

Public Document Pack



To: Councillor Henrickson, Chairperon and Councillors Alphonse, Blake, Boulton and Bouse.

Town House,
ABERDEEN 17 May 2023

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Virtual - Remote Meeting** on **WEDNESDAY, 24 MAY 2023 at 10.00 am.**

Members of the public can join the Teams meeting but must switch their camera and microphone off and not participate in the meeting. [Teams link.](#)

JENNI LAWSON
INTERIM CHIEF OFFICER – GOVERNANCE (LEGAL)

B U S I N E S S

1.1 Procedure Notice (Pages 5 - 6)

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

Link to the [Local Development Plan](#)

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

PLANNING ADVISER - LUCY GREENE

- 2.1 Wallace Whittle Ltd, 166 Great Western Road, Aberdeen - Detailed Planning Permission for the change of use from offices to form residential flat including installation of replacement windows and doors; installation of roof lights and formation of patio doors from window opening with associated works - 221357
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 221357.
- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 7 - 32)
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 33 - 34)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 35 - 46)
- 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

LUCY GREENE

- 3.1 56 Hilton Place Aberdeen - Detailed Planning Permission for the formation of dormer to the rear - 221331
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 221331.
- 3.2 Delegated Report, Original Application Form and Decision Notice (Pages 47 - 62)
- 3.3 Planning Policies Referred to in Documents Submitted (Pages 63 - 64)
- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 65 - 78)
- 3.5 Determination - Reasons for Decision

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

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

LUCY GREENE

- 4.1 13 Powis Crescent - Detailed Planning Permission for the erection of fence and gate to front (retrospective) - 221096

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 221096.

- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 79 - 98)

- 4.3 Planning Policies Referred to in Documents Submitted (Pages 99 - 100)

- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 101 - 110)

- 4.5 Determination - Reasons for Decision

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

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

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

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. Local members are not permitted to sit on cases that fall within their ward.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
 9. 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

10. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
11. 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.”
12. 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.
13. 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**.
14. The LRB will give clear reasons for its decision.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	Wallace Whittle Ltd, 166 Great Western Road, Aberdeen, AB10 6QE
Application Description:	Change of use from offices to form residential flat including installation of replacement windows and doors; installation of roof lights and formation of patio doors from window opening with associated works
Application Ref:	221357/DPP
Application Type:	Detailed Planning Permission
Application Date:	11 November 2022
Applicant:	Cito Cimo Properties Ltd.
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Ashley And Broomhill
Case Officer:	Dineke Brasier

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site consists of a traditional two storey granite building with a later single storey flat roof rear extension with additional accommodation in the roof space and an enclosed rear garden. The ground floor is covered in cladding panels and incorporates modern, full height windows. The building is located on the corner of Chattan Place and Great Western Road. The ground floor and extension are currently occupied by offices, with residential flats on the upper floors, which are accessed through a door in the side elevation reached through a gate and narrow lane along the side of the building. The application relates to the single storey rear extension part of the building (166A Great Western Road).

The site falls within the Great Western Road Conservation Area and the Chattan Place neighbourhood centre.

Relevant Planning History

070211 – Proposed office extension – Approved on 2nd April 2007.

APPLICATION DESCRIPTION

Description of Proposal

Change of use of the single storey flat roof extension from offices (class 4) to a two-bed flat (sui generis) with associated alterations, including installation of new windows and French doors in the rear elevation, new front door and roof lights. The existing pedestrian access and rear garden used by the existing upper floor flat (168 Great Western Road) would be shared by the proposed flat.

Additional rooflights would be added to the flat roof, and new windows and French doors installed on the northwest elevation, facing the shared garden area and a new front door.

Amendments

None.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RL6BKQBZLBD00>

CONSULTATIONS

ACC - Roads Development Management Team – No objections. The site is in a sustainable location in relative close proximity to the city centre and a range of services. No on-site parking provided, which would be acceptable due to the site's sustainable location. Any resident has the option to apply for up to two resident parking permits, one of which should be fixed. The bin store and internal bike storage area are acceptable.

ACC - Environmental Health – No comments or observations.

Ashley And Broomhill Community Council – No response received.

REPRESENTATIONS

1 neutral letter of representation has been received. The matters raised can be summarised as follows:

- Supportive of application;
- Raises concerns in relation to the proposed relocation of existing air conditioning unit to rear of building serving the offices. This currently has an adverse impact on the residential amenity of 10 Chattan Place, and the owner of that property, and Environmental Health, should be consulted on any potential new position of this air conditioning unit to ensure residential amenity is protected.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

National Planning Policy and Guidance

National Planning Framework 4

National Planning Framework 4 (NPF4) was given final Parliamentary approval on 11th January 2023 and is anticipated to be adopted in February 2023. The weight to be given to NPF4 prior to its adoption is a matter for the decision maker. Although NPF4 has not yet been formally adopted it has now been approved by Parliament and is, therefore, now considered to be a significant material consideration in the assessment of planning applications. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 7 (Historic Assets and Places)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 16 (Quality Homes)

Development Plan

Aberdeen City and Shire Strategic Development Plan (2020)

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

Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: “Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

- Policy D1 (Quality Placemaking by Design)
- Policy D4 (Historic Environment)
- Policy T2 (Managing the Transport Impact of Development)
- Policy T3 (Sustainable and Active Travel)
- Policy R6 (Waste Management Requirements for New Development)
- Policy NC6 (Town, District, Neighbourhood & Commercial Centres)

Supplementary Guidance

Repair and Replacement of Windows and Doors
Transport and Accessibility

Proposed Aberdeen Local Development Plan (2020)

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policies are relevant –

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D6 (Historic Environment)
- Policy D8 (Windows and Doors)
- Policy R5 (Waste Management Requirements in New Developments)
- Policy VC8 (Town, District, Neighbourhood and Commercial Centres)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

EVALUATION

Principle of Development

The site is located in the Chattan Place neighbourhood centre, and policy NC6 (Town, District, Neighbourhood and Commercial Centres) of the 2017 Aberdeen Local Development Plan applies. This policy is aimed at protecting existing retail provision and considering proposals for a change of use from retail (class 1) to other non-retail uses. In this case, the existing rear extension is used by an office-based company (class 4) and the proposal would thus not result in a change of use from retail to non-retail and no conflict with policy NC6. The remainder of this policy is therefore not relevant.

Given the site is located within a small neighbourhood centre and is relatively close to the city centre, there is a range of shops and services within walking distance. It would therefore meet the criteria as set out in draft NPF4 policy 15 (Local living and 20-minute neighbourhoods) which emphasises the creation of neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home.

The main issues to be addressed in the evaluation are therefore the general impact of the proposal on the character and appearance of the surrounding area, with special consideration of its position within the Great Western Road Conservation Area, and its impact on existing residential amenity and the quality of living environment created through the proposal.

Residential amenity

Neighbouring properties

The impact on residential amenity needs to be considered in two ways:

1. The impact of the proposal on residents of existing nearby properties; and
2. The quality of the living accommodation resulting from the proposed change of use.

In relation to the first, the site is located in an area which has a mixed character, with some commercial office and retail uses on the ground floor and residential on the upper floors, and solely residential buildings in close proximity. 10 Chattan Place to the west is immediately adjacent

to the application property and is a one and a half storey dwelling with enclosed rear garden. To the north is a small office development in Chattan Mews. To the east are one and a half storey dwellings. To the south is the remainder of the building subject of this application that includes a mix of office (class 4) and residential uses. The proposal, due to the low intensity of the proposed use as a single two bed flat, would not result in any adverse impacts on the residential amenity of neighbouring properties. There would be no direct overlooking of any neighbouring properties, nor would there be any overshadowing.

Proposed flat

Policy D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan sets out that not all development will be of a scale to make a significant placemaking impact, however all good design and detail adds to the attractiveness of the built and natural environment and careful consideration is key. It refers to the six essential qualities of placemaking: distinctive; welcoming; safe and pleasant; easy to move around; adaptable; and resource efficient. In the supporting text to this policy, it provides examples of how these essential qualities should be met in good development. This policy is substantively reiterated in policy D1 (Quality Placemaking) of the 2020 Proposed Local Development Plan (PLDP). Policy D2 (Amenity) of the PLDP also applies. This policy sets out that '*amenity has an influence on the quality of life of individuals and communities. Poor amenity can have detrimental impacts on health and wellbeing. Buildings must be fit for purpose and meet the needs of users and occupiers.*' The policy continues with providing a list of criteria to ensure all development will provide an acceptable level of amenity.

