of planning permission for:

Alterations and extension to dwellinghouse  
Borrowstone, Borrowstone Road

# Location Plan

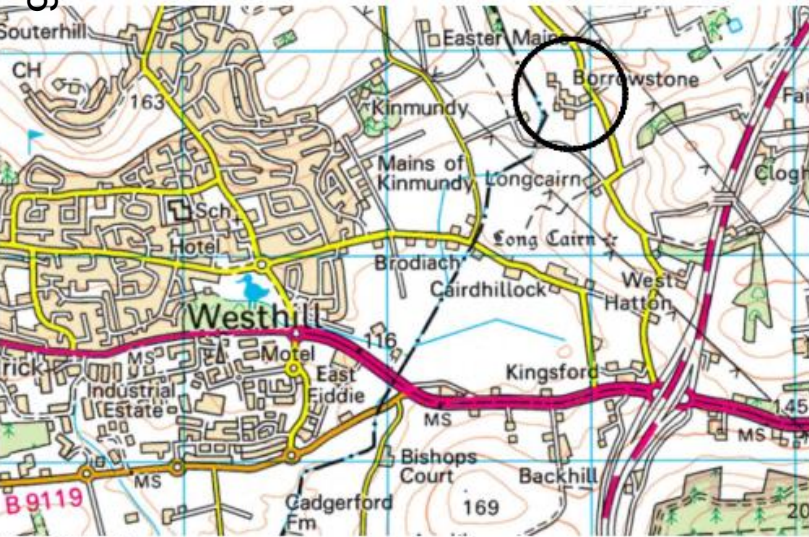


be read in conjunction with all related drawing this drawing. All dimensions must be checked before commencing any work or producing originator should be notified immediately of any

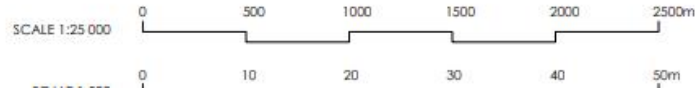
EXISTING SITE PLAN  
1:1250

EXISTING SITE PLAN  
1:500

Page 6



LOCATION PLAN  
1:25 000



REV A	Boundary linetype amended
CLIENT: Craig & Claire Martin	
PROJECT: Borrowstone Farmhouse Borrowstone, Kingswells, AB	
REF: 083	DWG: PL-01
Existing Location & Site Plans	
SCALE: Shown   A3	DATE: JUNE 2021
<b>RWA</b>	









Borrowstone

Google





VIEWING NORTH EAST ACROSS GARDEN



NORTH / EAST ELEVATIONS

NORTH ELEVATION

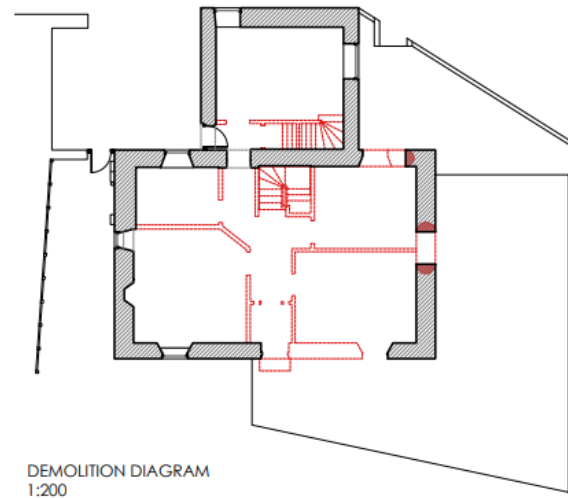
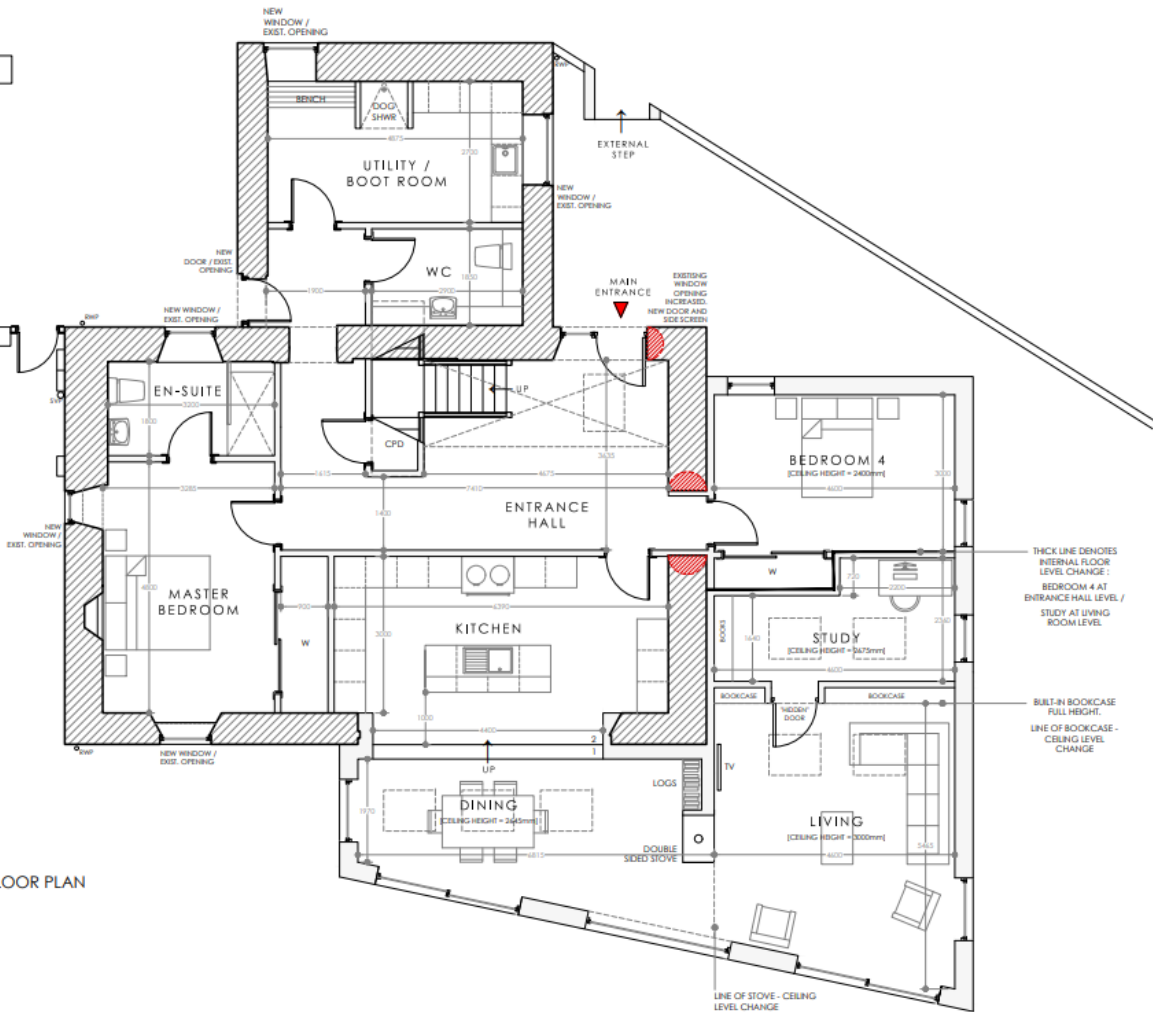
WEST ELEVATION







