

Public Document Pack



To: Councillor McRae, Chairperson; and Councillor Bouse. Other Councillors to be confirmed.

Town House,
ABERDEEN 13 February 2024

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely on **MONDAY, 19 FEBRUARY 2024 at 11.00 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

REVIEW ONE

2.1 27 Cairn Road, Bieldside - Installation of Replacement Roof to an Existing Sun Room and Formation of Raised Decking with an External Stairs and Balustrade to Rear - Planning Ref 230595

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 230595.

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 7 - 22)

2.3 Planning Policies Referred to in Documents Submitted (Pages 23 - 24)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 25 - 56)

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

REVIEW TWO

3.1 10 Woodhill Place - Installation of Replacement 1.5 Storey Rear Extension with Raised Decking, Fencing, Steps and Balustrade and Alterations to Existing Rear Dormer- Planning Ref 231176

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 231176.

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 57 - 80)

3.3 Planning Policies Referred to in Documents Submitted (Pages 81 - 82)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 83 - 94)

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

REVIEW THREE

- 4.1 27 Cromwell Road - Formation of Driveway and Alterations to Boundary Wall - Planning Ref 230946
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 230946.
- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 95 - 180)
- 4.3 Planning Policies Referred to in Documents Submitted (Pages 181 - 182)
- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 183 - 218)
- 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

REVIEW FOUR

- 5.1 1b Skene Place - Demolition of Existing Guest House and Erection of Dwelling House - Planning Ref 230596
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 230596.
- 5.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 219 - 254)
- 5.3 Planning Policies Referred to in Documents Submitted (Pages 255 - 256)
- 5.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 257 - 272)
- 5.5 Determination - Reasons for Decision
- 5.6 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 Mark Masson on mmasson@aberdeencity.gov.uk / tel 01224 067556

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:	27 Cairn Road, Bielside, Aberdeen, AB15 9AL
Application Description:	Installation of replacement roof to an existing sun room and formation of raised decking with an external stairs and balustrade to rear
Application Ref:	230595/DPP
Application Type:	Detailed Planning Permission
Application Date:	16 May 2023
Applicant:	Mr & Mrs E Davidson
Ward:	Lower Deeside
Community Council:	Cults, Bielside And Milltimber
Case Officer:	Jennifer Keohane

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is set within the residential area of Bielside, situated to the south east of Aberdeen City. The application dwelling consists of a detached one and a half storey dwelling where the north facing, principal elevation overlooks an enclosed front curtilage. Due to the gradient of the land, the site slopes down to the south, allowing a two and a half storey property to the rear, which overlooks a large enclosed rear curtilage accessed from a private laneway located to the south. The rear curtilage comprises a driveway, double garage and lawn. The application site shares a boundary with 25 Cairn Road located to the east, and 29 Cairn Road located to the west.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought to replace a section of roof associated with the sunroom, located to the south west of the dwelling, measuring approximately 8.5 sqm. The replacement roof would be Cure-IT roofing resin. In addition, a raised decking is proposed which would extend from the rear elevation of the property to a length of 5 metres and width of 6.5 metres, sitting 2.6 metres above ground level, with a proposed footprint of 34 sqm. All measurements are approximate. The raised decking would be finished in uPVC non-slip boards, dark grey in colour, where a 1.1 metre

high safety baluster of steel balustrades with glass infill would be situated on the south and east side. The west side would have a 1.6 metre glazed opaque screen installed. Finally, stairs are proposed on the eastern side, allowing external access from the garden ground. The proposed steps would extend some 3.5 metres, accommodating 15 steps with a rise of 250 mm, would run parallel with the raised deck and be finished with steel balusters and handrail measuring approximately 800mm in height.

Additional works detailed on the plan include window and door replacement, however, these works are deemed as permitted development and so, will not form part of this assessment.

Amendments

Following initial assessment, the Planning Service raised concerns regarding the raised deck area and the impact this would have on the neighbouring property in terms of overlooking and impact on privacy, as such amendments were requested which included the following:

- Width of the decking brought in from the south west elevation by approximately 1 metre;
- Length of the decking, as it extends from the south east elevation reduced by 1.7 metres; and
- A screen installed on the south west elevation, to measure minimum of 1.6 metres in height and finished in a material which obscures the visual outlook from the raised deck area.

Of these requests, amended plans were submitted detailing the installation of a 1.6 metres obscure glazed panel on the south west elevation of the raised decking, however, the overall size of the proposed deck has not been reduced. As such, not all matters raised by the Planning Service have been addressed. Amended plans and supporting statement have been received, which form part of this assessment.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RUQZX9BZJKK00>

Supporting Statement

CONSULTATIONS

Cults, Bieldside and Milltimber Community Council – No comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where 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 2023

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

Interim Aberdeen Planning Guidance

Aberdeen Planning Guidance is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- Householder Development Guide

EVALUATION

National Planning Framework 4 (NPF4)

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) encourages, promotes and facilitates development that minimises emissions and adapts to the current and future impact of climate change. While Policy 3 (Biodiversity) looks to protect biodiversity and ensure it is enhanced, householder development is excluded from this specific requirement.

In terms of this application, given the nature and scale of the works, it is considered that there would be no significant risk of or impact on climate change. In addition, the works would have little to no impact on natural features or species. Taking into account the scale of the development, it is considered that the proposal complies with the aims of Policies 1, 2 and 3 of NPF4.

Principle of Development

The site falls within a “Residential Area” designation on the Aberdeen Local Development Plan (ALDP) Proposals Map to which Policy H1 applies. Policy H1 supports new development and householder development within such areas providing it satisfies the following criteria:

- 1) Does not constitute “overdevelopment”;
- 2) Does not have an unacceptable impact on the character and amenity of the surrounding area;
- 3) Does not result in the loss of valuable and valued open space.

Overdevelopment and loss of open space

The works relate to replacing a section of roof which would not increase the overall footprint of the dwellinghouse. The proposed raised decking, including access stairs, would measure approximately 34 sqm in size, however, the space would not form part of the internal footprint and owing to the size of the rear curtilage, there would be no impact on the level of usable garden space. As such, the proposal would not result in 'overdevelopment' of the site.

Furthermore, the proposal would also not give rise to loss of open space as it would be contained within the existing residential curtilage of the dwelling. In light of this criteria 1 of Policy H1 can be satisfied.

Impact on the character and amenity of the surrounding area

Further to criteria 2 of Policy H1, consideration to the potential impact on character and amenity as a result of the proposed development will now be undertaken. To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 (Quality Placemaking). 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. This is echoed by the intent of Policy 14 (Design, Quality and Place) of NPF4, which sets out the six qualities of successful places. In addition, Policy 16 (Quality Homes), specifically section g, of NPF4 advises that householder development proposals will be supported where they do 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. The second part of section g) states that proposals should not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

Good quality design, careful siting and due consideration of scale, context and design of the main dwelling are key to ensuring that development does not erode the character and appearance of our residential areas. In terms of the replacement roof, the overall design would be similar in appearance to the existing and so would not alter the character or serve to overwhelm or dominate the existing dwelling. Further to this, as the works would see the existing flat roof replaced, there would be no impact on amenity afforded to neighbouring properties. As such, the proposed roof replacement complies with part of criteria 2 of Policy H1 and D1 of the ALDP as well as Policies 14 and 16 set out in NPF4.

Turning now to the proposed raised decking and stairs, the Council's interim planning guidance Householder Development Guide (APG) details that proposed decking should not result in an adverse impact upon the amenity of adjacent dwellings, including both internal accommodation and external amenity space. 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. In this case, the proposed deck would be located to the rear of the application dwelling, due to the length of the driveway, being some 42 metres, the proposed deck would not impact the street scene, however, due to its prominent siting and height, there is concern that the proposed development would impact the character of the existing dwelling as well as having a potentially adverse impact on the rear garden ground of neighbouring 29 Cairn Road, located to the west, due to overlooking and impact on privacy.

Owing to its height, projection and siting, whereby the proposed deck would sit approximately 2.6 metres above ground level and extend some 5 metres from the rear elevation, it is accepted that it would be visible on the approach to the dwelling from the lane to the south. However, taking into account the design of the dwelling, it is considered that the provision of a deck would not result in any adverse impact on the character of the existing dwelling or that of the surrounding area.

However, the deck would sit approximately 1.8 metres from the shared boundary, at a height of 2.6 metres above ground level and owing to its open nature, it would allow clear visibility into the

neighbours rear curtilage. Although an opaque screen, measuring approximately 1.6 metres in height, is now proposed for the south west side of the decking, the proximity of the deck to the shared boundary and its projection from the rear elevation, is such that the level of overlooking would not be appropriate and would result in adverse impact on the amenity of 29 Cairn Road. While, it is noted there is a glazed sunroom on the south west side of the dwelling which does offer views from the dwelling into the neighbouring garden ground, as noted in the supporting statement, the provision of a raised deck would exacerbate this to an unacceptable level. The Planning Service, as noted in the aforementioned statement, has previously suggested that if the decking was pulled off the south west elevation, the projection reduced and a high level screen was introduced that this would remedy the situation to an acceptable level, noting that it would not remove the risk completely. However, not all these amendments were taken forward by the applicant, with the only amendment made being the provision of a high level screen at a height of 1.6 metres. However, this alone is not considered to remedy the situation and the provision of this size of deck on this elevation would result in an adverse impact on privacy to No. 29's private garden ground.

It is noted that the applicant also offered to obscure the glazing within the sunroom, to a height of 1.6m to match the proposed external screen, however that is not a matter of consideration here as the sun room is existing. With the aforementioned statement, photographs were provided of other raised decking and balconies in the area, a prime example being 29 Cairn Road, which has a balcony or external deck on its south west elevation, however the difference in this situation is that it infills a section of the dwelling and does not project from the rear elevation. Further to this, its views to the neighbouring property at 31 Cairn Road, are limited owing to existing development, which offers some protection against overlooking. No such protection exists at 27 Cairn Road and views from the proposed deck would be unobscured. Other images provided cannot be commented on as the Planning Service do not have addresses and regardless, every application is assessed on its own merits.

While there would be no impact in terms of overshadowing, the proposal does not adhere to the considerations in the Council's APG, nor does it comply with Policy H1 of the ALDP or section g of Policy 16 of NPF4, therefore in its current form, the proposed deck does not suitably comply with the Council's policy and guidance, and so, the Planning Service are unable to support this application.

Whilst it is acknowledged the replacement roof located to the rear elevation would not detract from the property itself nor the wider area, the proposed decking does not adhere to the guidelines as detailed within the Council's interim APG, nor does it comply with criteria set out under Policy H1 (Residential Areas) or Policy D1 (Quality Placemaking) of the ALDP due to the overall impact the development would have in terms of amenity, specifically overlooking. In addition, the proposed decking does not comply with the six qualities of successful places as detailed under Policy 14 of NPF4, as the proposal would have a detrimental impact on the amenity afforded to 29 Cairn Road, furthermore, the proposal does not comply with section g of Policy 16 of NPF4, and so does not comply with national policy planning. As such, the Planning Service are unable to support this proposal.

DECISION

Refuse

REASON FOR DECISION

The proposed decking would negatively impact the surrounding area in terms of amenity, specifically, that of 29 Cairn Road in terms of privacy, whereby, the deck would allow clear unobscured views into the private garden ground. Therefore, the proposal does not comply with

Policy H1 (Residential Areas) or Policy D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023 or Policy 14 (Design, Quality and Place) or Policy 16 (Quality Homes) of National Planning Framework 4.



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 100628677-001

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 internal alterations, roof replacement and external decking

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:	Thistle Windows & Conservatories Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Zoe	Building Name:	Thistle House
Last Name: *	Urquhart	Building Number:	
Telephone Number: *	01224 701250	Address 1 (Street): *	Woodside Road
Extension Number:		Address 2:	Bridge of Don
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB23 8EF
Email Address: *	zoe.urquhart@thistlewindows.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	
First Name: *	E	Building Number:	27
Last Name: *	Davidson	Address 1 (Street): *	Cairn Road
Company/Organisation		Address 2:	Bieldside
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB15 9AL
Fax Number:			
Email Address: *	design@thistlewindows.com		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

27 CAIRN ROAD

Address 2:

BIELDSIDE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 9AL

Please identify/describe the location of the site or sites

Northing

802595

Easting

388196

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: Zoe Urquhart

On behalf of: Mr & Mrs E Davidson

Date: 16/05/2023

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: Miss Zoe Urquhart

Declaration Date: 16/05/2023

Payment Details

Online payment: ABSP00009589
Payment date: 16/05/2023 11:20:00

Created: 16/05/2023 11:20

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Zoe Urquhart
Thistle Windows & Conservatories Ltd
Thistle House
Woodside Road
Bridge Of Don
Aberdeen
AB23 8EF

on behalf of **Mr & Mrs E Davidson**

With reference to your application validly received on 16 May 2023 for the following development:-

Installation of replacement roof to an existing sun room and formation of raised decking with an external stairs and balustrade to rear at 27 Cairn Road, Bielside

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

<u>Drawing Number</u>	<u>Drawing Type</u>
40320 - 202 2	Proposed Lower Ground Floor Plan
40320 - 203 2	Proposed First Floor Plan and Notes
40320 - 204 2	Proposed Sections
40320 - 201 3	Proposed Ground Floor Plan
40320 - 205 3	Proposed SW Elevation
40320 - 206 3	Proposed SE Elevation
40320 - 207 3	Proposed NE Elevation
	3D Images

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

Following initial assessment, the Planning Service raised concerns regarding the raised deck area and the impact this would have on the neighbouring property in terms of overlooking and impact on privacy, as such amendments were requested which included the following:

- Width of the decking brought in from the south west elevation by approximately 1 metre;
- Length of the decking, as it extends from the south east elevation reduced by 1.7 metres; and
- A screen installed on the south west elevation, to measure minimum of 1.6 metres in height and finished in a material which obscures the visual outlook from the raised deck area.

Of these requests, amended plans were submitted detailing the installation of a 1.6 metres obscure glazed panel on the south west elevation of the raised decking, however, the overall size of the proposed deck has not been reduced. As such, not all matters raised by the Planning Service have been addressed. Amended plans and supporting statement have been received, which form part of this assessment.

REASON FOR DECISION

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

The proposed decking would negatively impact the surrounding area in terms of amenity, specifically, that of 29 Cairn Road in terms of privacy, whereby, the deck would allow clear unobscured views into the private garden ground. Therefore, the proposal does not comply with Policy H1 (Residential Areas) or Policy D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023 or Policy 14 (Design, Quality and Place) or Policy 16 (Quality Homes) of National Planning Framework 4.

Date of Signing 25 September 2023



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

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

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

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

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

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Application 230595 – 27 Cairn Road

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

Other Material Considerations

Aberdeen Planning Guidance

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

[Householder Development Guide](#)

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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 100628677-003

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="E"/>	Building Number:	<input type="text" value="27"/>
Last Name: *	<input type="text" value="Davidson"/>	Address 1 (Street): *	<input type="text" value="Cairn Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Bieldside Road"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 9AL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="design@thistlewindows.com"/>		

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="27 CAIRN ROAD"/>
Address 2:	<input type="text" value="BIELDSIDE"/>
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 9AL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="802595"/>	Easting	<input type="text" value="388196"/>
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Description of Proposal

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

Installation of replacement roof to an existing sun room and formation of raised decking with an external stairs and balustrade to rear at 27 Cairn Road, Bieldside

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.

This appeal is based on the inconsistencies in determining Planning Approval decisions regarding the Aberdeen Local Development Plan 2023, Policies H1, D1, Policy 14 and Policy 16 as noted in the Planning Decision Notice for 230595/DDP. The policies on what the refusal notice was referred to: Policy 14 (Design, Quality and Place) or Policy 16 (Quality Homes) of National Planning Framework 4 are more influenced on housing developments and not applicable to this application.

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)

Documents to support this appeal are as follows: • Decision Notice of Planning Application 230595/DDP • Report of Handling of Detailed Planning Permission for 250595/DDP • Original application drawings (submitted 16.05.2023) and Revised Proposals (submitted 17.08.2023) lodged via online ePlanning portal. •Appeal Statement from the Applicant, Mr & Mrs Davidson • Appeal Statement from Councillor Marie Boulton & Councillor Duncan Massey

Application Details

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

230595/DPP

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

16/05/2023

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

25/09/2023

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)

A proper site visit is required to evaluate the site to understand the existing extremities involves between the applicant (No. 27) and their Neighbour (No. 29), their garden spaces and to understand the layout of the land.

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Miss Zoe Urquhart

Declaration Date: 15/12/2023

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Thistle House, Woodside Road
 Bridge of Don, ABERDEEN
 AB23 8EF

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APPEAL STATEMENT

FOR PLANNING APPLICATION: 230595/DPP

PROPOSED INTERNAL ALTERATIONS, ROOF REPLACEMENT AND EXTERNAL DECKING AT 27 CAIRN ROAD, BIELDSIDE, ABERDEEN, AB15 9AL

SUMMARY

This appeal is based on the following key points:

- The policies on what the refusal notice was referred to: *Policy 14 (Design, Quality and Place) or Policy 16 (Quality Homes) of National Planning Framework 4* are more influenced on housing developments and not applicable to this application.