In this case, the flat would be accessed from Great Western Road through a narrow lane running past the northeast elevation of the building. It would have a front door, but this would not be immediately onto the street. Furthermore, given that the structure is currently a rear extension, it would have no public face to the street, which in turn would reduce the outlook for the property. It is acknowledged that the flat would have access to a private, enclosed rear garden. Windows and doors in the rear elevation would provide natural daylight and an outlook over the rear garden to a living area and the two bedrooms. However, due to the depth of the extension and the layout of the unit proposed, this outlook would be limited to these rooms only. The only other source of natural daylight serving the dining, kitchen and circulation areas would be through rooflights with no windows in any of the other elevations. It should be noted that the rear elevation would be facing northeast and that direct sunlight into the property would thus be extremely limited. As such, it is considered that the proposed development would not provide an acceptable standard of living accommodation in line with policy D1 (Quality Placemaking by Design) of the ALDP and policy D2 (Amenity) of the PLDP.

Furthermore, it would not respond adequately to the site context nor, as a single, independent residential unit set to the rear of the main building, would it reinforce established patterns of development, which is characterised by residential properties with both a public face fronting onto Great Western Road or the neighbouring streets and a private face to a rear garden area, or at least a door to the side of the building. In addition, the main entrance into the unit would be reached through a narrow lane running along the northeast elevation of the premises, set back from Great Western Road. It is considered that this would not form an attractive or well-defined entrance into the flat, nor would it provide a street frontage for the development. It is thus considered that the proposal would not meet the criteria for 'distinctive' or 'welcoming' development as set out in policy D1 (Quality Placemaking by Design) of the ALDP, or D1 (Quality Placemaking) of the PLDP, nor would it meet the criteria for the six qualities of successful places as set out in policy 14 (Design, quality and place) of the Draft NPF4.

Impact on the Great Western Road Conservation Area

The site is located in the Great Western Road Conservation Area and policy D4 (Historic Environment) of the 2017 Aberdeen Local Development Plan applies. This policy sets out that the

Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP (now Historic Environment Policy for Scotland – HEPS) and its own guidance. SPP in paragraph 143 sets out that proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Policy 7 (Historic assets and places) of the draft NPF4 sets out that development proposals in conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced.

In this case, alterations to the building include the installation of a total of five rooflights in the existing flat roof of the single storey extension; replacement of two modern upvc windows and single door to the rear with two windows, one of which would be full height and replace an existing door, and a set of double doors; and the installation of a new front door. All of these would be finished in upvc. It is considered that in this instance, the replacement of windows and door to the rear made of non-traditional materials and fenestration pattern with doors and windows of a similar non-traditional fenestration pattern and non-traditional materials would have a neutral impact on the property. This is due to their position in the rear elevation of the modern extension. The existing upvc emergency exit door in the front elevation of the extension is proposed to be replaced with a different upvc door. Again, due to its position in the modern extension, and due to its location significantly set back from, and not clearly visible from Great Western Road, this would not have an adverse impact on the character and appearance of the conservation area. Finally, as with the other external alterations to the building, the installation of rooflights in the modern rear extension would not have a detrimental impact on the original part of the building. Taking together, it is considered that all proposed external alterations to the building would have a neutral impact on the character and appearance of the conservation area in compliance with the policies set out above.

Parking

The proposal would not provide any on-site parking. The site is located within a controlled parking area and residents would be able to apply for on-street parking permits. Due to its sustainable location within walking distance to the city centre and close proximity to a number of bus stops, shops and services, a no-car development would be acceptable in this instance.

Safe, secure and covered cycle parking would be provided in the unit and this would be acceptable.

Waste

Sufficient space would be located in the lane running up to the front door for the required number of bins. This would be acceptable.

Proposed Aberdeen Local Development Plan

The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is not acceptable in terms of both plans for the reasons previously given.

Policy D2 (Amenity) is a new policy that focuses on providing an acceptable level of amenity for all existing and new development. This policy has been discussed in detail above.

DECISION

Refuse

REASON FOR DECISION

The proposed change of use of the existing single storey rear office extension to a residential flat

is considered not to provide an acceptable level of residential amenity due to its single-aspect nature resulting in a limited outlook from the building, and limited levels of direct sunlight receipt into the dwelling. It is considered that the proposed conversion would not respond well to the site context due to its position to the rear of the main building and public street, resulting in a property that would not have a public face to the street and would be accessed through a narrow lane to the side of the existing building. This would be contrary to the established pattern of development, which consists of buildings fronting onto Great Western Road and neighbouring roads with a private face to the rear. As such, the proposal is considered not to sufficiently address the six qualities of successful placemaking, or the six qualities of successful places.

The proposal is therefore considered to be contrary to the requirements of Policy D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan; Policies D1 (Quality Placemaking) and D2 (Amenity) of the 2020 Proposed Aberdeen Local Development Plan; and Policy 14 (Design, Quality and Place) of the draft NPF4.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100606617-001

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

Type of Application

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

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

Description of Proposal

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

Change of Use from Office to Residential

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Agent Details

Please enter Agent details


Company/Organisation:	McGregor Garrow Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ron	Building Name:	
Last Name: *	McGregor	Building Number:	14
Telephone Number: *	07740 193453	Address 1 (Street): *	Ruthrieston Circle
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB10 7JX
Email Address: *	info@mcgregorgarrow.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	20
Last Name: *		Address 1 (Street): *	Westburn Road
Company/Organisation	Cito Cimo Properties Ltd.	Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB25 2PX
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

WALLACE WHITTLE LTD

Address 2:

166 GREAT WESTERN ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 6QE

Please identify/describe the location of the site or sites

Northing

805223

Easting

392842

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

The applicant received a pre-application response from Aberdeen City Council via another agent. The conclusion of the response was that the proposed flat could deliver an acceptable level of amenity, and that a change of use could be supported. Additional information regarding bin and cycle storage was requested - that has been provided in the uploaded drawings.

Title:

Other title:

First Name:

Dineke

Last Name:

Brasier

Correspondence Reference Number:

220350/PREAPP

Date (dd/mm/yyyy):

21/04/2022

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

Site Area

Please state the site area:

676.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Office

Access and Parking

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

Yes No

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

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

Yes No

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

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

0

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

0

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

Water Supply and Drainage Arrangements

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

Yes No

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

An area for storage of waste has been indicated on the Proposed Floor Plan

Residential Units Including Conversion

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

Yes No

How many units do you propose in total? *

1

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

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Ron McGregor

On behalf of: Cito Cimo Properties Ltd.

Date: 10/11/2022

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Ron McGregor

Declaration Date: 10/11/2022

Payment Details

Online payment: ABSP00008953

Payment date: 10/11/2022 23:52:00

Created: 10/11/2022 23:52

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Ron McGregor
McGregor Garrow Architects
14 Ruthrieston Circle
Aberdeen
AB10 7JX

on behalf of **Cito Cimo Properties Ltd.**

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

Change of use from offices to form residential flat including installation of replacement windows and doors; installation of roof lights and formation of patio doors from window opening with associated works at Wallace Whittle Ltd, 166 Great Western 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:

Drawing Number	Drawing Type
	Location Plan
C058 - 101	Site Layout (Proposed)
C058 - 102	Ground Floor Plan (Proposed)
C058 - 201	Multiple Elevations (Proposed)
C058 - 301	Site Cross Section

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

None.

REASON FOR DECISION

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

The proposed change of use of the existing single storey rear office extension to a residential flat is considered not to provide an acceptable level of residential amenity due to its single-aspect nature resulting in a limited outlook from the building, and limited levels of direct sunlight receipt into the dwelling. It is considered that the proposed conversion would not respond well to the site context due to its position to the rear of the main building and public street, resulting in a property that would not have a public face to the street and would be accessed through a narrow lane to the side of the existing building. This would be contrary to the established pattern of development, which consists of buildings fronting onto Great Western Road and neighbouring roads with a private face to the rear. As such, the proposal is considered not to sufficiently address the six qualities of successful placemaking, or the six qualities of successful places.

The proposal is therefore considered to be contrary to the requirements of Policy D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan; Policies D1 (Quality Placemaking) and D2 (Amenity) of the 2020 Proposed Aberdeen Local Development Plan; and Policy 14 (Design, Quality and Place) of the draft NPF4.

Date of Signing 7 February 2023



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

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

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

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

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

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Consultee Comments for Planning Application 221357/DPP

Application Summary

Application Number: 221357/DPP

Address: Wallace Whittle Ltd 166 Great Western Road Aberdeen AB10 6QE

Proposal: Change of use from offices to form residential flat including installation of replacement windows and doors; installation of roof lights and formation of patio doors from window opening with associated works

Case Officer: Dineke Brasier

Consultee Details

Name: Mr Mark Nicholl

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

Email: Not Available

On Behalf Of: ACC - Environmental Health

Comments

No concerns or observations.

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Consultee Comments for Planning Application 221357/DPP

Application Summary

Application Number: 221357/DPP

Address: Wallace Whittle Ltd 166 Great Western Road Aberdeen AB10 6QE

Proposal: Change of use from offices to form residential flat including installation of replacement windows and doors; installation of roof lights and formation of patio doors from window opening with associated works

Case Officer: Dineke Brasier

Consultee Details

Name: Mr Jack Penman

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

I note this proposal is for a change of use from offices to form residential flat including installation of replacement windows and doors; installation of roof lights and formation of patio doors from window opening with associated works at Wallace Whittle Ltd, 166 Great Western Road, Aberdeen AB10 6QE.

