

# Public Document Pack



To: Councillor McRae, Chairperson; and Councillors Alphonse, Bouse, Cooke and Radley.

Town House,  
ABERDEEN 9 August 2023

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

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely on **WEDNESDAY, 16 AUGUST 2023 at 10.00 am.**

JENNI LAWSON  
INTERIM CHIEF OFFICER – GOVERNANCE (LEGAL)

Members of the Public can observe the meeting via Microsoft Teams [here](#).

### **BUSINESS**

1.1 Procedure Notice (Pages 5 - 6)

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

Link to the [Local Development Plan](#)

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

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

2.1 18 Laurel Park - Formation of First Floor Extension Over Existing Garage to Side; Erection of Single Storey Extension to Side and Rear - Planning Ref Number 221545

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 221545.

- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 7 - 30)
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 31 - 32)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 33 - 52)
- 2.5 Determination - Reasons for Decision  
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer
- 3.1 Craigbank, 132 North Deeside Road - Formation of Decking to Front (Retrospective) - Planning Ref Number 221543  
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 221543.
- 3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 53 - 74)
- 3.3 Planning Policies Referred to in Documents Submitted (Pages 75 - 76)
- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 77 - 90)
- 3.5 Determination - Reasons for Decision  
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 3.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer
- 4.1 10 Woodhill Place - Erection of 1.5 Storey Extension with Raised Decking and Balustrade to Rear - Planning Ref Number 230143  
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 230143.

- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 91 - 116)
- 4.3 Planning Policies Referred to in Documents Submitted (Pages 117 - 118)
- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 119 - 128)
- 4.5 Determination - Reasons for Decision  
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 4.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

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

Should you require any further information about this agenda, please contact Mark Masson on [mmasson@aberdeencity.gov.uk](mailto:mmasson@aberdeencity.gov.uk) / tel 01224 067556

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

|                                 |   |
|---------------------------------|---|
| <b>Site Address:</b>            | 18 Laurel Park, Aberdeen, AB22 8XW,   |
| <b>Application Description:</b> | Formation of first floor extension over existing garage to side; erection of single storey extension to side and rear |
| <b>Application Ref:</b>         | 221545/DPP  |
| <b>Application Type:</b>        | Detailed Planning Permission  |
| <b>Application Date:</b>        | 23 December 2022  |
| <b>Applicant:</b>               | Mrs Heather Sibbald   |
| <b>Ward:</b>                    | Dyce/Bucksburn/Danestone  |
| <b>Community Council:</b>       | Danestone   |
| <b>Case Officer:</b>            | Roy Brown   |

### DECISION

Refuse

### APPLICATION BACKGROUND

#### **Site Description**

The application site is located on the southern side of Laurel Park and on the eastern side of a cul-de-sac within the same street. It comprises a 2-storey detached dwellinghouse with a single storey integral double garage and its associated front and rear curtilage. It has a single storey flat roof conservatory extension along the northern elevation which extends to the rear of the existing utility room and garage accommodation. A further single storey lean-to glazed extension lies along the southern gable. The property has a west facing principal elevation and faces across an area of open amenity ground and is bound to the north and south by residential properties and their gardens. To the east is a site which accommodates a number of lock-up garages and the rear gardens of a row of cottages that are accessed from Grandholm Drive.

#### **Relevant Planning History**

Planning permission was refused in 2021 (Ref: 210148/DPP) for the erection of a first-floor extension above the existing garage at the northern side of the dwelling and a single-storey extension to the south (side) and east (rear). It was refused because it was deemed to be:

- Be of an unacceptable scale, design and massing that would result in an expanse of development being erected that would appear both oppressive and visually intrusive when viewed from the neighbouring property which lies to the north of the site and its associated garden ground; and

- Taking into account the orientation of the proposed development in relation to the neighbouring site at No 17 Laurel Park, the proposal would also result in a significant and unacceptable degree of overshadowing.

The proposal in the current application is similar to the previous application. The main differences are that the previous upper storey section above the garage projected further along the northern boundary of the site, the single storey sections were greater in height, and there were differences in materials and detailing.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Planning permission is sought for the erection of an upper storey extension above the garage at the northern side of the dwelling and for the erection of a single storey extension to the south side and rear of the dwellinghouse. The proposal would result in the removal of the existing conservatory as well as coniferous hedging to the rear.

The upper storey extension above the garage would extend c.5.1m to align with the north elevation and would be c.7.8m in length, aligning with the principal elevation of the dwelling. It would result in the garage having a two-storey hipped roof of the same 7m high ridge and c.5.8m high eaves as the original dwelling. The roof would be finished in concrete roofing tiles to match the existing roof, the fascias would be finished in white uPVC panels and its walls would be finished in sand coloured cladding panels. It would include light grey uPVC windows on its principal elevation and rear elevations.

The single storey extension to the south side and rear of the dwellinghouse would be flat roofed in form and would be c.3.2m in height. It would project a maximum of c.4.3m to the rear and c.2.9m to the south. Its north elevation would be finished in dark grey brick and the other elevations would be finished in dark grey vertical composite cladding. It would include light grey uPVC French doors and windows across its south and east elevations and a horizontal window on its west elevation.

### **Amendments**

A revised supporting statement has been submitted since submission.

### **Supporting Documents**

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RN6RX6BZMIH00>

Supporting Statement (Revision A) (Prepared by Inspired Design & Development Ltd)

Summarises the site context and pattern of development in the surrounding area. Consideration of proposal against planning history and planning policies. Analysis of the impact of the design of the proposal and the impact on the amenity of the surrounding area, notably the impact on the existing sunlight and daylight levels on 17 Laurel Park using overshadowing analysis visualisations over multiple time periods and seasons. It considers that this proposal complies relevant planning policies, that it has improved on the previous application in terms of scale, design and massing and that it protects the amenity of the neighbouring properties.

## **CONSULTATIONS**

**Roads Development Management Team** – no objection.

**Danestone 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 3 (Biodiversity)
- Policy 6 (Forestry, Woodland and Trees)
- 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)
- Policy D2 (Amenity)

### **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.

### **Residential Amenity**

Policy 16 (Quality Homes) of NPF4 supports householder development that would not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking. The Qualities of Successful Placemaking referred to in Policy D1 of the ALDP expects development to avoid unacceptable impacts on adjoining uses, including privacy and overshadowing. The Supplementary Guidance: The Householder Development Guide states that no extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected.

It is noted that the proposal would have no material impact the existing levels of privacy afforded to the neighbouring residential dwellings given the glazing proposed would be located on elevations which currently have windows in them. Using the 45-degree method, the proposed extension would not necessarily adversely affect the existing levels of background daylight afforded to the windows of any neighbouring dwelling, notably the rear French doors of 17 Laurel Park.

However, it has been established that the proposed upper storey floor extension would adversely affect the level of sunlight afforded to the 17 Laurel Park and its curtilage. Taking into account that the ground level of that neighbouring curtilage is c.0.8m higher than the application site, the orientation of the extension to the south of the neighbouring property, the presence of the existing dwellinghouses themselves, and the height and design of the extension, it has been established using the 45-degree method in the Supplementary Guidance: The Householder Development

Guide that the proposal would adversely overshadow c.9.5sqm of the rear curtilage of 17 Laurel Park. The sunlight analysis in the Supporting Statement furthermore demonstrates that the upper storey extension would have a significant adverse impact on the level of sunlight afforded to this neighbouring garden in the late mornings and most of the afternoon in the Spring and Autumn seasons.

In considering the impact that this would have on the amenity of the neighbouring dwelling, the affected area is currently afforded a high level of sunlight as existing overshadowing is largely limited to late evenings from the presence of the dwellinghouse of 17 Laurel Park which to its west. The affected areas are its lawn and an area in close proximity to the rear elevation of that dwelling. Whilst it is acknowledged that its patio would be largely unaffected by the development given it is located further to the north, it is nevertheless considered very likely that the affected space is of a nature whereby it is used by the residents of 17 Laurel Park for usable / amenity spaces on a frequent basis. The proposed upper storey extension would be of substantial scale and massing less than a metre from the southern boundary of 17 Laurel Park and would project c.4.3m beyond the rear building line of that neighbouring dwelling, which would be particularly overbearing on the neighbouring property relative to the existing situation whereby the two-storey form of the application property is set significantly back from the boundary.

The Supporting Statement raises that there are trees along the northern boundary of the application site which currently impact the sunlight of the affected garden and as these would be removed to facilitate the development, the level of sunlight afforded to the neighbouring curtilage would be similar to the existing situation. It is considered in this assessment that this reason would not be sufficient to justify the level of overshadowing that would be cast from this development. The aforementioned trees overshadow a different area of the neighbouring garden which is currently itself is covered by planting and a small shed at the rear of the garden and thus of a significantly different nature to the area of usable lawn that would be affected in this application. These trees overshadow a smaller area of the garden than the extension. Furthermore, given the species of the trees which would comprise hedging, the detrimental impact on sunlight and neighbouring amenity from the height of hedges can be controlled through high hedge legislation. As such, the presence of this existing hedging, which can be trimmed and reduced in height, would not justify development that would have a permanent adverse impact on the amenity of this neighbouring dwelling.

The proposed upper storey extension would therefore have a significant adverse impact on the existing level of residential amenity afforded to 17 Laurel Park by way of adversely affecting the levels of sunlight afforded to large areas of the rear curtilage for substantial periods throughout the year as well as having a significant overbearing impact. The proposal would thus adversely affect the residential amenity of the surrounding area, in conflict with Policy 16 (Quality Homes) of NPF4; Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the ALDP; and the Supplementary Guidance: The Householder Development Guide.

### **Design, Scale and Visual Amenity**

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policies 14 (Design, Quality and Place) and 16 (Quality Homes) 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 16 requires householder development to not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials. 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 architectural design of the extensions would be such that it would be reflective of the original dwelling by way of the hipped roofed form, as well as the eaves and ridge heights, finishes and fenestration details of the upper storey extension that would match those of the original dwelling. Whilst it would extend beyond the side and rear elevations, the single storey extension would be subservient to the original dwelling in terms of its overall scale, massing and height which would be contained below the upper storey windows. The proposed finishes to the single storey extension would be modern and domestic in appearance and would be acceptable in the context of being located on secondary elevations facing into the rear garden.

The proposed extensions would not result in the built footprint of the original dwelling as extended being more than double that of the original dwelling and less than 50% of the rear curtilage would resultantly be covered by development, which would be in accordance with the Supplementary Guidance: The Householder Development Guide. The proposal would therefore not constitute over-development in terms of its built footprint relative to the size of the site.

Whilst the proposed extensions would be of architectural design, footprint and scale whereby they would not adversely affect the character and visual amenity of the surrounding area, for the reasons set out above, the proposal would have a significant adverse impact on the residential amenity afforded to the neighbouring residential dwelling.

### **Climate and Nature Crises**

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 states that when considering all development proposals significant weight will be given to the global climate and nature crises. Policy 2 (Climate Mitigation and Adaptation) states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and that development proposals will be sited and designed to adapt to current and future risks from climate change.

In respect of these policies, given the nature of the proposal as householder development within existing residential curtilage, the proposal would not result in any materially greater risk from climate change. Policy 5 (Soils) seeks to minimise disturbance to soils from development. The proposed level of excavation and soil sealing would be insignificant, in compliance with this policy.

The proposal would, however, conflict with Policies 1 and 2 in that trees by way of coniferous hedging along the eastern boundary of the site would be removed to facilitate the development and no replacement planting is proposed. Policy 4 (Forestry, Woodland and Trees) of NPF4 states that development proposals will not be supported where they will result in hedgerows and individual trees of high biodiversity value and Policy 3 (Biodiversity) seeks developments proposals, commensurate with the scale of development, to enhance biodiversity. Whilst these trees are not of significant biodiversity value given their species, and furthermore it is acknowledged that their maximum height and maturity will likely be constrained in the long term due to the proximity to the dwellinghouse and the proximity to the neighbouring dwellinghouse to the north, they do nevertheless contribute to climate change mitigation through carbon sequestration. Had the Planning Authority been minded to approve the application, it would have been necessary for the application to be subject to an appropriately worded condition to require a replacement planting scheme for trees elsewhere on the site to offset the loss of these. However, the application is nevertheless recommended for refusal for the reasons set out below.