SUPPORTING INFORMATION:

This supporting document is to be read in conjunction with Planning Application 230595/DPP and Drawing Nos. 40320-001 Rev 2, 40320-101 Rev 2, 40320-102 Rev 2, 40320-103 Rev 2, 40320-201 Rev 2, 40320-202 Rev 2, 40320-203 Rev 2, 40320-204 Rev 2, 40320-205 Rev 2, 40320-206 Rev 2 & 40320-207 Rev 2 initially submitted to Aberdeen City Council on the 16th May 2023 (Validated 22nd May 2023) via the online ePlanning Portal; proposing internal alterations, roof replacement works to an existing conservatory and external decking to the rear of the property. The Planning application for the proposed works were refused by Aberdeen City Council on 29th September 2023; on the grounds that *"the proposed decking would negatively impact the surrounding area in terms of amenity, specifically of 29 Cairn Road in terms of privacy, whereby, the decking would allow clear unobscured views into the private garden grounds. Therefore, the proposal does not comply with Policy H1 (Residential Areas) or Policy D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023 or Policy 14 (Design, Quality and Place) or Policy 16 (Quality Homes) of National Planning Framework 4"*. The proposed roof replacement works would not distract from the property or the wider area – the proposed decking area, in light of the Planning's conclusion, does not adhere to the guidelines hence refusal.

Documents to support this appeal are as follows:

- Decision Notice of Planning Application 230595/DDP
- Report of Handling of Detailed Planning Permission for 250595/DDP
- Original application drawings (submitted 16.05.2023) and Revised Proposals (submitted 17.08.2023) lodged via online ePlanning portal.
- Appeal Statement from the Applicant, Mr & Mrs Davidson
- Appeal Statement from Councillor Marie Boulton & Councillor Duncan Massey

This appeal is based on the inconsistencies in determining Planning Approval decisions regarding the Aberdeen Local Development Plan 2023, Policies H1, D1, Policy 14 and Policy 16 as noted in the Planning Decision Notice for 230595/DDP.

EXISTING SITE



EXISTING LOCATION PLAN (N.T.S.)

The site housing No. 27 Cairn Road follows the natural fall of the surrounding landscape – with the highest point on Cairn Road and falling southwards towards North Deeside Road: leading to the North-West Elevation being 1 & ½ storey facing Cairn Road, and 2 & ½ storey facing the garden to the South-East. The main Ground Floor habitable area of the property, on the South-East Elevation, is elevated 2.625m above the existing ground level at the rear of the property, with existing views extending over the garden area of neighboring sites and its own, with uninterrupted views over the rear garden space of No. 29 Cairn Road (and vice versa) due to the planting of low-level shrubbery. The Boundary between No. 27 and No. 25; is contained with high level hedging, large shrubbery, and mature trees – no means of overlooking from either property.

Access to the site can be made from Crain Road (pedestrian) to the front of the property, or back lane (vehicle) to the rear parking area/garage/garden. Access via the back lane is primarily private; this is the main access into the rear gardens and parking for many properties located on Cairn Road and North Deeside Road. The road itself is not through road for vehicle traffic.

Please refer to APPENDIX 'A' – showing Google Earth Images showing the property in situ with their existing boundary finishes and existing photographs of the site for reference.

PROPOSAL

The owner of the property approached Thistle Windows & Conservatories to create a more feasible outdoor space with access from the main ground floor level to the rear of the property facing their garden, taking advantage of the south facing elevation. The existing paved patio area, which is only accessible via the lower ground floor rear door or the external set of steps either side of the property; didn't suit the purpose of being a usable space for leisure due to the access. The Existing open plan conservatory area was deemed to be an ideal access point, and in turn changing the roof from a polycarbonate finish to a GRP would ensure the deduction of heat loss from this space. Additional internal alterations of removing existing side lights and squaring off existing archways into this new sunroom space, which in turn giving access onto the new proposed decking area of the main level as requested, giving direct access from the Dining Area and Kitchen.



The Decking – projecting 5.01m approx. from the existing property line, follows the line of the existing patio area underneath, and width of 6.55m approx., taking the decking to the first window to the Kitchen, with the stairs projecting towards the garden to the RHS. The sub-structure is made of galvanized steel (silver/grey finish); with dark grey nonslip decking boards, and seamless glass

balustrades. The line of decking taken flush from the line of the property is 1.78m from the boundary line (existing property 1.73m) of the neighbouring No. 29.

Following the submission of the Planning Application for the proposed works on the 16th May 2023, subsequent Planner Site visit undertaken on the 23rd June 2023 and email from the planner in regards to their finding of the proposal 11th July 2023 [initial determination deadline of the 15th July 2023 would not had been met]; it was found that after their assessment of the application, concerns were raised regarding the proposed decking; where reducing the size of the decking footprint would be required to minimise the impact of the proposal on the neighbouring properties; mostly the privacy aspect of the Neighbour of No. 29. [Please refer to APPENDIX 'B' for images provided by Planning regarding amending the decking].

The Planners suggestion of reducing the width of the decking 1.0m in further from the boundary side and the projection by 1.625m – resulting in a reduction of decking area of 57% [34.1m² to 19.3m²]. The placement of the balustrade posting would have conflicted with the opening parts of the proposed patio doors, which would need to be amended to a fix pane and three part opening patio door – although amending the window/door configuration could be possible; it would then create a “dead end” within the sun lounge space towards the boundary, and the new door set would be unbalanced against the lower door and screen set as per the office space below. The decking proposal, as it stands, is flush with the side of the existing property lying 1.733m from the center of the boundary wall, and approx. 5.8m from the neighboring property of No. 29.

The Planning Application received no comments or rejections from any of the neighbours during the dedicated time for making comment for the application on the Aberdeen City Council Planning Website, in regard to the decking layout, design and placement following the application validation on the 16th May 2023 – with ALL affected parties being notified as per the Neighbour Notification List forwarded by Aberdeen City Council. It would be deemed that as the Neighbour of No .29 received the letter advising them of the proposal, they did not highlight any potential issues with the proposal and therefore satisfactory with the proposed design and works to proceed. As the location of the decking is in the rear back garden, as well as its neighbours given the fact that there were no comments/objections should be a factor in the overall decision notice.

Although an element of “overlooking” is evident within the existing property on the main ground floor – views overlooking the neighbor’s garden of No. 29 already happens and vise-versa, both in ‘habitable’ or ‘non-habitable’ rooms - clear unobstructed views from both the Dining Room and full height glazing to the ‘conservatory’ area, in which the entire garden of No 29. And No 27 is in full view from this area. There is no merit of reducing the width or length of the decking in terms of ‘privacy’ or ‘overlooking’, this will not solve any aspect whether inside the sunroom/conservatory or if standing on any part of the decking area. The garden of No. 27 is in full view from the existing decking area of No. 29 – albeit the layout of the existing house allows most of their decking to be hidden from the projecting line of the dwelling there is clearly an overlooking point to most of the neighboring garden space from the decking area of No. 29.

The following photographs are noted to show this:



Proposed Site Plan:



Photo 1 – View from Conservatory



Photo 2 – View from Conservatory



Photo 3 – View from Conservatory



Photo 4 – View from Kitchen



Photo 5 – View from Kitchen



Photo 6 – View from Dining Room



Photo 7– View from Kitchen

To minimise the overall impact in terms of privacy of overlooking into the garden space of No. 29 – we have proposed is to amend the balustrade design to the boundary side, changing the height of the panels to 1.6m as requested [height measured from the decking finish], the glass panels to be frosted/obscured glazing – to minimise the impact of overlooking from the application property when using the decking area; and to also create privacy for all parties involved. The remainder of the balustrades remains as per the original design of 1.1m high seamless glass. The applicants feel that the overall size of the decking should not be reduced, as there is no significant adverse impact on daylight or the overall look of the decking in question, but there is no additional impact on the level of overlooking and privacy that already exists on site, regardless if someone standing inside the property on the main ground floor or standing on the new decking area – the aspect of overlooking into the garden of No. 29 is always evident. This is also present in the decking area of No. 29, although tucked away there is a clear line of view in the rear garden space of No. 27. We had suggested for the

larger windows to the conservatory/sunroom that these be amended to obscure glazing on the lower panes, which would help eliminate the overlooking aspect internally and following the line of the 1.6m high balustrade, meaning that the entire glazed area will be obscured. We feel as there is already an issue with overlooking as part of the property that regardless of if the decking was pushed back, there is always that element that will always be present as highlighted in the rendered 3D images that were submitted 17th August 2023 along with the revised drawings uploaded via the online ePlanning portal. [Please refer to APPENDIX 'C' for 3D Renders uploaded as part of the return submission via the online ePlanning portal].

As per the Planner's correspondence amending the original design from a 1.1m glass balustrade on the boundary side and amend the proposal as per the above – this would reduce the impact of overlooking as best as possible given the existing extremities on site. Drawings 40320-201 Rev 3, 40320-205 Rev 3, 40320-206 Rev 3 & 40320-207 Rev 3 have been amended to show the revised 1.6m balustrade height as suggested and resubmitted to Aberdeen City Council on the 17th August 2023.

We can suggest the introduction of semi-mature hedging to the boundary, which will help tackle the overlooking aspect of which the refusal is based on. There is evidence of hedging being present along this boundary line; but has been removed by none of the current occupiers of No. 27 or No. 29. The hedging, although maybe a solution, will only work long term, given the growth to the height required to satisfy the Planners. A fast-growing hedge would be proposed to help this. It is hoped, that although not a fast-resolving factor to the main issue – this would eliminate any other form of screening. The proposal of the high-level screening to the boundary will remain in situ until the hedging is at an appropriate screening height for both parties.

Taking the planners reasonings in the original refusal of the proposal: *"the proposed decking would negatively impact the surrounding area in terms of amenity, specifically of 29 Cairn Road in terms of privacy, whereby, the decking would allow clear unobscured views into the private garden grounds. Therefore, the proposal does not comply with Policy H1 (Residential Areas) or Policy D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023 or Policy 14 (Design, Quality and Place) or Policy 16 (Quality Homes) of National Planning Framework 4"*. With referral to the associated Handling Document for application 230595/DDP, and the policies it refers to come to the refusal decision, our reasoning are as follows:

Policy H1 – Residential Areas

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

- 1. Does not constitute overdevelopment*
- 2. Does not have an unacceptable impact on the character or amenity of the surrounding area*
- 3. Does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010*
- 4. Complies with Supplementary Guidance on Curtilage Splits; and*
- 5. Complies with Supplementary Guidance on House Extensions*

Within existing residential areas, proposals for non-residential uses will be refused unless:

- 1. They are considered complementary to residential use*
- 2. It can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.*

With reference to Policy H1 – Residential Areas; the proposal would not constitute overdevelopment, nor loss of valuable or valued areas of open space, would not fall under guidance for House Extension or Curtilage Splits. There were no issues in regard to the overall design (impact on the character or amenity of the surrounding area as this would be highlighted by any comments to the application made by the notifiable neighbours for comment); and would not cause no conflict of nuisance/enjoyment of existing residential amenity, as the decking covers the same area of the existing paved patio area below. The proposal will complement the natural flow of the dwellinghouse with its relationship between external/internal usage.

The proposal is in the rear curtilage of the site; so, the main ‘public view’ will be visible from the access road to the South – which would only be used by homeowners of which the road feeds from for access into their own gardens/parking and would be limited from mass public view.

Policy D1 – Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping, and boundary treatments, will be considered in assessing that contribution.

To ensure that there is a consistent approach to high quality development throughout the City with an emphasis on creating quality places, the Aberdeen Master planning Process Supplementary Guidance will be applied.

The level of detail required will be appropriate to the scale and sensitivity of the site. The full scope will be agreed with us prior to commencement. Landmark or high buildings should respect the height and scale of their surroundings, the urban topography, the City’s skyline and aim to preserve or enhance important views.

With reference to Policy D1 – the main factors are the siting and scale of the proposed decking area. Given the layout of the existing property, the existing fall of the land and existing extremities the proposal is deemed favourable in terms of the applicants needs. The topography of the existing land will always emphasise the proposed elevated decking level, although accessible from the dwelling’s Ground Floor level directly from the dwelling, and from the stairs from the ground level. Locations of the existing windows to the conservatory area gives the precedence of the siting of the decking – taking the decking in a further 1m as per the Planner’s suggestion means that the balustrade (1.6m in height) will be unbalanced in the existing elevation to the conservatory to the ground floor level, but close to the window/screens to the study on the lower ground level.

Policy 14

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: *Supporting the prioritisation of women’s safety and improving physical and mental health.*

Pleasant: *Supporting attractive natural and built spaces.*

Connected: *Supporting well connected networks that make moving around easy and reduce car dependency*

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy impact:

- Just Transition
- Conserving and recycling assets
- Local living
- Compact urban growth
- Rebalanced development
- Rural revitalization

Key policy connections:

- All other policies.

Local Living and 20-minute neighbourhoods

Policy Principles; Policy Intent:

To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

Policy Outcomes:

Places are planned to improve local living in a way that reflects local circumstances.

A network of high-quality, accessible, mixed-use neighbourhoods which support health and wellbeing, reduce inequalities and are resilient to the effects of climate change.

New and existing communities are planned together with homes and the key local infrastructure including schools, community centres, local shops, greenspaces, health and social care, digital and sustainable transport links.

Local Development Plans:

LDPs should support local living, including 20 minute neighbourhoods within settlements, through the spatial strategy, associated site briefs and masterplans. The approach should take into account the local context, consider the varying settlement patterns and reflect the particular characteristics and challenges faced by each place. Communities and

businesses will have an important role to play in informing this, helping to strengthen local living through their engagement with the planning system.

The handling report refers in the 'EVALUATION' section that the "decking does not comply with the six qualities of successful places under Policy 14" – these being noted as (1) HEALTHY (2) PLEASANT (3) CONNECTED (4) DISTINCTIVE (5) SUSTAINABLE and (6) ADAPTABLE. In reference to the six qualities above along with the descriptive narrative within Policy 14; the policy refers to Design, Quality and Placement within communities, strengthening the health and wellbeing of those communities based on good design. In this context, this policy would be viable for an area specifically designed for the public – not for this application of a PRIVATE decking area. A private decking, with MINIMAL public view from secondary access roads should not be categorised under these criteria and should not be a factor in the overall decision.

Policy 16

a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:

- i. meeting local housing requirements, including affordable homes;*
- ii. providing or enhancing local infrastructure, facilities and services; and*
- iii. improving the residential amenity of the surrounding area.*

c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:

- i. self-provided homes;*
- ii. accessible, adaptable and wheelchair accessible homes;*
- iii. build to rent;*
- iv. affordable homes;*
- v. a range of size of homes such as those for larger families;*
- vi. homes for older people, including supported accommodation, care homes and sheltered housing;*
- vii. homes for people undertaking further and higher education; and*
- viii. homes for other specialist groups such as service personnel.*

d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Show people yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.

e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:

- i. a higher contribution is justified by evidence of need, or*
- ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or*

wheelchair accessible homes. The contribution is to be provided in accordance with local policy or guidance.

f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

i. the proposal is supported by an agreed timescale for build-out; and
ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;

iii. and either:

· delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or ·

· the proposal is consistent with policy on rural homes; or ·

· the proposal is for smaller scale opportunities within an existing settlement boundary; or ·

· the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

g) Householder development proposals will be supported where they:

i. do 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; and

ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

The handling report refers in the 'EVALUATION' section that "*the proposal does not comply with section g of Policy 16 of NPF4*" – in reference to Policy 16, the policy relates to NEW development proposals, setting out criteria for NEW homes, allocation, affordable housing etc. Again, the application refers to an EXISTING property and again, the proposal should not be categorised under these criteria, and should not be a factor on the overall decision. The Handling report highlights section 'g' of this policy; where "*g) Householder development proposals will be supported where they: i). do 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; and ii). do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking*"; again, this policy reference 'development proposal' and not a 'PRIVATE' individual application. The proposed decking does not have an undesirable factor regarding its size, design, or environmental quality of the existing property, nor it affects the placement within the overall site.

The decking, including the access stairs equals approximately 34m² in size, this area would not form part of the internal footprint of the existing dwelling and due to the size of the overall rear curtilage of the property there would be no impact on the level of usable garden space – meaning the proposal would not result in 'overdevelopment' of the site or loss of open space. The proposal ties with the existing lie of the land, projecting from the 'Ground Floor Level' of the property, elevates the decking approximately 2.6m above the above the ground level at the rear of the property. The decking would not be visible from the main street elevation of Cairn Road and would not impact on the character of the existing street scape of traditional looking dwellings of the Bielside area.

With regards to the design of the decking; regardless of the decking area reduced as per the planner's request (Appendix B); it is deemed that the design and layout of the existing dwelling, a provision of a

decking would not result in any adverse impact on character of the existing dwelling or that of the surrounding area. Reducing the decking width and length will not deter the overlooking factor. We have proposed obscuring the glazing to the existing 'conservatory' to help shield the garden of No.29 along with the introduction of the 1.6m balustrade to the boundary wall, to help reduce the aspect of overlooking and privacy; as previously noted, the garden of No.29 is fully visible from all habitable windows to the rear of the property (Kitchen, Conservatory and Dining Room). With reference to the Householder Development Guide, Policy H1 (Residential Area) of the Aberdeen Local Development Plan 2023; we feel that the proposal with the revised 1.6m high obscured glazed balustrade on the boundary would not have any negative affect on the overall residential amenity, character, or appearance of the area. The proposal is not directly viewed from any major roads, and only viewable from an access road that serves the properties around it. The decking is over an area already paved and doesn't not constitute to overdevelopment or loss of open space; similar in style to other raised decking proposals (No. 29).

With reference to the Householder Development Guide, Policy D2 (Amenity) of the Aberdeen Local Development Plan 2023; The proposal does not affect the existing parking aspects of the property or cut into any additional garden space, nor does it have any adverse impact on daylight, sunlight, noise, air quality or outlook. The proposal works with the current lie of the existing landscape of the area, extending from the natural ground floor level of the property.

On reading the handling report associated with application 230295/DDP, it is deemed that the main issue is the location and size of the proposed decking. Given the existing extremities of the site and neighboring No. 29, with the additional screening as proposed and given the fact that there were no comment/objections on the original design, the proposed decking works should be approved.