This site is in the inner-city boundary and is in controlled parking zone N. Propertiers in Zone N are entitled to apply for two permits, one of which must be fixed.

The site is fronted by good standard adopted footways, the city centre is ~0.5m away and the site is located within 200m of well serviced bus stops on Great Western Road. Cycling around the site is on-street. Access to and from the site by sustainable means is considered good.

I note the current site has 0 allocated parking and the proposal is also for 0 parking. Our parking guidelines for 2-bed flats in the inner city is for 1.5 non-allocated spaces. Owing to the sites location being near the city centre and the good access to public transport this shortfall is not a concern for roads. As the site is in a CPZ with existing parking restrictions any indiscriminate parking could be dealt with by the city wardens.

I note the location of the bin store which is acceptable. Bins should only be placed on the public footway on collection days and removed as soon as possible after collection.

I note the applicant has provided internal secure bicycle storage with space for two bikes. This is acceptable.

I can confirm roads have no objections to this proposal.

Comments for Planning Application 221357/DPP

Application Summary

Application Number: 221357/DPP

Address: Wallace Whittle Ltd 166 Great Western Road Aberdeen AB10 6QE

Proposal: Change of use from offices to form residential flat including installation of replacement windows and doors; installation of roof lights and formation of patio doors from window opening with associated works

Case Officer: Dineke Brasier

Customer Details

Name: Mr Ewan Laird

Address: 10 Chattan Place Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: I can confirm that I support the planning application and am in favour of it being approved.

The proposed site plan refers to the existing air conditioning unit being removed/relocated in the future, subject to the agreement of the future occupants of the office. Over recent years the air conditioning unit at the office premises has caused disturbance to the residential amenity of the property at 10 Chattan Place. This is as a result of noise from the unit operating persistently at night. I would therefore prefer that the location of the air conditioning unit be decided now to ensure that the residential amenity of the neighbouring properties is protected.

It is assumed that planning permission will be required for the future relocation of the air conditioning unit. Alternatively, I would support the use of a planning condition, which requires the submission of details of the future location of the air conditioning unit to be agreed. It is hoped that this would allow the Environmental Health Service to confirm that it was appropriately located to avoid future noise nuisance arising.

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Application 221357/DPP

Aberdeen Local Development Plan (ALDP) 2017

- Policy D1 (Quality Placemaking by Design)
- Policy D4 (Historic Environment)
- Policy T2 (Managing the Transport Impact of Development)
- Policy T3 (Sustainable and Active Travel)
- Policy R6 (Waste Management Requirements for New Development)
- Policy NC6 (Town, District, Neighbourhood & Commercial Centres)

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

Proposed Aberdeen Local Development Plan (2020) / Aberdeen Local Development Plan 2022

- Policy D1 – (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D6 (Historic Environment)
- Policy D8 (Windows and Doors)
- Policy R5 (Waste Management Requirements in New Developments)
- Policy VC8 (Town, District, Neighbourhood and Commercial Centres)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

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

Supplementary Guidance

Repair and Replacement of Windows and Doors

Transport and Accessibility

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

Other Material Considerations

National Planning Framework 4

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](#)

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100606617-003

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

Applicant or Agent Details

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

≤ Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="McGregor Garrow Architecture"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Ron"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="McGregor"/>	Building Number:	<input type="text" value="12"/>
Telephone Number: *	<input type="text" value="07740 193453"/>	Address 1 (Street): *	<input type="text" value="Laverock Road"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Newburgh"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Ellon"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="AB41 6FN"/>
Email Address: *	<input type="text" value="info@mcgregorgarrow.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"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Abercrombie Court"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="5"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Prospect Road"/>
Company/Organisation	<input type="text" value="Cito Cimo Commercial Ltd"/>	Address 2:	<input type="text" value="Arnhall Business Park"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Westhill"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="AB32 6FE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="WALLACE WHITTLE LTD"/>
Address 2:	<input type="text" value="166 GREAT WESTERN ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB10 6QE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805223"/>	Easting	<input type="text" value="392842"/>
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Description of Proposal

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

Change of Use from Office to Residential

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.

A separate document has been provided in the 'Supporting Documents' section.

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

Yes No

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

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

'C058_Notice of Review - Supporting Document'

Application Details

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

221357/DPP

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

11/11/2022

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

07/02/2023

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

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

The applicant would need to provide access to the building in order to see the site - that could be arranged.

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Ron McGregor

Declaration Date: 26/04/2023

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Our Ref: RMcG/C058/Planning
Date: 26 April 2023



Aberdeen City Council
Development Management
Strategic Place Planning
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

12 Laverock Road
Newburgh
AB41 6FN

07740 193453
ron@mcgregorgarrow.co.uk

NOTICE OF REVIEW – SUPPORTING DOCUMENT

Application Ref No.: 221357/DPP

Applicant: Cito Cimo Commercial Ltd.

Proposal: Change of use from offices to form residential flat including installation of replacement windows and doors; installation of roof lights and formation of patio doors from window opening with associated works

Address: 166 Great Western Road, Aberdeen, AB10 6QE

INTRODUCTION

The applicant, Cito Cimo Commercial Ltd., has requested a review of the decision to refuse planning permission for the above application. They had been encouraged and excited by the response received following the pre-application enquiry, and they were confident that full planning permission would be approved. The only issues highlighted in the response that required additional information at the application stage were bin and cycle storage. The conclusion being that:

“the proposed flat could deliver an acceptable level of residential amenity, and it is therefore likely that such a change of use could thus be supported.” (Pre-Application Response, Page 3)

It is understood that the level of amenity was the main factor in the refusal, despite there being no material change to the proposals between the enquiry and the full application. The aspects described as reasons for the refusal were previously acknowledged in the pre-application response, so they were already known, and Development Management did not raise any concerns at the time.

It is also understood that the decision was not straightforward, in that there was cause for discussions between Planners. Therefore, it seems clear that there is a case for a review.

DECISION NOTICE / POLICIES

The reasons for the refusal of planning permission are described in the Decision Notice. Those reasons have been broken down into sections below, along with comments on them.

The first part is:

“The proposed change of use of the existing single storey rear office extension to a residential flat is considered not to provide an acceptable level of residential amenity due to its single-aspect nature resulting in a limited outlook from the building, and limited levels of direct sunlight receipt into the dwelling.” (Decision Notice, Page 2)

Single-Aspect

The pre-application response states:

“In this case, the application site was previously used as offices and, as it is located to the rear of the building, does not have a public or active frontage onto the street.”
(Pre-Application Response, Page 2)

From the above comments, the single-aspect nature of the proposal was known during the pre-application stage. Therefore, because it was already clear, it is difficult to accept that the same point was then used as a reason to refuse planning permission. Nothing had changed.

The pre-application response went on to state:

“It would therefore not have any windows facing out onto the street. However, there would be large full height windows in the rear (north) elevation serving two bedrooms and an open plan living/dining/kitchen area. In addition, from the location plan it would appear that there would be access to a private rear garden. A number of rooflights are also proposed.”
(Pre-Application Response, Page 2)

Again, the proposal was clear at the pre-application stage, as the advice acknowledged that there would not be windows facing onto the street, and that there would be large full-height windows to the rear.

Limited Outlook from the Building

With regards to comments in the Decision Notice on limited outlook from the building – the private outdoor space to the rear of the building has a large area of 164m². The large full-height windows and French doors to the rear of the proposed flat would provide a direct outlook and access to the outdoor space. It is considered that this would be a positive and desirable aspect, and one that many other residential flats do not benefit from. Landscaping would also improve the quality of the outdoor space and would provide an outdoor seating area.

Air-Conditioning Units

Also, with regards to the private outdoor space, there are currently air-conditioning units used by the office accommodation. During the Neighbour Consultation period of the planning application, a neighbouring resident commented to request that the air-conditioning units be moved due to noise disturbance at night. If the proposal was granted planning permission, the units would be removed, which would remove the disturbance.

Direct Sunlight

Whilst direct sunlight may be limited at certain times of the year, there would be sufficient levels of daylight provided by the large full-height windows, French doors and several rooflights. It could be accepted by the applicant that the tree in the outdoor space may require trimming and regular maintenance, as part of landscaping works, to ensure daylight levels are not adversely affected.