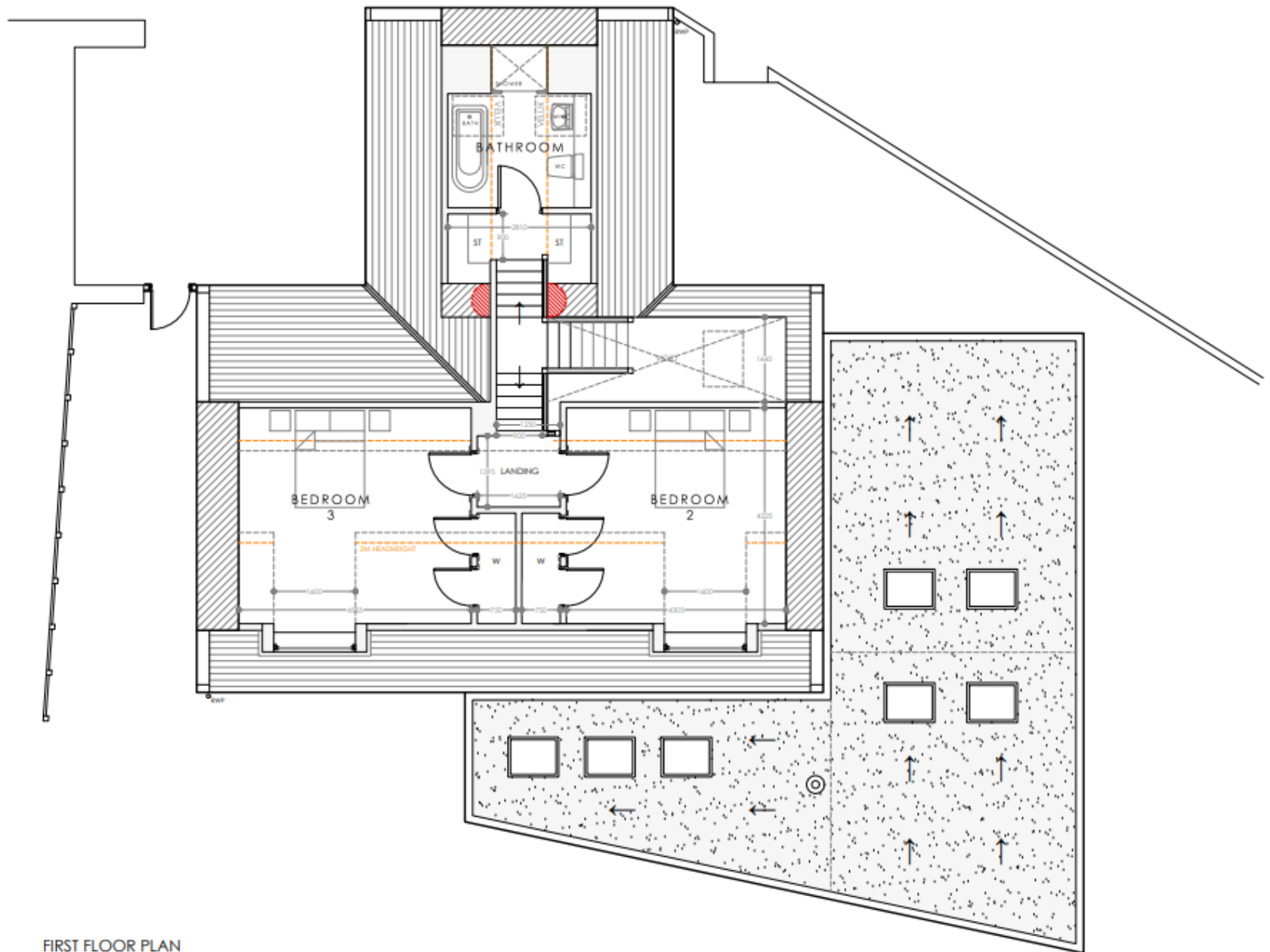
GROUND FLOOR PLAN  
1:100



DEMOLITION DIAGRAM  
1:200

CLIENT: Craig & Claire Martin	
PROJECT: Borrowstone Farmhouse Borrowstone, Kingswells	
REF: 083	DWG: PL-
Proposed GF Plan	
SCALE:	DATE:





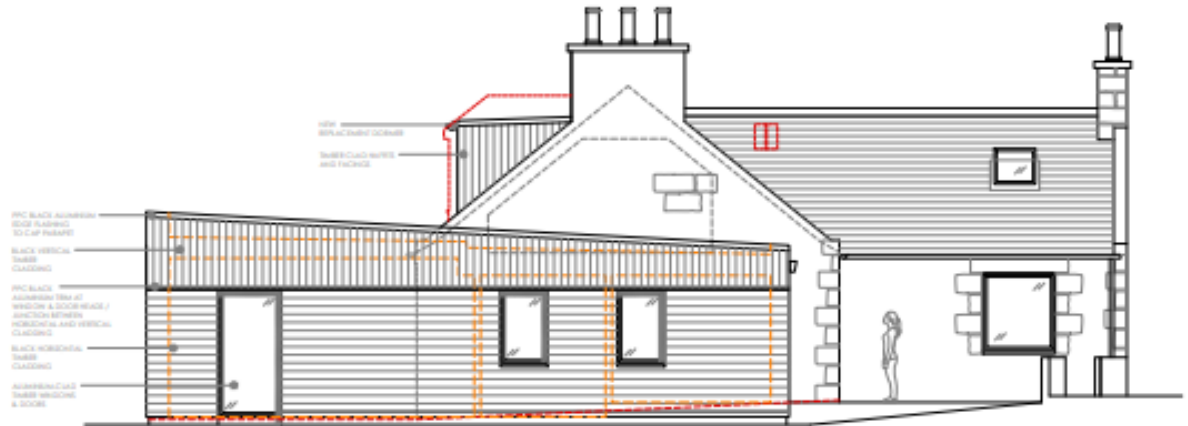
FIRST FLOOR PLAN



NORTH ELEVATION

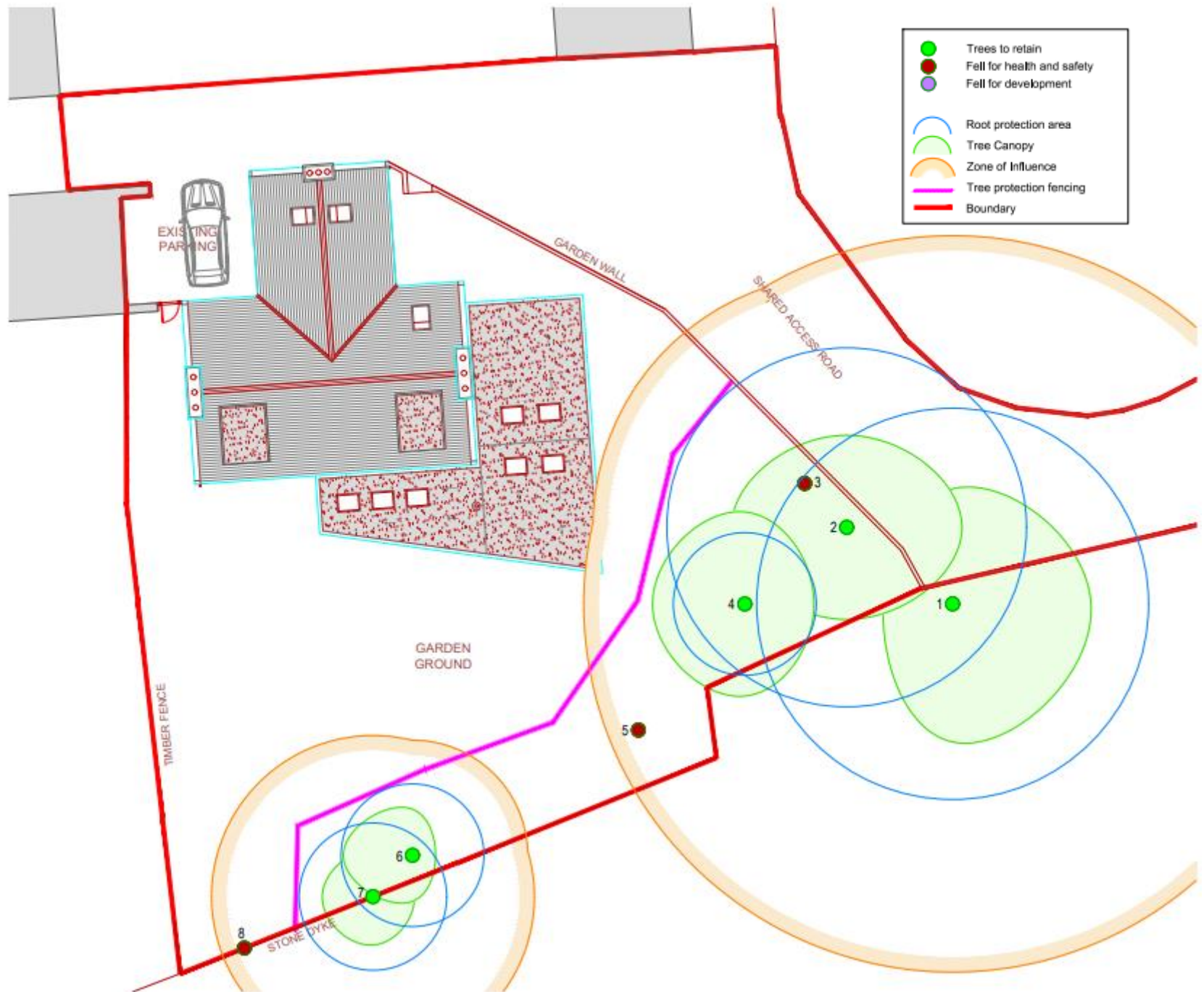


SECTION B-B



EAST ELEVATION





- Trees to retain
- Fell for health and safety
- Fell for development
- Root protection area
- Tree Canopy
- Zone of Influence
- Tree protection fencing
- Boundary



# Reasons for Decision

Stated in full in decision notice. Key points:

- Detrimental to the character and appearance of the traditional farmhouse; and,
- Therefore, detrimental to the character of the green belt and the contribution of the traditional building to that character.
- Conflict with Policies NE2 – Green Belt, D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan 2017 and Householder Development Guide SG

# Applicant's Case

Case is described within a lengthy Statement of Support, with the material considerations summarised as follows:

- No adverse impact on the green belt with the existing house being screened by mature trees from public view, impact on the wider landscape setting of the city and impact on the boundary of the existing community
- Proposed extension is smaller than the recently constructed extension to the bothy building to the west. It is consistent with the established pattern of development.
- Extension is subservient and of high quality design, complying with policy D1 on placemaking and policy NE2 – Green Belt.
- No impact on natural heritage including trees and protected species.
- Consistent with the Council's Technical Advice Note on Materials
- It is not possible to extend the house to the north and extension to the south would deliver solar gain
- Proposed extension is smaller than size of extension that could be built under permitted development rights.
- Reference to various points within the Report of Handling, confirming compliance with elements of policies and SG

## NE2: Green Belt

The following exceptions apply to this policy:

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

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

# 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



# SG: Householder Development Guide

- Extensions should be architecturally compatible with original building (design, scale etc)
- Should not '*dominate or overwhelm*' original building. Should remain visually subservient.
- Extensions should not result in a situation where the amenity of neighbouring properties would be adversely affected (e.g. privacy, daylight, general amenity)
- Approvals pre-dating this guidance do not represent a 'precedent'

# Points for Consideration:

Zoning: Do members consider that the proposed works would adversely affect the character and appearance of the building, and the green belt, as set out in policy NE2?

Do the proposed alterations accord with the relevant SG?


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

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

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

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

 <p><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>	Borrowstone, Borrowstone Road, Aberdeen, AB15 8RR
<b>Application Description:</b>	Alterations and extension to dwellinghouse
<b>Application Ref:</b>	210930/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	25 June 2021
<b>Applicant:</b>	Mrs Claire Martin
<b>Ward:</b>	Kingswells/Sheddocksley/Summerhill
<b>Community Council:</b>	Kingswells
<b>Case Officer:</b>	Ross McMahon

### **RECOMMENDATION**

Refuse

### **APPLICATION BACKGROUND**

#### **Site Description**

The application site comprises Borrowstone, a traditional one-and-a-half-storey farmhouse, and its front, side and rear curtilage. The building is of a vernacular style with a T-shaped floor plan, constructed of granite with a slated pitched gable roof. Located to the immediate south of the farm complex, the farmhouse sits adjacent to and east of Borrowstone Bothy, which has since been extended and converted into a dwelling. The farmhouse has a southerly orientation, with its formal and principal elevation facing south over a private garden area, and secondary rear elevation facing north towards the farm complex. Other buildings within the farm grouping include a collection of agricultural buildings of a mix of sizes and finishing materials – most are generally modern and utilitarian in appearance.

The site is set in a rural location within the green belt and is accessed from a private track leading to a minor road running southeast toward the A944. There are two modern detached bungalows immediately east of the farm complex, at the beginning of the track out with the ownership of the farm.

#### **Relevant Planning History**

None relevant

### **APPLICATION DESCRIPTION**

Detailed planning permission is sought to extend the dwelling by way of a modern, contemporary, single-storey extension to the front (south) and side (east) to accommodate a new dining area, living room, study and bedroom, all of which would form part of a wider reconfiguration of the internal layout of the property. The extension would ‘wrap-around’ the building’s south-east corner

and feature a roof and parapet upstand that slopes downwards from this corner to the north and the west extents of the proposed extension. The proposal would be predominantly glazed to the south over the private garden ground and would otherwise be finished in black horizontal and vertical timber cladding. Other finishing materials include a single-ply flat roof membrane, back aluminium parapet flashing and aluminium clad timber windows and doors.

### **Permitted Development**

It is also proposed to replace both front peinded dormers with modern box style dormers, and to remove and infill an existing rear dormer, remove and install several rooflights, replace existing windows, doors and alter a rear window opening to form a new entrance door. Such alterations constitute permitted development under Classes 1D and 2B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, and accordingly, these elements do not form part of the following assessment.

### **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=QV7OD8BZL5L00>

- *Bat Survey Report (Black Hill Ecology Limited)*
- *Species Protection Plan (Black Hill Ecology Limited)*
- *Tree Survey Report (Astell Associates)*

### **CONSULTATIONS**

**Kingswells 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.

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

- Scottish Planning Policy (SPP)

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

- Policy NE2 (Green Belt)
- Policy NE5 (Trees and Woodlands)
- Policy NE8 (Natural Heritage)
- Policy D1 (Quality Placemaking by Design)

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

- Householder Development Guide
- Trees and Woodlands
- Natural Heritage



### **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 NE1 (Green Belt)
- Policy NE3 (Natural Heritage)
- Policy NE5 (Trees and Woodlands)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)

## **EVALUATION**

### **Principle of Development**

The site is zoned within an area designated as green belt in the ALDP Proposals Map. Within such areas, Policy NE2 (Green Belt) applies and although it normally only permits development relating to agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration or landscape renewal, some exceptions do apply. The policy states that development associated with existing activities will be permitted if: the proposal is within the boundary of existing activity; is small-scale; does not significantly increase the intensity of the activity and any built construction is ancillary to what exists.

In this case, the proposed extension would be located within the defined curtilage of the farmhouse. There would be a modest increase in the current footprint of the dwellinghouse, however, this would be considered small-scale owing to the nature of the proposal, with no significant increase in the intensity of activity than already exists. The proposed extension is therefore considered to be ancillary to the original building and would therefore be in accordance with the requirements of Policy NE2 (Green Belt) in respect of establishing the acceptability of the principle of the proposal.