We would like to reiterate that we are not trying to be unreasonable but feel that due to the several inconsistencies behind the decision to refuse our application is completely unjust.

We respectfully request that approval for our design be granted.

APPENDIX A:

GOOGLE EARTH IMAGES:



View of No. 25, No. 27 & No. 29 looking North from access lane



View of EXISTING Boundary finish between No. 25 & No. 27 Cairn Road



View of Boundary finish between No. 27 & No. 29 Cairn Road



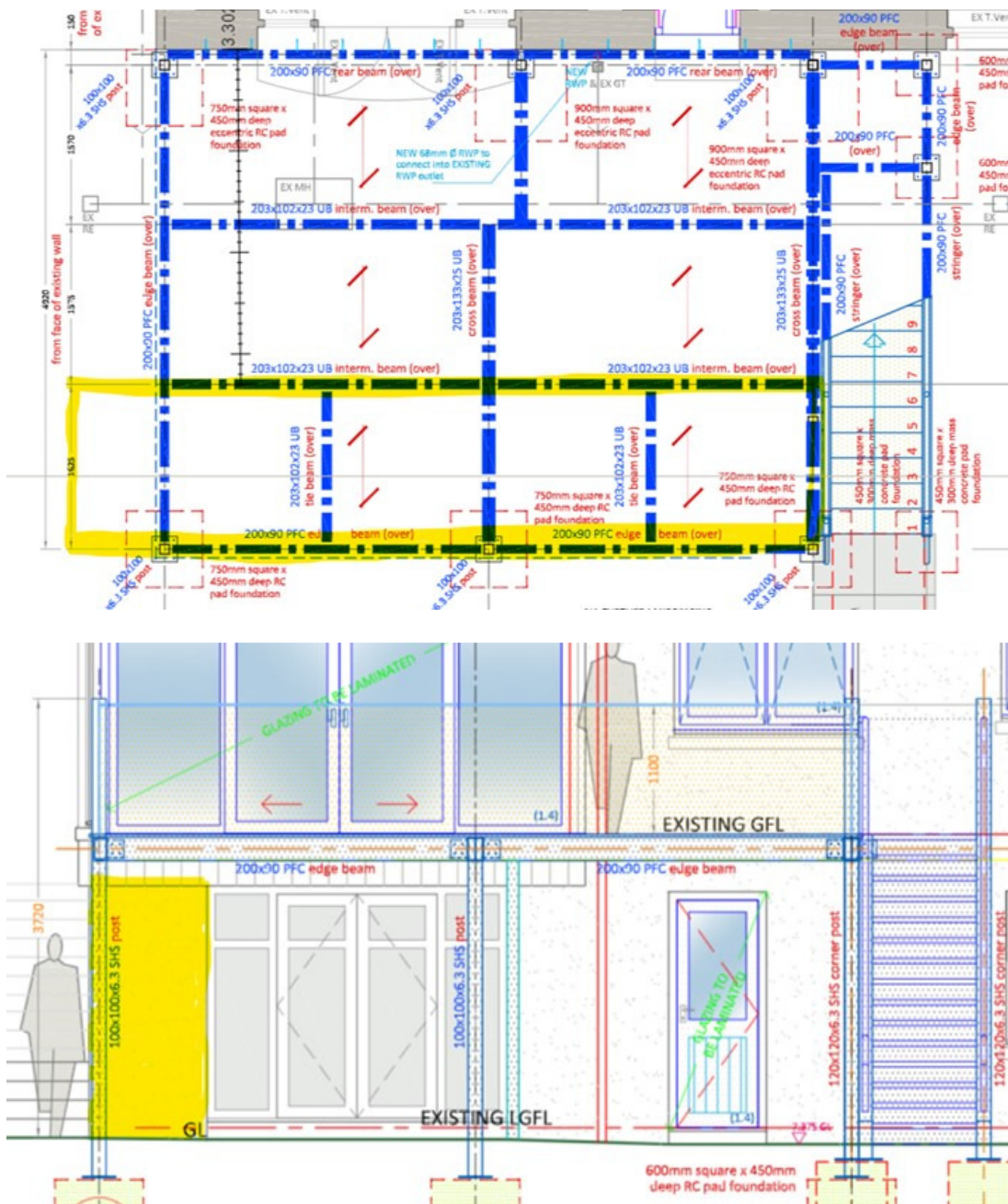
Cairn Road Street Elevation



Access Road Elevation

APPENDIX B:

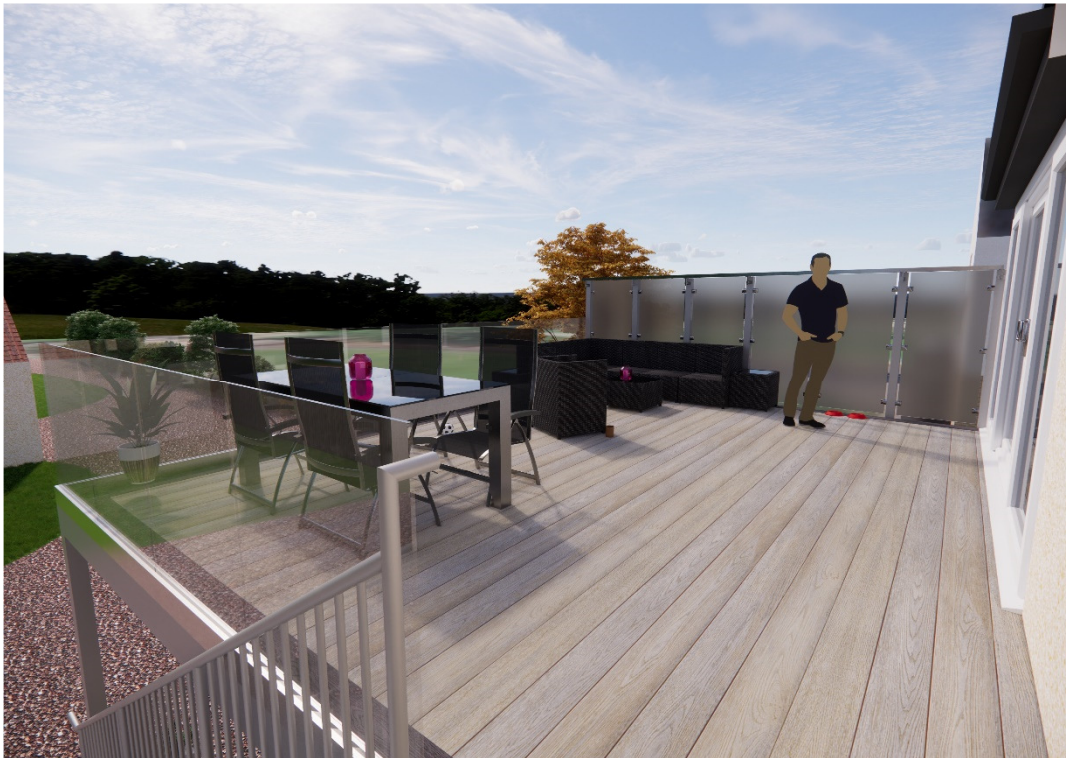
IMAGES AS PER PLANNER EMAIL 11th JULY 2023:



“To minimise the overall impact on neighbouring properties, we ask for the decking to be reduced in size, both in width and length. The Planning Service ask for the length, as the decking extends from the rear elevation, to be reduced by 1.625 metres and for the width to be reduced by approximately 1 metre, where the outmost post located closest to the shared boundary with 29 Cairn Road, would be situated on the outmost section of the framed doors on the ground floor. I have included photos below showing the section of decking to be removed, highlighted in yellow:”

APPENDIX C:

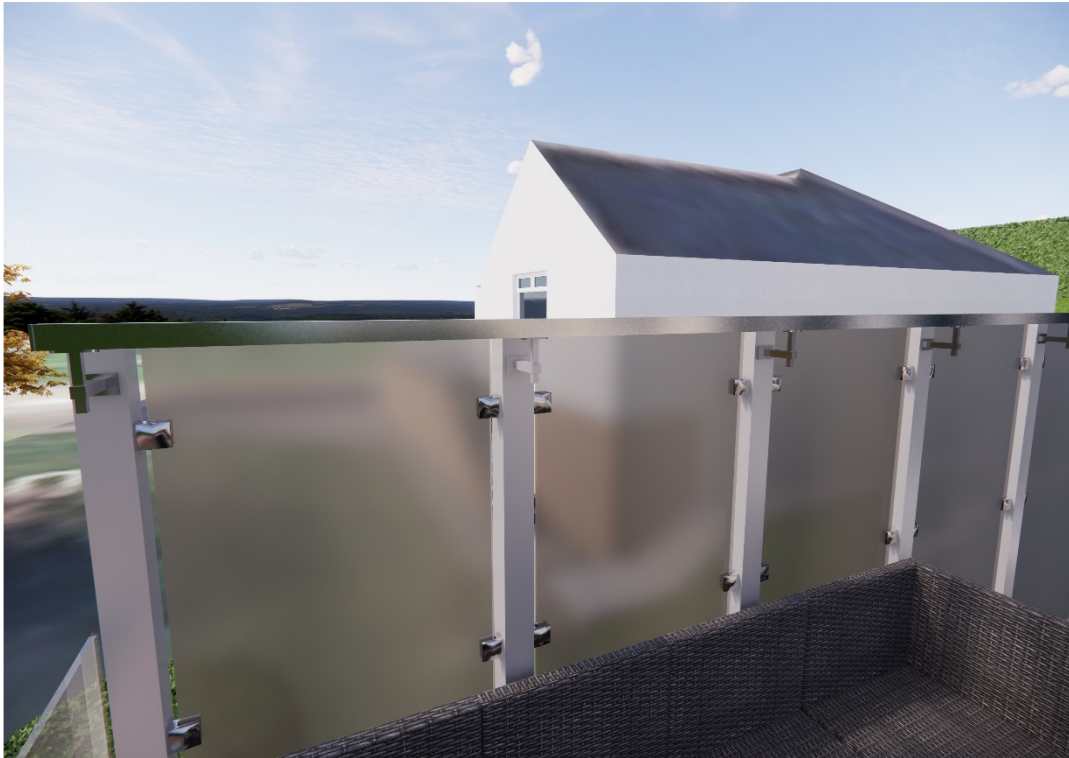
3D Renders showing the proposed decking submitted 17.08.23 along with the revised drawings:



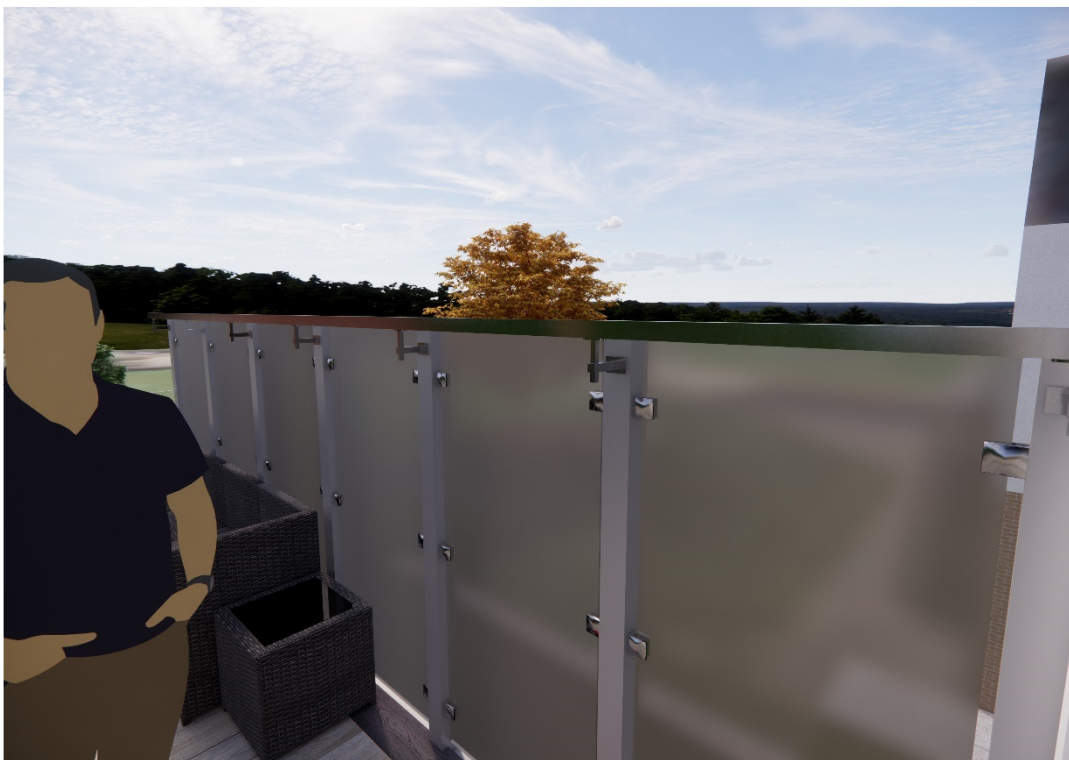
View from Top of the stairs



View from Front Decking



View from Corner looking towards No. 29



View from Patio Doors looking towards No. 29



View from Centre of decking towards No. 29



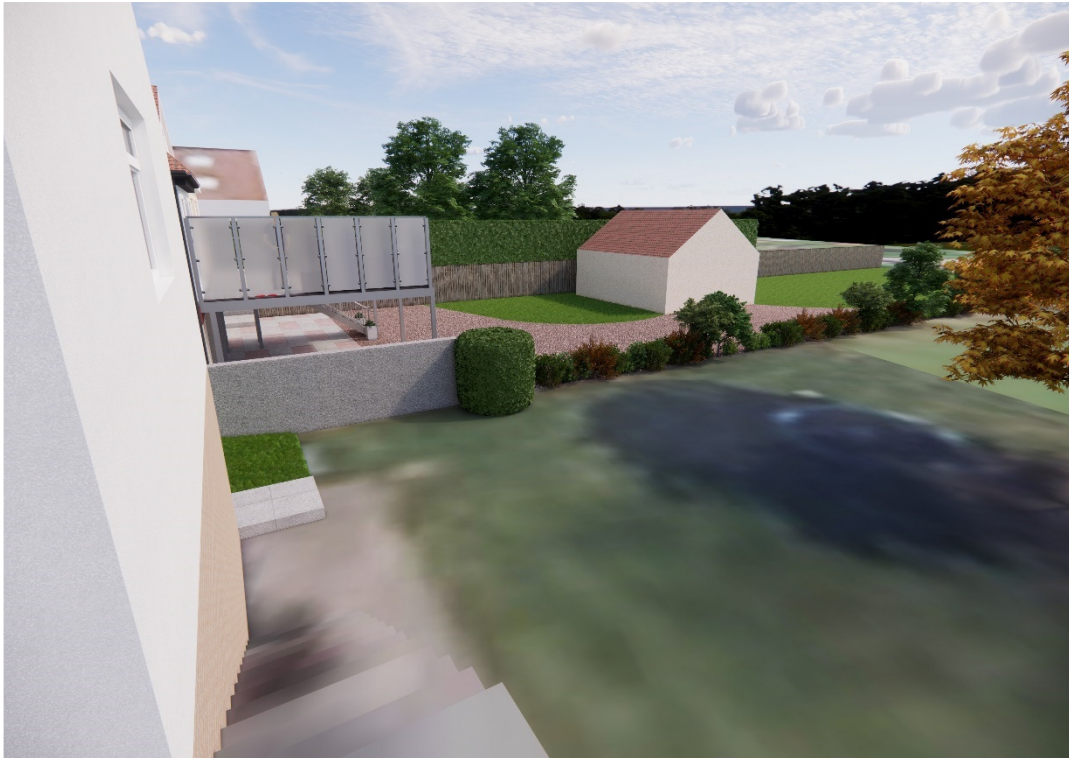
View from Boundary line



View from Neighbours Garden



View from Neighbours property lower patio



View from No. 29 Raised Decking



View from No. 29 Raised Decking



View from No 29 at boundary

We are writing to appeal the decision to reject our application for a balcony to the rear of our home.

We have considered the recommendations put forward for amending our design and would like to respond as follows:

1. Reduce the projection:

By reducing the projection (and the width covered by point 2 below), this reduces the surface area to almost half the proposed balcony. This proposed new area would not be large enough for the planned use - a dining area with some seats to the side; something we note our neighbours regularly enjoy on their balcony overlooking our garden. The result of this reduction means the project would no longer be viable from a financial perspective with the drop in cost nowhere near corresponding to the drop in balcony size and neither would it be fit for purpose for family dining.

We would contend that the proposed opaque glass used on the balcony would significantly reduce our view into the neighbouring garden, moving from where we currently spend our time on sunny days in a room with clear windows directly overlooking the neighbour's garden [as photos in the appeal document attest].

2. Bring west corner in by 1m:

Whilst we recognise this suggestion contributes to the reduction of the overall size of the balcony, we believe it makes an inconsequential and insignificant difference to the amount of overlooking. Furthermore, this amendment ruins the aesthetics of the rear of our property as the 1st and Ground floor windows/doors would be offset and out of line by 1m.

Finally, we believe the proposed design was contemporary and minimalist, hence the glass set into channels to reduce the amount of metal and railings. This is why we had the balcony designed to come from where the existing patio doors and railings are, to create a clean line from the side of the house. Our houses are adequately apart in distance and there is no merit to this suggestion.

3. Privacy glass on west wall (and increase the height):

We don't object to this suggestion and would be happy to comply. As previously stated, there are already clear-glazed, full-height windows on the inside of that elevation and moving our seating area to a balcony outside would reduce the time we overlook our neighbours.

We would like to highlight that there were no objections from any of our neighbours and, in fact, all of them expressed their support when we spoke with them to inform them of our plans. There are also several houses along our road with balconies, photos have been included.