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

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



**DECISION**

Refuse

**REASON FOR DECISION**

The proposed upper storey extension would have a significant adverse impact on the existing level of residential amenity afforded to 17 Laurel Park by way of adversely affecting the levels of sunlight afforded to large areas of the rear curtilage for substantial periods throughout the year as well as having a significant overbearing impact on the dwelling. It would therefore adversely affect the residential amenity of the surrounding area. It 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.

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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 100611174-001

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)

Demolition of existing side and rear extensions and erection of single storey wraparound extension to side and rear. First floor extension over garage.

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: | Inspired Design & Development Ltd |  |             |
| Ref. Number:          |                                   | You must enter a Building Name or Number, or both: * |             |
| First Name: *         | Fraser                            | Building Name:                                       |             |
| Last Name: *          | Angus                             | Building Number:                                     | 27          |
| Telephone Number: *   | 01569 764183                      | Address 1 (Street): *                                | Evan Street |
| Extension Number:     |                                   | Address 2:   |             |
| Mobile Number:        |                                   | Town/City: *   | Stonehaven  |
| Fax Number:           |                                   | Country: *   | Scotland    |
|                       |                                   | Postcode: *  | AB39 2EQ    |
| Email Address: *      | iddapplications@gmail.com         |  |             |

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |   |  |               |
|----------------------|---|--|---------------|
| Title:               | Mrs   | You must enter a Building Name or Number, or both: * |               |
| Other Title:         |   | Building Name:                                       |               |
| First Name: *        | Heather   | Building Number:                                     | 18            |
| Last Name: *         | Sibbald   | Address 1 (Street): *                                | Laurel Park   |
| Company/Organisation |   | Address 2:   | Bridge of Don |
| Telephone Number: *  |   | Town/City: *   | Aberdeen      |
| Extension Number:    |   | Country: *   | Scotland      |
| Mobile Number:       |   | Postcode: *  | AB22 8XW      |
| Fax Number:          |   |  |               |
| Email Address: *     |  |  |               |

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

18 LAUREL PARK

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB22 8XW

Please identify/describe the location of the site or sites

Northing

809685

Easting

392279

## 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)

Client has previously had an application refused for a larger proposal. We have taken the feedback from this application and applied it to this proposal.

Title:

Ms

Other title:

First Name:

Jane

Last Name:

Forbes

Correspondence Reference Number:

210148/DPP

Date (dd/mm/yyyy):

08/02/2022

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.

## 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: Fraser Angus

On behalf of: Mrs Heather Sibbald

Date: 20/12/2022

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 Gary Black

Declaration Date: 20/12/2022

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## **DECISION NOTICE**

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

### **Detailed Planning Permission**

Fraser Angus  
Inspired Design & Development Ltd  
27 Evan Street  
Stonehaven  
AB39 2EQ

on behalf of **Mrs Heather Sibbald**

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

**Formation of first floor extension over existing garage to side; erection of single storey extension to side and rear at 18 Laurel Park, Aberdeen**

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

| <b>Drawing Number</b> | <b>Drawing Type</b>             |
|-----------------------|---------------------------------|
| P01 A                 | Location Plan                   |
| P03 A                 | Multiple Floor Plans (Proposed) |
| P04 A                 | Multiple Elevations (Proposed)  |

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

None.

#### **REASON FOR DECISION**

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

The proposed upper storey extension would have a significant adverse impact on the existing level of residential amenity afforded to 17 Laurel Park by way of adversely affecting the levels of sunlight afforded to large areas of the rear curtilage for substantial periods throughout the year as well as having a significant overbearing impact on the dwelling. It would therefore adversely affect the residential amenity of the surrounding area. It 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; Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Proposed Aberdeen Local Development Plan 2020.

**Date of Signing** 13 April 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 221545/DPP**

## **Application Summary**

Application Number: 221545/DPP

Address: 18 Laurel Park Aberdeen AB22 8XW

Proposal: Formation of first floor extension over existing garage to side; erection of single storey extension to side and rear

Case Officer: Roy Brown

## **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 the formation of first floor extension over existing garage to side; erection of single storey extension to side and rear at 18 Laurel Park, Aberdeen, AB22 8XW.

This site is in the outer city boundary and not in a controlled parking zone.

I note the current property has 4 bedrooms and the proposal will increase this to 5. ACC parking standards for residential properties in the outer city boundary are for 3 allocated parking spaces (properties with 4 or more bedrooms). I note that this property appears to have 3 existing parking spaces; 2 parking spaces on driveway and one garage.

I can confirm roads have no objections to this proposal.

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ABERDEEN CITY NORTH LOCAL REVIEW BODY FORM 1A

To the owner/occupier of: **16 LAUREL PARK DANESTONE BRIDGE OF DON  
ABERDEEN AB22 8XW**

Notes and/or agreements with neighbours adjacent to the proposed single story extension over the garage at 18 Laurel Park creating an accessible bedroom and an accessible bathroom.

**Owner Occupier 16 Laurel Park**

Name: Michael + Emma Mike .

Agreements or Comments:

No Objections

Signed:

A solid black rectangular box redacting the signature.

Date: 8/6/23

ABERDEEN CITY NORTH LOCAL REVIEW BODY FORM 1A

To the owner/occupier of: **17 LAUREL PARK DANESTONE BRIDGE OF DON  
ABERDEEN AB22 8XW**

Notes and/or agreements with neighbours adjacent to the proposed single story extension over the garage at 18 Laurel Park creating an accessible bedroom and an accessible bathroom.

**Owner Occupier 17 Laurel Park**

Name: OLIVIA ANDERSON

**Agreements or Comments:**

REMOVAL OF CONIFERS FRONT AND BACK  
RELOCATION OF SATELLITE (IF NEEDED)  
DISH

Signed:  on behalf of Mr and Mrs Anderson

Date: 9/6/23



ABERDEEN CITY NORTH LOCAL REVIEW BODY FORM 1A

To the owner/occupier of: **19 LAUREL PARK DANESTONE BRIDGE OF DON  
ABERDEEN AB22 8XW**

Notes and/or agreements with neighbours adjacent to the proposed single story extension over the garage at 18 Laurel Park creating an accessible bedroom and an accessible bathroom.

**Owner Occupier 19 Laurel Park**

Name:



(DR. BRIAN THOM.)

Agreements or Comments:

No OBJECTIONS.

Signed:



Date:

7<sup>th</sup> JUNE 2023.

ABERDEEN CITY NORTH LOCAL REVIEW BODY FORM 1A

To the owner/occupier of: **20 LAUREL PARK DANESTONE BRIDGE OF DON  
ABERDEEN AB22 8XW**

Notes and/or agreements with neighbours adjacent to the proposed single story extension over the garage at 18 Laurel Park creating an accessible bedroom and an accessible bathroom.

Owner Occupier 20 Laurel Park

Name: *GARY + MAUREEN CRUICKSHANKS*

Agreements or Comments:

*NO OBJECTIONS*

Signed: 

Date: *07.06.23*

## **Application 221545/DPP - 18 Laurel Park**

### **Development Plan**

#### **National Planning Framework 4**

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents/national-planning-framework-4-revised-draft)

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

#### **Proposed Aberdeen Local Development Plan (2020) / Aberdeen Local Development Plan 2023**

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

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

### **Other Material Considerations**

#### **Aberdeen Planning Guidance**

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

Householder Development Guide

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

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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      100611174-003

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="Inspired Design &amp; Development Ltd"/> |  |  |
| Ref. Number:          | <input type="text"/>   | You must enter a Building Name or Number, or both: * |  |
| First Name: *         | <input type="text" value="Ally"/>                                  | Building Name:                                       | <input type="text"/>                     |
| Last Name: *          | <input type="text" value="Steel"/>                                 | Building Number:                                     | <input type="text" value="27"/>          |
| Telephone Number: *   | <input type="text" value="01569 764183"/>                          | Address 1 (Street): *                                | <input type="text" value="Evan Street"/> |
| Extension Number:     | <input type="text"/>   | Address 2:   | <input type="text"/>                     |
| Mobile Number:        | <input type="text"/>   | Town/City: *   | <input type="text" value="Stonehaven"/>  |
| Fax Number:           | <input type="text"/>   | Country: *   | <input type="text" value="Scotland"/>    |
|                       |  | Postcode: *  | <input type="text" value="AB39 2EQ"/>    |
| Email Address: *      | <input type="text" value="iddapplications@gmail.com"/>             |  |  |

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |   |  |  |
|----------------------|---|--|--|
| Title:               | <input type="text" value="Mrs"/>        | You must enter a Building Name or Number, or both: * |  |
| Other Title:         | <input type="text"/>                    | Building Name:                                       | <input type="text"/>                     |
| First Name: *        | <input type="text" value="Heather"/>    | Building Number:                                     | <input type="text" value="18"/>          |
| Last Name: *         | <input type="text" value="Sibbald"/>    | Address 1 (Street): *                                | <input type="text" value="Laurel Park"/> |
| 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="UK"/>          |
| Mobile Number:       | <input type="text"/>                    | Postcode: *  | <input type="text" value="AB22 8XW"/>    |
| 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="18 LAUREL PARK"/>        |
| Address 2:  | <input type="text"/>                               |
| Address 3:  | <input type="text"/>                               |
| Address 4:  | <input type="text"/>                               |
| Address 5:  | <input type="text"/>                               |
| Town/City/Settlement:   | <input type="text" value="ABERDEEN"/>              |
| Post Code:  | <input type="text" value="AB22 8XW"/>              |

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="809685"/> | Easting | <input type="text" value="392279"/> |
|----------|-------------------------------------|---------|-------------------------------------|

## 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 first floor extension over existing garage to side; erection of single storey extension to side and rear at 18 Laurel Park, Aberdeen

## 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 separate Document (Appeal Statement) Submitted with Supporting 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)

162-2022 LRB Appeal Drawing Pack including drawings P01A, P02, P03B, P04A, P05, P06 162-2022 Supporting Statement Rev A 162-2022 Appeal Statement 13-06-2023 162-2022 Notes of Support Pack

## Application Details

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

221545/DPP

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

20/12/2022

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

13/04/2023

## 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

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

Please select a further procedure \*

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

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

In order to fully comprehend how the existing pattern of development impacts the neighbours land, in comparison with the proposals, a site visit is essential.

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)

With notice, gates can be left unlocked to allow uninterrupted access.



## 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 Gary Black

Declaration Date: 15/06/2023

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**inspired design**  
& development ltd

162-2022: 18 Laurel Park, Daneston – Mrs Heather Sibbald

# Local Review Body Appeal Statement

APPLICATION REF NO. 221545/DPP



Ally Steel BSc (Hons) MRICS AaPS, Operations Director  
13/06/2023



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Regulated by RICS



ACD (Section 6 - Energy) for  
Domestic Buildings  
BRE1-D-00897

**Architectural Services – Building Surveying**  
**Principal Designer - Domestic Energy Assessment**  
**Retrofit Assessor – Retrofit Coordinator**

Building Standards  
Approved Certifier



**The Scottish  
Government**

inspired design & development limited. Registered in Scotland SC 370675.  
Registered office: Design Studio, 27 Evan Street, Stonehaven, AB39 3EQ.

## Introduction

This Appeal Statement is prepared by Inspired Design and Development Ltd (Herein referred to as "IDD") on behalf of Mrs Heather Sibbald, 18 Laurel Park, Danestone (herein referred to as "the Applicant") to accompany a Notice of Appeal to the Local Review Body.

The application submitted is to extend on the ground and first floor of the property to provide more living and bedroom accommodation. The application was assessed by Aberdeen City Council and refused on the 13<sup>th</sup> April 2023.

Discussion with the planning authority found that there were no concerns with the ground floor extension of the property. Concerns related only to the First-Floor extension to form a Master Bedroom suite over the existing pitched roof garage.