### **Design & Amenity**

#### **Proposed extension**

Scottish Planning Policy (SPP), paragraph 56, states that *“Design is a material consideration in determining planning applications. Planning permission may be refused and the refusal defended at appeal or local review solely on design grounds”*. Policy NE2 (Green Belt) states that *“All proposals for development in the green belt must be of the highest quality in terms of siting, scale, design and materials”*. Policy D1 (Quality Placemaking by Design) states that *“All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials”*. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the

built environment. Additionally, the Council's Householder Development Guide SG requires that proposals for extensions be architecturally compatible in design and scale with the original house and the surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale.

It is important to establish which elevation constitutes the principal or front elevation of the property which, in part, stipulates how the proposal is assessed in the context of the Council's Householder Development Guide SG and the aforementioned policies which it underpins. The arrangement of the site and the relationship between the orientation of the dwelling and its defined curtilage is atypical when compared with a typical suburban site layout, with principal elevations facing a public road and private rear gardens. The principal elevation of the property faces south, away from the road/access, over a private 'rear' garden ground, with the rear elevation of the property facing north, toward the working part of the farm complex; many farmhouse cottages are arranged in such a manner, with main entrance doors and principal rooms situated toward the front and formal elevation of the property. This position is reinforced as a result of the architectural treatment of the front elevation which, when compared with all other elevations, expresses a high degree of balance and symmetry, with a compositional arrangement wholly indicative of a principal elevation.

The proposal consists of an expansive flat roofed 'wrap-a-round' extension to the front and side of what is a relatively unaltered, balanced and traditional farmhouse. The proposed extension relates poorly to the property, which overwhelms, unbalances and disrupts its principal elevation to a significant degree, owing to its overall width and composition. The 'wrap-a-round' nature of the extension, in combination with its modern form, use of materials, sloping parapet, mis-matching eaves height and disjointed relationship between existing and proposed windows represents an intervention considered to be wholly incompatible with the property's established form and characteristics.

The Council's Householder Development Guide SG sets a number of general principles in respect of front extensions, stating that such interventions are only considered acceptable in situations where they would not impact negatively on the character or amenity of the original dwelling and the surrounding area. Front extensions are generally permitted only where they are minor and do not serve any additional habitable rooms, such as modest porches, for example. For the aforementioned reasons, the proposal clearly fails to satisfy this aspect of the SG.

The Council's Householder Development Guide states that the built footprint of a dwelling as extended should not exceed twice that of the original dwelling, and that no more than 50% of the front or rear curtilage should be covered by development. The proposed extension complies in each respect owing to its footprint relative to that of the original dwelling and to the expansive front garden area.

In light of the above, the proposed extension is therefore not considered to be architecturally compatible with the host property in respect of its design. The proposal is contrary to key elements of the Council's Householder Development Guide SG and fails to comply with SPP paragraph 56 and Policy D1 (Quality Placemaking by Design) and the relevant provisions of Policy NE2 (Green Belt) of the Aberdeen Local Development Plan.

#### Amendments sought

The Planning Authority acknowledges that an assertive contrast can add to the architectural interest of buildings, provided that simple design cues taken from the host property, the site and their defining characteristics. It is also noted that due to the orientation and position of the property relative to the boundary and garden ground, options are limited in respect of achieving the level of accommodation sought as part of this proposal. The Planning Authority considers that a modest

side (east) extension, one which avoids obscuring the principal elevation of the property, could be acceptable. It is also considered that there may also be potential to extend such an extension to the south, beyond the principal elevation and as such enclosing the garden to a certain degree, provided that a suitable distance is maintained to existing tree stock. A degree of visual separation between the traditional farmhouse and a contemporary extension, such as a glazed section between the existing blockwork and proposed timber linings, would create a clear delineation between old and new, and could be considered acceptable in terms of the Council's policy and guidance, subject to detail and further review. This solution was offered to the applicant however the Planning Authority received instruction to determine the application in its current form.

### **Residential Amenity**

It is accepted that privacy and the protection of general amenity constitutes a material consideration in determining development proposals and is an important design objective in ensuring that residents of properties bounding any development site and those occupying new accommodation feel at ease within and outwith their dwellings. This requirement is clearly set out in the Council's Householder Development Guide SG.

In respect of privacy, daylight and sunlight, the size, scale and position of the proposed extension relative to adjacent property is such that there would be no impact as a result of its composition and siting. Accordingly, the development would ensure that residential amenity to adjacent property would be suitably maintained, in accordance with the relevant aspects of the Council's Householder Development Guide SG.

### **Trees**

Policy NE5 (Trees and Woodlands) establishes a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. Appropriate measures should be taken for the protection and long-term management of existing trees and new planting both during and after construction. Where trees may be impacted by a proposed development, a Tree Protection and Mitigation Plan should be submitted and agreed with the Planning Authority before any development activity commences on site. Where applicable, root protection areas should be established, and protective barriers erected prior to any work commencing.

The proposed extension would be located out with the root protection areas of existing tree stock, however, be positioned within the Zone of Influence (ZOI) of existing trees. The removal of three trees is proposed due to their condition relating to Ash dieback disease and it is likely that the removal of these trees will be required in the future irrespective of development. Those trees that are to be retained cast a significantly smaller ZOI, and the majority of the extension footprint lies outwith the revised ZOI. Given the relatively mature nature of the larger trees on site, future conflict due to proximity is likely to be limited. In consideration of the above, the proposal is compliant in terms of Policy NE5 (Trees and Woodlands) and associated Trees and Woodlands SG of the ALDP.

### **Natural Heritage**

The existing dwelling is located within an area associated with bat habitat and activity. The applicant has submitted a Bat Survey Report alongside the application, the findings of which note that one species of bat was found roosting on site and that its roosting site(s) would be affected by the development. The report sets out appropriate mitigation and compensation what would allow the development to proceed without a significantly detrimental impact on the conservation status of the identified bat species. A Species Protection Plan has also been submitted that sets out, in detail: the intended mitigation and compensation; works to be undertaken by a suitably experienced person; works to be undertaken by the developer/landowner and a timetable of works and post-development site safeguard. The findings and content of the submitted Bat Survey

Report and Species Protection Plan are to the satisfaction of the Planning Authority's Environmental Policy Team. It is therefore considered that the proposal is compliant with Policy NE8 (Natural Heritage) and associated Natural Heritage SG of the ALDP.

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

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

### **RECOMMENDATION**

Refuse

### **REASON FOR RECOMMENDATION**

Whilst the development would not result in any adverse impact in terms of residential amenity or on any protected species or surrounding tree stock, the proposed contemporary front and side extension by reason of its layout, composition, form, mass, scale and material finishes would cause significant harm to and disruption of the character and appearance of the traditional farmhouse. The proposal is therefore considered to have a detrimental impact on the character and appearance of the building and its contribution to the character of the green belt. The proposed development therefore conflicts with the relevant provisions of Scottish Planning Policy, Policy NE2 (Green Belt) and Policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017, in addition to 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.