Site Context / Access

The Decision Notice also states:

“It is considered that the proposed conversion would not respond well to the site context due to its position to the rear of the main building and public street, resulting in a property that would not have a public face to the street and would be accessed through a narrow lane to the side of the existing building.” (Decision Notice, Page 2)

Again, the position to the rear of the main building and public street was clear at the pre-application stage and was accepted in the pre-application response. The proposed access via the lane/path at the side of the existing building is already used as the access route for residential flat No. 168. Therefore, in the proposals, it would be shared with that flat. If planning permission is not granted on the basis of the proposals, it is likely that the existing office accommodation to the rear would be accessed via the existing door from the lane. It would be less desirable and private for No. 168 to share the lane with an office rather than a residential flat due to a clash of different uses.

Improved security lighting would be provided to the lane as part of the development, and CCTV could also be provided for increased security. New paving would also be laid to improve accessibility and attractiveness.

The Decision Notice goes on to state:

“This would be contrary to the established pattern of development, which consists of buildings fronting onto Great Western Road and neighbouring roads with a private face to the rear.”
(Decision Notice, Page 2)

Whilst it is accepted that there is an established pattern of properties fronting onto Great Western Road, and neighbouring roads, there are nearby examples of properties that do not front onto a street (1 and 2 Claremont Mews). However, again, it was clear at the pre-application stage that the property would not front onto a street, and it was considered that it could deliver an acceptable level of residential amenity.

Policy D1 – Six Qualities of Successful Placemaking

The Decision Notice states:

“As such, the proposal is considered not to sufficiently address the six qualities of successful placemaking, or the six qualities of successful places.” (Decision Notice, Page 2)

The following relevant policies stated in the Decision Notice have been considered in detail:

Policy D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan

Policy D1 (Quality Placemaking) of the 2020 Proposed Aberdeen Local Development Plan

The six qualities are listed below, along with points that are relevant to what the proposals would provide:

1) Distinctive

- Given that the proposal is for the conversion of an existing building, there is limited scope to design in line with the points listed in the policy guidance under ‘Distinctive’.

2) Welcoming

- Signage would be added to, or around, the access gate to make the entrance obvious.
- New lighting would improve the appearance of the lane.
- New paving would improve the appearance of the lane.

3) Safe and Pleasant

- Existing air-conditioning units would be removed from the rear of the property. That would remove the noise disturbance for neighbouring properties.
- New automatic safety lighting in the lane would improve safety.
- CCTV could be installed in the lane to further improve safety.
- The lane would be for the private use of the new flat and No. 168. Nobody would enter the lane to access office accommodation.

4) Easy to get to / move around

- There are nearby bus stops on both sides of the road, as well as walking and cycling routes.
- A large existing hardstanding to the front of the building would distance pedestrians accessing the property from the road.
- A toucan crossing is directly adjacent to the hardstanding.
- A bench could be added to the hardstanding if required for pedestrians.
- The proposals include cycle storage in the hallway of the property, there is also a private shed in the outdoor space to the rear.

5) Adaptable

- The existing building currently has an open-plan layout. With new non-loadbearing internal partitions, the layout could be adapted easily in the future for a range of uses.

6) Resource Efficient

- The proposal reuses an existing building.
- The close proximity to bus stops and cycle routes promotes journeys by sustainable transport.
- The existing flat roof would be re-laid, and it could also be adapted into a green roof.
- The walls and roof of the building would be insulated to a higher standard than existing.
- Bins would be stored in the lane next to the bins for No. 168 without causing any obstruction.

Policy D2 – Amenity

Another policy stated in the Decision Notice was Policy D2 (Amenity) of the 2020 Proposed Aberdeen Local Development Plan. The list of principles has been considered, and points relevant to what the proposals would provide are:

- Landscaping to the rear outdoor space would provide pleasant views from the rear windows/doors of the proposed residential flat.
- Sunlight/Daylight would be optimised via full-height windows, French doors, and rooflights.
- Whilst no natural surveillance would be possible to the front of the building, CCTV could provide alternative surveillance at the front of the building and in the lane.
- Bins would be stored in the private lane next to the bins for No. 168.
- External lighting would be improved in the lane, and light spillage into adjoining areas and the sky would be minimized.
- Occupiers would be afforded adequate levels of privacy. The private outdoor space would not be overlooked, nor would the windows and doors to the rear.
- At 94m², the internal floor space would be generous for a two-bedroom residential flat.
- At 164m², the enclosed private outdoor space would be generous for a two-bedroom residential flat, and would provide a sense of safety.
- A landscaping and maintenance policy would ensure that the tree would not overly impact the flat due to shading.

Policy 14 – Design, Quality and Place

The final policy stated in the Decision Notice was Policy 14 (Design, Quality and Place) of the draft NPF4. The list of principles is similar to those stated in Policy D2 – therefore, the above points also cover Policy 14.

CONCLUSION

It is confusing and frustrating for the applicant that the pre-application response was so positive towards a potential full application but, despite no material changes, it was ultimately refused. As stated, the aspects raised as reasons for the refusal were points that were known at the pre-application stage, but they were not raised as issues at the time.

The points made in this document provide positive support for the proposals, and it is hoped that a review will result in planning permission being granted – even if some of the points could result in conditions being added. It is the applicant's aim to provide the most attractive residential accommodation possible. Therefore, they are happy to do whatever is necessary to ensure that the proposals are considered acceptable.

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	56 Hilton Place, Aberdeen, AB24 4QY
Application Description:	Formation of dormer to rear
Application Ref:	221331/DPP
Application Type:	Detailed Planning Permission
Application Date:	4 November 2022
Applicant:	Mr K Brownlie
Ward:	Hilton/Woodside/Stockethill
Community Council:	Rosehill And Stockethill
Case Officer:	Roy Brown

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a first floor residential flat within a two-storey granite-built terraced building of two flats in a residential area. The dwelling has a southwest facing principal elevation that fronts Hilton Place; adjoins 58-60 Hilton Place to the northwest and 52-54 Hilton Place to the southeast. The rear curtilage of the property bounds Hilton Lane to the northeast (rear).

The rear roofslope of the property has not been extended and excluding the dwellings of a different building type in the terrace to the southeast of the site, the vast majority of the rear roofslopes along the terrace have also not been extended, except for three existing substantial dormers, one of which is located on 58-60 Hilton Place to the northwest.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the erection of a horizontally proportioned dormer roof extension on the rear of the dwelling. The dormer would rise a total of c.2.2m above the roof and would be c.5.9m in width. It would be set c.500mm to the southeast of the northwest tabling; set c.400mm in from the southeast tabling; c.70mm below the roof ridge; and it would be set c.590mm back from

the wallhead. It would have a c.560mm high apron, white uPVC framed windows and its solid walls would be finished in slate.

Amendments

The application has been revised since submission in that the window design has been altered to have vertical glazing bars.

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=RKU1XVBZL4O00>

Supporting Statement (Prepared by Cooper & MacGregor Ltd)

Appraisal of the development against various aspects of policies of the Aberdeen Local Development Plan, the Supplementary Guidance and National Planning Framework 4.

Design Statement (Prepared by Cooper & MacGregor Ltd)

Overview of the proposal, compares the development with the adjacent dormer and notes building standards constraints.

CONSULTATIONS

Rosehill and Stockethill Community Council – No response received.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 14 (Design, Quality and Place)

- Policy 16 (Quality Homes)

Aberdeen Local Development Plan 2017 (ALDP)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. The ALDP is beyond this five-year period.

The following policies are relevant –

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

Proposed Aberdeen Local Development Plan 2020

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policies are relevant –

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

Supplementary Guidance

- The Householder Development Guide

EVALUATION

Principle of Development

The application site is located in a residential area, under Policy H1 of the ALDP, and the proposal relates to householder development. Householder development would accord with this policy in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area, does not result in the loss of valued open space, and it complies with the Supplementary Guidance, in this case the Householder Development Guide.

As this proposal would concern development that would be located in the existing private residential curtilage of the application site, it would not result in the loss of publicly valued open space. The other issues are assessed in the below evaluation.

Design and Scale

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy 14 of NPF4 and Policy D1 of the ALDP. Policy 14 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations

and regardless of scale. Policy D1 of the ALDP recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

The general principles for dormer design set out in the Supplementary Guidance: The Householder Development Guide state that new dormers or roof extensions should respect the scale of the building and they should not dominate, overwhelm or unbalance the original roof.

By way of its scale, width, height and proportion of solid walls, the proposed dormer would conflict with this as it would dominate and overwhelm the roofslope, resulting in the loss of the historic pitched slate roof form, to the detriment of the architectural integrity of the original building and the overall terrace. It would cover more than c.70% of the area of the roofslope on both the floor plan and the rear elevation.

In conflict with the Householder Development Guide, which requires flat roofs on box dormers to be a 'reasonable distance' below roof ridges, the dormer would be set just c.70mm below the roof ridge of the building. Whilst this would ensure that the dormer would not interfere with the principal elevation, in the wider context of the significant scale of the dormer and its projection beyond the roofslope, the dormer would nevertheless broadly have the appearance, particularly from publicly visible areas, of being built directly off the ridge and it not being a 'reasonable distance' below the ridge. By way of its significant width and height, the dormer would dominate and overwhelm the original roof, to the detriment of the architectural integrity of the original building and the overall terrace.