It is felt that the proposals are not overbearing and will not impact the daylight provision to the neighbours, nor will it result in additional overshadowing, therefore the reasons for refusal are untrue. This appeal will also outline that there is a strong support for the proposals by neighbours, evidenced not only by the lack of any objection to the proposals during the application process, despite 16 neighbour notification, but also by the notes of support submitted with this appeal.

The applicant now submits an appeal against the decision and would urge a site visit by the Local Review Body to assess and understand the true impact of the proposals. A site visit is essential to allow the LRB to observe:

- There is no loss of daylight to no17 as the sun path and existing pattern of development currently prevents daylight to the back garden.
- Insignificant overshadowing due to existing boundary treatments
- Minimal increase in height from existing ridge to new eaves of proposals
- Improvement of daylight provision to no17 by removal of trees
- The elevated garden of no17 coupled with the 6ft high fence contributes to the proposals having an insignificant impact.

## Documents Submitted with Notice of Appeal

In support of this appeal, the following documents have been submitted:

- Drawing 162/2022 P01 A      23/12/22
- Drawing 162/2022 P02      12/12/22
- Drawing 162/2022 P03 B      11/05/22
- Drawing 162/2022 P04 A      23/12/22
- Drawing 162/2022 P05      12/12/22
- Drawing 162/2022 P06 A      11/05/23
- Supporting Statement Rev A      05/04/23
- Appeal Statement      13/06/23
- Neighbours Notes of Support Pack

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ACD (Section 6 - Energy) for  
Domestic Buildings  
BRE1-D-00897

**Architectural Services – Building Surveying**  
**Principal Designer - Domestic Energy Assessment**  
**Retrofit Assessor – Retrofit Coordinator**

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## Reason for Refusal

Aberdeen City Councils Reason for Refusal on 13<sup>th</sup> April 2023 was as follows:

The proposed upper storey extension would have a significant adverse impact on the existing level of residential amenity afforded to 17 Laurel Park by way of adversely affecting the levels of sunlight afforded to large areas of the rear curtilage for substantial periods throughout the year as well as having a significant overbearing impact on the dwelling. It would therefore adversely affect the residential amenity of the surrounding area. It 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; Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Proposed Aberdeen Local Development Plan 2020.

*Figure 1 - Extract from decision notice*

The Report of Handling expands on this decision notice, confirming that although the proposals would not result in loss of open space nor impact the levels of privacy of neighbours, that the proposals would not accord with the Householder Development Guide in that they would “adversely impact the level of sunlight afforded to 17 Laurel Park and its curtilage” quoting that the impact on is “9.5m<sup>2</sup> of the rear curtilage” of the property during morning and afternoon periods in spring and autumn. Furthermore, the report considers that overshadowing is only impacting the rear curtilage of 17 Laurel Park in the evenings.

## Aims and Objectives of the Development

We, on behalf of the applicant, we would like to firstly set out the aims and objectives of the development and the reasoning for these, to give the Local Review Body a full background of the development. These aims are:

- Provide accessible and flexible living accommodation,
- Provide accessible and flexible bedroom suite with space for a wheelchair,
- Provide additional bedroom space to help meet the clients care and fostering needs.

[REDACTED]

The applicant wishes to stay in the family home and the alteration of the dwelling is required to make the living space on the ground floor more user friendly, whilst achieving an uninterrupted family living hub. Accessible and flexible bedroom space is also required, to provide a relaxing and unobstructed environment.

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ACD (Section 6 - Energy) for  
Domestic Buildings  
BRE1-D-00897

**Architectural Services – Building Surveying**  
**Principal Designer - Domestic Energy Assessment**  
**Retrofit Assessor – Retrofit Coordinator**

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[REDACTED]

Therefore, more flexible and accessible accommodation is required, including additional bedroom space, to meet the Applicants care needs.

**Appeal Statement**

The applicant wishes to appeal the decision on the grounds that the planner has misinterpreted the impact of the proposals on the neighbour and that they are in accordance with the Supplementary Guidance: Householder Development Guide.

The report of handling commented that the sunlight afforded to 17 Laurel Park would be adversely impacted by the proposals, separating this from the land within its curtilage by way of its description. The pattern of development has 17 Laurel Park set back from no. 18, sitting perpendicular to it. The first-floor extension would not impact on any windows of 17 Laurel Park due to its location and orientation. Therefore, there is no impact on the accommodation of 17 Laurel Park. The report of handling, although mentioning an impact, does not expand on the reason why the planning service feel there is an impact. As such, reference to impact on any part other than the properties rear curtilage is disputed.

The Neighbour Notification List confirms that 16 neighbours were notified of the proposals and none of the neighbours, including 17 Laurel Park, raised any concerns in relation to them. The lack of objection from the neighbours suggests a strong support for the proposals, which have been implemented by numerous other properties in the development. The neighbour at 17 Laurel Park has expressed their support of the proposals, as have other neighbours, who have all provided signed notes of support which are submitted with this appeal. Support is on the grounds that proposals will not impact on their residential amenity and will improve the aesthetics of the building and offer the accessible accommodation desperately required by the applicant, whilst 17 Laurel Park also welcomes the removal of foliage, which will improve sunlight at the front of their property.

The report of handling quantifies that 9.5m<sup>2</sup> of rear garden ground would be impacted, which appears to have been calculated by the 45-degree rule set out in the Householder Development Guide. This does not however, account for the true situation and the pattern of development and the applicant disputes that the proposals will result in any impact. They feel that the claim is simply untrue and that

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ACD (Section 6 - Energy) for  
Domestic Buildings  
BRE1-D-00897

**Architectural Services – Building Surveying**  
**Principal Designer - Domestic Energy Assessment**  
**Retrofit Assessor – Retrofit Coordinator**

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there will be no impact on the overshadowing and daylight provision the neighbours of 17 Laurel Park.

The pattern of development is such potential for overshadowing is limited to a short time in mornings and afternoons during spring and autumn. Applying the 45-degree rule as a year-round constant is inappropriate and the 3d modelling submitted to support the application demonstrates that during mid-afternoons, the rear curtilage of 17 Laurel Park is still afforded sunlight during spring and autumn. During mornings and evenings, the pattern of development already has the garden ground in shade, therefore there the proposals cause no impact during this time (refer to Supporting Statement Rev A).

When accounting for the enlargement of the property, the existing property must also be considered. Drawing P06 submitted in support of this appeal demonstrates the extended volume of the extension. This shows that the garage, with it's pitched roof, is a significant structure which currently results in an impact to neighbours. The enlargement above the ridge of the existing garage, and in proximity to the boundary is very little, with only a little over 300mm to the top of the new eaves.

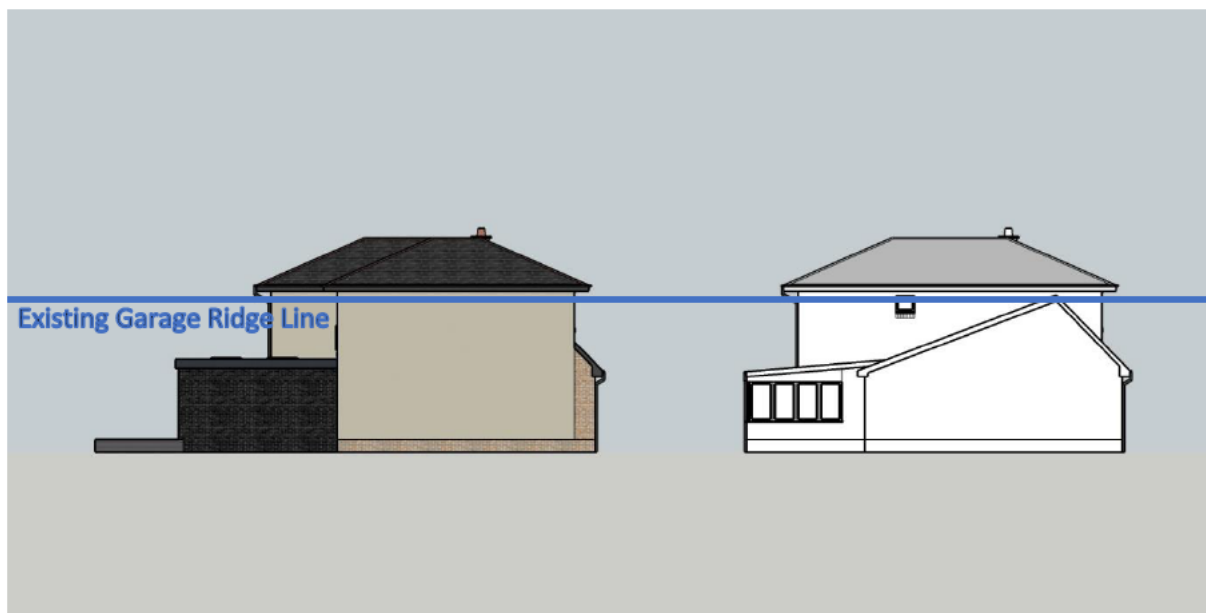


Figure 2 - Existing (Right) and Proposed (Left) Side Elevations

The following photographs show the existing overshadowing occurring on 17 Laurel Park during afternoons in spring. The photographs show that there is already overshadowing to the South side of the 17 Laurel Park rear garden, who's garden ground is elevated above no18 and is bounded by a 6ft fence which currently overshadows much of the garden. The garden rises to the north, where the neighbour has a patio and sitting area and being East facing, by the evenings this area is wholly within shade. The proposals do not impact this primary area of garden ground.

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ACD (Section 6 - Energy) for  
Domestic Buildings  
BRE1-D-00897

**Architectural Services – Building Surveying**  
**Principal Designer - Domestic Energy Assessment**  
**Retrofit Assessor – Retrofit Coordinator**

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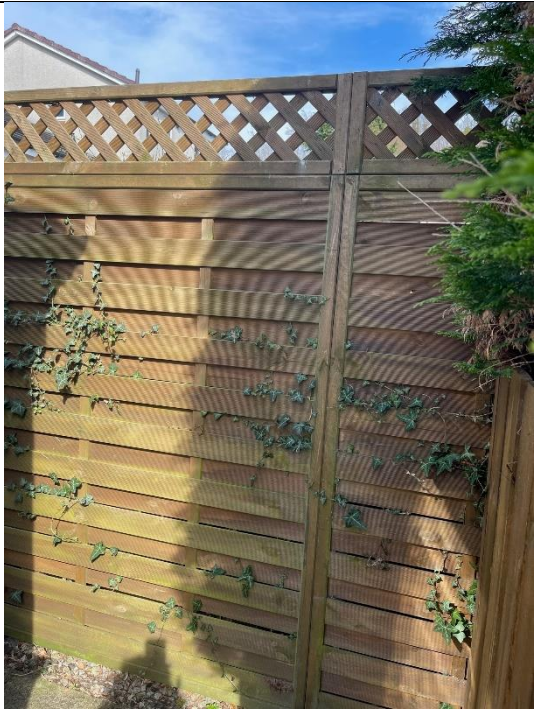




Existing midday overshadowing



Existing midday overshadowing



Existing boundary fence causing overshadowing



Existing boundary fence causing overshadowing

Regulated by RICS



ACD (Section 6 - Energy) for Domestic Buildings BRE1-D-00897

**Architectural Services – Building Surveying**  
**Principal Designer - Domestic Energy Assessment**  
**Retrofit Assessor – Retrofit Coordinator**

inspired design & development limited. Registered in Scotland SC 370675.  
 Registered office: Design Studio, 27 Evan Street, Stonehaven, AB39 3EQ.

Building Standards Approved Certifier



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Existing overshading stretch across the garden during afternoons



Existing evening overshading

The assessment of 9.5m<sup>2</sup> of overshading on the rear garden ground does not appear to have fully interpreted the existing situation. With much of the garden already in shade, it would appear that any impact would be significantly less than this.