We had originally planned for the balcony to extend across the full width of the house, however, we proactively reduced the size and settled on something smaller that was adequate for our needs. Finally, we believe that this addition to our property lifts the tired aesthetic of the rear of our house, matches the facilities of our neighbours and represents an investment that our street is supportive of.

Euan and Amanda Davidson

27 Cairn Road, Bielside, Aberdeen, AB15 9AL

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Planning Appeal

Application: 230595/DPP

27 Cairn Road Bielside

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 the application for the formation of a raised decked area with external stairs and balustrade to the rear of 27 Cairn Road was refused on the grounds that the proposal does not comply with H1 Residential Areas, D1 Quality Placemaking of the ALDP 2023, policy 14(Design, Quality and Place) & policy 16(Quality Homes) of NPF4. The Decision paragraph also said that “the proposed” decking would negatively impact the surrounding area in terms of amenity, specially, that of 29 Cairn Road in terms of privacy, whereby, the deck would allow clear unobscured views into the private garden ground”. The report of handling goes onto say that the proposal is considered ACCEPTABLE against H1 point 1, (does not constitute overdevelopment) and point 3 (Does not result in the loss of valuable and valued open space).

Policy H1 and associated guidance section which considers the impact on the character or amenity of the area, which is further considered in part g of policy 16 of NPF4, which says that advises that householder development proposals will be supported where they do 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. The second part of section g states that proposals should not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

Taking individual applications on their own merits, we have concluded that the situation that currently exists at 27 **already allows** for unobscured views of the private garden space at the rear of 29 and that by the inclusion of an opaque screen 1.6m high on the balustrade on the side nearest to 29, would go some way to improve the situation. There has been suggestions by the planning service to reduce the size of the decking pulling it slightly further from 29, however this wasn't accepted by the applicants due to the impact on the doors opening onto the decking and the issues this would create internally. If the main concern was the overlooking of the private garden of 29, in our view the reduction in scale wouldn't achieve this to the benefit of 29 but would be detrimental to the applicant's proposal. A reduction in size would still leave views across to 29's private garden, similar to the views that currently exists without the proposal in place.

Policy D1 recognises that not all development will be of a scale that makes a significant impact but recognises that good design and detail adds to the attractiveness of the built environment. This is echoed by the intent of policy 14 (design quality and place) of NPF 4 which sets out the six qualities of successful places. In addition policy 16 (quality homes) specifically section g of NPF4 advises that householder development proposals good quality design careful sighting and due consideration of scale context and design of the main dwelling are key to ensuring that development does not erode the character and appearance of our residential areas. It is accepted that the replacement roof, the overall design would be similar in appearance to the existing and so would **not** alter the character or serve to overwhelm or dominate the existing dwelling. Further to this, as the works would see the existing flat roof replaced there will be **no** impact on the amenity afforded to neighbouring properties as such the proposed roof replacement **complies** with part of criteria 2 of policy H1 and D1 of the ALDP as well as policies 14 and 16 set out in NPF4. It has been mentioned that the decking would be visible from the rear lane but it states in the report “is **not** deemed to have any adverse impact on the character on the existing dwelling or that of the surrounding area”. It is also noted that there will be **no** impact in terms of overshadowing.

We accept that there are some tensions with policy H1, policies 14 & 16 but believe that each application should be considered on its own merits and whilst there will be a degree of overlooking into the private garden space of 29 we are of the view that the situation of overlooking already exists by the nature of the window and door layout currently in place. There are other examples of raised seating and balustrades in the street with a wide variety of housing styles. The rear gardens are reasonably large and a mix of styles from heavily shrubbed to minimal planting. The fact that there are no statutory or neighbouring objections, we consider the proposal would have minimal impact on the character of the area and believe given the situation that currently exists regarding overlooking into 29, the proposal wouldn't add further to the overlooking. The tensions with policies considered with the situation of overlooking that exists, in our view would not warrant refusal. If minded to approve you may wish to condition the 1.6m high opaque screen. If you have concerns we would urge you to visit the application site before making a final decision.

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

 <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:	10 Woodhill Place, Aberdeen, AB15 5LF
Application Description:	Installation of replacement 1.5 storey rear extension with raised decking, fencing, steps and balustrade and alterations to existing rear dormer
Application Ref:	231176/DPP
Application Type:	Detailed Planning Permission
Application Date:	27 September 2023
Applicant:	Mrs Laura Fiddes
Ward:	Mid Stocket/Rosemount
Community Council:	Rosemount and Mile End
Case Officer:	Jack Ibbotson

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The site is an early 20th 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 295m² 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 garden 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

Application Number	Proposal	Decision Date
230143/DPP	Erection of 1.5 storey extension with raised decking and balustrade to rear	21.08.2023 Refused and dismissed by Local Review Body

In addition 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 with the adjoining property.

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 dry dash white render on all other elevations. The roof would be completed with matching natural slate roof tiles to those used in the original dwelling. In addition, it is proposed to erect a raised deck with south facing privacy screen to the rear of the proposed extension.

The single storey element would have a 4.0m projection and would be 3.4m 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 at its highest point from ground level.

The asymmetric roof would have a 1st 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 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.

This scheme only differs to the application 230143/DPP in the use of external finishing materials. The current application has amended the external cladding from a timber lining, to proposed white render on all but the south facing side elevation which would remain in fyfestone.

Amendments

None.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S1E48PBZFY000>

CONSULTATIONS

Rosemound and Mile End Community Council – None response received.

REPRESENTATIONS

One representation has been received raising concern regarding this proposal, the matters raised can be summarised as follows –

- Loss of light caused by the extension including to the basement entrance adjacent to the boundary and to the ground floor room and conservatory at 8 Woodhill Place.
- Visual impact of the development would be adverse by virtue of the proximity of the extension and deck to the boundary and the proposed screen.
- The development is far larger than that approved at 12 Woodhill Place and would be overdevelopment of a semi-detached house.
- The deck would overlook the whole of the neighbouring garden and may cause additional noise right next to and above the boundary.
- The extension takes up the full width of the house and is excessive especially considering there are no other similar extensions.
- Modifications to the design would allow for more privacy to be maintained.

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

- 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 2023

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

Aberdeen Planning Guidance

- Householder Development Guidance

EVALUATION

Principle of Development

The application site is located within a residential area under Policy H1 (Residential Areas) of the Aberdeen Local Development Plan (ALDP) and the proposal relates to householder development. The proposal would comply with this policy in principle if it does not constitute overdevelopment; does not adversely affect residential amenity and the character of the surrounding area; and does not result in a loss of open space. The proposal would not result in the loss of any open space given that the proposal is located within the curtilage of a residential property. Other matters are assessed in the evaluation below.

In considering the principle and specific impacts of the proposed development it is important to make reference to, and consider the previous Local Review Body (LRB) decision and reasons given for decision for the refusal of an almost identical proposal under reference 230143/DPP, however this decision is one material planning consideration which needs to be balanced with the assessment against relevant planning policy. The reason given by the LRB was an amendment of that set out in the original refusal and only referenced the choice of external material (timber cladding).

Overdevelopment

Overdevelopment 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 Aberdeen Planning Guidance (APG) set out that overdevelopment is not supported, and within the latter, tests and general principles are outlined which allow for the assessment of such proposals in terms of overdevelopment. Concerns regarding overdevelopment have been highlighted within the submitted representation.

General principles set out in the Householder Development Guidance 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, 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

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 would reduce privacy and dominate the neighbouring properties amenity space.

Additionally, the bulk of the two-storey rear extension would be overbearing and unsympathetic, especially considering the monolithic appearance which would be created by the uncharacteristic use of white render to such an extent, and the use of eaves higher than that of the original dwelling would be incongruous and not typical of the roof design or granite walls 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 white render 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 overdevelopment 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.

General principles 4 and 5 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 overdevelopment for the reasons highlighted in this section above.

Design

Policy D1 (Quality Placemaking) of the ALDP states that all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. This is echoed by Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4). While Policy 16 (Quality Homes), specifically section g) i. states that householder proposals will be supported where they do 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. Additionally, the Council's Householder Development Guide 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 and not being of a scale comparable to other extensions in the area 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 change in material from timber lining to white render on all elevations apart from the fyfestone elevation facing 8 Woodhill Place does not reduce the risk that this building would be both uncharacteristic in terms of external finish, but also visually arresting due to the bright external finish. The two-storey rear projection is not considered to be subservient due to the south eaves height being in excess of that 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.

The LRB based their dismissal on the use of timber linings. The change to white render, not seen on the host property or to any notable degree on other buildings in the area has not adequately addressed the poor relationship with the character of the area.

On balance therefore the proposal has not addressed the existing character of development in this area and would introduce a visually overbearing structure of directly adjacent to a neighbouring property. This is not considered to comply with Policy D1 of the ALDP or Policy 14 of NPF4 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, poor choice of materials and incongruous design 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) of the ALDP, or Policy 14 (Design, Quality and Place) and Policy 16 (Quality homes) part g), i. of NPF4.

Residential Amenity

In respect of residential amenity, the Householder Development Guide states that no alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected. Policy 16, part g) ii) of NPF4 sets out that householder development would be supported where they do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking. Policy D2 of the ALDP 2023 sets out criteria by which development should protect the amenity of occupiers of development which is relevant both the host property and to neighbouring properties including maintaining adequate levels of privacy.

In terms of daylight, respective calculations (45-degree method), as set out in Appendix 2 of the APG, 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 APG 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 balcony 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.

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. The submitted representation from the neighbour sets out that the development would have an impact on their amenity. In particular loss of privacy, light and outlook.

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. While, the application has included a 1.8m high timber screen to the southern extent of the raised deck which would reduce overlooking to a degree, particularly with views back into this neighbouring building. The 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.

The total impact of 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.

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. While, it is noted that the LRB review of planning application 230143/DPP did not reference privacy, loss of outlook or impacts on amenity, the Planning Service has a duty to consider this proposal on its own merits and when assessed against the policies of the ALDP, there are significant concerns which have not been addressed by the applicant within this application.

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 LRB decision related to 210851/DPP 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.

In light of the adverse impacts in terms of overlooking, loss of privacy and additional harm caused by the height of the screen upon the amenity of residents in 8 Woodhill Place, the proposal fails to comply with the Householder Development Guide and point 2 of Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) as well as Policy 16 (Quality homes) part g) point ii. of NPF4. This is on the basis that it fails to protect and would adversely impact the established amenity of adjacent residential property.

Representation

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. Policy 2 (Climate mitigation and adaptation) of NPF4 seeks to steer all development to minimise CO2 emissions; and make places which are more resilient to climate change impacts. This development would not make the property more resilient to overheating as there is an increase in glazing, however there may be options through compliance with building standards to improve the thermal efficiency of the building.

As a householder development the proposal does not need to comply with Policy 3 of NPF4.

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 14 (Design, Quality and Place) and Policy 16 (Quality homes) part g) of NPF4.

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 external material finish. The change to a rendered external walls of the extension does not reflect the distinctive character and scale of development in this area. On this basis the proposal is of an unacceptable design contrary to Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking) of Aberdeen Local Development Plan 2023), Policy 14 (Design, Quality and Place) and Policy 16 (Quality homes) of National Planning Framework 4 (NPF4), and the Aberdeen Planning Guidance: 'Householder Development Guide' .

The proposed developments are 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 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. This is considered to be contrary to Policy H1 (Residential Areas), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the Aberdeen Local Development Plan 2023, the Aberdeen Planning Guidance Householder Development Guide and Policy 16 (Quality homes) of NPF4.

The development does not provide improvements or mitigation to climate change as required by Policy 1 (Tackling the Climate and Nature Crises) or Policy 2 (Climate Mitigation and Adaptation), of NPF4 which does not therefore weigh in favour of the development.

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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 100644853-001

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: *	United Kingdom
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

806511

Easting

391315

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: 22/09/2023

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: 22/09/2023

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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 27 September 2023 for the following development:-

Installation of replacement 1.5 storey rear extension with raised decking, fencing, steps and balustrade and alterations to existing rear dormer 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:

Drawing Number	Drawing Type
20-06 - 101	Location Plan
	Other Drawing or Plan
20-06 - 300 D	Elevations and Floor Plans
20-06 - 301 A	Site Layout (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 rear extension and elevated deck is considered to be an overbearing and incongruous addition which does not reflect in an appropriate design or external material finish. The change to a rendered external walls of the extension does not reflect the distinctive character and scale of development in this area. On this basis the proposal is of an unacceptable design contrary to Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking) of Aberdeen Local Development Plan 2023 , Policy 14 (Design, Quality and Place) and Policy 16 (Quality homes) of National Planning Framework 4 (NPF4), and the Aberdeen Planning Guidance: 'Householder Development Guide' .

The proposed developments are 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 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. This is considered to be contrary to Policy H1 (Residential Areas), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the Aberdeen Local Development Plan 2023, the Aberdeen Planning Guidance Householder Development Guide and Policy 16 (Quality homes) of NPF4.

The development does not provide improvements or mitigation to climate change as required by Policy 1 (Tackling the Climate and Nature Crises) or Policy 2 (Climate Mitigation and Adaptation), of NPF4 which does not therefore weigh in favour of the development.

Date of Signing 20 December 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: [Jack Ibbotson](#)
To: [PI](#)
Subject: FW: Comments on 231176/DPP
Date: 19 October 2023 14:46:19

Hi PI,

Please can you upload these neighbouring resident comments to the above application below please.

They live at No. 8 Woodhill Place, AB15 5LF

Thanks

Jack

-----Original Message-----

From: Louise Sutherland [REDACTED]
Sent: Wednesday, October 18, 2023 5:19 PM
To: Jack Ibbotson <JIbbotson@aberdeencity.gov.uk>
Subject: Comments on 231176/DPP

Dear Mr Ibbotson

Re:

10 WOODHILL PLACE
ABERDEEN AB15 5 LF

I have studied the latest plans submitted by Mrs Laura Fiddes, my next door neighbour who lives in the other half of my semi (number 8).

The visual finish of these new plans is an improvement on those which were previously submitted.

I have some concerns, however, regarding:

(1) The considerable loss of light which would result to the entrance path to my basement, used regularly. Also loss of light entering my ground floor room through the window directly above my basement door, and indeed loss of light to the side of my conservatory.

(2) The visual impact, from my side of the property, of a high wall, hard up against the boundary, rising from basement level to the full height of the ground floor and extending beyond my conservatory. The plans appear to include a further extension necessitated by decking, and therefore a fence to afford privacy to this additional decking.

I feel that this would negatively affect my property. To propose additional decking (there is already a large area of decking at the bottom of my neighbour's garden) as the exit to my neighbour's property, rather than a walkway only, adds further distance to the visual impact of my being boxed in. It also would overlook the whole of my garden due to its height (and possibly result in extra noise close at hand during the warm weather in the summer).

I should like to mention that the extension to number 12, also half of a semi, although similar in terms of how far it juts out on the ground floor, is only the height of one floor throughout, and does not appear to cover the window adjoining the common boundary. It has steps down to the garden and does not have a walkway, with or without decking, such as Mrs Fiddes is requesting permission for. In my opinion, Mrs Fiddes' proposed extension, even that part at one floor height, should not extend over the whole rear. I should much prefer an arrangement similar to that at number 12.

(3) The actual construction of this proposed extension, hard up against the boundary, would likely entail some removal of the relatively new fencing (on my side of the boundary, extending the whole length of my garden) along the side of this extension and considerable disruption to the entry to my basement, where my central heating boiler is situated.

I realise that Mrs Fiddes is not alone in wishing to extend her property but such a large extension, covering the entire rear of her property, might be considered over-large for a semi. It would certainly be larger than any other semi-detached properties on this side of the street. In an ideal world I should prefer it not to extend the whole width of the house, only that portion currently occupied by Mrs Fiddes' existing extension, and without additional decking overlooking my garden. Such a modification would retain the light available to my side and continue to afford the same degree of privacy.

Regards

E A Louise Sutherland

Dear Mr Masson

In connection with the above review I should like to clarify the following.

My first representation to Mrs Fiddes original plan was because of the architectural incongruity of the design. This has been satisfactorily altered. At the time I had not fully appreciated the impact of her building up to the boundary, hence my further representation.

I do not object to Mrs Fiddes rebuilding more or less on the footprint of her existing extension, provided the finish is in keeping with the area. (I quite understand that she has to rebuild this extension due to some inadequacy of the foundation, which she was made aware of when she bought the property.) If Mrs Fiddes' property were detached the issue of a wider enlargement would not arise.

My problem with the proposed full width extension is largely because of the particular characteristics of the site. As our gardens are at the level of the basement floor, an extension on the boundary would in effect be two storeys high. This would create a very high blank wall immediately adjoining the walkway to my basement and adjacent to the window above, which is currently light and airy. The proposed additional decking would further overshadow my side.

I have always had a good relationship with Mrs Fiddes since she moved in, and my representations are in no way a reflection of any previous conflict.

Regards

E A Louise Sutherland

27/12/23

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Application 231176/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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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 100644853-003

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="AB155LF"/>
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 TERRACE"/>
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 5LE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806511"/>	Easting	<input type="text" value="391315"/>
----------	-------------------------------------	---------	-------------------------------------

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.

231176/DPP

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

22/09/2023

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

20/12/2023

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr John Buchan

Declaration Date: 21/12/2023

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

1.00 Planning Application History and Dates

06 February 2023	Application 230143/DPP was validated
05 April 2023	LA Target determination
08 June 2023	Refusal notice was issued
16 August 2023	LRB upheld planning decision
27 September 2023	Application 231176/DPP was validated
26 November 2023	LA Target determination
20 December 2023	Refusal notice was issued

As per the original application, we note that the target date for determination was not met by Planning Department and despite numerous attempts to discuss the application process following the expiry of target determination date, we were met with no response until a formal refusal notice was issued 4 weeks later. These delays and lack of communication through the planning process of both applications have been extremely frustrating for our client.