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 100434866-001

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)

Alterations and extension to dwellinghouse

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

No  Yes - Started  Yes – Completed

## Applicant or Agent Details

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

Applicant  Agent



## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Rachael Walker Architects Ltd"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Rachael"/>	Building Name:	<input type="text" value="The Old Estate Office"/>
Last Name: *	<input type="text" value="Walker"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01330 833441"/>	Address 1 (Street): *	<input type="text" value="Cluny"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Sauchen"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Sauchen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Aberdeenshire, Scotland"/>
		Postcode: *	<input type="text" value="AB51 7RR"/>
Email Address: *	<input type="text" value="rachael@walkerarchitects.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="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="c/o Rachael Walker Architects"/>
First Name: *	<input type="text" value="Claire"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Martin"/>	Address 1 (Street): *	<input type="text" value="The Old Estate Office"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Cluny Estate"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Sauchen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB51 7RR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="claireamartin89@gmail.com"/>		

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

BORROWSTONE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 8RR

Please identify/describe the location of the site or sites

Northing

807726

Easting

384902

## 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: Rachael Walker

On behalf of: Mrs Claire Martin

Date: 24/06/2021

Please tick here to certify this Certificate. \*

## Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

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

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

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

## Declare – For Householder Application

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

Declaration Name: Mrs Rachael Walker

Declaration Date: 24/06/2021

## Payment Details

Online payment: ABSP00006912  
Payment date: 24/06/2021 15:32:00

Created: 24/06/2021 15:32



## **DECISION NOTICE**

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

### **Detailed Planning Permission**

Rachael Walker  
Rachael Walker Architects Ltd  
The Old Estate Office  
Cluny  
Sauchen  
Aberdeenshire  
AB51 7RR

on behalf of **Mrs Claire Martin**

With reference to your application validly received on 25 June 2021 for the following development:-

#### **Alterations and extension to dwellinghouse at Borrowstone, Borrowstone Road**

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

<b>Drawing Number</b>	<b>Drawing Type</b>
083 - PL-01	Location Plan
083 - PL-04	Site Layout (Proposed)
083 - PL-05	Ground Floor Plan (Proposed)
083 - PL-06	First Floor Plan (Proposed)
083 - PL-07	Multiple Elevations (Proposed)
083 - PL-08	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:-

Whilst the development would not result in any adverse impact in terms of residential amenity or on any protected species or surrounding tree stock, the proposed contemporary front and side extension by reason of its layout, composition, form, mass, scale and material finishes would cause significant harm to and disruption of the character and appearance of the traditional farmhouse. The proposal is therefore considered to have a detrimental impact on the character and appearance of the building and its contribution to the character of the green belt. The proposed development therefore conflicts with the relevant provisions of Scottish Planning Policy, Policy NE2 (Green Belt) and Policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017, in addition to 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** 11 November 2021

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(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.

This page is intentionally left blank

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

- Policy NE2 (Green Belt)
- Policy NE5 (Trees and Woodlands)
- Policy NE8 (Natural Heritage)
- Policy D1 (Quality Placemaking by Design)

## **Supplementary Guidance**

- Householder Development Guide

[2.1.PolicySG.HouseHoldDesignGuide.pdf \(aberdeencity.gov.uk\)](#)

- Trees and Woodlands

[6.2.PolicySG.TreesWoodlands.pdf \(aberdeencity.gov.uk\)](#)

- Natural Heritage

[6.1.PolicySG.NaturalHeritage.pdf \(aberdeencity.gov.uk\)](#)

## **Other Material Considerations**

Proposed Aberdeen Local Development Plan (2020)

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



This page is intentionally left blank



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 100515513-001

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

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

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="c/o agent"/>
First Name: *	<input type="text" value="Claire"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Martin"/>	Address 1 (Street): *	<input type="text" value="c/o agent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="c/o agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="c/o agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="c/o agent"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="info@auroraplanning.co.uk"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="BORROWSTONE"/>
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 8RR"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="807726"/>	Easting	<input type="text" value="384902"/>
----------	-------------------------------------	---------	-------------------------------------

## 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)

Alterations and extension to dwellinghouse

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please see separate Statement of Reasons

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

Yes  No

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

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

Please see Appendix One to the Statement of Reasons

## Application Details

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

210930/DPP

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

24/06/2021

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

11/11/2021

## Review Procedure

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

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

Yes  No

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

Please select a further procedure \*

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

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

A site visit would allow members to appreciate the well screened nature of the application site and the surrounding site context against which the application requires to be assessed.

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

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

Yes  No

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

Yes  No



## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

## Declare – Notice of Review

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

Declaration Name: Miss Pippa Robertson

Declaration Date: 07/01/2022

This page is intentionally left blank



**BORROWSTONE  
BORROWSTONE ROAD  
ABERDEEN  
AB15 8RR**

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

in respect of

**DECISION TO REFUSE PLANNING APPLICATION REFERENCE 210930/DPP**

**STATEMENT OF REASONS**



## 1 Introduction

- 1.1 Planning application reference 210930/DPP, seeking planning permission for “Alterations and extension to dwellinghouse” at Borrowstone, Borrowstone Road, Aberdeen, was refused under delegated powers on 11 November 2021 [Document B2]. Our client now seeks a review of that decision for the reasons set out in this Statement, as read alongside the other documents submitted with this (a list of which is provided at Appendix One).
- 1.2 Importantly, when considering this Notice of Review, it should be noted that the Report of Handling for the application [Document B1] confirms that proposed alterations to the house’s existing dormer windows constitute permitted development, such that the application requires to be determined solely on the basis of the acceptability the proposed extension, as set out in the Statement.
- 1.3 In summary, this Statement demonstrates that the proposed extension complies with the Aberdeen Local Development Plan 2017 (ALDP) [Document C1] and associated Supplementary Guidance (SG) [Documents C2, C3, and C4], and is also supported by relevant material considerations, in that it:
- will have no adverse impact on the aims of the green belt as set out in the ALDP, with the existing house being screened by mature trees such that development here will not (i) be visible from any public road or any other public viewpoint, (ii) affect the wider landscape setting of the city, or (iii) have any impact on the boundary of an existing community, in addition to which the proposed extension is smaller than the recently constructed extension to the bothy building to the west, such that it is also consistent with the established pattern of development in the area;
  - is designed to be subservient to the original house while delivering a high-quality architectural contrast which demonstrates the six qualities of successful placemaking and will have no impact on any established streetscape or building line, thus complying with Policies D1 – Quality Placemaking by Design, and NE2 – Green Belt of the ALDP, together with the associated SG Householder Development Guide;
  - will have no impact on any natural heritage features, including trees, complying with ALDP Policy NE5 Trees and Woodlands, Policy NE2 – Green Belt, SG Trees and Woodlands, and SG Natural Heritage accordingly;



- is consistent with the Council’s Technical Advice Note on Materials [Document C5], with the proposed use of timber cladding in keeping with the common use of timber for household extensions throughout the city, working well in the domestic garden setting of the house, and of a colour that is characteristic of that resulting from traditional treatment techniques;
- makes efficient use of the existing capacities of the application site (in terms of which it is not possible to extend the house to the north, while the proposed southern extension also makes the house as a whole more sustainable through delivering improved solar gains), such that this should be supported as development that contributes to sustainable development in accordance with Scottish Planning Policy 2014 (SPP) [Document C6]; and
- it is smaller in terms of overall scale and massing than the size of extension that could be constructed as permitted development under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GDPO) [Document D1], with the fallback position established by the GDPO constituting a further material consideration in support of the application.

1.4 In relation to the above points, the Report of Handling confirms that:

- the proposed extension would be located within the defined curtilage of the existing house and is small-scale in nature, with this not significantly increasing the intensity of activity on the site, such that it is acceptable in principle in terms of Policy NE2 - Green Belt;
- the built footprint of the house as extended would be less than twice that of the original house and more than 50% of the curtilage would remain undeveloped, with the proposed extension therefore complying with the requirements of SG Householder Development Guide in these regards;
- the size, scale and position of the proposed extension relative to adjacent property is such that there would be no impact on neighbouring residential amenity, with this thus complying with relevant aspects of SG Householder Development Guide in this regard;
- an assertive contrast can add to the architectural interest of building, with there being no objection in principle to a contemporary extension to the existing house;





- given the relatively mature nature of the larger trees on the site, future conflict due to proximity is likely to be limited, and the proposal therefore complies with Policy NE5 – Trees and Woodlands and associated SG;
- while the existing house is located within an area associated with bat habitat and activity, the findings of the bat survey report and species protection plan submitted with the application are to the satisfaction of the Planning Authority’s Environmental Policy Team, and the proposal therefore complies with Policy NE8 – Natural Heritage and associated SG; and
- the Proposed Aberdeen Local Development Plan (PLDP) does not introduce any new requirements which are not addressed in the context of the relevant policies of the extant ALDP.