In terms of its design, whilst windows would be located at both ends of the dormer, the proportion of glazing on the rear elevation would be insufficient. The Householder Development Guide allows for 'small aprons below a rear window' on traditional properties, however, in this instance the significant c.560mm high apron would serve to increase the overall massing of the dormer on the roofslope.

In considering the impact of the proposal on the visual amenity and character of the streetscape, the Householder Development Guide states:

'The guidelines for older properties may be relaxed where a property is situated between two properties which have existing box dormer extensions, or in a street where many such extensions have already been constructed. They may also be relaxed on the non-public (rear) side of a property.'

Whilst it is recognised that the proposed dormer would be constructed adjacent to the large dormer on 58-60 Hilton Place, that dormer is one of just three dormers across the thirteen main rear roof planes of this terrace and therefore the vast majority of the rear elevation of this terrace as a whole retains its original unaltered roofslope.

The development would be visible from the publicly accessible Hilton Lane directly to the northeast and east and from Clifton Place to the north. Due to its excessive scale and massing, the proposal would therefore be to the detrimental to the character and visual amenity of the surrounding area.

It is acknowledged that there are aspects of the dormer that would comply with the Householder Development Guide in that the dormer hafts would be more than 400mm in from the inside face of the tabling, it would be more than 400mm back from the front edge of the roof and its windows would be located at both ends. Nevertheless, the dormer would fundamentally be of such a scale that it would dominate the roofslope, to the detriment of the architectural integrity of the original building and the character and visual amenity of the surrounding area, in conflict with Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4; Policies D1 (Quality Placemaking by

Design) and H1 (Residential Areas) of the ALDP; and the Supplementary Guidance: The Householder Development Guide.

Precedent

The Householder Development Guide states that no existing dormers which were approved prior to the introduction of that supplementary guidance will be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with that guidance.

As set out above, there are very few dormers on the rear elevation of this terrace and there are no records of any dormers having been granted planning permission on this rear terrace under current policies and guidance. The three existing unsympathetic examples therefore do not justify this proposal, which would be in such clear conflict with the Householder Development Guide and have a such a detrimental impact on the architectural integrity of the original dwelling.

Notwithstanding every planning application is assessed on its own merits, given these reasons, it is likely that the grant of planning permission for this dormer could set an unwelcome precedent for similarly scaled dormers on this terrace, which would be to the significant detriment of the character and visual amenity of the surrounding area, in conflict with Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4; Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the ALDP; and the Supplementary Guidance: The Householder Development Guide.

Residential Amenity

The proposal would have a negligible impact on the existing levels of residential amenity afforded to the neighbouring residential properties given that its glazing would face over the curtilage of the site as with the existing windows on the rear elevation and the dormer would not impact the level of sunlight and background daylight afforded to the neighbouring residential dwellings. The proposal would therefore partially accord with Policy 16 (Quality Homes) of NPF4; Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the ALDP; and the Supplementary Guidance: The Householder Development Guide specifically with respect to residential amenity.

Climate Change

Given the minor scale and nature of this development as an extension to an existing dwellinghouse, the proposal would have no significant impact on, or be at significant risk from climate change. No significant natural features or species would be affected by this proposal. Commensurate with the scale of the development proposed, and notwithstanding the adverse impact this proposal would have on the surrounding area in terms of its impact on its character and visual amenity, the proposal would however accord with the aims of Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4.

Proposed Aberdeen Local Development Plan

The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

Other Considerations Raised in the Supporting Statement

It is implied in the Supporting Statement that Hilton Lane is for private access, that it is private property and that views from private property are not a material planning consideration. It must be highlighted that whilst this road is unadopted, it is nevertheless part of a lane that is c.480m long

and connects to several streets in the area. For clarity, this is a publicly accessible space and the visual impact that this development would have on the streetscape from the lane is a material planning consideration.

It is raised in the supporting statement that a reduction in the scale of the dormer would not be feasible as it would not comply with building regulations. It must be highlighted that this is not itself a material planning consideration that would justify a dormer of the proposed scale and design, which would have an adverse impact on the architectural integrity of the original building, the terrace and the character and visual amenity of the surrounding area, in conflict with the aims of Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4; Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the ALDP; and the Supplementary Guidance: The Householder Development Guide.

DECISION

Refuse

REASON FOR DECISION

In direct conflict with the Supplementary Guidance: The Householder Development Guide, the proposed dormer would be of scale, massing and design, whereby it would dominate and overwhelm the original roof. Relative to its overall size and projection, it would not be located a reasonable distance below the roof ridge, it would have an excessively large apron and it would have an insufficient proportion of glazing. The proposal would therefore result in the loss of the original slated roof form of the rear roofslope to the detriment of the architectural integrity of the original building, the terrace and the character and visual amenity of the surrounding area.

Notwithstanding every planning application is assessed on its own merits, given these reasons, it is likely that the grant of planning permission for this dormer could set an unwelcome precedent for similarly scaled dormers on this terrace, which would be to the significant detriment of the character and visual amenity of the surrounding area.

The proposal would therefore conflict with the aims of Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of National Planning Framework 4; Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017; the Supplementary Guidance: The Householder Development Guide; and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Proposed Aberdeen Local Development Plan 2020.



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 100605840-001

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)

New Dormer to rear & rooflights to front

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

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	K	Building Number:	56
Last Name: *	Brownlie	Address 1 (Street): *	Hilton Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB24 4QY
Fax Number:			
Email Address: *	mail@coopmac.scot		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

56 HILTON PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB24 4QY

Please identify/describe the location of the site or sites

Northing

808229

Easting

392697

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: Angela Cooper

On behalf of: Mr K Brownlie

Date: 04/11/2022

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

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

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

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

Declare – For Householder Application

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

Declaration Name: Mrs Angela Cooper

Declaration Date: 04/11/2022

Payment Details

Online payment: ABSP00008927
Payment date: 04/11/2022 16:12:00

Created: 04/11/2022 16:12

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

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

on behalf of **Mr K Brownlie**

With reference to your application validly received on 4 November 2022 for the following development:-

**Formation of dormer to rear
at 56 Hilton Place, Aberdeen**

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

<u>Drawing Number</u>	<u>Drawing Type</u>
148-201 B	Location Plan, Elevations and Floor Plans (Proposed)

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

The application has been revised since submission in that the window design has been altered to have vertical glazing bars.

REASON FOR DECISION

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

In direct conflict with the Supplementary Guidance: The Householder Development Guide, the proposed dormer would be of scale, massing and design, whereby it

would dominate and overwhelm the original roof. Relative to its overall size and projection, it would not be located a reasonable distance below the roof ridge, it would have an excessively large apron and it would have an insufficient proportion of glazing. The proposal would therefore result in the loss of the original slated roof form of the rear roofslope to the detriment of the architectural integrity of the original building, the terrace and the character and visual amenity of the surrounding area.

Notwithstanding every planning application is assessed on its own merits, given these reasons, it is likely that the grant of planning permission for this dormer could set an unwelcome precedent for similarly scaled dormers on this terrace, which would be to the significant detriment of the character and visual amenity of the surrounding area.

The proposal would therefore conflict with the aims of Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of National Planning Framework 4; Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017; the Supplementary Guidance: The Householder Development Guide; and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Proposed Aberdeen Local Development Plan 2020.

Date of Signing 17 March 2023



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

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

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

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

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

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Application 221331/DPP

Aberdeen Local Development Plan (ALDP) 2017

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

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

Proposed Aberdeen Local Development Plan (2020) / Aberdeen Local Development Plan 2022

- H1 – Residential Areas
- D1 – Quality Placemaking

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

Supplementary Guidance

Householder Development Guide

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

Other Material Considerations

National Planning Framework 4

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](#)

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

Thank you for completing this application form:

ONLINE REFERENCE 100605840-003

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="K"/>	Building Number:	<input type="text" value="56"/>
Last Name: *	<input type="text" value="Brownlie"/>	Address 1 (Street): *	<input type="text" value="Hilton Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB24 4QY"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="mail@coopmac.scot"/>		

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="56 HILTON PLACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB24 4QY"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="808229"/>	Easting	<input type="text" value="392697"/>
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Description of Proposal

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

Formation of Dormer to rear

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

See documents

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)

Local Review Report Drawing 148 - 201 Design Statement Response to Planner

Application Details

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

221331/DDP

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

04/11/2022

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

17/03/2023

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

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

Site can be viewed from private road

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mrs Angela Cooper

Declaration Date: 22/04/2023

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Cooper & MacGregor Ltd
Chartered Architect

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mail@coopmac.scot
www.coopmac.scot

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Registered in Scotland, Company No: SC562315. Directors Angela Cooper & Robert MacGregor

Local Review Application



56 Hilton Place
Aberdeen
AB24 4QY

Reasons for Review

A local review application has been lodged to request that the rear facing dormer be approved to allow the applicants to install a replacement staircase to the current building regulations and improve the fire safety of the current property.