At the LRB on 16th August 2023 the original 230143/DPP application was debated at length. The reasons for refusal were discussed and the Board were 'minded to approve' subject to a change in external material from cladding to render, more in keeping with the residential area.

The LRB was advised that they had to consider the submission as originally submitted and that there was no mechanism to impose a condition on external finishes, or enter into dialogue to change the proposals of a refused application.

In summary the LRB noted their intent to approve subject to materials changes and invited the applicant to submit a new application with amended external finishes which could be approved.

The refusal notice for current application 231176/DPP has been issued with the same reasons for refusal and it seems that the Planning Authority has taken no cognisance of the original application LRB meeting and discussions.

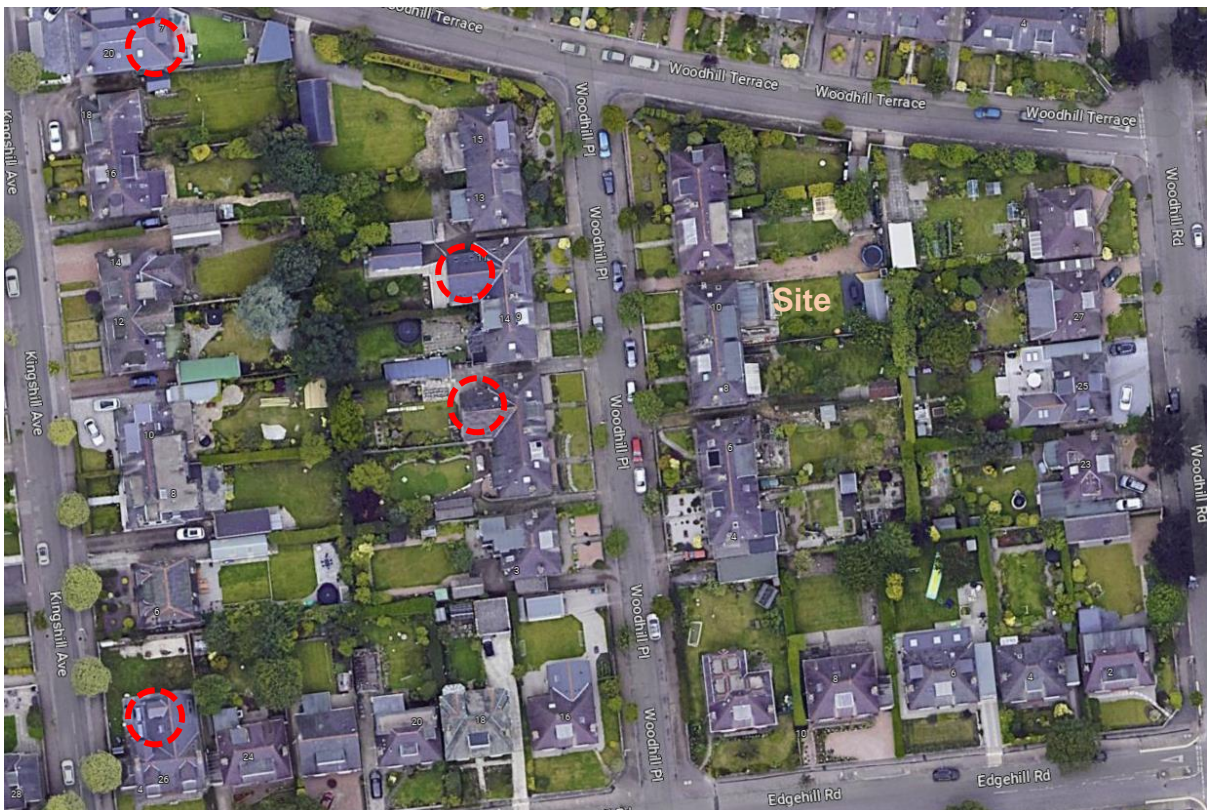
2.00 Appeal Justification/Response

Given that the reasons for refusal of the second application match the original application refusal, we submit the same justification and response to the 231176/DPP refusal notice, as set out below;

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.

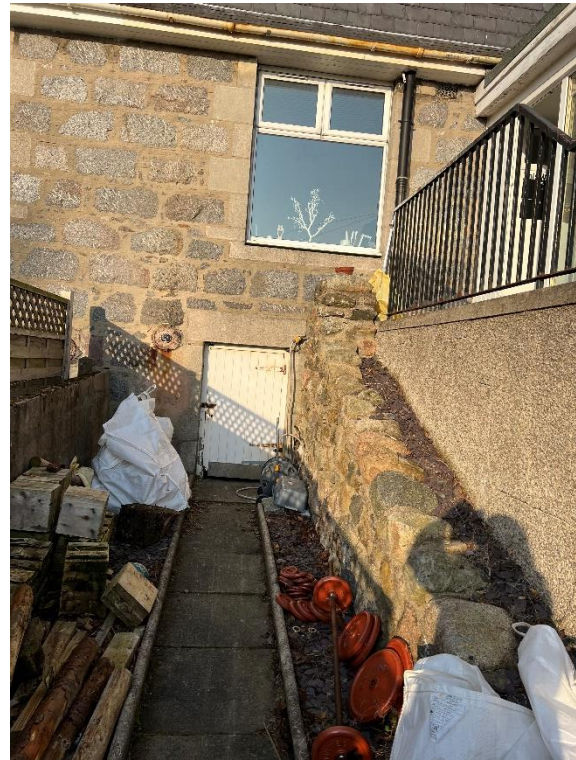
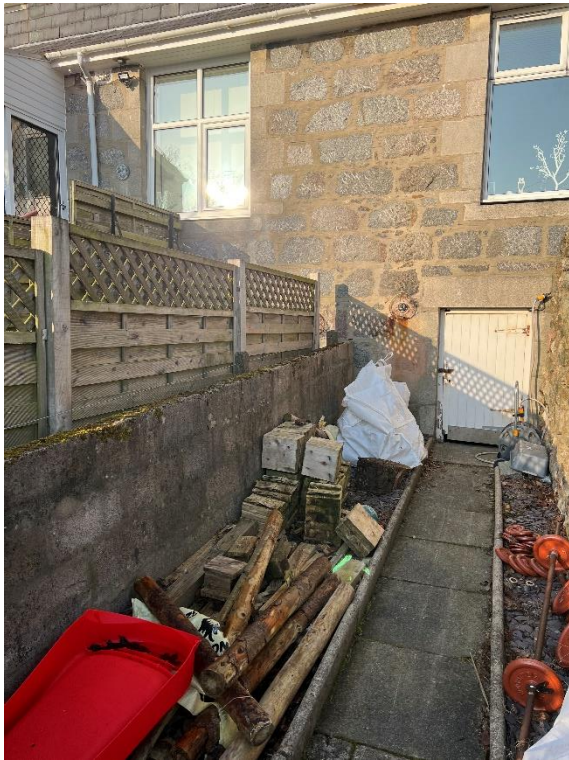
In addition to the previously submitted justification above, we note the following;

- The current proposals remove external cladding as previously proposed and specify an external finish of rendered blockwork. This is in keeping with the existing property extension and multiple other dwellings in the immediate vicinity of the proposed extension as well as the discussions of the LRB on the previous application.
- We fail to understand how the external finish affects the '**scale**' of development proposed as noted in the refusal reasons paragraph 1. *'rendered external walls of the extension does not reflect the distinctive character and scale of development in this area'.*

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.

The revised proposals address the concerns of external finishes as previously discussed by the LRB body, who were minded to approved had the LRB process had process to allow minor amendment to the original proposal.

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	27 Cromwell Road, Aberdeen, AB15 4UQ
Application Description:	Formation of driveway and alterations to boundary wall
Application Ref:	230946/DPP
Application Type:	Detailed Planning Permission
Application Date:	8 August 2023
Applicant:	Mr Tim Curthoys
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Ashley and Broomhill
Case Officer:	Jennifer Keohane

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application dwelling relates to an end terrace 2 ½ storey granite property situated to the west of Aberdeen City Centre. The property has a north facing principal elevation fronting Cromwell Road, beyond which lies recreational/open amenity space and playing fields. The front curtilage comprises a small enclosed garden area with pedestrian path which is bounded by a low lying granite wall and gate. The south facing elevation has a single storey annex which projects into the enclosed rear curtilage. This can be accessed from the rear lane, known as Cromwell Gardens, via a double gate located on rear boundary wall. The application site adjoins 29 Cromwell Road to the west with semi-detached properties 23 and 25 Cromwell Road located to the east. Other residential properties are located in the surrounding area.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought to form a driveway within the front curtilage of the dwelling, which would also require the removal of a section of existing low-lying granite boundary wall. The drawings suggest that the proposed parking would accommodate off street parking for one vehicle. The section of wall to be removed would measure approximately 3.5 metres in width. The wall has a height of approximately 740mm. The proposal would see the existing garden area laid with setts, although no specification or material finish for the setts has been provided. The first two

metres located closest to the pedestrian pavement would be solely setts and the remainder of the driveway would be finished with setts and gravel. A concrete kerb would be formed at the pavement edge where a grated gully is proposed which would be situated where the proposed driveway meets the public footway to allow for drainage.

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=RYRFWQBZM1C00>

CONSULTATIONS

ACC - Roads Development Management Team – No objection or concern raised.

Ashley and Broomhill Community Council – No comments received.

REPRESENTATIONS

Three representation received, all objecting to the proposal, the matters raised can be summarised as follows:

- Impact on existing parking situation.
- Formation of driveway will set a precedent along this terrace and result in the loss of on street parking.
- Application form does not accurately reflect the number of spaces available to the property, which is currently 1, as there is parking available to the rear of the property accessed via the lane. Therefore, the proposal would result in 2 spaces.
- Proposed space would result in the loss of 2 on street spaces, impacting amenity and community as well as those using the Harlaw playing fields.
- The introduction of a driveway would reduce the available on street parking by 50% between 25 Cromwell Road toward the corner of Burns Road.
- Road safety and visibility concerns due to the location of the proposal in relation to the existing traffic island.
- Proposed space appears to be slightly off central position, but should be moved away from the existing traffic island.
- Concern over the length of driveway and use of gravel which may not comply with guidelines.
- Design and inclusion of driveway not in keeping of houses and flats from 25 Cromwell Road moving west.
- Impact of proposal on green spaces, biodiversity, aesthetics and wellbeing, stormwater management and long term value of 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 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 2023

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D7 (Our Granite Heritage)
- Policy T3 (Parking)

Interim Aberdeen Planning Guidance

Aberdeen Planning Guidance is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- Transport and Accessibility

EVALUATION

National Planning Framework 4 (NPF4)

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) encourages, promotes and facilitates development that minimises emissions and adapts to the current and future impact of climate change. Policy 3 (Biodiversity) looks to protect biodiversity and ensure it is enhanced.

In terms of this application, whereby proposed off street parking would be developed for an existing dwelling house, it is considered that there would be no significant risk of or impact to climate change. The proposal would be contained solely within the front curtilage and there would be no impact on the wider curtilage, the proposal would see the removal of the existing shrubs and planting to form the proposed driveway, as such, there would be an minimal loss of natural features and potentially species, however, owing to the scale of the works proposed this is likely to be nominal. Taking into account the scale of the development, it is considered that the proposal suitably complies with the aims of Policies 1, 2 and 3 of NPF4.

Principle of Development

The site falls within a “Residential Area” designation on the Aberdeen Local Development Plan (ALDP) Proposals Map to which Policy H1 in the ALDP applies. Policy H1 supports new development and householder development within such areas providing it satisfies the following criteria:

- 1) Does not constitute “overdevelopment”;
- 2) Does not have an adverse impact to residential amenity and the character and appearance of an area; and
- 3) Does not result in the loss of valuable and valued open space.

Overdevelopment and loss of open space

Given the nature of the proposed plans as the works would be set within the front curtilage of the residential site, it would not constitute ‘overdevelopment’ nor would the proposal give rise to loss of open space.

Impact on the character of the surrounding area

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 (Quality Placemaking). This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment. Policy 14 (Design, Quality and Place) of NPF4 also sets out the six qualities of successful places. Section c of Policy 14 details that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported. In addition, Policy 16 (Quality Homes) of NPF4, specifically section g, part i, details that householder development will be supported where they do 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.

To determine the impact of the proposal on the surrounding area, it is important to look at the context of the application site and the surrounding area. The application property is situated to the eastern end of a row of terraced houses, with historic maps showing this row of terraced houses, numbered 27 to 121 Cromwell Road, dating back to the early 1920’s where all properties were constructed with a front curtilage bounded by a low lying granite wall which creates a sense of cohesion as you travel west along Cromwell Road. The granite built properties are of a design typical for the West End of Aberdeen and have a high degree of consistency in their design and detailing and in terms of their layout, with landscaped gardens to the front and large rear gardens backing onto Cromwell Gardens, often containing garages/parking. The Planning Service have noted properties located to the east of the application site do accommodate off street parking, however, records show that these properties were constructed much later than those located to the west, with the style of property indicating that they were constructed to accommodate off street parking at the time of their construction, unlike the application site. As such, for the purpose of this application, it is those properties located to the west of the application site, which replicate the characteristics of this residential curtilage, that is required to be used to consider the existing context. These have not been altered through the introduction of off street parking and represent the overall characteristics of the street scene.

The proposal can be looked at in two separate parts, the formation of the parking area and the removal of the low lying boundary wall, however the former cannot happen without the removal of this wall. As such, the Planning Service must also consider the impact this would have on the surrounding area.

With respect to the removal of the wall, Policy D7 (Our Granite Heritage) of the ALDP details the importance for the retention and appropriate re-use, conversion and adaptation of all historic granite buildings, structures and features, including granite boundary walls. In this case, it is considered that this wall also forms part of the dwellings character and represents a traditional boundary feature that was likely to have been formed at the time the dwelling was built and is a feature that is replicated at all properties to the west along Cromwell Road. As such, its presence is a consistent and unifying boundary feature of Cromwell Road and is important in terms of the character and visual appearance of this terrace. In light of this, the removal of a significant portion

of the boundary wall would result in the loss of and impact on a historic feature, which Policy D7 explicitly states should be retained. Overall, the proposal to remove a section of the boundary wall would negatively alter the overall character and visual appearance of not only this dwelling but would also fragment the overall streetscape of Cromwell Road, specially this row of terraced properties, which is not considered acceptable or appropriate.

Turning to the formation of the parking area, as detailed previously, this application property forms part of a terraced row of properties with existing front curtilages dating back to the 1920's which have remained relatively unaltered. The creation of car parking to the front of these dwellings, would result in the loss of the historic granite wall as noted above and would also result in the loss of the original development pattern which would have a detrimental impact to the overall character. The consequences of utilising the front curtilage as off street parking would impact the wider area in terms of its impact on visual amenity, due to the overall finish proposed and it is considered that the historic street scene of these terraces would be fragmented due to vehicles parking within the front curtilage. In addition, the applicant has not advised of any planning reason as to why the proposal could be justified as a departure from Policy H1, Policy D1 or Policy D7 of the ALDP. It is considered that if approved, the development would set a unwelcome precedent that could further erode the visual amenity and character of this area that is clearly visible while travelling along this section of Cromwell Road.

In light of the above, it is considered that development, consisting of the removal of the boundary wall and the formation of a parking space, would have a significant adverse impact on the surrounding area. As such, the proposal cannot be considered to comply with part of criteria 2 of Policy H1 (Residential Areas), as well as Policies D1 (Quality Placemaking) and D7 (Our Granite Heritage) of ALDP 2023. In addition, the proposal conflicts with the six qualities as detailed under Policy 14 and would impact the character of the surrounding area, as such, the proposal does not comply with Policy 16, section g, of NPF4.

Residential amenity

Given the location of the proposal, it is unlikely that the proposal will impact on the neighbours residential amenity in terms of overlooking and overshadowing. As such the proposal is considered to be acceptable when assessed against part of criteria 2 of Policy H1 (Residential Area).

Parking provision and road safety

The southern side of Cromwell Road, situated closest to the application dwelling, serves as on street parking which is utilised throughout the day and into the night. The formation of a driveway with one parking space will lead to the loss of an on-street parking space, which in turn will result in the loss of communal parking space, which many local residents appear to utilise, especially those without off street parking. This matter was raised with the Roads Development Management (DM) team, however it advised that in this case the loss would be on a one for one basis and therefore negligible, as such the Team has no concerns.

It has been raised within representation that there is already parking available to the rear of the site, which is accessed from Cromwell Gardens, a matter which is not accounted for on the submitted application form. In respect of this, a further site visit was carried out and while there is access gates to the rear, neither the Planning Service or the Roads DM team could comfortably stipulate that this is currently a parking space nor is there definitive evidence it has been used as such in recent times, this is mainly owing to its size and the limited width of the gates. As such the Planning Service are satisfied that there is no parking available on site currently.

The Roads DM team also advised that with regards to accessing the parking place, that Cromwell Road is classified as a local distributor road and while it carries large volumes of traffic as well as serving as a bus route, vehicles would not be required to enter and exit the driveway in a forward

gear. Given this, it is considered that the principle of a driveway here is not considered to be an issue to the Roads DM team. The matter of safety and visibility has also been raised within the submitted representations, this is mainly due to the proximity to the existing pedestrian island. The Roads DM team has advised that while this was taken into account in the assessment, it is considered that the driveway is a sufficient distance from the island to allow for adequate visibility, as such the matter of road safety or lack of visibility is not a concern that the Roads DM team shares. Notwithstanding the comments from the Roads DM team, the Transport and Accessibility interim APG states, in section 2.3 'Driveways', "*Where the creation of a driveway with one parking space will lead to the loss of an on-street parking space driveway permission will not generally be granted due to the loss of amenity space for all residents on the street*". Approval of this application would not accord with this part of the interim APG.