The Householder Development Guide is worded that “Significant adverse impact on privacy, daylight and general amenity will count against a development proposal”. Even if considering an impact of 9.5m<sup>2</sup>, the Applicant feels that this is not “significant” given the extremely limited amount of time throughout the year and only 7.72% of their 123m<sup>2</sup> rear curtilage. Further consideration should be that in the evenings, the owners of 17 Laurel Park utilise their front garden ground, as this experiences evening sun, being West facing. As such, it is appropriate to consider that the 9.5m<sup>2</sup> suggested impact is only 4.37% of the total 217m<sup>2</sup> curtilage.

Regulated by RICS



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*Neighbour enjoying sunshine in front garden during afternoons and evenings.*

As has previously been mentioned, when accounting for the true impact existing situation, overshadowing is less than the suggested 9.5m<sup>2</sup> and is insignificant, therefore according to the Householder Development Guide.

The Applicant also wishes to highlight there is precedence of this style of extension, in situations of similar development patterns within the development of Laurel Park, Laurel Wynd and Laurel Braes. The following images, supplied by the applicant, show first floor extensions over the garages, in proximity to boundaries. It is noted that these comparable proposals create a similar pattern of development and have received planning permission, despite potential impact on neighbours amenity.

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### Conclusion

The Applicant seeks to alter their dwelling to better suit their medical and care needs, in doing so creating a more user-friendly Master Bedroom over the Garage. This element of the proposal's has been objected to be by Aberdeen City Council and as such Application 221545\_DPP has been refused. The applicant now appeals the decision to the Local Review Body.

The reason for decision does not appear to fully account for the true existing situation, suggesting that there is a significant overshadowing impact. This appeal statement identifies why the applicant disagrees with the decision and the reasoning within the report of handling. To fully understand the, the Applicant invites the Local Review Body to a site visit, which can be carried out uninhibited during reasonable hours.

As the ground floor extension has not been objected to, the only element of the proposals which the planning service are concerned with is the first floor extension of the garage. Due to the pattern of development and existing boundary treatments, only the rear and North corner of the first floor has any potential of causing impact.

A 9.5m<sup>2</sup> area of overshadowing to the curtilage of 17 Laurel Park has been highlighted by the Planning Service, however the applicant feels that this is not a true reflection. Photographs identify the current overshadowing impact, showing that much of this overshadowing is already present. As such, the impact of the first floor development should be considered insignificant.

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The Householder Development Guide seeks to avoid “significant adverse impact” and the proposals demonstrate that such a impact is avoided. Therefore, the proposals accord with the Householder Development Guide and the application should be supported and approved.

Regulated by RICS



ACD (Section 6 - Energy) for  
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BRE1-D-00897

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

|                                 |  |
|---------------------------------|--|
| <b>Site Address:</b>            | Craigbank, 132 North Deeside Road, Peterculter, Aberdeen, AB14 0RS |
| <b>Application Description:</b> | Formation of decking to front (retrospective)                      |
| <b>Application Ref:</b>         | 221543/DPP   |
| <b>Application Type:</b>        | Detailed Planning Permission                                       |
| <b>Application Date:</b>        | 9 January 2023   |
| <b>Applicant:</b>               | Mr Norman Laing  |
| <b>Ward:</b>                    | Lower Deeside  |
| <b>Community Council:</b>       | Culter   |
| <b>Case Officer:</b>            | Sam Smith  |

### **DECISION**

Refuse

### **APPLICATION BACKGROUND**

#### **Site Description**

The application site comprises a ground-floor flat in a granite two-storey building, that is shared with 134 North Deeside Road above, and 128 and 130 North Deeside Road to the east. The site sits within a designated Neighbourhood Centre. The property has a south-facing principal elevation that fronts onto North Deeside Road and a rear elevation with a garden that borders the rear gardens at School Road. To the west sits Peterculter Parish Church, a category-C listed building. The existing driveway is shared by 132 and 134 North Deeside Road and extends from the road around the rear of the building. The driveway has a length of approximately 17m from the road to the front elevation of the dwelling. The site previously had a section of driveway sitting to the front of property measuring 5.3m in width which is under the ownership of the applicant. A recent planning permission was granted for a garage sitting on the west boundary of the site on the existing shared driveway.

#### **Relevant Planning History**

220874/DPP – Erection of detached domestic garage – Approved 2022 – 134 North Deeside Road

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Retrospective planning permission is sought for the erection of decking to the front of the building. The decking measures 4.8m in width, 4.8m in length and 500mm in height from the ground level. The decking is also be fitted with eight timber posts connected with rope, giving the decking an overall height of 1.5m. The decking is finished in an untreated light timber.

### **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=RN55MXBZMHO00>

## **CONSULTATIONS**

**ACC - Roads Development Management Team** – object to the development for the following reasons:

- Driveways onto A class roads require internal turning facilities. The submitted turning splay shows an impractical manoeuvre for turning to the rear of the site and would not be suitable.
- Flats are required to have 1.5 parking spaces (rounded to 2 for private parking areas). The area shown on the turning splay is a mutual driveway required for turning and the proposal removes parking to the front of the property, resulting in 132 North Deeside Road only being able to park in the existing garage (1 space). Parking anywhere else on the site would block access to the shared driveway for the neighbour and the proposal therefore results in insufficient parking.

**Culter Community Council** – No comments received.

## **REPRESENTATIONS**

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

- The proposed decking is not consistent with Policies H1 (residential areas) and D1 (quality placemaking by design) of the Aberdeen Local Development Plan (2017) due to its prominent location adjacent to the listed Peterculter Parish Church and impact on the streetscape.
- The Householder Development Guide states that there is a presumption against the formation of decking to the front of any property.

## **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 7 (Historic Assets and Places)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

### 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. The ALDP is beyond this five-year period.

The following aspects of the LDP are relevant in the consideration of this application –

- Policy NC6: Town, District, Neighbourhood and Commercial Centres
- Policy D1: Quality Placemaking by Design
- Policy D4: Historic Environment
- Policy T2: Managing the Transport Impact of Development
- Policy H1: Residential Areas

### 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 aspects of the Proposed LDP are relevant in the consideration of this application –

- Policy VC8: Town, District, Neighbourhood and Commercial Centres
- Policy D1: Quality Placemaking
- Policy D2: Amenity
- Policy D6: Historic Environment
- Policy T3: Parking

## **Supplementary Guidance**

Householder Development Guide

## **Other National Policy and Guidance**

Managing Change in the Historic Environment: Setting

### **EVALUATION**

#### **Principle of Development**

The application site is located in a Neighbourhood Centre, under Policy NC6: Town, District, Neighbourhood and Commercial Centres of the ALDP, which largely relates to retail uses. Given the application relates to a residential householder development, it is not considered pertinent to assess this application against Policy NC6. Rather it would be more appropriate to consider the proposal against the criteria of Policy H1: Residential Areas and more specifically its associated Supplementary Guidance, the Householder Development Guide. Policy D4: Historic Environment requires adverse development impacts to be minimised and for high quality design be applied to maintain the historic environment, as the site sits adjacent to a listed building. Policy T2: Managing the Transport Impact of Development sets out the requirements for parking standards and driveways.

Under the guidance outlined in the Householder Development Guide, the main planning considerations for this proposal relate to the siting, scale and design of the proposed decking in the context of the impact it may have on the appearance and character of the existing building, surrounding residential area and existing street scene. Consideration will also need to be given to the setting of the neighbouring listed building. Additionally, the impact on the amenity for the residents at the neighbouring dwelling, given the location on the shared driveway as well as those matters related to any potential impact on general amenity for the neighbouring sites. These matters are considered below.

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

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. While this policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment. Supplementary Guidance expects development to be architecturally compatible in design and scale with the surrounding area and for the materials used to be complementary to the existing building. The guidance further states that there is a presumption against the formation of decking to the front of any property or any other prominent elevation where the works would impact the visual amenity of the street scene. In this case, while the decking does not constitute overdevelopment of the site, there are concerns regarding the siting, scale and design. Matters which will be considered below.

As the proposed decking would sit in an elevated position to the front of the property, approximately 12m from North Deeside Road, it is located on a prominent front elevation adjacent to a Class A road and a central neighbourhood and commercial area. In addition, there is an existing garden to the rear of the site that sits 7m back from the dwelling and has a footprint of approximately 215m<sup>2</sup> with an existing garage sitting on it measuring 24m<sup>2</sup>. There is therefore considered to be sufficient amenity space afforded to the applicant to form decking to the rear of the site which would also be south facing for the enjoyment of the sun. The principle of decking to the front of the property is therefore not acceptable.

The proposed decking has a length of 4.8m from the front of the existing building, presenting a significant projection for development forward of the front building line, being approximately half the length of the original dwelling. The proposal is considered to disrupt the existing building line of the original building and due to the slope of the site, the projection of the decking results in the development being raised 500mm in height from the ground level. As the site slopes up towards

the house from the road level, it results in a raised decking that sits at an approximate eye level when walking along the public pavement, presenting a negative visual impact from the public road as it is significantly visible over the existing 1m boundary wall on the site.

The proposed decking is of a design that does not appear to integrate with the form or appearance of the original dwelling and presents as a separation from the building. The existing building has some variation in the colour of windows, however, the overall form and design of the building is compatible across all four properties, presenting a traditional granite pitched roof dwelling with matching doors and windows across the front elevation. The proposed decking would unbalance and detract from the appearance and character of the original dwelling from its principal elevation by introducing this element to the front of the property. The timber posts are not of a typical design for a decking banister to a residential dwelling, with rope connecting the posts rather than a handrail and balusters. However, the use of timber posts and rope connecting them is not considered to present a significant massing or prominent appearance from the public road. The light colour of the untreated timber is considered to stand out against the granite finish of the dwelling and is therefore considered to worsen the visual impact it has from the public road.

There are no apparent examples of decking to the front of any properties in the surrounding area and decking to the front of any property within Aberdeen City is not typical. The proposed decking would be out of character and appearance with the surrounding area and set a precedent for decking fronting a road which is not screened by a sufficient boundary treatment. There are a number of properties, such as those from 98 to 108 North Deeside Road which are set back from the main road and have sufficient space to the front of the site to install decking, presenting a potential precedent for decking in the nearby area.

Policy D4 requires that adverse development impacts to the historic environment be minimised. As the site sits adjacent to a category-C listed building and curtilage, there is a concern for the visual impact the development would have. The Managing Change Guidance on Setting expects development to not have a negative impact on the setting of any historic asset in the context of the surrounding area and existing townscape. As the proposed decking sits 6.7m from the mutual boundary with the listed site and has a height of 1.5m, the posts would only be partially visible when viewed from Craigton Crescent and the section of North Deeside Road at this junction. To the west of Peterculter Parish Church there is an existing, rendered, modern extension with a car park to the front. The proposed decking would therefore not have a detrimental visual impact on the setting of the listed site or special interest of the historic building.

In summary, the proposed decking would be in conflict with the Householder Development Guide as it would be to the front of the property. The siting, scale and design of the proposed decking is not considered appropriate in the context of the site and would negatively impact on the character and appearance of the original granite building given its prominently visible location from the main road. The proposal is also out of character with the surrounding area and decking to the front of any property in Aberdeen City is not supported by the Planning Service. The proposal would therefore not comply with Policy H1 or D1 of the ALDP.

### Amenity and Parking

Any proposed development should not result in any adverse impact upon the amenity of any adjacent dwellings or the amenity of the surrounding area. The proposed decking would sit to the front of 132 North Deeside Road and therefore not interfere with the access to the property for the other three properties or significantly encroach onto the shared driveway to the west and would therefore not impact the use of shared space for the neighbouring properties. The decking would measure 4.8m in length and would therefore be visible from the first-floor windows. However, as the decking sits 1.5m in total height from the ground level, it is not considered to present a detrimental impact on the visual amenity from these properties. The proposed decking has

removed the existing driveway to the front of the property and resulted in the space now being used as a social space for the applicant at the dwelling. This has the potential to introduce additional noise to the front of the property and result in people being sat, using the space when the residents are using the access to the building. However, as the decking sits adjacent to a busy Class A road, there is existing noise from traffic and the introduction of this social space is not considered to be detrimental to the general amenity of the neighbouring properties.