At the current moment the stair case is open to the kitchen and does not conform to the current building regulations.

Other rear dormers are present on neighboring properties and one of these is directly next door.

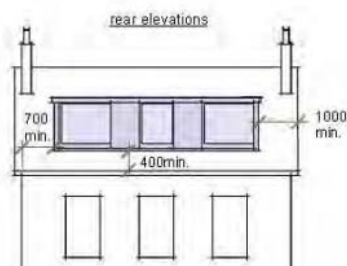
Extract from the Householder Development Guide (HDG).

Rear Elevations and Exceptions

The guidelines for older properties may be relaxed where a property is situated between two properties which have existing box dormer extensions, or in a street where many such extensions have already been constructed. They may also be relaxed on the non-public (rear) side of a property.

In such cases, and notwithstanding the design and finish of neighbouring development, the following minimum requirements will apply:

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



The application complies with the HDG with regards to the following:

"The aggregate of all dormer should not dominate the original roof slope".

The existing dormers visible from the private access lane are built off the wall head, contain larger proportions of solid areas, built closer to the tabling/ shared boundaries and are either in line with the ridge or higher. The neighbouring dormer is actually built higher than the ridge.

The proposed dormer in this application is reduced in size compared to the other dormers, follows the recommendations of the HDG and is subservient to the neighbours dormer. Based on this reduced size and impact compared to the other existing dormers visible from the non-public (rear) side of the property, it is deemed that the proposed dormer does not dominate the original roof slope.

"Dormer soffits should be a minimum of 400 mm in from the inside face of the gable tabling".

The proposed dormer in this application measures 550 mm and 450 mm to the tabling so exceeds the minimum distance, therefore complying with the HDG.

"Flat roofs on a dormer should be a reasonable distance below the ridge".

In this case the flat roof on the proposed dormer is 72 mm below the ridge, this is the maximum distance possible on this roof otherwise the internal ceiling height would be less than 2 m and would not comply with the building regulations above a stair.

A 70 mm distance has been accepted on other Aberdeen City Planning approved applications with limited roof height so it should be acceptable on this application.

If the dormer was set lower the building regulations would not be met in terms of head height, insulation levels and structural sizes.

The distance between the flat roof and the ridge was not raised as an issue by the planner during the application.

"windows should be located on both ends of box dormers"

Windows are located at both ends of the proposed box dormer therefore complies with the HDG.

" a small apron may be permitted below a window"

The proposed dormer features a small apron below the window.

It should be noted that immediately under the actual window frame, a lead trim/flashing would be positioned before the apron starts. The elevations prepared for the planning application are at a scale of 1:100, details such as the lead trim/flashing cannot be shown at this scale.

The apron under the flashing will be less than 3 slates in height. This is evident as the cill on the window next door is higher but an apron height of 3 slates can clearly be seen. The cill height in this proposed dormer application is lower so the apron will be smaller, again subservient in scale to the existing. The HDG does not specify the size of a small apron.

" solid panels between windows in box dormers may be permitted but should not dominate the dormer elevation"

The proposed windows are symmetrical, the window to the stair and hall area fully fills the wall, it would not be possible to increase the width of the window above the stairs. It also does not look aesthetically pleasing to have different sized windows. A small solid panel is proposed. This is acceptable on other Aberdeen City Planning Approved applications therefore it should be acceptable here.

Areas of the windows and solid panel were provided to the planner and the area of window increased to 6.6 m². The area of glazing is larger than the area of solid. This has been accepted on other dormer applications therefore should be acceptable here.

The HDG notes that the guidelines for dormers on older properties may be relaxed where a property is situated between two properties which have existing box dormers or in a street where many such extensions have already been constructed and where on the non-public (rear) side of a property.

The planner states in his report of handling that his interpretation of the guidelines are that the vast majority of rear elevations on this street as a whole retain the original unaltered roof slope. No part of the guidance states this, the guidance is clear that it may be relaxed in certain situations. In this instance a dormer is positioned to the direct neighbour and many are already constructed. The guidance does not specify `the vast majority` so this interpretation is incorrect and not based on the guidance or current planning policy.

Errors in the Delegated Report

The planner describes the private access at the rear of the property as `Hilton Lane` this is incorrect, neither the Ordnance Survey map or title deeds identify the private access as Hilton Lane.



Extract from OS map, showing the unidentified private lane to the rear of Hilton Place.

We also carried out a search online, Hilton Lane is not a recognised street or road in Aberdeen.

The planner describes the dormer as `horizontally proportioned`, this is incorrect. Horizontally proportioned would imply that the dormer features are in equal proportion on the horizontal axis.

The proposed dormer features windows at a height of 1340 mm and apron of 560 mm. The 560 mm measurement for the apron would also feature trims beneath the window and a lead trim at the join with the sloped roof. 1340 mm and 560 mm are not in a horizontal proportion.

The planner states "the dormer would rise c 2.2m above the roof" this is incorrect, the dormer is set below the ridge line of the roof, it therefore cannot rise above the roof.

The planner states the dormer would be set 500 mm and 400 mm from the tabling. Again, this is incorrect, the dormer is set 700 mm from the boundary line as per the Householder Guidance document (HG), this provides a distance of 550 mm and 450 mm to the tabling. The HG states that new dormers should be a minimum of 400 mm to the inside face of tabling.

The planner states that the only revision in the application was the addition of vertical bars in the windows, this is incorrect. The windows were increased in height at the request of the planner.



Existing example in the street, viewed from private road.



Existing example in the street, viewed from private road.



Existing example in the street, viewed from private road.

Key Design Considerations.

The dormer has been designed to allow the new staircase to be fitted underneath as detailed in our design statement.

If the dormer face is pushed back into the property more than proposed, the stairs cannot be constructed.

The access stair must be positioned & accessed from the hall as shown.

The stairs must be constructed as shown, other designs have been considered but these do not comply with the current building regulations, would remove access to first floor rooms and remove useable space on the first floor, rendering either the kitchen or bedroom unusable.

Setting the dormer 900 mm back as the planner suggested would result in the staircase not complying with the building regulations. It was suggested that by the planner that the internal walls of the dwelling could be re arranged.

It was highlighted that the stairs could only be positioned in the way shown, moving the stairs would remove the usability of a room.

Complete internal re modelling as suggested by the planner, would not be cost effective nor would it be a sustainable practice (it creates unnecessary waste & far greater quantity of new construction materials).

The planner was asked to clarify what guidance 900 mm was taken from, but this was not provided.

Egress from a bedroom cannot be via a kitchen. The current staircase exits via the kitchen. The proposals are to improve fire safety in the property and bring the property up to current fire escape standards.

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	Flat A, 13 Powis Crescent, Aberdeen, AB24 3YS
Application Description:	Erection of fence and gate to front (retrospective)
Application Ref:	221096/DPP
Application Type:	Detailed Planning Permission
Application Date:	7 September 2022
Applicant:	Ms Ruma Begum
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Froghall, Powis and Sunnybank
Case Officer:	Jane Forbes

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a ground floor flatted property within a traditional 2 storey granite block of 4 flats where the front and side curtilage is grass with mature shrubs and trees and shared between the application property and neighbouring Flat C. The remaining shared curtilage of the block of flats is enclosed along the length of its boundary by 1m high metal fencing.

Timber fencing rising to a height of between 0.6m and 1.9m and incorporating 2 x 1.9m high gates has been erected along the front and side boundaries of the application site, fully enclosing the garden ground shared with Flat C. The fencing has been erected without planning permission and is therefore unauthorised in terms of the Town and Country Planning (Scotland) Act 1997, as amended.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought retrospectively for the erection of timber fencing along the front and side boundary of the application site.

The 1.9m high fencing and associated gates fully enclose the front garden area along the eastern boundary which fronts onto Powis Crescent and along the southern boundary which extends the

length of the shared path serving the main entrance to the property. Along the northern boundary of the site the fencing has been fixed to an existing boundary wall resulting in a combined height of between 1.9 to 2.25m as it extends east to west with the exception of a 1.8m long section where it drops to a height of some 0.8m then links with the 1.9m high fencing which has been erected along the front of the site. A rise in ground level from south to north between the application site and the neighbouring garden ground to the north is such that the metal fencing which delineates the southern boundary of the neighbouring site rises some 0.5 to 1m above the top of the boundary wall which relates to the northern boundary of the application site.

Amendments

None.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RHQMSUBZJDW00>

CONSULTATIONS

Froghall, Powis and Sunnybank Community Council – No response received.