Further to the above, the Planning Service have noted that an off-street parking space could be formed within the rear garden, using the existing double gates to the rear of the property and accessed via Cromwell Gardens. Whilst the existing gates may be narrower than that needed to easily access the garden area, this opening could be altered (widened) to allow safe access of a vehicle. The use of a relatively small part of the rear garden for parking would be a more suitable location for off street parking where the overall impact on the surrounding area would be minimised. This arrangement would also align with the prevailing form of off-street parking on the south side of Cromwell Road and thus the established character. None of the properties to the west of the application site (Nos. 29-121) have parking in the front gardens, whereas almost all of the properties have parking in the rear garden, frequently in the form of garages, all of which are accessed from Cromwell Gardens. With there being the possibility of forming off street parking to the rear of the property, the installation of off street parking to the front is not warranted, nor can it be justified, given the adverse impact that would arise from such a development.

In light of the above, Roads Development Management have not raised any concern or objection to this application in respect of parking or road safety. With respect to Policy T3 (Parking) of the ALDP, this relates more to new developments not existing properties. Furthermore, this policy does not give appropriate criteria for the outer city, which this site is located within, as such Policy T3 is not wholly relevant here. Overall, while the Roads DM team has not raised an objection, the Planning Service have concerns relating to the principle of the proposal which would result in the loss of an on-street parking space, thus, the proposal does not comply fully with section 2.3 of the APG. Additionally, this is an existing property with specific characteristics, a matter that has been addressed in the preceding section, and it is considered that the loss of this character has not been outweighed through a sufficient justification, as such the introduction of off-street parking to the front of the property is not warranted or justified in this case.

REPRESENTATIONS

Comments raised within submitted representations have been considered throughout the above elevation, however, those not addressed will be addressed in full below:

- Impact on existing parking situation – *This matter is discussed within 'Parking provision and road safety'.*
- Formation of driveway will set a precedent along this terrace and result in the loss of on street parking. – *This matter is discussed under 'Impact on the Character of the surrounding area' and 'Parking provision and road safety'.*
- Application form does not accurately reflect the number of spaces available to the property, which is currently 1, as there is parking available to the rear of the property accessed via the lane. Therefore, the proposal would result in 2 spaces. – *The Planning Service have reviewed this, following a site visit, it is noted that access to the rear curtilage is available via a gate from Cromwell Gardens, however, the area within does not appear to be used a*

parking space nor is there definitive evidence it has been used as such in recent times. The application has been assessed on its own merit with the information provided to the Planning Service.

- Proposed space would result in the loss of 2 on street spaces, impacting amenity and community as well as those using the Harlaw playing fields. – *The Roads Development Management Team has confirmed that the formation of the driveway would see the loss of one on street parking space, this is detailed under ‘Parking provision and road safety’.*
- The introduction of a driveway would reduce the available on street parking by 50% between 25 Cromwell Road toward the corner of Burns Road. – *As above, this has been considered under this is detailed under ‘Parking provision and road safety’*
- Road safety and visibility concerns due to the location of the proposal in relation to the existing traffic island. – *This matter has been discussed under ‘Parking provision and road safety’.*
- Proposed space appears to be slightly off central position, but should be moved away from the existing traffic island. – *This matter has been discussed under ‘Parking provision and road safety’.*
- Concern over the length of driveway and use of gravel which may not comply with guidelines. – *No concerns with regards to this has been raised and the driveway plans show that setts would be utilised for the first 2 metres, the driveway in terms of its length and materials proposed comply with Council standards.*
- Design and inclusion of driveway not in keeping of houses and flats from 25 Cromwell Road moving west. – *This matter is discussed under ‘Impact on the Character of the surrounding area’.*
- Impact of proposal on green spaces, biodiversity, aesthetics and wellbeing, stormwater management and long term value of property. – *These matters raised have been discussed within the body of the report, however the item relating to the long term value of the property is not a material consideration.*

CONCLUSION

Firstly, the comments raised by representatives have been considered in the above sections and the objections raised are noted. Overall, the proposal would result in the removal of low lying granite wall, this along with the formation of a driveway would be considered to alter the existing form and pattern of this row of terrace, dating back to the 1920’s, and would negatively alter the streetscape and impact the character and visual amenity of the surrounding area. The applicant has not advised of any planning reason as to why the proposal could be justified as a departure from planning policy and thus approval of this application would set an unwelcome precedent that could further erode the visual amenity of this area. Furthermore, the applicant has not demonstrated why an off-street parking space could not be formed in the rear garden, a location that would align with the prevailing character and form of parking for all of the Cromwell Road properties that back onto Cromwell Gardens. Any benefits the applicant might gain from providing off street parking at the front of the property are not outweighed by the harm that would be caused to the character of the surrounding street. Furthermore, the removal of the low lying granite wall would not be acceptable. While the parking space itself has not raised any concerns from the Roads Development Management Team, this does not outweigh the significant impact it the proposal would have on the character of the area if approved. As such the works do not comply with Policies H1, D1 and D7 of the ALDP . Furthermore, the proposal does not comply with Policies 14 and 16, specifically section g part i, of NPF4, as such, this application cannot be supported.

DECISION

Refuse

REASON FOR DECISION

The proposal would result in the removal of low lying granite wall which would fragment a unifying historic boundary feature of the front garden of properties on the south side of Cromwell Road and would significantly alter the existing streetscape. The formation of a driveway would not accord with the prevailing form of parking on the south side of Cromwell Road, which is generally rear curtilage parking accessed off Cromwell Gardens and thus the established character of this street. As a result, it would be a negative feature which would not seek to preserve or enhance the character of the surrounding area. This would be in direct conflict with Policies H1 (Residential Areas), D1 (Quality Placemaking) and D7 (Our Granite Heritage) of the Aberdeen Local Development Plan 2023 and Policies 14 (Design Quality Places) and 16 (Quality Homes) of National Planning Framework 4.



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 100637920-001

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)

Car parking and pavement crossing.

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:	GPA Humphries		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Sholto	Building Name:	
Last Name: *	Humphries	Building Number:	75
Telephone Number: *	01224574425	Address 1 (Street): *	Albury Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB11 6TP
Email Address: *	architects@gpa-humphries.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	c/o GPA Humphries
First Name: *	Tim	Building Number:	75
Last Name: *	Curthoys	Address 1 (Street): *	Albury Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB11 6TP
Fax Number:			
Email Address: *	architects@gpa-humphries.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

27 CROMWELL ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 4UQ

Please identify/describe the location of the site or sites

Northing

805190

Easting

392049

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.

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

0

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

1

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

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: Sholto Humphries

On behalf of: Mr Tim Curthoys

Date: 02/08/2023

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 Sholto Humphries

Declaration Date: 02/08/2023

Payment Details

Online payment: ABSP00009889
Payment date: 02/08/2023 11:53:00

Created: 02/08/2023 11:53

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Sholto Humphries
GPA Humphries
75 Albury Road
Aberdeen
AB11 6TP

on behalf of **Mr Tim Curthoys**

With reference to your application validly received on 8 August 2023 for the following development:-

Formation of driveway and alterations to boundary wall at 27 Cromwell Road, Aberdeen

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

<u>Drawing Number</u>	<u>Drawing Type</u>
	Location Plan
	Driveway Layout Plan and Existing/Proposed Frontage Elevations

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

None.

REASON FOR DECISION

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

The proposal would result in the removal of low lying granite wall which would fragment a unifying historic boundary feature of the front garden of properties on the south side of Cromwell Road and would significantly alter the existing streetscape. The formation of a driveway would not accord with the prevailing form of parking on the south side of Cromwell Road, which is generally rear curtilage parking accessed off Cromwell Gardens and thus the established character of this street. As a result, it would be a negative feature which would not seek to preserve or enhance the character of the surrounding area. This would be in direct conflict with Policies H1 (Residential Areas), D1 (Quality Placemaking) and D7 (Our Granite Heritage) of the Aberdeen Local Development Plan 2023 and Policies 14 (Design Quality Places) and 16 (Quality Homes) of National Planning Framework 4.

Date of Signing 16 October 2023

A handwritten signature in cursive script that reads "Daniel Lewis".

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 230946/DPP

Application Summary

Application Number: 230946/DPP

Address: 27 Cromwell Road Aberdeen AB15 4UQ

Proposal: Formation of driveway and alterations to boundary wall

Case Officer: Jennifer Keohane

Consultee Details

Name: Mr Michael Cowie

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for formation of driveway and alterations to boundary wall at 27 Cromwell Road, Aberdeen AB15 4UQ.

It is noted that Cromwell Road is classified as a local distributor road which carries large volumes of vehicles and serves as a bus route. Which as per ACC supplementary guidance, a driveway on to such road would be considered acceptable if it meets safety criteria and unlike a 'district' distributor road does not require to enter and exit in a forward gear.

In this regard it is confirmed that the proposed driveway would be considered acceptable.

The driveway shall require to meet ACC criteria in that it be internally drained, meet the road at 90degrees, gradient not exceed 1:20 and not surfaced with loose materials within the first 2m of the driveway adjacent to the adopted footway.

The driveway shall require to served by a footway crossing constructed by the Council in order for it to be of suitable standard and any services under the footway are adequately protected. The applicant is responsible for all associated costs involved and are advised to contact ACC Road Network Maintenance Unit at least 6 weeks prior to any works starting on site in order to arrange for an estimate and programme the works. They can be contacted my email on footwaycrossings@aberdeencity.gov.uk.

It is confirmed that Roads Development Management have no objections to this application.

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Appeal Statement

Town and Country Planning (Scotland) Act 1997, as amended
Application for Review Against the Refusal of Planning Permission for the Formation of Driveway and Alterations to Boundary Wall
Application Reference No 230946/DPP
For Mrs Kate Bylinski (the “Appellant”)
By Aberdeen City Council (the “Council”)

1. Executive Summary

This Appeal Statement has been prepared by Kate Bylinski, the Appellant, in respect of the decision of Aberdeen City Council to refuse an application for full planning permission for the formation of a driveway and alterations to a boundary wall at 27 Cromwell Road, Aberdeen (application Ref 230946/DPP). The application for planning permission was lodged on 2 August 2023 and refused under delegated powers on 16 October 2023. This Appeal Statement considers in detail the reasons for refusal and demonstrates that the Appellant’s proposal not only complies with the policies of National Planning Framework 4 and the Aberdeen Local Development Plan 2023 but also seeks to enhance their objectives, notably in the way of sustainability.

- [The development clearly breaches key fundamentals of ACC Supplementary Material ref - Topic: Transport and Accessibility March 2012 – reference page 29&30](#)

In summary, the Appellant’s proposal is in keeping with the granite heritage of the neighbourhood, removing only what is strictly necessary of the low-lying granite wall in order to construct a much needed car park for the family’s sole electric vehicle, which electric vehicle requires a charging plug and cable to be located in proximity thereto.

- [Electric vehicle charging point could equally be installed in rear garden with a charging point within the pre-existing gated driveway. The family have one car.](#)

There are identical or similar car parking arrangements in the front of numerous properties on the same street (as well as on other streets in the immediate area), creating a reasonable precedent supporting the application.

- [A unifying feature of Cromwell Road is that the Southside properties, where there is access to rear lane access & parking use rear garden, car drives or have put up garages, or rely on on-street parking](#)
- [There are none with EV charging installed on front garden drives on the southside of Cromwell road.](#)
- [Properties on the Northside are detached or semidetached and have drives to access rear garden garages. North Side properties benefit from a grassed avenue in front of their properties together with a single yellow line proceeding down the entire street, thus providing adequate visibility and safety for pedestrians and other road users when emerging from their respective drives. Also Northside do not have rear lane access.](#)

The Appellant’s proposal has received the approval of the Roads Development Management Team.

- [In my view, this Roads Development Management review addressed construction. It did not focus on safety aspects and did not conclude on pedestrian and road user safety aspects, i.e. whether ‘it meets safety criteria’ \(as noted\).](#)
- [Equally, it is not clear whether they referred to The Department of Transport: THE DESIGN OF PEDESTRIAN CROSSINGS report reference in connection with Safety. Page 22, Table 1: Table 1 ALL TYPES OF CROSSING - VISIBILITY REQUIREMENTS Reference should be made to Departmental Advice Note TA 12/81\(27\).](#)

Finally, the representations made by neighbours 29 Cromwell Road and 118 Burns Road are considered as being wholly unrelated to the planning permission application and based purely on the self-interest of the objectors' own parking situation.

Therefore, it is at the reasonable discretion of the decision maker, in this case the Local Review Board, to decide what weight to place on this document.

Given the subjective comments above and below, it is probably fair to highlight additional salient points to provide a wider and more colored perspective:

- a) Firstly, none of this is at all personal, we are a welcoming community but simply have different perspectives.
- b) The Appellant is a lawyer, which provides an advantage in these types of situations, we have not sought or taken legal advice.
- c) It could be argued that the motivation for the driveway is more driven by economics vs sustainability, i.e. this would increase re-sale value and it is not a necessary addition.
- d) Lastly, we have recently reduced our car ownership within the household to 2 cars.

The Local Review Board is respectfully requested to uphold the review and grant planning permission for application 230946/DPP.

Clearly objections remain and have been added to, through this document and marked up in blue font below.

2. Reasons for Refusal

The decision notice dated 16 October 2023 provides the following statement upon which the Council has based its decision: "*The proposal would result in the removal of low-lying granite wall which would fragment a unifying historic boundary feature of the front garden of properties on the south side of Cromwell Road and would significantly alter the existing streetscape. The formation of a driveway would not accord with the prevailing form of parking on the south side of Cromwell Road, which is generally rear curtilage parking accessed off Cromwell Gardens and thus the established character of this street. As a result, it would be a negative feature which would not seek to preserve or enhance the character of the surrounding area. This would be in direct conflict with Policies H1 (Residential Areas), D1 (Quality Placemaking) and D7 (Our Granite Heritage) of the Aberdeen Local Development Plan 2023 and Policies 14 (Design Quality Places) and 16 (Quality Homes) of National Planning Framework 4.*"

3. Site Appraisal & Description

The Appellant's proposal relates to an end terrace two and a half storey granite property situated to the west of Aberdeen city centre. The property has a north facing principal elevation fronting Cromwell Road. On this road, between the pedestrian crossing island to the 25 Cromwell Road driveway, there are only four available parking spaces. The front curtilage comprises a small, enclosed garden area with

pedestrian path which is bounded by a low-lying granite wall and gate. The south facing elevation has a single storey annex which projects into the enclosed rear curtilage. This can be accessed from the narrow rear lane

- [Please note that users generally reverse park with no trouble at all – see below. The width of the lane has never been an issue for residents in the past.](#)



, known as Cromwell Gardens, via a double gate located on rear boundary wall. The application site adjoins 29 Cromwell Road to the west with semi-detached properties 19, 21, 23 and 25 Cromwell Road located to the east. Other residential properties are located in the surrounding area.



Photo 1: Demonstrating the front of the Appellant's property along with the dilapidated state of its garden following the passing of the previous owner.

- [\(note that this picture is out of bloom, in season the garden produces amazing and colourful flowers and fauna. John \(the previous owner\) was well known in the area for his garden. Please see slide 14 of powerpoint.](#)

The Appellant's property is currently undergoing renovation work in order to revitalize it following the passing of an elderly gentleman who had not undertaken maintenance work to the building in circa 40 years. As part of the renovation work and in keeping with the sustainability agenda of the Aberdeen Local Development Plan 2023_

- [\(plan is not consistent with ALDP2023 Theme 2: Supporting places that put the health and wellbeing of people first: a\) provide fullest and widest access to the public for health and well-being access to Rubislaw & Harlaw playing fields and for the younger Cromwell Road Park by reducing available car parking space; b\) A front garden drive implicitly and empirically must increase risk of safety and any basis i.e. visibility for pedestrians and road user risk alike given turning arc and proximity to the traffic island\),](#)

the Appellant and her husband purchased an electric vehicle_

- [\(I cannot see how the renovation work at all relates to the choice of vehicle\),](#)

which requires a charging point (along with charging cable) to be installed at the property [\(this is choice\)](#). The back garden contains an array of delightful fruit trees and bushes (a number of which line the back fence), three sheds (also placed along the back fence) for storing seedlings, fertilizer and gardening tools, and a large lawn of healthy grass._

- [\(There is ample and abundance space for car charging in the rear garden, recommend a site visit.](#)



Photo 2: Demonstrating raspberry bushes and an apple tree adjoining the rear gate of the Appellant's property. During the summer and autumn months, these bushes and trees are in full bloom and are fruit bearing in large quantity. The rear garden wall is necessary to protect these plants from the elements.



Photo 3: Demonstrating the three sheds adjoining Appellant's rear gate and wall for storing seedlings, fertilizer and gardening tools. [\[clearly sets out well maintained gated driveway- was wide enough and long enough for previous owner to keep his 15ft boat.\]](#)

The property and surrounding area are not located in a conservation area, and the property is not a listed building.

4. The Appellant

The Appellant is a young married woman and who has recently moved into the property with her husband. The Appellant would like to ensure that her family's electric vehicle (the sole family car) has a suitable car parking space to accommodate the length of charging cable.

as well as a safe space for parking given the lack of space in front of the property (as will be further explained below). The Appellant and her husband share the electric car and both work locally. As such, suitable parking with a charging point is critical for the Appellant and her husband to be able to drive to work.