The site sits adjacent to the Peterculter Parish Church and a central bus stop for the commercial centre, present a prominent section of the public pavement in the surrounding area. Due to the location of the proposed raised decking up the slope of the site, it sits at eye level when viewed from the public pavement. The decking would, therefore, have an adverse impact on the visual amenity for people using this area due to the low height of the boundary wall as it stands out against the prevalent context of traditional granite properties in the area.

Roads Development Management have noted that properties leading onto a Class A road are required to have internal turning facilities to ensure a vehicle can both enter and egress the site in forward gear. They have noted that the resulting decking would result in an impractical turning manoeuvre for the applicant and the neighbour at 134 North Deeside Road. However, the area to the front of the property is owned by 132 North Deeside Road and the neighbour therefore has no claim to use this area for turning. The turning situation for the neighbour is therefore not considered to change as a result of the development. For the applicant at 132 North Deeside Road, the existing garage to the rear of the site would allow them to turn a car to the rear by reversing into their garage to exit the site in forward gear. Roads Development Management have also noted that the proposal would result in insufficient parking requirements for the property as it would accommodate 1 parking space in the existing garage, resulting in a shortfall of 0.5 parking spaces. However, this shortfall is not considered significant, and the applicant would still have space to park one car on their private area on the site.

In summary, there is considered to be a minimal impact on the general amenity for the neighbouring properties on the site. The proposal would, however, result in an adverse visual impact on the existing street scene. The proposed decking would be in tension with Policy T2 of the ALDP as there would be a shortfall of 0.5 parking spaces and maintain insufficient turning on the site, however, this is not considered to result in an adverse impact on the general amenity afforded to the residents on the site.

#### **National Planning Framework 4**

Policy 16 (Quality Homes) of NPF4 determines that as the proposed decking would have an adverse visual impact on the character of the surrounding area, the proposed development is not in accordance with Policy 16(g). In line with Policy 14 (Design, Quality and Place), the proposal has not been designed to be consistent with the 6 qualities of successful places and would have an adverse impact on the amenity of the surrounding area, as per Policy 14(b) and 14(c) of NPF4. Policy 7 (Historic Assets and Places) determines that the proposal would not harm the setting of the neighbouring listed site as per Policy 7(c) and 7(d).

#### **Representations**

It has been noted in this report that the proposed decking would not comply with the relevant policies due to the impact it would have on the existing streetscape or the Supplementary Guidance in relation to its location to the front of the property. The proposal is not considered to impact upon the sitting of the listed church.

#### **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.

## **DECISION**

Refuse

## **REASON FOR DECISION**

The siting, scale and design of the proposed decking is not acceptable, in that it is forward of the principal elevation, and is not compatible with the form and layout of the existing building as it appears as a separation from the building and unbalances the appearance of the front elevation. The decking also appears prominent from the public road as it sits at an approximate eye level, above the existing boundary wall, having an adverse impact on the appearance of the existing street scene and visual amenity of the surrounding area. The proposal would not result in a significant change to the parking facilities on the site. One parking space would still be available for the applicant to use. The proposal would therefore not comply with Policy H1: Residential Areas, Policy D1: Quality Placemaking by Design of the Aberdeen Local Development Plan 2017, associated Supplementary Guidance; The Householder Development Guide and the relevant policies of the Proposed Aberdeen Local Development Plan 2020. The proposal is also considered acceptable against relevant policies (14 and 16) of National Planning Framework 4.

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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 100611056-001

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)

decking to be situated at the front of my property. In the front garden

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): \*

11/09/2022

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

it was done on my own property and was not aware that planning or permission was required for decking on my own land

## Applicant or Agent Details

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

Applicant  Agent

## Applicant Details

Please enter Applicant details

|                      |   |  |   |
|----------------------|---|--|---|
| Title:               | <input type="text" value="Mr"/>                   | You must enter a Building Name or Number, or both: * |   |
| Other Title:         | <input type="text"/>                              | Building Name:                                       | <input type="text" value="Craig Bank"/>             |
| First Name: *        | <input type="text" value="Norman"/>               | Building Number:                                     | <input type="text"/>                                |
| Last Name: *         | <input type="text" value="Laing"/>                | Address 1 (Street): *                                | <input type="text" value="132 North Deeside Road"/> |
| Company/Organisation | <input type="text"/>                              | Address 2:   | <input type="text" value="Craigbank"/>              |
| Telephone Number: *  | <input type="text" value="██████████"/>           | Town/City: *   | <input type="text" value="Peterculter"/>            |
| Extension Number:    | <input type="text"/>                              | Country: *   | <input type="text" value="Scotland"/>               |
| Mobile Number:       | <input type="text"/>                              | Postcode: *  | <input type="text" value="AB14 0RS"/>               |
| 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="CRAIGBANK"/>              |
| Address 2:  | <input type="text" value="132 NORTH DEESIDE ROAD"/> |
| Address 3:  | <input type="text" value="PETERCULTER"/>            |
| Address 4:  | <input type="text"/>                                |
| Address 5:  | <input type="text"/>                                |
| Town/City/Settlement:   | <input type="text" value="ABERDEEN"/>               |
| Post Code:  | <input type="text" value="PETERCULTER"/>            |

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="800634"/> | Easting | <input type="text" value="384085"/> |
|----------|-------------------------------------|---------|-------------------------------------|

## 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: Mr Norman Laing

On behalf of:

Date: 19/12/2022

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 Norman Laing

Declaration Date: 19/12/2022

## DECISION NOTICE

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

### Detailed Planning Permission

Mr Norman Laing  
Craig Bank  
132 North Deeside Road  
Craigbank  
Peterculter  
AB14 0RS

With reference to your application validly received on 9 January 2023 for the following development:-

**Formation of decking to front (retrospective)  
at Craigbank, 132 North Deeside Road**

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

| <b>Drawing Number</b> | <b>Drawing Type</b>             |
|-----------------------|---------------------------------|
|                       | Location Plan                   |
|                       | Multiple Elevations (Proposed)  |
|                       | Multiple Floor Plans (Proposed) |
|                       | Other Drawing or Plan           |

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

None.

## REASON FOR DECISION

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

The siting, scale and design of the proposed decking is not acceptable, in that it is forward of the principal elevation, and is not compatible with the form and layout of the existing building as it appears as a separation from the building and unbalances the appearance of the front elevation. The decking also appears prominent from the public road as it sits at an approximate eye level, above the existing boundary wall, having an adverse impact on the appearance of the existing street scene and visual amenity of the surrounding area. The proposal would not result in a significant change to the parking facilities on the site. One parking space would still be available for the applicant to use. The proposal would therefore not comply with Policy H1: Residential Areas, Policy D1: Quality Placemaking by Design of the Aberdeen Local Development Plan 2017, associated Supplementary Guidance; The Householder Development Guide and the relevant policies of the Proposed Aberdeen Local Development Plan 2020. The proposal is also considered acceptable against relevant policies (14 and 16) of National Planning Framework 4.

**Date of Signing** 23 March 2023

A handwritten signature in blue 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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# Consultee Comments for Planning Application 221543/DPP

## Application Summary

Application Number: 221543/DPP

Address: Craighbank 132 North Deeside Road Peterculter Aberdeen AB14 0RS

Proposal: Formation of decking to front (retrospective)

Case Officer: Sam Smith

## Consultee Details

Name: Mr Scott Lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

## Comments

I note that this is a retrospective application for the formation of decking to the front of Craighbank, 132 North Deeside Road. The site is located in the outer city, outwith any controlled parking zone.

Driveways onto A class roads require internal turning facilities to ensure vehicles can both enter and egress in forward gear - this decking appears to significantly inhibit this functionality. There is still a secondary section of driveway adjacent to the house, so turning may be possible.

The applicant is required to submit swept paths showing how a car can both enter and exit the property in forward gear. As this driveway is shared further information is required as to if each house owns a separate section or if the whole driveway is shared, as this will influence if certain parts can or can't be used for turning by each household. The swept path should take into consideration that the neighbour may have existing cars in the driveway.

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

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We'd still be arguing that turning is insufficient as the manoeuvre is difficult / impractical and if the owner (current or future) has more than one car (which our standards suggest they will) it will block the ability to turn and for the neighbour to park.

As such, we would be recommending this for refusal.

Both flats require 1.5 spaces (2 spaces, rounded up). For 132 they currently have where the decking is to go as their own space to park – without that they only have access to their garage (1 space) or shared driveway. And as soon as they park anywhere on the shared driveway they prevent 134 from accessing it.

RDS

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# Comments for Planning Application 221543/DPP

## Application Summary

Application Number: 221543/DPP

Address: Craighbank 132 North Deeside Road Peterculter Aberdeen AB14 0RS

Proposal: Formation of decking to front (retrospective)

Case Officer: Sam Smith

## Customer Details

Name: Dr Bill Harrison

Address: 16 Summer Place Dyce 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 decking to the front of the property is not consistent with policies H1 (residential areas) and D1 (quality placemaking by design) of the Aberdeen Local Development Plan (2017) due to its prominent location adjacent to the listed Peterculter Parish Kirk and its unacceptable impact on the streetscape. Section 3.1.10 of the Householder Development Guide (supplementary guidance) states: "There will be a presumption against the formation of decking to the front of any property, or on any other prominent elevation where such works would adversely affect the visual amenity of the street scene."

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## **Application 221543/DPP - Craigbank, 132 Nth Deeside Rd**

### **Development Plan**

#### **National Planning Framework 4**

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)

- Policy 7 (Historic Assets and Places)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

#### **Proposed Aberdeen Local Development Plan (2020) / Aberdeen Local Development Plan 2023**

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

- VC8: Town, District, Neighbourhood and Commercial Centres
- H1 – Residential Areas
- D1 – Quality Placemaking
- D2 - Amenity
- D6 – Historic Environment
- T3 - Parking

### **Other Material Considerations**

#### **Aberdeen Planning Guidance**

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

Householder Development Guide

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

Managing Change in the Historic Environment: Setting

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

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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 100624337-001

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

## Applicant or Agent Details

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

Applicant  Agent

## Applicant Details

Please enter Applicant details

|                      |   |  |   |
|----------------------|---|--|---|
| Title:               | <input type="text" value="Mr"/>                                       | You must enter a Building Name or Number, or both: * |   |
| Other Title:         | <input type="text"/>  | Building Name:                                       | <input type="text" value="Craig Bank"/>             |
| First Name: *        | <input type="text" value="Norman"/>                                   | Building Number:                                     | <input type="text"/>                                |
| Last Name: *         | <input type="text" value="Laing"/>                                    | Address 1 (Street): *                                | <input type="text" value="132 North Deeside Road"/> |
| Company/Organisation | <input type="text"/>  | Address 2:   | <input type="text" value="Craigbank"/>              |
| Telephone Number: *  | <input type="text" value="██████████"/>                               | Town/City: *   | <input type="text" value="Peterculter"/>            |
| Extension Number:    | <input type="text"/>  | Country: *   | <input type="text" value="Scotland"/>               |
| Mobile Number:       | <input type="text"/>  | Postcode: *  | <input type="text" value="AB14 0RS"/>               |
| Fax Number:          | <input type="text"/>  |  |   |
| Email Address: *     | <input type="text" value="██"/> |  |   |

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

CRAIGBANK

Address 2:

132 NORTH DEESIDE ROAD

Address 3:

PETERCULTER

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

PETERCULTER

Please identify/describe the location of the site or sites

Northing

800634

Easting

384085

## 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)

to the planning permission of decking being rejected on the grounds of not using the proper diagrams provided to them. Still awaiting full explanation of what you can put in your appeal as planning authority has not provided this yet. No neighbour or local person has objected to this decking, how can a resident from Dyce be allowed to object this? I have support from the church next door. The objection has said the decking is too high. The elevation is less than 50cm.

## 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.

Why is the planning authority using out of date documents? This seems unfair to use a document to suit them not the most recent policies. Why has my decking been refused on my land and my neighbours garage has been approved on shared land. There is numerous properties including businesses on the same street who have erected seating areas that have not gone towards planning permission and have not been requested to be removed. Elevation is required as built on a slope to make it level.