REPRESENTATIONS

Two objections have been received. The matters raised can be summarised as follows –

- The development is not consistent with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017; and the Supplementary Guidance: The Householder Development Guide due to the height and visual impact of the fence.
- The fence is unsafe as close to a corner of a road and blocks view to oncoming traffic and pedestrians.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

National Planning Framework 4

National Planning Framework 4 (NPF4) was given final Parliamentary approval on 11th January 2023 and is anticipated to be adopted in February 2023. The weight to be given to NPF4 prior to its adoption is a matter for the decision maker. Although NPF4 has not yet been formally adopted it has now been approved by Parliament and is, therefore, now considered to be a significant material consideration in the assessment of planning applications. The relevant provisions of NPF4 that require consideration in terms of this application are Policy 16 (Quality Homes).

Development Plan

Aberdeen City and Shire Strategic Development Plan 2020

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

Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

D1: Quality Placemaking by Design
H1: Residential Areas

Supplementary Guidance and Technical Advice Notes

- Householder Development Guide (SG)

Proposed Aberdeen Local Development Plan (2020)

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration. The following policies are relevant –

D1: Quality Placemaking
D2: Amenity
H1: Residential Areas

EVALUATION

Principle of Development

The application site lies within an area zoned as residential within the Aberdeen Local Development Plan 2017 (ALDP). The proposal must therefore be considered against Policy H1 (Residential Development), which states that within existing residential areas, proposals for new development and householder development will be approved in principle if it:

1. Does not constitute over development;
2. Does not have an unacceptable impact on the character and amenity of the surrounding area;
3. Does not result in the loss of valuable and valued areas of open space; and
4. Complies with Supplementary Guidance.

The fencing has been erected within the residential curtilage of the application site and as such does not impact on open space, nor does it result in any increase in the intensity of use of the site and therefore does not constitute overdevelopment. The remaining issues are discussed in the evaluation below.

Design, Scale and Impact on Amenity

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 (Quality Placemaking by Design) of the ALDP. 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. It states that quality development will be informed by existing features such as existing boundary walls and other types of boundary enclosures.

The Householder Development Guide (SG) states that *'In all instances, the scale and form of boundary enclosures should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact.'* The SG continues by stating that *'Proposals for boundary enclosures will not be permitted where they would result in an unacceptable impact upon the amenity of neighbouring dwellings.'*

A statement has been submitted in support of the application outlining that the fence has been installed with a view to providing the applicants with an area of private and secure garden space. The application site comprising an area of front and side garden ground is jointly owned by the applicant and the owners of one other property within the block of 4 and does not form part of the wider communal garden ground. The statement highlights that prior to the 1.9m high fence being erected, the 1m high metal fence which served to enclose the front garden and the wider area of garden ground surrounding the block of flats did not provide sufficient security and was not suitable in terms of restricting open access to the applicants garden ground. This had resulted in vandalism and damage to their property and in the inability to provide a suitably enclosed and private space for the family to use including for relaxation and for children to play, as well as an external area for home working.

Taking the above into account, whilst it is perhaps accepted that the 1m high metal fence which previously enclosed the entire garden may not have provided a particularly high level of screening or security for the front garden area, it replicated the boundary treatment in place within the surrounding residential area including along the length of Powis Crescent and contributed to the visual amenity of the streetscape.

Whilst the garden layout is such that there may be the potential for a more enclosed area of garden ground to be secured to the rear of the front building line of the property, it is apparent that the fencing as erected, which extends at a height of 1.9m along the full length of the front (public) boundary of the site where it lies immediately adjacent to the public footpath, has a significant adverse visual impact on the existing streetscape and on the residential character of the area. It is considered that the design and scale of the proposed fencing is incongruous and visually intrusive with its residential setting and particularly so within such a prominent location. The proposal has clearly not been designed with due consideration for its context which is generally open front gardens, soft landscaping with tree and shrub planting, low level metal fencing and open areas of green space.

Taking all of the above into account it is considered that the proposal does not accord with the requirements of Policy 16 (Quality Homes) of National Planning Framework 4 and is deemed contrary to the requirements of Policy H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the ALDP as well as the associated Householder Development Guide Supplementary Guidance.

Precedent

Precedent is considered to be a legitimate planning consideration in circumstances where there is the potential for cumulative impacts to arise. In this instance there are no examples of planning permission having been granted in the surrounding area for boundary treatment of a similar height to the front of a property under current policies and guidance. If granted planning permission, this proposal could set an unwelcome precedent for similar boundary treatment to the front of residential curtilages within the surrounding area and cumulatively this would have a significant adverse impact on its character and visual amenity.

Matters Raised in Representations

With regards the matters raised via representations, those matters relating to height and visual impact have been addressed above. Whilst concerns were raised in relation to the impact of the fence on both road and pedestrian safety, a site visit was undertaken by the case officer which established that the fence did not impede on visibility for vehicle/pedestrian travel along Powis Crescent.

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. It is noted that Policy D2 (Amenity) is a new policy, however it is considered that this matter has been suitably addressed above and the proposal is deemed unacceptable in terms of both Plans for the reasons previously given.

DECISION

Refuse

REASON FOR DECISION

The proposed development which is retrospective is considered inappropriate in terms of the material finish, scale and siting of the fence and associated gates in the context of the residential curtilage and the surrounding area. Taking into account the height and location of the fence where it extends forward of the principal elevation of the flatted property and along the length of the site boundary with Powis Crescent, it is considered particularly intrusive within the streetscene, resulting in a significant adverse visual impact on the character and amenity of the residential area. Furthermore, its approval would set an undesirable precedent for similar applications being granted under current policy and guidance which would further erode the visual amenity of the surrounding area.

The proposal does not accord with the requirements of sub-section (g) of Policy 16 (Quality Homes) of National Planning Framework 4. It is deemed to be contrary to the requirements of Policy D1 (Quality Placemaking by Design) and Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 and fails to address the expectations of the Council's Supplementary Guidance on Householder Development. There are no material planning considerations of sufficient weight, including evaluation under the Proposed Aberdeen Local Development Plan 2020, that would warrant approval of the application in this instance.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100597483-001

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)

Proposed erection of fence to frontage of property (Retrospective Application)

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

No Yes - Started Yes – Completed

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

05/08/2022

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

Property owner was unaware that planning application was required for these works

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:	Neil Rothnie Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	ian	Building Name:	
Last Name: *	Hislop	Building Number:	703
Telephone Number: *	01224624724	Address 1 (Street): *	Great Northern Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB24 2DU
Email Address: *	ian@neilrothnie.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Ruma	Building Number:	13A
Last Name: *	Begum	Address 1 (Street): *	Powis Crescent
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB24 3YS
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

13A POWIS CRESCENT

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB24 3YS

Please identify/describe the location of the site or sites

Northing

808151

Easting

393526

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

Are you able to identify and give appropriate notice to ALL the other owners? * Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Ms Roza Gomez

Address:

13C, Powis Crescent, Aberdeen, Scotland, AB24 3YS

Date of Service of Notice: *

05/09/2022

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Ian Hislop

On behalf of: Ms Ruma Begum

Date: 05/09/2022

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

Existing and Proposed elevations.

Existing and proposed floor plans.

Cross sections.

Site layout plan/Block plans (including access).

Roof plan.

Photographs and/or photomontages.

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

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

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

Declare – For Householder Application

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

Declaration Name: Mr Ian Hislop

Declaration Date: 05/09/2022

Payment Details

Pay Direct

Created: 05/09/2022 13:56

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Neil Rothnie Architecture
703 Great Northern Road
Aberdeen
AB24 2DU

on behalf of **Ms Ruma Begum**

With reference to your application validly received on 7 September 2022 for the following development:-

**Erection of fence and gate to front (retrospective)
at Flat A, 13 Powis Crescent**

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

<u>Drawing Number</u>	<u>Drawing Type</u>
3585 - 01	Location Plan
3585 - 02	Proposed Elevations & Site Layout Plan

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

None.

REASON FOR DECISION

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

The proposed development which is retrospective is considered inappropriate in terms of the material finish, scale and siting of the fence and associated gates in the

context of the residential curtilage and the surrounding area. Taking into account the height and location of the fence where it extends forward of the principal elevation of the flatted property and along the length of the site boundary with Powis Crescent, it is considered particularly intrusive within the streetscene, resulting in a significant adverse visual impact on the character and amenity of the residential area. Furthermore, its approval would set an undesirable precedent for similar applications being granted under current policy and guidance which would further erode the visual amenity of the surrounding area.

The proposal does not accord with the requirements of sub-section (g) of Policy 16 (Quality Homes) of National Planning Framework 4. It is deemed to be contrary to the requirements of Policy D1 (Quality Placemaking by Design) and Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 and fails to address the expectations of the Council's Supplementary Guidance on Householder Development. There are no material planning considerations of sufficient weight, including evaluation under the Proposed Aberdeen Local Development Plan 2020, that would warrant approval of the application in this instance.