- [Suitable parking exists in their rear garden .](#)
- [Alternative solutions exist EV charging, as this is not a new problem for people with EV car – as can be found in google searches](#)

5. Grounds for Appeal

5.1 - Precedent

It is submitted that the proposed alterations must be viewed as part of the overall streetscape which is defined by a mix of various alterations and car parking arrangements which have occurred over the years. The design of the proposed car park is in keeping with the original design of the house and replicates the many examples of car parking alternations which have occurred over time on the same street (Cromwell Road) as well as in the nearby surrounding streets.

[Refer to powerpoint](#)



Photo 4: Demonstrating that 56 Cromwell Road has removed a wide section of the low-lying granite wall in order to create a car park to the front of the property.

[Refer to powerpoint](#)



Photo 5: Demonstrating that 58 Cromwell Road has removed a section of low-lying granite wall in order to create a car park to the front of the property.

[Ref earlier comment](#)

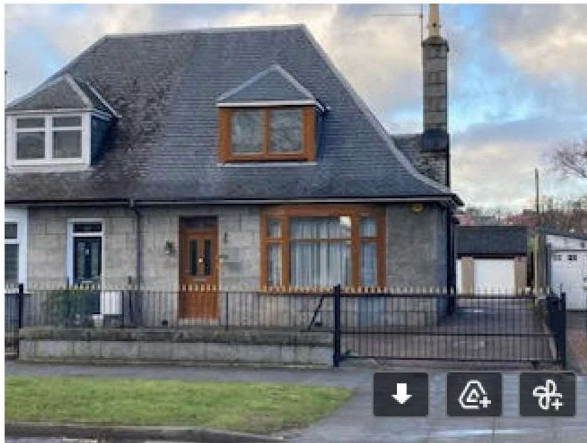


Photo 6: Demonstrating another property on Cromwell Road that has removed a section of low-lying granite wall for the purposes of the a front driveway, along with the installation of a mechanical gate.

[Ref earlier comment](#)

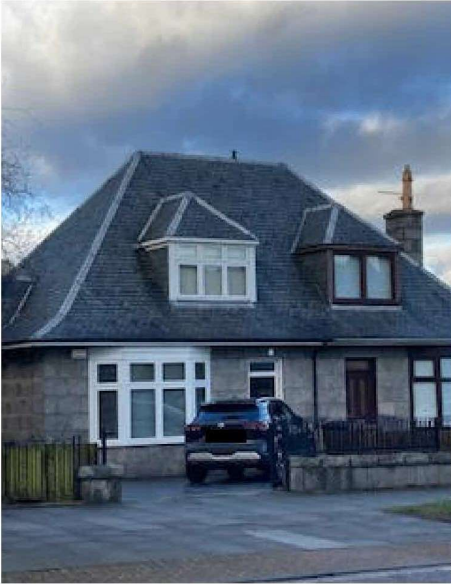


Photo 7: Demonstrating another property on Cromwell Road that has removed a section of low-lying granite wall for the purposes of a front driveway.

[Ref earlier comment](#)



Photo 8: Demonstrating another property on Cromwell Road that has removed a section of low-lying granite wall for the purposes of a front driveway.

[Ref earlier comment](#)



Photo 9: Demonstrating another property on Cromwell Road that has removed a section of low-lying granite wall for the purposes of a front driveway.

[Ref earlier comment](#)



Photo 10: Demonstrating that 25 Cromwell Road (to the immediate left of the Appellant's property) has removed a portion of low-lying granite wall to construct a car park.

[A distinguishing feature of this property vs 27 is that 25 clearly does not benefit from rear lane access for car parking and no vehicular access to rear garden](#)

[Back to search results](#)

Details [Comments](#) [Documents \(0\)](#) [Related Cases \(0\)](#) [Map](#)

Summary [Further Information](#) [Contacts](#) [Important Dates](#)

Reference	021927
Application Validated	Thu 31 Oct 2002
Address	25 Cromwell Road Aberdeen
Proposal	CONSTRUCTION OF DRIVEWAY
Status	Unknown
Decision	Approve Conditionally
Decision Issued Date	Thu 23 Jan 2003
Appeal Status	Unknown
Appeal Decision	Not Available
Local Review Body Status	Not Available
Local Review Body Decision	Not Available



Photo 11: Demonstrating that 23 Cromwell Road and 21 Cromwell Road (to the nearby left of the Appellant's property) have each removed a portion of low-lying granite wall in order to construct a car park.

[Ref earlier comment on 25](#)



Photo 12: Demonstrating that 19 Cromwell Road (to the nearby left of the Appellant's property) has

removed a portion of low-lying granite wall in order to construct a car park.

[Again like 25 & 23 See below](#)



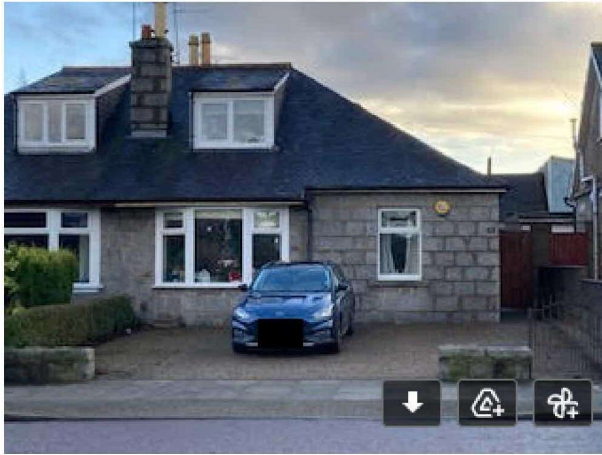


Photo 13: Demonstrating another property on the south side of Cromwell Road which has removed a portion of low-lying granite wall in order to construct a car park.

I do not understand how this was approved? as they do have rear lane access.

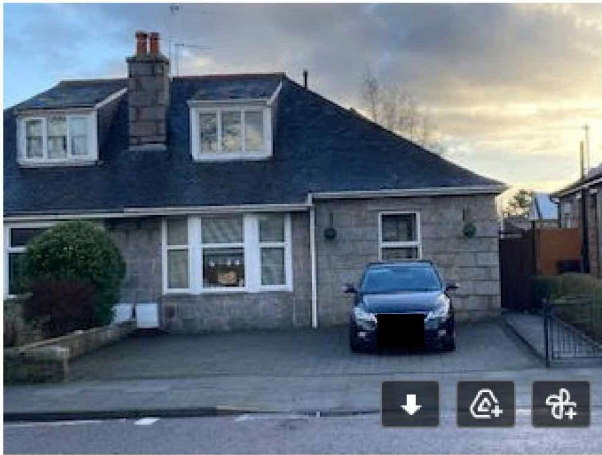


Photo 14: Demonstrating that 7 Cromwell Road has removed almost all of the low-lying granite wall to create a large car park.

Ref earlier comments – no rear land access- garden sandwiched – 360 degrees



Photo 15: Demonstrating that 3 and 5 Cromwell Road have each removed almost all of the low-lying brick wall in order to create car parks.

Ref earlier comments – no rear land access- garden sandwiched – 360 degrees

In summary, the following properties on Cromwell Road have been granted (it is assumed) permission to remove all or a portion of the low-lying granite wall to the front of the property in order to create a car parking space:

- South Side: 3 Cromwell Road*, 5 Cromwell Road*, 7 Cromwell Road*, 19 Cromwell Road, 21 Cromwell Road*, 23 Cromwell Road*, and 25 Cromwell Road*. [[*no rear lane access](#)]
- North Side: 54 Cromwell Road, 56 Cromwell Road, 58 Cromwell Road, 60 Cromwell Road, 62 Cromwell Road, 64 Cromwell Road, 66 Cromwell Road, 68 Cromwell Road, 70 Cromwell Road, 72 Cromwell Road, 74 Cromwell Road, 76 Cromwell Road, 78 Cromwell Road, 80 Cromwell Road, 82 Cromwell Road, 84 Cromwell Road, 86 Cromwell Road, 88 Cromwell Road, and 90 Cromwell Road.

[Ref earlier comments remain true for all-](#)

Despite the various alterations carried out on Cromwell Road, the properties and overall street scape remains materially in keeping with the historical look of the road.



Photo 16: Demonstrating Cromwell Road in 1951 – please note that the Appellant’s property is visible in this photo. [[again highlights prior approvals for neighbours without rear lane access](#)]



Photo 17: Demonstrating Cromwell Road in 2023 – please note that the Appellant’s property is visible in this photo.



Photo 18: Demonstrating Cromwell Road in 2023 – please note that the Appellant’s property is visible in this photo.

5.2 - Design Process & Proposal

The Appellant would like to maximize the use of the property in a sustainable fashion_

- [\[Agreed, regrettable then that they elected not to sustain the beautiful front Garden. Sustainability would be truly better served to install EV charging in rear of the garden within the existing gated driveway\]](#),

notably with the construction of a cost-efficient car park for the family's electric vehicle, always in keeping with the design of the street which includes similar car parking arrangements_

- [\[a front garden driveway north of 25 Cromwell Road does not add character or value to the street\]](#).

Detailed Planning Permission is sought to form a driveway within the front curtilage of the property, which would necessitate the removal of a section of existing low-lying granite boundary wall. The expert architect’s drawings indicate that the proposed parking would reasonably accommodate off street parking for one vehicle. The section of wall to be removed measures less than 3.5 metres in width, leaving a portion of the wall intact. The low-lying wall has a height of less than 740mm. The proposal would see the existing garden area laid with setts (closest to the pavement) and gravel. A concrete kerb would be formed at the pavement edge where a grated gully is proposed which would be situated where the proposed driveway meets the public footway to allow for drainage.

This proposed plan is in keeping with the requirements of the Aberdeen City Council guidance and the Road Development Management Team's support letter for this application.

- [\[Development Management Teams support letter – focuses on architectural & design aspects and in fact questions safety criteria i.e. “if it meets safety criteria”\]](#)

5.3 – Sustainability

The Applicant wishes to ensure that the property is sustainable for the benefit of her family and with a view to benefitting the wider local community. The Appellant and her husband are committed to reducing their carbon footprint by using one electric car between them, rather than two motor vehicles, for their commute to work. In addition, the Appellant would like to install an electric car charging point at the home. The Appellant would like to preserve the sustainability of the rear garden’s fruit trees and bushes given the effort by the previous owner over the past four decades.

- [The fruit trees have nothing to do with installation of a charging point as the driveway already exists.](#)

—[Laudable sustainability objectives, these are better met preserving front garden and installing EV charging in rear garden.](#)

5.4 – Development Plan Policy

5.4.1 – NPF4

NPF4 was adopted on 13 February 2023 and now forms part of the development plan. Considering the policies of relevance to the current application:

Policy 1 (Tackling the Climate and Nature Crises)

- *Policy Intent: To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. When considering all development proposals significant weight will be given to the global climate and nature crises. [\[maintenance of garden – front garden – bulbs coming up now\]](#)*

Policy 2 (Climate Mitigation and Adaptation)

- *Policy Intent: To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.*
- Response to Policies 1 and 2: Not only is the current proposal small scale, but it is based on the creation of a more sustainable living environment for the Appellant's family as well as an associated benefit to the local community by minimizing waste, noise and emissions as a result of the use of the electric car and charging point.
- [Ref earlier comment on back garden and substantially destroying front garden](#)
- [Cannot see logic of benefit to local community ref charging point?](#)
- On this basis, it is submitted that the proposal complies with Policy 1 and 2 of the NPF4 and seeks to enhance the objectives.

Policy 3 (Biodiversity)

- *Policy Intent: To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.*
- Response: The back garden of the Appellant's property contains an array of fruit trees and bushes, two glass greenhouses, three sheds, and a large lawn of healthy grass, all cultivated by the previous owner over a period of four decades with the objective of sustainable living [\[did not place same value to Front Garden?\]](#). To construct car parking via the rear of the property will necessitate (i) widening the existing fence (given the size of the modern electric vehicle)
- [\[disagree – ex neighbor used to park boat in the back driveway?\]](#)
- and therefore the tearing down of part of the rear garden wall; (ii) tearing down the three sheds lining the rear garden wall [\[not required as they align with wall?\]](#); (iii) removal of a number of fruit trees and bushes lining the rear garden fence [\[can be replanted?\]](#); (iv) and removal of a generous amount of grass to pave the desired parking area for a suitable three point turn [\[other alternative exist\]](#). The widening of the gap in the fence would expose the garden to the elements and harm the remaining vegetation in the back garden. This would be a detriment on the biodiversity of insects and animals using the back garden as well as the fruit trees and bushes that took four decades to cultivate. The proposal to construct a car park in the front garden does not infringe on the biodiversity of the area given the dilapidated state of the garden nor upon the neighbouring properties [\[after they killed it with a skip, after no doubt weighing on the economic vs sustainability consequences when renovating 29 we easily parked a skip in rear driveway\]- so I find the above arguments without merit. However, reducing back wall by 50cm width remains completely different from a wholesale removal of the front garden and wall. Equally the advantage of this is that plants are easily replant able.\]](#)
- On this basis, it is submitted that the proposal complies with Policy 3 of the NPF4 and seeks to enhance its objectives.

Policy 14 (Design Quality Places)

- *Policy Intent: To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.*

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

- *Healthy: Supporting prioritisation of women’s safety and improving physical and mental health.*
 - *Pleasant: Supporting attractive natural and built spaces.*
 - *Connected: Supporting well connected networks that make moving around easy and reduce car dependency.*
 - *Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.*
 - *Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.*
 - *Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.*
- Response: The proposal seeks to maximise the opportunities presented by the property and how it can contribute to sustainable living for the Appellant’s family and for the benefit of the neighbourhood.
 - [There is only advantage to 27.](#)
 - [There is no advantage whatsoever to the wider neighborhood or community.](#)
 - [Conversely streetscape is reduced, and for the wider community where this proposal increases pedestrian and road user risk whilst in combination reducing the overall availability of on street parking for Cromwell Road house owners, and also for users for Rubislaw and Harlaw playing fields and Cromwell Road park.](#)
 - The property is located within an established residential area, where examples of similar alterations are evident at, *inter alia*, 25 Cromwell Road, 23 Cromwell Road, and 21 Cromwell Road (see photos 10 and 11 above). Alterations for a driveway of a much larger size have been approved at, *inter alia*, 3 Cromwell Road and 5 Cromwell Road, where almost the entire low-lying granite wall was removed (see photo 15 above). On the even numbered properties on Cromwell Road, almost every single property was granted approval to remove a section of the low-lying granite wall for the construction of a driveway and car park (see photos 4 to 15 above). The Appellant benefits from connected access to local facilities and services and therefore adheres to the principles of local living by frequently walking to local amenities. When utilising the electric vehicle, the Appellant does not pollute. The proposed alterations will allow the Appellant’s family to live sustainably with their electric vehicle’s charging point and cable located in a logical, safe and convenient location. The proposed alteration has been designed to complement the surrounding area while providing much needed adapted parking for the Appellant’s electric vehicle, allowing the Appellant’s family to live long term in the property. Using an electric vehicle and charging point will result in a cleaner, quieter, healthier community.
 - On this basis, it is submitted that the proposal complies with Policy 14 and seeks to enhance the “healthy”, “sustainable”, “connected” and “adaptable” elements thereof, without removing the “distinctive” aspects of Cromwell Road.

Policy 16 (Quality Homes)

- *Intent: To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.*
- *(g) Householder development proposals will be supported where they: (i) do 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; and (ii) do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.*
- Response: The proposal has been specifically designed by a professional architect to provide

the Appellant's property with sustainable living whilst having a non-detrimental impact on the character or environmental quality of the home and neighbourhood. The size, design and materials reflect similar alterations in the immediate area which have been undertaken with the appropriate consent. The proposed alteration will not have a detrimental impact on the amenity of the neighbouring properties by virtue of physical impact, overshadowing or overlooking. It is an alteration which is contained within the boundaries of the Appellant's property and which

- [Ref earlier comments](#)

is adapted to park a single vehicle. To oblige the Appellant to park the family's electric vehicle in the road in front of the property constitutes a safety hazard for pedestrians, strollers, bicycles and pets, as a charging cable would need to cross the pavement to plug into the vehicle (trip hazard) as well as a potential electric shock hazard. If the Appellant does not have a parking space close enough to the property [\[there are other solutions to enable rear garden charging without a long EV cable?\]](#), then the electric vehicle cannot be charged at all due to the short length of charging cable. Installing a charging point at the front of the house would allow future generations to capitalise on the sustainability model underlying the Appellant's proposal.

- On this basis, it is submitted that the proposal complies with Policy 16 and additionally seeks to enhance the quality, affordability and sustainability of the property, whilst simultaneously refraining from infringing on neighbouring properties.
- Representations from local residents:
 - o 118 Cromwell Road:

- ▶ This property is currently occupied by renters and has more than enough car parking space in front of the property for their three motor vehicles.

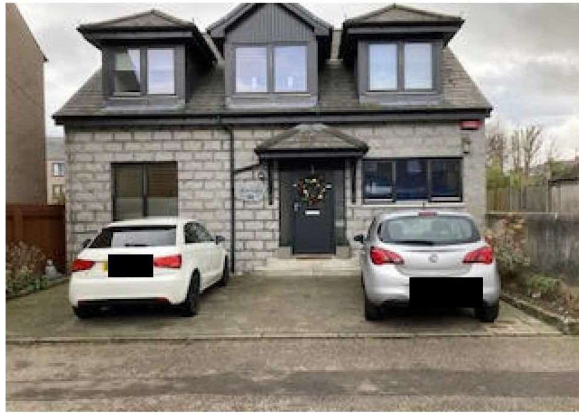


Photo 19: Demonstrating the private parking available for 118 Burns Road, which is enough for three motor vehicles.

- ▶ This property is accessible via a very small and narrow rear lane (Cromwell Gardens) coming off Burns Road. The congestion in this lane renders accessibility and movement unreasonably tight and presents a risk of damage to vehicles.