1.5 The only reason for the refusal of the application relates to the impact that the proposed extension was considered to have on the character and appearance of the existing building and its contribution to the character of the green belt with that in turn being considered to be contrary to the provisions of Policies NE2 – Green Belt and Policy D1 – Quality Placemaking by Design of the ALDP, together with associated SG Householder Development Guide, and relevant provisions of SPP. These provisions are addressed in Section 4 below, along with other relevant material considerations, demonstrating that the application complies with the development plan and is also supported by other relevant material considerations, including SPP.

1.6 It should also be noted that there were no objections to the application from any neighbours or from the Community Council.

1.7 As the application complies with the ALDP and is supported by relevant material considerations, with no material considerations indicating otherwise, the Review should be upheld and the application approved.

## **2 Application site context**

2.1 As set out in the Report of Handling, Borrowstone is a one-and-a-half-storey granite farmhouse with a T-shaped floor plan, a slated pitched gable roof, and private garden ground to the south. This is located to the south of a cluster of farm buildings and accessed via a private track which terminates at the farm, with the northern elevation of the house fronting directly onto this. Immediately to the west lies Borrowstone Bothy, which is now also a dwellinghouse, in addition to which there are two modern detached bungalows to the east of the farm buildings, on the northern side of the access track. Notably, the relationship of the existing house to the access track,



surrounding buildings and its own garden ground means that, if this is to be extended in any meaningful way, that can only be done to the south.

2.2 It is also important to note that the house is not listed or subject to any special designations or protections, and the application requires to be assessed accordingly.

2.3 The Report of Handling's description of the house as having a southerly orientation is though contested by the appellant, with there being a number of features that point to the principal elevation instead being the northern one. In this regard, consideration requires to be given to **Circular 1/2012 – Guidance on Householder Permitted Development Rights** [Document D2], which sets out the factors which should be taken into account when determining which elevation is the principal elevation, and in terms of which it should be noted that:

- **location of main door** – in this case, the main door to the property is at the northern end of the western elevation, with this being where post is delivered, and also being the first door that is reached by anyone approaching the property either on foot or by car. In contrast, to enter via the door on the southern elevation, it would be necessary to walk past the northern and western elevations and through the gate into the garden, which is enclosed on all sides with no other access to it;
- **windows** – there is similar fenestration on both the northern and southern elevations, with the T-shaped form of the house meaning that windows on the western end of the northern elevation overlook the door here, while all the windows on this elevation overlook the access, whereas windows on the southern elevation all look into the house's private garden;
- **relationship to road** – while there is no road adjacent to the house, the private access track provides direct access to the northern elevation and the door at this end of the western elevation only, and not to the door on the southern elevation. Indeed, the door on the southern elevation cannot be seen from the access track;
- **boundary treatment** – as noted above, the garden area to the south of the house is entirely enclosed, with access to this available only via a gate to the west of the house, whereas there are no boundary treatments to the front of the northern elevation, such that the house will always be approached from this direction; and
- **architectural ornamentation** – as a traditional farmhouse, this has little in the way of architectural ornamentation on any elevation, although there is a letter box on the door on the western elevation, with this again identifying this as the main door.



2.4 It should also be noted that the Council has previously confirmed that the principal elevation of the bothy to the west of the house is the northern one, with planning permission for an extension to the west and south of this granted in 2016 (planning application reference P160109), and it being clear in the Council's assessment of that application that this was considered to be an extension to the side and rear [Documents D3, D4, D5, and D6]. Likewise, the bungalows at the start of the access track have their principal elevations facing towards the track. The conclusion in the Report of Handling that the principal elevation of the house is the southern one, facing away from the track, is therefore at odds with the established orientation of all the other houses here, and previous decisions made by the Council. That being the case, the application should be assessed on this basis of the principal elevation being the northern one.

2.5 The Report of Handling also ignores the contribution that the extension approved pursuant to planning application reference P160109 makes to the application site context, with this now forming part of the established character of the area against which this application requires to be assessed. A photo of that approved extension is provided at Appendix Two, with regards to which it should be noted that this is:

- of a modern design with white render, a zinc roof and a fully glazed rear gable elevation to the south;
- significantly longer and wider than the original bothy, resulting in a tripling of the bothy's original floorspace; and
- also considerably larger than the extension proposed in terms of this application, with a footprint of 90m<sup>2</sup> and an overall ridge height of 6m from ground floor level, whereas the one to which this application relates has a footprint of just 68m<sup>2</sup> and a maximum height of 4.05m.

2.6 Lastly in terms of the site context, it should be noted that mature trees to the south of the house screen it from the nearest road, such that there are no views of this from the road or indeed from any other public viewpoint, with any development here not being visible in the wider landscape.

### **3 Proposed development**

3.1 As can be seen from the existing site plans, the internal layout of the house is currently not well suited to modern family living, with limited scope to change this within the existing built envelope. The proposed extension seeks to address this by allowing for the creation of a contemporary open plan kitchen, dining and living area, with direct



access from this to the garden to the south, as well as providing space for a study to facilitate home working and a utility/boot room. In doing this, the proposed extension will increase the level of glazing on the southern elevation, thus increasing internal light levels within the house and benefiting residential amenity in this regard, as well as delivering improved solar gains. It should also be noted that the proposed extension responds to the natural slope of the garden, with a step down into this so that it addresses the garden directly and provides a higher ceiling height without obstructing views from the upper windows of the existing house. The proposal would not though increase the number of bedrooms within the property, and so would not result in any intensification in the use of the site.

#### **4 Policy context**

4.1 In considering this Notice of Review, it must be remembered that the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, with the relevant Local Development Plan in this case being the Aberdeen Local Development Plan 2017 (ALDP).

4.2 It should also be noted that the ALDP is currently under review, with the Proposed Local Development Plan 2020 (PLDP) having been submitted to Scottish Ministers for Examination in July 2021. As highlighted above however, the Report of Handling confirms that the PLDP does not introduce any new requirements not already addressed in the context of the relevant policies of the extant ALDP, and so these are not considered here, with it submitted that the development complies with the PLDP for the same reasons that it complies with the relevant policies of the ALDP as set out below.

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

4.3 As set out in the Report of Handling, the relevant ALDP policies and associated Supplementary Guidance (SG) in this case are:

- Policy NE2 – Green Belt
- Policy NE5 – Trees and Woodlands
- Policy NE8 – Natural Heritage
- Policy D1 – Quality Placemaking by Design
- SG Householder Development Guide
- SG Trees and Woodlands
- SG Natural Heritage



- 4.4 As also set out above, the Report of Handling confirms that the proposed extension constitutes a form of development permitted in the green belt in principle (subject to being of an appropriate design) and complies with Policies NE5 and NE8, together with the associated SG, with these not forming any part of the reasons for which the application was refused. For the purposes of this Notice of Review, it is accordingly submitted that conclusions of the Report of Handling in these regards should be adopted by the Local Review Body, with the application complying with these elements of the ALDP and associated SG for the reasons given in that.
- 4.5 In addition, it is submitted that the proposed extension also complies with relevant provisions of Policy NE2 – Green Belt, Policy D1 – Quality Placemaking by Design, and SG Householder Development Guide, for the reasons given in the following paragraphs.
- 4.6 When considering **Policy NE2 – Green Belt**, it is important to keep in mind the aims of the green belt as set out in paragraph 3.101 of the ALDP, with these being to:
- maintain the distinct identity of Aberdeen and the communities within and around the city by defining their physical boundaries clearly;
  - avoid coalescence of settlements and sprawling development; and
  - maintain Aberdeen’s landscape setting.
- 4.7 In terms of these aims, due weight needs to be given to the fact that, as set out above, the existing house is screened by mature trees, such that the proposed extension would not be visible in the landscape. As such, this would have no impact on the city’s landscape setting, with this also being contained within the existing property boundaries and not resulting in any coalescence of settlements or sprawling development or having any impact on the boundary of an existing community.
- 4.8 Further, if there were any concerns with regards to the long-term retention of the existing trees, paragraph 77 of Planning Circular 4/1998: the use of conditions in planning permissions [Document D7] makes it clear that the appropriate approach to take would be to serve a Tree Preservation Order in accordance with Section 160 of the Town and Country Planning (Scotland) Act 1997, with this allowing the Council to ensure that the existing trees are retained or, if there are good reasons for them to be removed, that appropriate replacements are planted to continue the current level of screening.