Date of Signing 24 January 2023

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

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

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

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

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

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

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Comments for Planning Application 221096/DPP

Application Summary

Application Number: 221096/DPP

Address: Flat A 13 Powis Crescent Aberdeen AB24 3YS

Proposal: Erection of fence and gate to front (retrospective)

Case Officer: Jane Forbes

Customer Details

Name: Dr Bill Harrison

Address: 16 Summer Place Dyce Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application. Reason: the proposed 1.9-metre fence to the front of the property is not consistent with policies H1 (residential areas) (including supplementary guidance re householder development) and D1 (quality placemaking by design) of the Aberdeen Local Development Plan (2017) due to the height and visual impact of the fence.

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Comments for Planning Application 221096/DPP

Application Summary

Application Number: 221096/DPP

Address: Flat A 13 Powis Crescent Aberdeen AB24 3YS

Proposal: Erection of fence and gate to front (retrospective)

Case Officer: Jane Forbes

Customer Details

Name: Mr David Massie

Address: Bedford Avenue 36 Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: It's unsafe as close to a corner of a road and blocks view to oncoming traffic and pedestrians

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Application 221096/DPP

Aberdeen Local Development Plan (ALDP) 2017

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

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

Proposed Aberdeen Local Development Plan (2020) / Aberdeen Local Development Plan 2022

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

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

Supplementary Guidance

Householder Development Guide

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

Other Material Considerations

National Planning Framework 4

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](#)

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100597483-002

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

Applicant or Agent Details

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

≤ Applicant **T** Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Neil Rothnie Architecture"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="ian"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Hislop"/>	Building Number:	<input type="text" value="703"/>
Telephone Number: *	<input type="text" value="01224624724"/>	Address 1 (Street): *	<input type="text" value="Great Northern Road"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="AB24 2DU"/>
Email Address: *	<input type="text" value="ian@neilrothnie.co.uk"/>		

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

T Individual ≤ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Ruma"/>	Building Number:	<input type="text" value="13A"/>
Last Name: *	<input type="text" value="Begum"/>	Address 1 (Street): *	<input type="text" value="Powis Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB24 3YS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="13A POWIS CRESCENT"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB24 3YS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="808151"/>	Easting	<input type="text" value="393526"/>
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Description of Proposal

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

Proposed erection of fence to frontage of property (Retrospective Application)

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to enclosed Supporting Statement for full reasons for appeal.

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

Yes No

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

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

Existing & Proposed Drawings, Supporting Statement and associated photographs.

Application Details

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

221096/DPP

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

05/09/2022

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

24/01/2023

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Ian Hislop

Declaration Date: 21/03/2023

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Our Ref: 3585

SUPPORTING STATEMENT

NOTICE OF REVIEW IN CONNECTION WITH REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF A 1.9M HIGH WOODEN FENCE (RETROSPECTIVE) AT 13A POWIS CRESCENT, ABERDEEN, AB24 3YS.

This statement should be read in conjunction with our Notice of Review in response to the above Refusal of Planning Permission.

Context

The application site comprises a ground floor flatted property within a traditional 2 storey granite block of flats where the front and side curtilage is grass with mature shrubs and trees and shared between the application property and the neighbouring Flat C. The remaining shared curtilage of the block of flats is enclosed along the length of its boundary by 1m high metal fence.

Beyond the front garden to the east is a pedestrian pavement which bounds Powis Crescent which provides two way vehicular access with parking to one side.

Proposal

A full planning application was lodged retrospectively to gain formal approval for a 1.9m high fence which has been erected along the south, east and north boundaries of the front garden area. The fence includes a pedestrian access gate adjacent to the communal access path. Along the north boundary there is an existing change of ground level and existing retaining wall circa 1.5m high which is to be retained and the new fence extends between 400mm and 800mm above the existing cope level. The fence has been constructed using timber posts with horizontal bracing and vertical unpainted larch boards to the public face.

Justification

The purpose of this fence is to firstly provide a safe private amenity area for occupants of Flat A & Flat C and to allow this area to be used by their family and young child. Further it is to remove the current safety risk of having a low, open fence as the only barrier between the garden and the adjacent road. The communal rear garden area is currently used extensively by the occupants of the remaining flats in the block along with their dogs and as such is rendered unsuitable for use by the family and their young child.

Secondly the boundary enclosure has prevented the previously problematic issue of vandalism, broken windows and unauthorised access to the front garden by members of the public who would frequently bang on the windows. Collectively the above is having a negative impact [REDACTED] and provides vital child care to the applicant's young son. The applicant also on some occasions has to work from home and the problems of vandalism unauthorised access and the associated noise was making this very difficult.

In addition the communal street bins are positioned on the street directly adjacent to the front garden and the previous boundary fence at 1.0m high gave no level of visual protection from this area.

The front garden as existing has mature planting along the boundaries which extends to much higher than the proposed fence and has all been retained, in time this will grow over and soften the upper edge of the fence. There are also properties in the proximity along Bedford Road which have hedges at a greater height than the proposed height of the fence.

The previous boundary fence was only 1m high and of open metal tube construction, this in both height and design simply did not provide the required privacy, security or safety required to ensure the front garden can be used as beneficial amenity space.

Representations

Two letters of objection were received, the matters raised are summarised below;

The development is not consistent with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017 and the Supplementary Guidance due to the height and visual impact of the fence. [See Below](#)

The fence is unsafe as close to a corner of a road and block view to oncoming traffic and pedestrians. [See Below – Stated in Report of Handling that the fence does not impede on visibility for vehicle/pedestrian travel along Powis Crescent.](#)

It should also be noted that Froghall, Powis and Sunnybank Community Council were consulted and did not submit any objection to what is proposed.

Reasons for Refusal

We have listed and responded to the reasons for refusal below;

Policy D1 (Quality Placemaking by Design)

Policy H1 (Residential areas)

'The proposed development is considered inappropriate in terms of materials finish, scale and siting of the fence and associated gate in the context of the residential curtilage and the surrounding area....it is considered particularly intrusive within the streetscene, resulting in a significant adverse visual impact on the character and amenity of the residential area. Furthermore its approval would set an undesirable precedent for similar applications.' - Report of Handling.

We would not consider it to be unusual for a homeowner to want to protect their property from unwanted intruders and vandalism or for the preferred solution to be via the erection of a fence. Furthermore given our clients current situation whereby it is neither safe nor desirable to use the communal rear garden as safe amenity ground, it is also not unreasonable for them to wish to provide a secure, private area to the front of the property.

It's obvious that the previous boundary fence was insufficient in both height and design to fulfil any practical security or privacy requirement.

What has been erected does not constitute over development, does not result in an unacceptable impact upon the amenity of neighbouring dwellings, does not result in the loss of valued areas of open space nor does it impede on visibility for vehicle or pedestrian travel along Powis Crescent.

So the remaining issue is the visual impact on the streetscape, we believe this perceived impact is largely due to the fact that the vertical larch boarding has been left unfinished and appears as a bright tone on the streetscene. Our client has intimated they would be willing to paint the timber boarding a colour (say heritage green) which in our opinion would greatly reduce the visual impact. Our client would also be willing to reduce the height of the fence to 1.5m to further reduce the impact. Anything lower than 1.5m would not provide any reasonable level of privacy or security.

We have enclosed images to demonstrate how the fence would appear if it were to be painted heritage green to allow this option to be considered as part of the Local Review process.

It is also of relevance that the Equality Act 2010 provides legal protection to people from discrimination on the basis of disability and including the thresholds for the duty to allow 'reasonable adjustments' to be made for disabled people. Given that the applicant relies on a member of the family for vital childcare and [REDACTED] which has been exacerbated by the lack of secure, private external amenity space and by instances of vandalism, we would contend this would meet the threshold for a 'reasonable adjustment'.

Conclusion

The reasons we would request be considered while determining this Notice of Review are summarised as follows;

The proposal does not result in an unacceptable impact upon the amenity of neighbouring dwellings

The proposal does not impede on visibility for vehicle / pedestrian travel along Powis Crescent.

The Local Community Council made no representation of objection to the application.

The property previously suffered from vandalism and unauthorised access to the front garden which was collectively having a negative effect on the [REDACTED]

The communal rear garden is used extensively by other flat owners within the block and including by their dogs rendering it unsuitable for use by the applicant's family and small child.

The existing fence was unsuitable in terms of height and design to provide any practical privacy or security benefit to the property.

Our client would be willing to paint the fence any colour found to be acceptable to the Planning Service. (we would suggest Heritage Green)

Our client would be willing to reduce the height of the fence to 1.5m to reduce the impact.

Our client should have the right to protect the privacy and security of their property and the safety of their young child and to have a safe and secure area of beneficial amenity ground sufficient to allow enjoyment of an outdoor space.

Equality Act 2010 allowance for 'reasonable adjustments' to be made for persons suffering from a disability.



As Existing



With Green Painted Finish



As Existing



With Green Painted Finish