

Public Document Pack



To: Councillor McRae, Chairperson; and Councillors Clark, Cooke, Copland and Farquhar.

Town House,
ABERDEEN 04 September 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 **TUESDAY, 12 SEPTEMBER 2023 at 2.00 pm.**

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 3 - 4)

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 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.

- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 5 - 26)
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 27 - 28)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 29 - 46)
- 2.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain on lymcbain@aberdeencity.gov.uk / tel 01224 067344

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. Local members are not permitted to sit on cases that fall within their ward.
3. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
4. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
5. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.
Any representations:
 - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
 - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
6. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
7. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
 - (a) written submissions;
 - (b) the holding of one or more hearing sessions;

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

DETERMINATION OF REVIEW

10. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
11. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-
 - “where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
12. In coming to a decision on the review before them, the LRB will require:-
 - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
 - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
 - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
13. In determining the review, the LRB will:-
 - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
 - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions**.
14. The LRB will give clear reasons for its decision.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	Craigbank, 132 North Deeside Road, Peterculter, Aberdeen, AB14 0RS
Application Description:	Formation of decking to front (retrospective)
Application Ref:	221543/DPP
Application Type:	Detailed Planning Permission
Application Date:	9 January 2023
Applicant:	Mr Norman Laing
Ward:	Lower Deeside
Community Council:	Culter
Case Officer:	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 215m² with an existing garage sitting on it measuring 24m². 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"/>
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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:

Drawing Number	Drawing Type
	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 \(www.gov.scot\)](#)

- 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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Planning Appeal

Ref:221543/DPP

Formation of decking to the front 132 North Deeside Road Peterculter

To: Members of the LRB

Having been contacted by the applicant, we have reviewed the report and visited the site but have not met with the applicant. We respectfully submit this letter for your consideration of the above appeal.

The refusal of a retrospective application for the formation of a decked area which was refused on the grounds of the proposal not complying with H1 Residential Areas and D1 Quality Placemaking by Design of the ALDP 2017, associated Supplementary Guidance; The Householder Development Guide and the relevant policies of the Proposed Local Development Plan 2020. The Reason For Decision paragraph says that the proposal is also considered ACCEPTABLE against relevant policies (14 and 16) of National Planning Framework 4. The proposal would not result in a significant change to the parking facilities on the site.

Policy H1 and associated guidance section which considers the impact on the character or amenity of the area, the presumption against Decking to the front of a property where it would adversely affect the visual amenity of the street scene and or an adverse impact on the amenity of adjacent buildings.

Having viewed the decking from the pavement outside the property which fronts onto the busy North Deeside Road, we believe there is minimal impact to the street scape or the adjacent property, which at the time of viewing had their car parked immediately in front of their window, as opposed to the applicant had decking. The house and decking is set at the back of a reasonably long front garden which gets the sun for the majority of the day, the decking has been dressed with plant in pots. Just a short distance away on the North Deeside Road there are two pubs which have tables and chairs at the front of their properties, they are adjacent to residential properties, one of the pub's

seating area is elevated above the pavement level, other residents who have small/short front gardens have permanent benches to the front of their houses, there are also benches at several location on the pavement along the North Deeside Road in Culter. Other items which are prominent in the frontages of premises along the stretch of the North Deeside roads are wheelie bins, cars and vans. The character of the area is a mix of houses styles, flats, shops, pubs and a church, some with gardens and driveways. Across the road from the applicants premises are flats with their own front doors, short frontages, and a pavement next to a row of parked cars. Whist there is a suggestion that approval of this application could set a precedent, we would argue that each application should be judged on its own merits. There have been NO objections from neighbours, the Culter community council, the single objections has come from a person in Dyce. There is NO objection from roads, it is accepted that the proposal doesn't impact on the category C listed church next door.

D1 Quality Placemaking by Design, the scale/massing, siting and materials are a consideration. The siting has already been discussed. The scale/massing is a judgement call as are the use of materials.

We accept that there are no other decked areas to the front of properties nearby, however we believe that it is a judgement call on whether it has an adverse impact to the amenity and character of the area. Having considered the mix of types and styles of properties and outside areas, their use related to the location of applicants site, the fact that there are no statutory or neighbouring objections, we consider the decking has minimal impact, not sufficient to warrant refusal. If the LRB members are minded to approve the application they may wish to consider attaching a condition re the colour of the upright posts, asking them to be painted white to tie the decking to the colour of the window surrounds.

We of course respect the authority of the LRB members to determine the appeal but having been approached by the applicant felt it may be useful to provide the above

Cllr Marie Boulton & Cllr Duncan Massey

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