4.9 In light of the above, it is clear that the proposed extension would have no adverse impact on the aims of the green belt as set out in the ALDP, irrespective of the proposed design.

4.10 This notwithstanding, it is recognised that Policy NE2 states that all proposals for development in the green belt must be of the highest quality in terms of siting, scale, design and materials, with regards to which consideration needs to be given to **Policy D1 – Quality Placemaking by Design**. This requires all development to ensure high standards of design and to have a strong and distinctive sense of place, with all proposals to be considered against the six qualities of successful placemaking set out in the Policy. Not all of the qualities are relevant to all applications but, where relevant to this application, these support the proposed extension as set out below:

- **Distinctive** – with the proposed extension having been designed to deliver a contemporary architectural contrast to the original house, and materials chosen to both complement the existing granite and reflect the rural context of the building, as set out in more detail in the first bullet point of paragraph 4.11 below;
- **Welcoming** – with the existing access arrangements and approach to the property unaltered, such that there is no impact on how easy it is to find the main door, but with the proposed extension allowing the internal layout of the house to be altered such that there is a more welcoming entrance to this;
- **Safe and pleasant** – with the Report of Handling confirming that the proposed extension would have no impact on neighbouring residential amenity as highlighted above, and with it delivering significant improvements for residents in this regard by making the house more suitable for modern family living and increasing the amount of daylight that the main living areas receive;
- **Adaptable** – in adapting the existing house to meet the needs of existing residents and providing spaces that can be used in more flexible ways as those needs change, or to meet the needs of future residents, in particular in terms of allowing for a study space to be incorporated into the house to facilitate home working; and
- **Resource efficient** – again by allowing our client’s needs to be met through the adaption of the existing house, with this being inherently more resource efficient than erecting a new house, in addition to which the generous levels of glazing on the southern elevation will deliver improved solar gains, thus making the house as a whole more resource efficient.





4.11 For householder developments specifically, further design considerations are set out in **Supplementary Guidance: Householder Development Guide**, which establishes a number of general principles with which all proposals are expected to comply. Each of these is satisfied in this instance as follows:

- **proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale** – as the proposed extension would be significantly lower in height than the original house, with the footprint also being smaller, as set out above, it would clearly be subservient in all regards. In addition, the extension has been designed to deliver a contemporary architectural contrast to the original building, following the approach taken to the extension of the bothy to the west. In doing this, the proposed materials have been chosen to both complement the existing granite and reflect the rural context of the building, with generous levels of glazing on the southern elevation again reflecting the approach taken to the extension of the bothy to the west, as well as breaking up the massing of the proposed extension when viewed from this direction. As such, the proposed extension is clearly compatible with both the original house and its surrounding area in its design and scale.
- **no extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected** – as noted above, the Report of Handling confirms that this criterion would be met.
- **no existing extensions, dormers or other alterations which were approved prior to the introduction of this supplementary guidance will be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document** – while it is recognised that the extension to the bothy building to the west of the application site was consented under the previous Local Development Plan, the proximity of this to the application site means that this nonetheless requires to be taken into account as part of the established site context.
- **the built footprint of a dwelling house as extended should not exceed twice that of the original dwelling** – as also noted above, the Report of Handling confirms that this criterion would be met.



- **no more than 50% of the front or rear curtilage shall be covered by development**  
– again, the Report of Handling confirms that this criterion would be met.

4.12 The Guidance then sets out further general rules with regards to extensions specifically, in terms of which a distinction is made between extensions to the side or rear of a property and extensions to the front, with more restrictive criteria generally applied to front extension. Contrary to what is stated in the Report of Handling however, the proposed extension in this case should be assessed as being to the side and rear of the existing house for the reasons set out above, with the Guidance making it clear that this then needs to be determined on a site-specific basis. Taking this into account, along with the site-specific reasons for the location and design of the proposed extension (as explained above), and the fact that this satisfies all of the general principles set out above, it should be supported accordingly.

4.13 Further, even if the proposed extension is to be assessed as an extension to the front and side of the original house, rather than to the rear and side, the Guidance makes it clear that the key considerations when assessing such proposals are the potential impacts on the existing streetscape, adjacent properties within this, and the building line established by these. In this case the application site is not located on an existing street, with there being no established building line per se, such there is no streetscape or building line to be impacted. At the same time, whereas the Guidance stipulates that front extensions should be of a scale and design which is complementary to and consistent with the existing building, the proposed extension complies with this requirement for the reasons set out above. As such, the proposed extension is still clearly consistent with the Guidance even if it is to be assessed as an extension to the front and side.

## 5 **Material considerations**

### **Technical Advice Note: Materials**

5.1 As well as statutory SG, the Council has also published a number of Technical Advice Notes (TANs), which require to be taken into account as material considerations in the planning process. These include **Technical Advice Note: Materials** (March 2020), which encourages and challenges designers, developers and homeowners to consider and select external materials for new buildings and extensions that are visually appropriate, sustainable, long lasting, have low-maintenance requirements and that respond to climate change, with the key question in all cases being whether proposed materials contribute well to the immediate context and reinforce Aberdeen's 'sense of place'. Of particular relevance to this application and the proposed use of timber cladding on this, the TAN highlights that:



- exterior timber cladding is often seen on household extensions in the city;
- there has been a recent rise in well designed timber clad garden offices/studios where the aesthetic of natural materials and small-scale module is described as working well in the domestic garden setting; and
- traditionally tar, and now scorching (heat treated) techniques, have been used to create a weather resistant low-maintenance skin to timber and this has a characteristic dark black colouring.

5.2 Taking this into account, the use of timber cladding as shown on the proposed plans should be supported in that this would be in keeping with the common use of timber for household extensions throughout the city, with this working well in the context of house's domestic garden setting, and with the colour of this being characteristic of that resulting from traditional treatment techniques, and is thus consistent with the advice set out in the TAN in these regards.

#### **Scottish Planning Policy (2014) (SPP)**

5.3 SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country and, where proposals accord with SPP, their progress through the planning system should be smoother.

5.4 Notably, SPP includes a presumption in favour of development that contributes to sustainable development, which requires the planning system to support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. This means that decisions on planning applications should be guided by a number of principles, including:

- supporting good design and the six qualities of successful places; and
- making efficient use of existing capacities of land, buildings and infrastructure.

5.5 As the proposed extension to which this application relates demonstrates the six qualities of successful placemaking as set out above, with this also making efficient use of the existing capacities of the application site (in terms of which it is not possible to extend the house to the north, while the proposed southern extension also makes the house as a whole more sustainable through delivering improved solar gains as set



out above), it should be supported as development that contributes to sustainable development in accordance with SPP.