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)

letter of support from Boulton & Massey photos of decking with floral border photos of van causing obstruction onto main road photo of what the border plants will be in a year - decking will not be visible

## Application Details

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

221543/DPP

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

09/01/2023

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

23/03/2023

## 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

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

Please select a further procedure \*

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

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

This is required as it is seemed it is close to the road when it is further away than you think. The poor visibility from the parked works van needs looked at. The swept path which was ignored and I paid an architect to make up needs reviewed in person. It also needs shown in person what land is mine and what is shared as the documents provided have been ignored in previous application.

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)

No - more than happy for this to take place as soon as possible

## 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 Norman Laing

Declaration Date: 19/06/2023

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

|                                 |   |
|---------------------------------|---|
| <b>Site Address:</b>            | 10 Woodhill Place, Aberdeen, AB15 5LF                                       |
| <b>Application Description:</b> | Erection of 1.5 storey extension with raised decking and balustrade to rear |
| <b>Application Ref:</b>         | 230143/DPP  |
| <b>Application Type:</b>        | Detailed Planning Permission  |
| <b>Application Date:</b>        | 6 February 2023   |
| <b>Applicant:</b>               | Mrs Laura Fiddes  |
| <b>Ward:</b>                    | Mid Stocket/Rosemount   |
| <b>Community Council:</b>       | Rosemount And Mile End  |
| <b>Case Officer:</b>            | Jack Ibbotson   |

### **DECISION**

Refuse

### **APPLICATION BACKGROUND**

#### **Site Description**

The site is an early 20<sup>th</sup> century one and a half storey semi-detached house orientated with its front elevation facing westward and rear elevation facing eastward. The property is adjoined to the mirrored house, 8 Woodhill Place, to the south and 12 Woodhill Place is to the north. Separating the host property and the property to the north is a single width shared driveway (2.9m wide).

The house is a granite bungalow which has had dormer window additions in both the front and rear roof plane. The front curtilage is level with the road level and front elevation ground level. The dwelling has an open formal front garden enclosed by a granite dwarf wall with shared drive to the north side. The rear curtilage is 295m<sup>2</sup> and this garden drops away from the rear elevation of the house by approximately 1.5 - 2 metres. The garden is enclosed by dwarf granite wall and c.1.6m high fence on the shared boundary with 8 Woodhill Place. There is a dwarf wall demarking the edge of the shared driveway with the property to the north, No.12. The rear boundary is behind an existing single storey garage/outbuilding and is demarcated by an evergreen hedge.

The existing property has seen changes to the rear elevation in the form of a single storey flat roof extension which projects from the rear elevation by 3.0m and is set away from the shared boundary with 8 Woodhill Place by 3.7m. Surrounding this rear extension is an elevated walkway which is accessed by a stair running to the side of the rear extension. This structure is raised by 1.5m and is a raised platform which is enclosed by a 1.1m open rail metal fence. There is a 2.0m separation distance from the side of this raised structure to the boundary with the neighbouring property.

The ground level at the rear of both the host property and the adjoining neighbour is approximately 1.6m lower than the floor level of the ground floor. This difference is seen in the rear elevation where there is an underfloor void below the rear of the property.

## **Relevant Planning History**

There is no relevant planning history associated with this application site, however the neighbouring dwelling, 12 Woodhill Place, has had detailed planning permission granted for the erection of a raised decking with balustrade to rear under reference 210851/DPP following an appeal allowed by the Local Review Body. This application is of relevance in that it considered and approved a raised deck and considered issues related to privacy. The decision concluded that in the example of the neighbouring property the issue of overlooking was not sufficiently harmful enough to warrant refusal. The application differed in that the deck was adjacent to the shared driveway rather than directly adjacent to the site boundary.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Planning permission is sought for the erection of a part two storey, part single storey rear extension which would span the full width of the rear elevation of the property. It would project 4.0m alongside the shared boundary with 8 Woodhill Place. The development would be constructed with a fyfestone side south elevation and plinth, and a horizontal cladding which has not been specified, but would be timber or timber effect horizontal cladding as shown on the 3d visualisation. In addition, it is proposed to erect a raised deck with privacy screen to the rear of the proposed extension.

The single storey element would have a 4.0m projection and would be 3.6m wide with a sliding bi-fold door facing eastwards over the proposed deck. The total height of the single storey element which abuts the shared boundary would be 4.3m. The two-storey element which is located on the northern 3/5s of the rear elevation would have eaves above that of the main house at 6.1m on the south elevation and eaves which slope down to the same level as that of the existing eaves level on the northern elevation. The ridge height of the two-storey element matches that of the host property and would be 8.1m.

The asymmetric roof would have a 1<sup>st</sup> floor Juliet balcony in the east facing gable elevation. The south facing elevation of the proposed 2 storey element would have eaves higher than that of the main house. The north elevation would have a roof profile which drops to the level of the existing eaves. The ground floor and first floor would be clad in timber or timber effect cladding as shown on the 3D visual drawings.

The proposed deck would project a further 2.5m from the proposed 4.0m rear extension spanning the full width of the rear of the dwelling and proposed extension in the form of an elevated platform. This deck would be directly alongside the shared boundary with 8 Woodhill place. The total projection alongside this boundary would be 6.5m. The proposal was amended to include a 1.8m screen on the south elevation of the deck which is directly adjoining the shared boundary. The total height of this deck and boundary screen would be 3.37m when taken from the ground level.

No screen has been included on the north elevation to protect the amenity of 12 Woodhill Place.



## **Amendments**

The elevations have been updated to include the proposed south elevation 1.8m privacy screen located on the proposed deck.

## **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=RPNICDBZG7Y00>

## **CONSULTATIONS**

**Rosemount And Mile End Community Council** – None received.

## **REPRESENTATIONS**

One representation has been received, while it expressed that it not been submitted as a formal objection, it does outline a comment which is critical of the development, in that the extension is not in keeping with the original building and would constitute overdevelopment. Additional comments received advise that it is not considered that that the development would have a negative impact upon the neighbouring property due to the fact that a large wall is proposed as part of the application.

## **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 3 (Biodiversity)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

#### **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. 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)
- Policy D2 (Amenity)

### **Supplementary Guidance**

- Householder Development Guide

## **EVALUATION**

### **Principle of Development**

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

1. does not constitute 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 SG.

There would be no loss of open space given the nature and type of development, in that the proposal consists of an external alteration to a private dwellinghouse set within its established curtilage.

Therefore, in terms of establishing the acceptability of the principle of the proposal in the context of Policy H1, criteria 1, 2 and 4, as set out above, are applicable.

Where appropriate, such matters are discussed in the context of the Council's Householder Development Guide SG (hereafter referred to as 'SG'), below.

## Over development

Over development in planning terms describes the effect of excessive development of a plot which can result in adverse impacts upon the amenity of neighbours through loss of light, outlook or privacy; detrimentally change the character of the host property or surrounding area; or could also result in issues such as loss of green space, loss or harm to trees and hedges, having a lack of external amenity space for the occupants of the dwelling, or reducing provision of car parking on site so as to result in highway safety concerns. The ALDP and the Householder Development Guide set out that over development is not supported, and within the latter, tests and general principles are outlined which allow for the assessment of such proposals in terms of over development. Concerns regarding over development have been highlighted within the submitted representation.

General principles set out in the SG cover 5 criteria, the first two of which require development proposals for extensions, and other alterations to be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale (criterion 1), and should not result in a situation where the amenity of any neighbouring properties would be adversely affected. Significant adverse impact on privacy, daylight and general amenity will count against a development proposal (Criterion 2).

As set out below in relation to amenity, the proposal would result in a detrimental impact upon the amenity of the neighbouring residents at 8 Woodhill Place due to the scale, height and massing of the proposal. In particular the combined projection of the rear extension, raised deck and screen alongside the neighbouring boundary, and the impact of a raised deck directly adjacent to and overlooking the neighbour's boundary fence.

Additionally, the bulk of the two-storey rear extension would be overbearing and unsympathetic and the use eaves higher than that of the original dwelling would be incongruous and not typical of the roof design in the area. Considering the original house is a bungalow with dormers, the addition of a full height Juliet balcony in the proposed gable combined with the proposed clad linings would result in a rear extension which would be incompatible and significantly more dominant than the existing character of development in the area. Therefore, whilst not on the front elevation, the scale of the proposal in terms of visual impact is considered to be over development of the plot as it would be viewed by a number of neighbouring properties and is not subservient to the main house, or neighbouring properties.

Criterion 3 is not relevant in this instance as there are no other developments referenced or given as setting a precedent for this proposal which have been approved prior to the publication of the Householder Development Guide.

The final two general principles set out that the proposed rear extension and decking should not result in a footprint of development causing excessive loss of garden ground and should not be of a scale which dwarfs the original dwelling. The garden ground is extensive and therefore the proposal's footprint would still retain sufficient garden ground to comply with criterion 4 because 50% or more of the original rear curtilage would remain undeveloped. In regard to criterion 5, the extension and existing garage are less than double the original footprint of the host dwelling. In this respect therefore the proposal is acknowledged to comply with general principle 4 and 5 of the SG. However, this does not negate the fact that the proposal is considered to be over development for the reasons highlighted in this section.

## Design

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

It is noted that concerns regarding the extension not being in keeping architecturally with the original building have been raised within the submitted representation.

This example of rear extension is considered to form an incongruous addition which would be of a scale and massing which dominates the rear elevation of the dwelling, impacting its visual appearance. The two-storey rear projection is not considered to be subservient due to the south eaves height being in excess of the main roof, the use of a projecting gable creating a bulky first floor where the original house has a hipped roof with well scaled dormers set in the roof. The first-floor projection combined with the proposed deck would stand particularly tall due to the fall in levels of the site resulting in a large height difference from the ground level to the ridge of the roof and also the top of the deck screen barrier. This would be 8.1m from ground floor to ridge and 3.45m from ground level to the top of the deck screen. On balance therefore the proposal has not addressed the existing character of development in this area and would introduce a visually overbearing structure directly adjacent to a neighbouring property. This is not considered to comply with Policy D1 which requires development to be distinctive through reinforcing established patterns of development and complements local features such as scale, and materials.

The design, size, scale and material finish of the proposed extension would have a limited visual impact as it is within the private garden of the property. However, this garden and dwelling is overlooked by a number of neighbouring residential properties and the impact of this incongruous form of development would be felt by these neighbouring residents. On balance therefore the harm is a material consideration to be weighed against the benefits to the applicants in terms of the additional living space the extension would create.

Due to the overbearing scale of development proposed which is uncharacteristic of the area, combined with the impact upon amenity as set out below the design, scale and massing of the proposal is considered inappropriate development which does not comply with Policy D1 (Quality Placemaking by Design) or Policy 16 (Quality homes) part g, point 1 of NPF4.

## Residential Amenity

In respect of residential amenity, the Council's SG states that no alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected. In terms of daylight, respective calculations (45-degree method), as set out in Appendix 2 of the Council's SG, demonstrate that the size, scale and location of the proposed deck and screening relative to adjacent property is such that there would be some impact to adjacent habitable room windows at 8 Woodhill Place.

Using this test in plan, the 45-degree line taken from the deck and 3.45m screen is shown to shadow the ground floor window in 8 Woodhill Place. The 4.0m projection of the extension combined with the 2.5m raised deck with 1.8m screen results in a significant loss of outlook from this window. This window is likely to be a habitable room as it mirrors the habitable room in the application site. The height of the single storey extension directly adjacent to this window is such

that it would impact slightly when the 45-method is used to consider impact on the window in elevation. Loss of daylight is therefore also impacted, and the combined loss of outlook and the perception of feeling hemmed in by the new development, combined with the loss of light would be an adverse impact upon amenity.

With regards to sunlight, the position and orientation of the proposal relative to the sun path shows that there would be an impact to the rear garden ground of adjacent property, however the scale of the garden and the existing raised area at this neighbouring property mean that there would remain significant areas of garden that benefit from sunlight. As such the loss of sunlight within the neighbouring properties garden is not in itself considered a reason upon which refusal would be based.

Regarding privacy, the Council's SG states that new development should not result in significant adverse impact upon the privacy afforded to neighbouring residents, both within dwellings and in any private garden ground/amenity space. The addition of balconies/terraces to existing residential dwellings will require careful consideration of their potential impact upon privacy. Any proposed raised deck/terrace which would result in direct overlooking of the private garden/amenity space of a neighbouring dwelling, to the detriment of neighbours' privacy, will not be supported.

The proposed raised decking is orientated to the east of the proposed extension over the downward sloping and expansive rear garden ground of the host and neighbouring properties. There would be overlooking opportunities over 12 Woodhill Place. This would be separated to a degree by the shared driveway, and there is already a degree of overlooking from the existing rear extension.

Furthermore, this neighbouring property has also had a deck approved under reference 210851/DPP. The impact of overlooking was not considered a sufficient reason to refuse this application. This is in part due to the degree of separation from the deck to the private garden ground of 10 Woodhill Place with the shared drive located between the deck and the neighbour. On the basis that the current proposal would create a similar degree of overlooking over a shared access in this instance the loss of privacy and interrelationship between the two decks would not have such an adverse impact. This Local Review Body decision is a material planning consideration as it has assessed a similar proposal and similar level of impact that this current proposal would have specifically on the interrelationship between 10 and 12 Woodhill place.

The existing rear projection at the host property is fully glazed and allows overlooking over the shared driveway towards 12 Woodhill Place, as does the existing raised deck area. The new proposal would see the total projection increase, however the raised deck area would not be significantly more harmful in terms of overlooking of this neighbour due to the fact that the extension itself would not have side windows directly overlooking the neighbour to the north, and the main useable area of the raised deck would be to the south side of the deck away from this neighbouring dwelling. The proposal would have access stairs to the north side of the raised deck, and therefore this area would not be as high, or as frequently used as the main raised deck area which is closer to 8 Woodhill Place.

the proposal being considered in this instance does not include a screen boundary on the north elevation for the section which is not the stair (something that had been included on the application at 12 Woodhill Place to mitigate overlooking of the garden of 10 Woodhill Place). Whilst this could be controlled through the addition of a condition to mitigate impact, the impact upon the neighbouring properties privacy at 8 Woodhill Place remains significant enough that it is not considered appropriate to recommend approval, even if the impact upon 12 Woodhill Place's privacy could be mitigated against.

In this instance the proposal differs from the application approved at 12 Woodhill Place. It is considered that the impact on 8 Woodhill Place to the south would be significant and would constitute a change in character in current levels of overlooking. Whilst the submitted representation sets out that they do not feel that the development would have a significant impact on their property, concerns over impact on amenity are being considered by the Planning Service given that there would be differences to the current use of the raised deck.

8 Woodhill Place has a long and expansive rear garden, which is to a degree overlooked already, however this is limited by the screening at the boundary and also separation distance to the boundary of the existing rear extension. The proposal would result in a raised deck which is directly alongside the boundary which would allow views into a large proportion of the garden from an elevated position. Due to the open nature of the gardens to 8 Woodhill Place, in combination with the proximity, orientation, height, width and change in levels of the proposed raised deck relative to adjacent and usable garden ground, it is evident that the proposal will result in an unacceptable degree of overlooking and loss of privacy to the private amenity space of 8 Woodhill Place.

The applicant has proposed 1.8m high timber screen to the southern extent of the raised deck which has been noted by the neighbour to reduce overlooking. However, such screening fails to adequately address overlooking issues toward the south-east to which oblique views would be afforded across the entire width of the raised deck across to what looks to be well used amenity space.

In addition, the Juliet balcony would result in the addition of a tall first floor window which would be visible from neighbours' properties and would be more prominent than the existing dormer windows as it would project out significantly further than these existing diminutive and recessive windows set back up the original roof plane. As the Juliet balcony would serve a bedroom the impact is likely to be less than from the raised deck in terms of loss of privacy and disturbance to neighbours as the latter would serve a living and kitchen space. However, both the actual and perceived overlooking from the Juliet balcony would still be considered harmful to privacy both in and of itself, and combined with the impact of the raised deck. The total impact over overlooking, and perception of being overlooked is considered significantly harmful in this instance to warrant refusal. The use of the raised deck would result in much more intense periods of elevated activity which would overlook neighbours gardens. The Juliet balcony would turn what is a private bedroom into an area of potential overlooking, which would be from different periods of the day than that of the raised deck. As such, the combined impact would result in a general perception of being significantly overlooked which would be a significant change to the existing character of the area where the overlooking is more limited. Whilst Juliet balconies can be acceptable in certain settings, in this instance the impact upon a relatively suburban character of predominantly bungalow style houses is considered excessive.

This additional impact of the Juliet balcony combined with the issue of over development of the two storey rear extension as discussed, results in the Juliet balcony considered to be excessive in this location.

Further to the above, the scale of the proposed deck is significantly larger than the existing raised structure which could pose additional impacts upon neighbours in that it would be possible to accommodate more people. Should larger groups congregate on this deck they would have a view over the neighbouring garden for longer and the more intensive use of this space would have impacts over and above the existing raised deck, which is separated by a gap of 2.0m, whereas the proposal would be directly on, and higher than, the boundary with 8 Woodhill Place.

Whilst privacy is considered to be adversely affected, the proposed mitigation in the form of a screen has also resulted in a 3.45m boundary treatment which as stated above would have an

adverse impact upon outlook and light at 8 Woodhill Place. As such the mitigation of overlooking is not considered sufficient but would also cause other harm to amenity.

In light of the above, the proposal fails to comply with the Council's SG and proviso 2 of Policy H1 (Residential Areas) as well as Policy 16 (Quality homes) part g, point 2 of NPF4, on the basis that it fails to protect the established amenity of adjacent residential property.

## **Representation**

In considering the proposed erection of a 1.5 storey extension with raised decking and balustrade to rear of 10 Woodhill Place the representation submitted in relation to the application has been taken into account in the assessment of the proposal and all relevant planning matters have been considered in the report above.

## **National Planning Policy 4**

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 gives significant weight to the global climate and nature crises to ensure that it is recognised as a priority in all plans and decisions. The application would not materially address this apart from by contributing to the circular economy by making productive use of existing residential properties and adapting them to meet the changing and diverse needs of the user. The proposal does not propose any further energy saving standards and carbon reduction measures.

As set out above the proposed development has been assessed as being of an acceptable design but would have an adverse impact upon the amenities of neighbours. As such is contrary to Policy 16 (Quality homes) part g, point 2 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.

## **DECISION**

Refuse

## **REASON FOR DECISION**

The proposed rear extension and elevated deck is considered to be an overbearing and incongruous addition which does not reflect in an appropriate design or material finish to the distinctive character and scale of development in this area and is considered to result in an adverse impact on the surrounding residential amenity in terms overlooking and loss of privacy. Considering the size, position and orientation of the raised deck combined with the proposed extension and Juliet balcony it is considered that the development would also result in an intensification of use at an elevated level which would detract from the enjoyment of the surrounding residential amenity.

Therefore, the proposals are considered to be contrary to the provisions of Policy D1 (Quality Placemaking by Design) and fails to comply with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 in addition to the Council's Supplementary Guidance 'Householder Development Guide' and Policy 16 (Quality homes) part g, point 1 and 2 of National Planning Framework 4. Furthermore, the proposal fails to comply with Policy D2 (Amenity) of the Proposed Aberdeen Local Development Plan 2020, the Council's Supplementary Guidance 'Householder Development Guide' and Policy 16 (Quality homes) part g, point 2 of 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      100616605-001

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 replacement rear extension and alterations to existign dwelling

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: | MGA Architecture                      |  |                  |
| Ref. Number:          |                                       | You must enter a Building Name or Number, or both: * |                  |
| First Name: *         | John                                  | Building Name:                                       |                  |
| Last Name: *          | Buchan                                | Building Number:                                     | 22               |
| Telephone Number: *   | 01224 643117                          | Address 1 (Street): *                                | Rubislaw Terrace |
| Extension Number:     |                                       | Address 2:   |                  |
| Mobile Number:        |                                       | Town/City: *   | Aberdeen         |
| Fax Number:           |                                       | Country: *   | United Kingdom   |
|                       |                                       | Postcode: *  | AB10 1XE         |
| Email Address: *      | office@michaelgilmourassociates.co.uk |  |                  |

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |        |  |                |
|----------------------|--------|--|----------------|
| Title:               | Mrs    | You must enter a Building Name or Number, or both: * |                |
| Other Title:         |        | Building Name:                                       |                |
| First Name: *        | Laura  | Building Number:                                     | 10             |
| Last Name: *         | Fiddes | Address 1 (Street): *                                | Woodhill Place |
| Company/Organisation |        | Address 2:   |                |
| Telephone Number: *  |        | Town/City: *   | Aberdeen       |
| Extension Number:    |        | Country: *   | UK             |
| Mobile Number:       |        | Postcode: *  | AB15 5LF       |
| Fax Number:          |        |  |                |
| Email Address: *     |        |  |                |

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

10 WOODHILL PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 5LF

Please identify/describe the location of the site or sites

Northing

806458

Easting

391304

## 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: John Buchan

On behalf of: Mrs Laura Fiddes

Date: 06/02/2023

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 John Buchan

Declaration Date: 06/02/2023

## Payment Details

Online payment: ABSP00009219  
Payment date: 06/02/2023 08:25:00

Created: 06/02/2023 08:25

## **DECISION NOTICE**

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

### **Detailed Planning Permission**

John Buchan  
MGA Architecture  
22 Rubislaw Terrace  
Aberdeen  
AB10 1XE

on behalf of **Mrs Laura Fiddes**

With reference to your application validly received on 6 February 2023 for the following development:-

**Erection of 1.5 storey extension with raised decking and balustrade to rear at 10 Woodhill Place, Aberdeen**

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

| <b>Drawing Number</b> | <b>Drawing Type</b>        |
|-----------------------|----------------------------|
| 20-06 - 300 A         | Elevations and Floor Plans |
| 20-06-301             | Site Layout (Proposed)     |
| 20-06 - 101           | Location Plan              |
|                       | Other Drawing or Plan      |
| 20-06 - 300 B         | Elevations and Floor Plans |

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

None.

## REASON FOR DECISION

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

The proposed rear extension and elevated deck is considered to be an overbearing and incongruous addition which does not reflect in an appropriate design or material finish to the distinctive character and scale of development in this area and is considered to result in an adverse impact on the surrounding residential amenity in terms overlooking and loss of privacy. Considering the size, position and orientation of the raised deck combined with the proposed extension and Juliet balcony it is considered that the development would also result in an intensification of use at an elevated level which would detract from the enjoyment of the surrounding residential amenity.

Therefore, the proposals are considered to be contrary to the provisions of Policy D1 (Quality Placemaking by Design) and fails to comply with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 in addition to the Council's Supplementary Guidance 'Householder Development Guide' and Policy 16 (Quality homes) part g, point 1 and 2 of National Planning Framework 4. Furthermore, the proposal fails to comply with Policy D2 (Amenity) of the Proposed Aberdeen Local Development Plan 2020, the Council's Supplementary Guidance 'Householder Development Guide' and Policy 16 (Quality homes) part g, point 2 of NPF4.

**Date of Signing** 8 June 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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From: [REDACTED]  
To: [PI](#)  
Subject: Planning Application Reference 230143/DPP  
Date: 15 February 2023 14:02:42

---

Good afternoon

The above refers to 10 Woodhill Place. My address is 8 Woodhill Place, the other half of the semi.

I am 81 and so will not formally object to this application, as obviously I will be here for a shorter time than the occupants of number 10. I also wish to remain on good terms with my neighbours.

However, from a personal point of view I do feel that the proposed extension is out of keeping architecturally with the rest of the building and could perhaps also be viewed as an over-extension.