### **Permitted development rights**

- 5.6 Taking into account the size of the house relative to the plot, and the fact that this does not front a road, the case officer confirmed during the course of their assessment of the application that the proposed extension could be erected under Class 1A of the GDPO if it were not for the fact that the eaves height would exceed 3m. Indeed, if the eaves height was reduced to a maximum of 3m, an extension that is otherwise larger than that which is proposed in terms of the current application could be erected under permitted development rights, with the planning authority having no means of controlling the design of that. The scale of an extension that could be erected under permitted development rights is accordingly a fallback position that requires to be taken into account as a material consideration when assessing the application to which this Notice of Review relates (see *Mansell v Tonbridge and Malling BC* [Document D8]).
- 5.7 Specifically, Class 1A of the GDPO would allow the construction of an extension of up to the same footprint as the original dwellinghouse (72m<sup>2</sup>), provided this also complied with relevant requirements with regards to height and distance from the property boundaries. In contrast, the footprint of the extension proposed in terms of the current application is smaller than the existing house, with the overall massing of it consequently being less than might be the case if an extension with a larger footprint was built as permitted development.
- 5.8 In light of the above, the proposed extension should be assessed positively when compared to the fallback position of what could be constructed under permitted development rights and should therefore be supported accordingly.

## **6 Reasons for refusal**

- 6.1 Although the Decision Notice contains only one reason refusal, there are a number of elements to this, each of which is addressed below.

***“...the proposed contemporary front and side extension by reason of its layout, composition, form, mass, scale and material finishes would cause significant harm to and disruption of the character and appearance of the traditional farmhouse...”***

- 6.2 As set out above:



- the proposed extension should be assessed as an extension to the rear and side of the house, rather than the front and side, with this appearing as a side extension when approaching the entrance to the house and having no impact on the public facing northern elevation; and
- the above notwithstanding, the proposed extension should in any event be supported as a contemporary architectural contrast to the original building (which is recognised in the Report of Handling as being acceptable in principle), with the overall scale and massing subservient to the original building, the proposed materials supported by the relevant TAN, and this demonstrating all relevant elements of the six qualities of successful places as set out in Policy D1 of the ALDP.

6.3 Taking the above into account, the proposed extension cannot be said to harm or disrupt the character or appearance of the original building, and there are no grounds for refusing the application on this basis. Related to this, it is reiterated that the original building is not listed or subject to any other relevant protections, and the application requires to be assessed accordingly.

***“The proposal is therefore considered to have a detrimental impact on the character and appearance of the building and its contribution to the character of the green belt.”***

6.4 Impact on the character and appearance of the original building has been addressed in the foregoing paragraphs, demonstrating that there are no grounds for refusing the application on this basis, in addition to which it should be noted that:

- the proposed extension would be seen in the context of the existing extension to the bothy building to the west, which is almost a third larger than the extension to which this application relates;
- there would be no impact on any established streetscape or building line;
- the application site’s location and existing screening mean that there are no views of this from any public roads or any other public viewpoint, and the proposed extension would not be visible in the wider landscape; and
- as the proposed extension would be contained within the existing property boundaries, it would also not contribute to any coalescence of settlements or sprawling development, or have any impact on the boundary of an existing community.



6.5 Given the above, the proposed extension is consistent with the aims of the green belt, and would have no impact on the character of this.

***“The proposed development therefore conflicts with the relevant provisions of Scottish Planning Policy, Policy NE2 (Green Belt) and Policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017, in addition to the Council’s Supplementary Guidance: Householder Development Guide.”***

6.6 Notably, when reaching this conclusion, the Report of Handling does not assess the application against the 6 qualities of successful placemaking as required in terms of Policy D1, nor does it assess this against the Council’s TAN on materials. When the application is assessed against these, it clearly demonstrates all relevant qualities of successful placemaking as set out above, with the proposed materials also being supported by the TAN. At the same time, as the proposed extension demonstrates the relevant qualities of successful placemaking, there is no reason to conclude that this does not satisfy the requirements of Policy NE2 with regards to development in the green belt being of a high-quality design, with this also being supported by SPP in this regard for the reasons again set out above.

***“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.”***

6.7 On the basis that the proposed extension complies with the development plan for the reasons given in this statement, it is not necessary to consider whether there are any relevant material considerations that would further warrant approval of the application. This notwithstanding, it should be noted that the fallback position established by the GDPO as set out in section 5 of this statement (with the overall scale and massing of the proposed extension being less than that which could be constructed as permitted development under this), constitutes a significant material consideration in support of the application, and gives a further reason as to why this should be approved.

## **7 Conclusion**

7.1 For the reasons given in this statement, it is clear that the proposed extension:

- will have no adverse impact on the aims of the green belt as set out in the ALDP, with the existing house screened by mature trees, such that development here will not (i) be visible from any public road or any other public viewpoint, (ii) affect the wider landscape setting of the city, or (iii) have any impact on the boundary of an existing community, in addition to which the proposed extension is smaller than



the recently constructed extension to the bothy building to the west, such that it is also consistent with the established pattern of development in the area;

- is designed to be subservient to the original house while delivering a high-quality architectural contrast which demonstrates the six qualities of successful placemaking, and will have no impact on any established streetscape or building line, thus complying with Policies D1 – Quality Placemaking by Design, and NE2 – Green Belt of the ALDP, together with the associated SG Householder Development Guide;
- will have no impact on any natural heritage features, including trees, complying with ALDP Policy NE5 Trees and Woodlands, Policy NE2 – Green Belt, SG Trees and Woodlands, and SG Natural Heritage accordingly;
- is consistent with the Council’s Technical Advice Note on Materials, with the proposed use of timber cladding in keeping with the common use of timber for household extensions throughout the city, working well in the domestic garden setting of the house, and of a colour that is characteristic of that resulting from traditional treatment techniques;
- makes efficient use of the existing capacities of the application site (in terms of which it is not possible to extend the house to the north, while the proposed southern extension also makes the house as a whole more sustainable through delivering improved solar gains), such that this should be supported as development that contributes to sustainable development in accordance with SPP; and
- it is smaller in terms of overall scale and massing than the size of extension that could be constructed as permitted development under the Town and Country Planning GDPO, with the fallback position established by the GDPO constituting a further material consideration in support of the application.

7.2 As the proposed extension complies with the development plan, and is also supported by other relevant material considerations, with no material considerations to indicate otherwise, the application requires to be granted.

**5 January 2021**

**Aurora Planning Limited**





## **Appendix One – List of documents**

### **A - Application Documents**

- 1 Application Form
- 2 Existing location and site plan
- 3 Existing ground floor plan and elevations
- 4 Existing first floor plan and elevations
- 5 Proposed site plan
- 6 Proposed ground floor plan
- 7 Proposed first floor plan
- 8 Proposed sections and elevations (1 of 2)
- 9 Proposed sections and elevations (2 of 2)
- 10 Tree Survey Report
- 11 Tree Protection Plan
- 12 Arboricultural Assessment
- 13 Bat Survey Report
- 14 Species Protection Plan (CONFIDENTIAL)

### **B - Delegated Report and Decision Notice**

- 1 Report of Handling
- 2 Decision Notice

### **C - Policy Documents**

- 1 Aberdeen Local Development Plan 2017
- 2 Supplementary Guidance: Householder Development Guide
- 3 Supplementary Guidance: Trees and woodland
- 4 Supplementary Guidance: Natural heritage
- 5 Technical Advice Note on Materials
- 6 Scottish Planning Policy (2014)

## **D - Other documents**

- 1 Extract from the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GDPO) (Class 1A and Class 1B)
- 2 Circular 1/2012 – Guidance on Householder Permitted Development Rights
- 3 Report of Handling for planning application reference P160109
- 4 Existing site plan for planning application reference P160109
- 5 Approved proposed site plan for planning application reference P160109
- 6 Approved proposed elevations for planning application reference P160109
- 7 Planning Circular 4/1998: the use of conditions in planning permissions
- 8 Mansell v Tonbridge and Malling BC

Appendix Two – photo of extension to bothy to the west



This page is intentionally left blank