Regards

E A Louise Sutherland  
8 Woodhill Place  
Aberdeen  
AB15 5LF

Sent from my iPhone

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## Jack Ibbotson

---

**Subject:** FW: Correspondence regarding 10 Woodhill Place planning application  
230143/DPP

---

**From:** Louise Sutherland >  
**Sent:** Tuesday, June 6, 2023 2:42 PM  
**To:** Jack Ibbotson <[JIbbotson@aberdeencity.gov.uk](mailto:JIbbotson@aberdeencity.gov.uk)>  
**Subject:** Re: Correspondence regarding 10 Woodhill Place planning application 230143/DPP

Good afternoon

I don't object to my comment being published, given that I clearly stated I was not formally objecting, merely commenting that in my opinion the design was inappropriate for the area (a bit like a Swiss chalet) and also that it seemed to me to be an over-extension.

As I am over 80 the current occupant of no 10 is likely to be here longer than I will be; hence it isn't appropriate for me to formally object. I am merely expressing my opinion.

Apart from the disturbance of the build, I don't think the extension will impact on my property, as there appears to be a large wall planned on the side next to me.

The boundary is marked by a wire supported by concrete poles. This is enclosed between no 10's low wall and my fence. I should certainly object if I had to pay to move the fence on my side.

Sincerely

E A Louise Sutherland  
(No 8)

Sent from my iPhone

On 6 Jun 2023, at 12:12, Jack Ibbotson <[JIbbotson@aberdeencity.gov.uk](mailto:JIbbotson@aberdeencity.gov.uk)> wrote:

Dear Louise Sutherland,

I am dealing with the report for the above application and my manager has asked me to confirm whether you have withdrawn your objection.

We spoke regarding your representation regarding this planning application and you had said at the time that you did not want the letter to be publicly viewed.

I explained that we are not able to take into account comments unless they are made public.

From memory you agreed that you would not want the consultation to be published and therefore not taken into account.

Please can you confirm by return email that this is the case and that you want to withdraw the comment. Otherwise I would need to publish the comment and make reference to it in my report.

Kind regards

Jack

<image001.jpg>

**Jack Ibbotson** | Planning Trainee

Aberdeen City Council | Development Management | Strategic Place Planning | Place  
Marischal College | Ground Floor North | Broad Street | Aberdeen | AB10 1AB

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

Mobile: 01224 053589

Technical Team (Applications): 01224 52 3470 | Email: [pi@aberdeencity.gov.uk](mailto:pi@aberdeencity.gov.uk)

[www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk) | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

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From: E A Louise Sutherland  
Sent: Saturday, July 8, 2023 3:59 PM  
To: Mark Masson <[MMasson@aberdeencity.gov.uk](mailto:MMasson@aberdeencity.gov.uk)>  
Subject: Planning Reference 230143/DPP - 10 Woodhill Place, AB15 5LF

Dear Mr Masson

I would just add to my previous comments, that in my opinion the scale and design of the proposed extension would be more suited to a detached house than to a semi.

Yours sincerely

E A Louise Sutherland

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## **Application 230143/DPP - 10 Woodhill Place**

### **Development Plan**

#### **National Planning Framework 4**

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents/national-planning-framework-4-revised-draft)

- Policy 1 (Tackling Climate and Nature Crises)
- Policy 2 (Climate Mitigation)
- Policy 3 (Biodiversity)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

#### **Proposed Aberdeen Local Development Plan (2020) / Aberdeen Local Development Plan 2023**

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

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

### **Other Material Considerations**

#### **Aberdeen Planning Guidance**

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

Householder Development Guide

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

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

Thank you for completing this application form:

ONLINE REFERENCE      100616605-003

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="MGA Architecture"/>                      |  |   |
| Ref. Number:          | <input type="text"/>   | You must enter a Building Name or Number, or both: * |   |
| First Name: *         | <input type="text" value="John"/>                                  | Building Name:                                       | <input type="text"/>                          |
| Last Name: *          | <input type="text" value="Buchan"/>                                | Building Number:                                     | <input type="text" value="22"/>               |
| Telephone Number: *   | <input type="text" value="01224 643117"/>                          | Address 1 (Street): *                                | <input type="text" value="Rubislaw Terrace"/> |
| Extension Number:     | <input type="text"/>   | Address 2:   | <input type="text"/>                          |
| Mobile Number:        | <input type="text"/>   | Town/City: *   | <input type="text" value="Aberdeen"/>         |
| Fax Number:           | <input type="text"/>   | Country: *   | <input type="text" value="United Kingdom"/>   |
|                       |  | Postcode: *  | <input type="text" value="AB10 1XE"/>         |
| Email Address: *      | <input type="text" value="office@michaelgilmourassociates.co.uk"/> |  |   |

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |   |  |   |
|----------------------|---|--|---|
| Title:               | <input type="text" value="Mrs"/>        | You must enter a Building Name or Number, or both: * |   |
| Other Title:         | <input type="text"/>                    | Building Name:                                       | <input type="text"/>                        |
| First Name: *        | <input type="text" value="Laura"/>      | Building Number:                                     | <input type="text" value="10"/>             |
| Last Name: *         | <input type="text" value="Fiddes"/>     | Address 1 (Street): *                                | <input type="text" value="Woodhill 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="UK"/>             |
| Mobile Number:       | <input type="text"/>                    | Postcode: *  | <input type="text" value="AB15 5LF"/>       |
| 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="10 WOODHILL 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="AB15 5LF"/>              |

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="806458"/> | Easting | <input type="text" value="391304"/> |
|----------|-------------------------------------|---------|-------------------------------------|

## Description of Proposal

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

Erection of 1.5 storey extension with raised decking and balustrade 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.

Please refer to supporting documents LRB justification statement

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

Yes  No

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

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

Original Application drawings and 3d views (all as submitted in planning applicaiton) LRB Justification statement

## Application Details

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

230143/DPP

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

06/02/2023

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

08/06/2023

## 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)

## 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 John Buchan

Declaration Date: 03/07/2023

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**Job Number** 1450  
**Date** June 23  
**Subject** Local Review Body Appeal Justification  
**Prepared By** Stephen Pirie

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## 1.00 Planning Application Dates

06 February 2023 Application 230143/DPP was validated  
05 April 2023 LA Target determination  
08 June 2023 Refusal notice was issued

We note that no extension to the processing period was proposed for the application by Planning Department. We were contacted on 03 April to request a small amendment to the proposals (adding a privacy screen to the side of decking) to improve privacy and reduce any overlooking of the neighbouring property. Amended drawings were submitted to ACC the following day on 04 April 2023. No further dialogue was received until the application was refused 8 weeks later.

It is frustrating that the application process has taken 4 months to reach determination and that there has been no dialogue from the Planning Department to discuss proposals or amendments that could have been made to address concerns.

## 2.00 Appeal Justification/Response

We note below our response to the 'Reason for Decision' contained within the Refusal Notice as our justification for the refusal to be overturned by Local Review Body.

We do not consider the proposals to be overdevelopment of the plot, or out of keeping with scale, material or character of the area;

- The proposed extension is, in part, a replacement of an existing extension to the rear of the property.
- The footprint of the dwelling would be increased by only 17sqm. The resultant plot ratio would be 25% developed.
- The proposals are fully to the rear of the property and not visible from street frontage
- The proposed extension ties in with the existing roof profile; eaves and ridges levels, pitch and hipped gable end.
- The proposed extension matches existing dwelling roof finish of natural slate. Should the planning officer have concerns over external wall materials and extent of cladding proposed, we would have been open to discussing these and amending external finishes of the proposals to suit.
- We note that the majority of the dwellings in the immediate vicinity are storey and half in scale and a number of these have storey and half, full property width extensions to the rear. (refer to diagram below).



existing storey & half rear extensions within the immediate vicinity of application

We note concerns regarding overlooking and loss of privacy and note the following points.

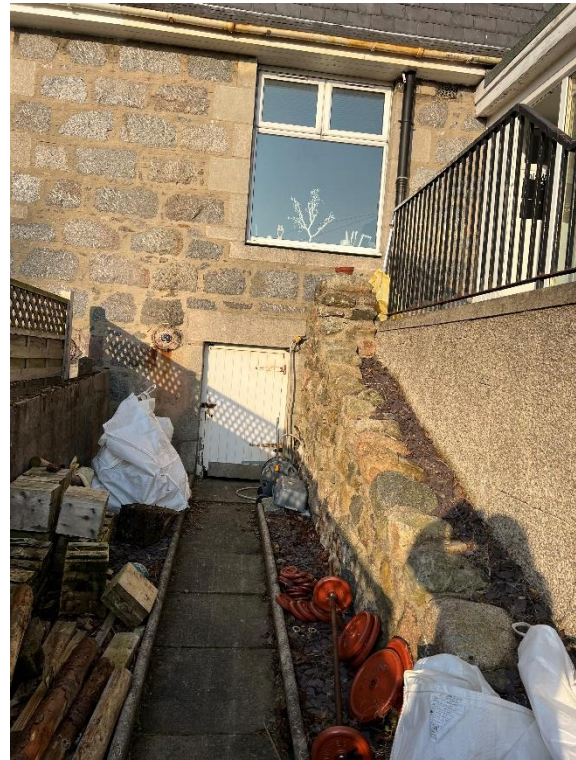
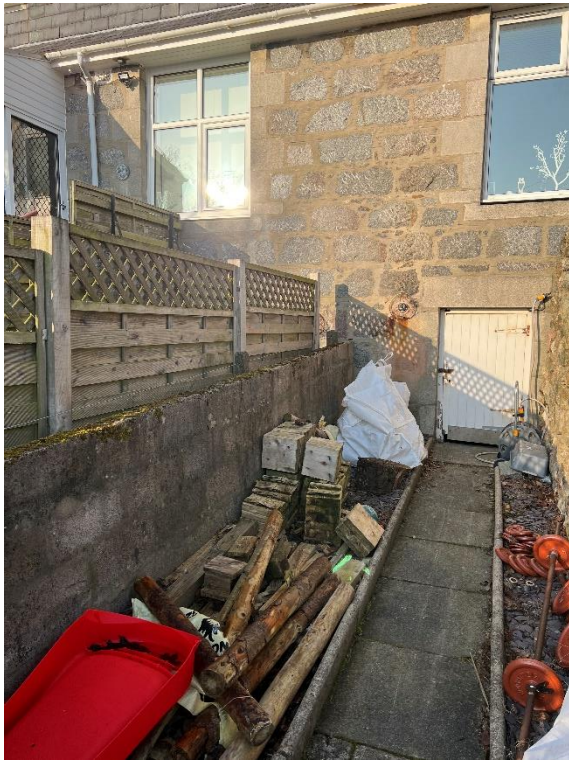
- The existing site is steeply sloping with all properties on the East side of Woodhill Place elevated from their rear gardens with an element of overlooking to neighbouring properties from ground and first floor windows as well as access paths.
- The existing rear extension includes a conservatory with south facing glazing overlooking number 8 Woodhill Place. The proposed extension removes this direct line of sight, with windows all to face the private garden to the east.
- Numbers 10 and 12 Woodhill Place, along with others in the street, share driveway access to the rear garden resulting in reduced privacy between dwellings as a natural consequence of driveway sharing.
- Our proposals were amended to incorporate a privacy screen to the boundary line of proposed raised decking to limit overlooking to No 8 Woodhill Place. *As per above this is a much improved arrangement with reduced overlooking than existing arrangement of conservatory extension.*
- The 'Juliet Balcony' referred to in refusal is not a first floor balcony, but a full height glazed window with external pedestrian protective barrier.
- Planning consent was recently approved for a raised rear deck to neighbouring property No12 Woodhill Place (210851/DPP – 24 February 2022) This proposal is of similar scale, height and alignment as the current proposals.

3.00 Existing Dwelling photographs



View from existing conservatory to neighbouring property (8 Woodhill Place)  
*Note that existing conservatories look directly to each other. With proposed extension works this direct line of sight is removed*





Existing boundary to neighbouring property (8 Woodhill Place)  
*Note that external ground level is approx 2m below the ground floor level and as such existing dwelling windows overlook neighbouring properties.*

#### 4.00 Summary

We contend that the proposals are not out of keeping with the design, materials, scale or character of the existing residential area and the proposals improve on existing overlooking issues between properties.