Photo 20: Demonstrating the small size of the rear lane and the congestion.

[This photo is simply not representative of 365 days and 24/7 parking along the lane, someone is simply dropping something off.](#)



Photo 21: Demonstrating the narrow width of the lane with a single car as a reference point. Based on the current configuration of the Appellant's rear gate, it would be necessary to back the electric vehicle out of the lane, approximately 60 meters. [See earlier photo. All other residents reverse park?](#)

- ▶ The Appellant's electric vehicle was damaged when it was parked in this rear lane on 4 July 2023 at a cost of £700 to repair, with a police report being filed accordingly (report number reference 2206). The PC that attended the scene was Dean Schembri (Badge No A9765). Although 118 Burns Road had CCTV with sight on the scene of the damage, they refused to provide video footage so that the person who damaged the Appellant's electric vehicle may be identified. _
- ▶ For reasons unknown, the renters at 118 Burns Road often park their motor vehicles in such a way as to block access to the rear gate of the Appellant's property with a large van and other vehicles.



Photo 22: Demonstrating the van belonging to 118 Burns Road, which is systematically parked in the same place blocking access to the rear of the Appellant's property. Although not illegally parked, this van is parked in a way that obstructs access through the Appellant's rear gate. It is noted that this van cannot reverse any closer to the back wall but still blocks access to the Appellant's rear gate.

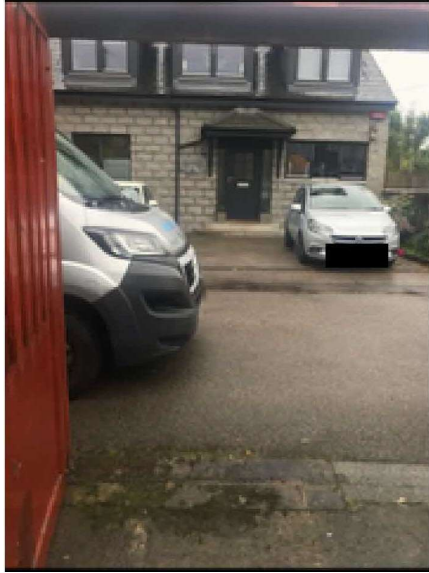


Photo 23: Demonstrating that it would be impossible to exit the Appellant's rear gate given way the van is parked.



Photo 24: Demonstrating from another angle the way the 118 Burns Road van is parked, rendering it impossible to exit the Appellant's rear gate.

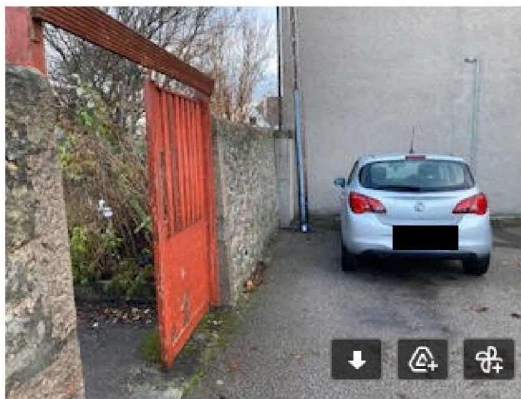


Photo 25: Demonstrating 118 Burns Road parking one of their cars in the space in front of the Appellant's rear gate, effectively preventing a clean three-point turn to exit the rear gate.

One would reverse into the driveway and progress forward. No need for three point turn

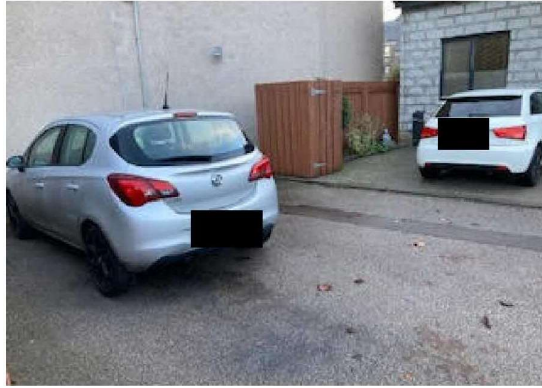


Photo 26: Demonstrating that it would be unreasonably difficult for Appellant to access parking through the rear gate based given the current parking situation in the back lane. Demonstrating 118 Burns Road parking their vehicle in such a way as to block Appellant's access to the rear gate whilst having ample parking in front of their own accommodation.

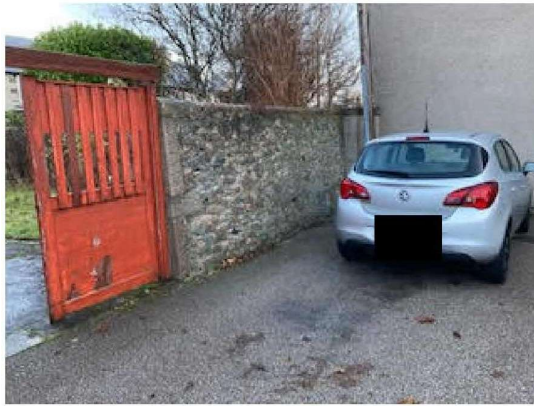


Photo 27: Demonstrating lack of clean three-point turn in order to exit Appellant's rear gate.



Photo 28: Demonstrating that it would be unreasonably difficult to reverse out of the Appellant's rear gate when another car is legally parked in the space, such as this grey range rover.

As mentioned, prior neighbour for 40 years never had an issue parking in his drive

➤ The existing configuration of the Appellant's property, being the last property at the end of the back lane, renders it impossible to carry out a safe three-point turn to exit the rear gate when a vehicle has parked in the space alongside the fence. Therefore, to render rear parking viable for the Appellant (consequently removing the space and availability for another car to park in the space shown in photos 23, 26 and 29) would require (i) the demolition of a material portion of the large wall pictured in photo 28 above; (ii) the installation of a new gate; (iii) the demolition of the Appellant's three sheds (photo 3 above); the removal of the tree and bushes lining the back wall (photo 2 above); (iv) the removal of a large portion of the lawn to cater to the larger electric vehicle; and (v) the configuration and installation of a new power plug adapted to the charging cable of the electric vehicle, the sum of which is significantly more costly and laborious than the alternative front car parking proposal. In addition, the retention of the rear garden wall is critical in protecting the vegetation in the rear garden from the natural elements, another element of sustainable living that the Appellant wishes to continue at the property.

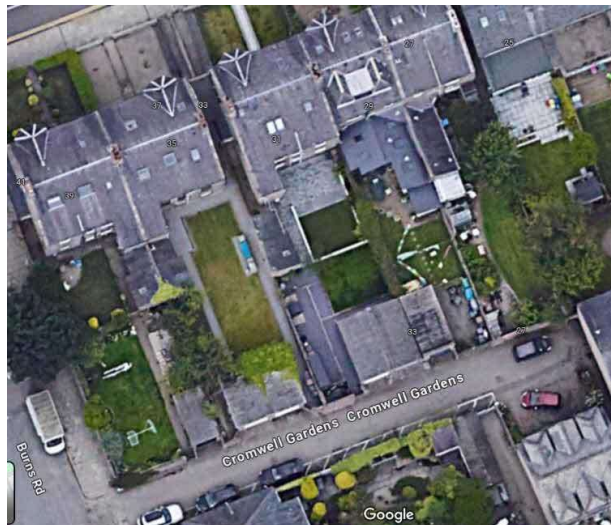


Photo 29: Aerial view of the Appellant's property, with a vehicle blocking access to the rear gate. [2020 image from Google Earth. This is the prior deceased owner parking his car round the back of his garden.](#)



Photo 30: Demonstrating how easy it is to block access to the rear gate of

| *Appellant's property whilst remaining legally parked in the narrow back lane.*

- [With respect to accessing the rear of the Appellant's property for car parking, the existing gate is not wide enough to comfortably drive through with the Appellant's larger more modern electric vehicle.-. Though the car is wider. Gate can be made wider, which is a more sustainable choice.](#)
-
- [In addition, there is no electrical cable long enough by which to charge the Appellant's electrical vehicle from the rear of the Appellant's property without parking the car in the middle of the existing lawn. There are alternative solutions available.](#)
-
- The placement of the Appellant's rear gate paired with the existing configuration of parking choices available on Cromwell Gardens and larger modern vehicles makes it unsafe, awkward and difficult to park the Appellant's electric vehicle through the rear gate of the Appellant's property. It is therefore submitted that 118 Cromwell Road's representation is unreasonable and absurd given that their property has enough private car parking spaces to park all of their motor vehicles comfortably and safely. Ironically, a car park constructed in the rear of the Appellant's property would actually increase congestion on Cromwell Gardens and result in a more awkward parking situation for 118 Burns Road (counterintuitive to the representation made), and would increase the chances of collision (as already experienced by the Appellant via the incident reported to the police in July 2023).

○ 29 Cromwell Road:

- This property is currently occupied by a family of six, and with five individuals each owning a petrol engine vehicle. It is understood by the Appellant that two members of the family are currently away at college outside of Aberdeen, but making regular trips to Aberdeen for family visits. This results in three cars being regularly parked in front of the Appellant's property and up to five cars being parked in front of the Appellant's property at any one time.

[The home is occupied by 4 people, with now 2 cars.](#)



Photo 31: Demonstrating two of 29 Cromwell Road's vehicles parked in front of Appellant's property.

[Car to the right is not our car](#)



Photo 32: Demonstrating another two of 29 Cromwell Road's vehicles parked in front of Appellant's property. Note: Appellant's electric vehicle is parked at the left of the line-up of vehicles: Our cars, are as of now a Dacia and a Polo, Only 1 above belongs to 29.



Photo 33: Demonstrating another 29 Cromwell Road vehicle parked in front of Appellant's property (on the left-hand side). Note that the driveway which is visible in the photo belongs to 25 Cromwell Road, and which has removed part of its low-lying granite wall.

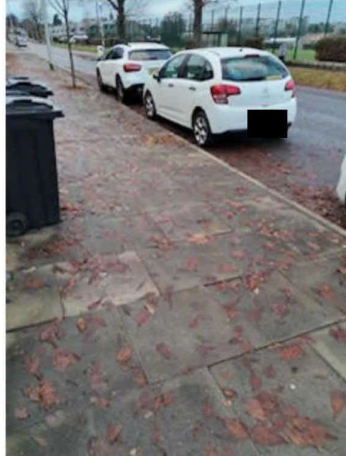


Photo 34: Demonstrating another 29 Cromwell Road vehicle parked in front of Appellant's property. [Ref above](#)



Photo 35: Demonstrating another 29 Cromwell Road vehicle parked in front of Appellant's property. [This is one of 2 of ours](#)



Photo 36: Demonstrating another 29 Cromwell Road vehicle parked in front of the Appellant's property.

- ▶ The white petrol engine vehicle belonging to 29 Cromwell Road has been frequently parked in front of the Appellant's property for multiple continuous days, blocking the ability for another regularly utilised car to come and go conveniently.
- ▶ Equally 29 was very accommodating to trademan vans when 27 was renovating.
- ▶
- ▶ If an individual from 29 Cromwell Road intends to park long term whilst they remain at home, it would be more considerate and reasonable to park on Burns Road or Forbesfield Road (where there is more parking spaces) given the limited number of parking spaces in this area of Cromwell Road.



Photo 37: Demonstrating 29 Cromwell Road vehicle parked in front of Appellant's property.

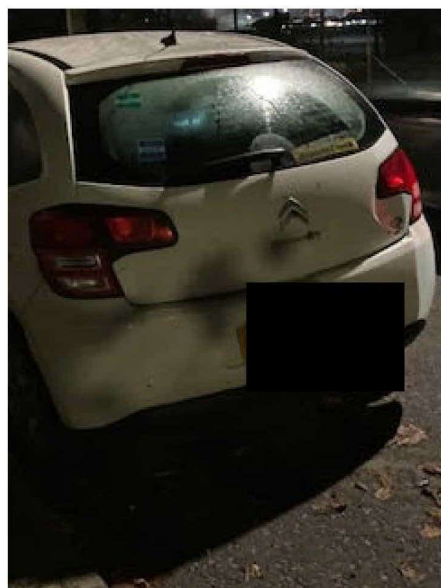


Photo 38: Demonstrating same 29 Cromwell Road vehicle parked in front of Appellant's property.



Photo 39: Demonstrating same 29 Cromwell Road vehicle parked in front of Appellant's property. Please note that there is no space for Appellant's electric vehicle to be parked in front of Appellant's property.

- ▶ Based on the number of petrol engine vehicles used by 29 Cromwell alone, it is often extremely difficult to find car parking on Cromwell Road in front of the Appellant's property. To this end, a dedicated car parking space in front of the Appellant's property per the Appellant's proposal is critical to ensuring the Appellant's electric vehicle can be regularly and conveniently charged.

- ▶ Parking the Appellant's electric vehicle on the road in front of the Appellant's property (rather than in a dedicated parking lot) will require the cable of the electric vehicle to pass along the pavement, which is a trip hazard for walkers and strollers, an electrical hazard for pets, and a maintenance concern for the Appellant if constantly being rolled over/ trodden on. [Better than to install rear garden parking EV charging.](#)

- ▶ It is therefore submitted that the representations made by 29 Cromwell Road are entirely based on self-interest to maintain car parking spaces for the convenience of their five petrol engine vehicles and has nothing to do with the Appellant's planning permission requested as it does not infringe on 29 Cromwell Road's property in any way.

[As stated previously, we do not have 5 petrol engine vehicles and the request to create front garden parking at no 27 is equally based on self-interest.](#)

5.4.2-ALDP 2023

Aberdeen Local Development Plan 2023 forms a critical element of the strategy of the city. Considering the policies of relevant to the current application:

Policy HI (Residential Areas)

- *Policy HJ - Residential Areas, states "Within existing residential areas (HJ on the Proposals Map) and within new residential developments, proposals for new residential and householder development will be approved in principle if it: 1. does not constitute over-development; and 2.*

does not have an adverse impact to residential amenity and the character and appearance of an area; and 3. does not result in the loss of open space. "

- Response: The Appellant's proposal leaves a portion of the existing front garden untouched and the existing rear garden wholly untouched. It does not have a detrimental impact on the residential amenity of the area in terms of overlooking, loss of daylight or loss of privacy. It does not infringe on the neighbouring properties. Therefore, it is submitted that the proposal does not constitute overdevelopment nor in the loss of open space.

- It has been previously demonstrated that multiple properties in the immediate area include a range of similar alterations to the parking arrangement (notably, 25, 23, 21 and 19 Cromwell Road – per photos 10, 11 and 12 above). [\[these are historic approvals dating some prior to 1951 and are not consistent with current approval\]](#) It is assumed that all such alterations have benefited from planning consent and therefore were considered appropriate in terms of design and impact on the character of the area at that time. It is therefore difficult to understand what has changed in the intervening period to render the current very similar proposal so significantly inappropriate to justify refusal of planning permission. Even with the various similar alterations made to a number of other properties, the prevailing character of Cromwell Road has remained materially unaltered as an attractive residential area (per photos 4 to 15 above). The neighbouring yards to the site subject of the current appeal (notably, 25, 23, 21 and 19 Cromwell Road – per photos 10, 11 and 12 above) have each had a similar alteration to that currently proposed. To this end, in keeping with the precedent of neighbouring properties, it is submitted that the current proposal will neither detract from the character or residential amenity and appearance of the area.
- The Roads Development Management Team ("RDMT") consider the proposed alteration acceptable and therefore had no objections to the application. The support letter provided by the RDMT states that "*as per ACC supplementary guidance, a driveway on to such road would be considered acceptable if it meets safety criteria and unlike a 'district' distributor road does not require to enter and exit in a forward gear*". To this end, the plans submitted by the Appellant's professional architect ensured that such criteria set out in the RDMT support letter have been met.
- The only two representations from local residents (i.e. 118 Burns Road and 29 Cromwell Road) have been set out and addressed in the paragraphs above.
- Finally, it should be noted that the proposed alteration is intended for the sustainable living of the Appellant's household and poses an obvious benefit to the surrounding environment in that the electric vehicle produces no noise, no smell, and no emissions, increasing the residential amenity of the area.
- On this basis, it is submitted that the Appellant's proposal complies with Policy H1 of the ALDP 2023.

Policy D1 (Quality Placemaking)

- *Policy D1 - Quality Placemaking by Design, states all development must ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.*
- *Proposals are required to ensure:*
 - *quality architecture, craftsmanship and materials;*
 - *a well-considered layout, including biodiverse open space, high quality public realm and landscape design.*
 - *a range of sustainable transportation opportunities ensuring connectivity commensurate with the scale and character of the development. Successful places will sustain and enhance the social, economic, environmental, wellbeing and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities.*
 - *distinctive*
 - *welcoming*
 - *safe and pleasant*
 - *easy to move around*
 - *adaptable*
 - *resource efficient.*
- *Response: The design of the proposed alteration has been carefully considered by the Appellant's professional architect taking account of the context of the site and the surrounding properties. The proposed alteration represents an appropriate design providing much needed sustainable parking for the Appellant's family while not detracting from the existing residential amenity. It is submitted that the proposed alteration responds positively to the six qualities by making best use of the opportunities presented by the Appellant's property while providing*

adapted, safe, environmentally friendly, and resource efficient parking accommodation in a house which is well located in proximity to amenities.

- On this basis, it is submitted that the Appellant's proposal complies with Policy D1 of the ALDP 2023.

Policy D7 (Our Granite Heritage)

- *Policy D7 – Our Granite Heritage, states that the Council seeks the retention and appropriate re-use, conversion and adaption of all historic granite buildings, structures and features, including setted streets, granite kerbs and granite boundary walls. Proposals to demolish any granite building, structure or feature, partially or completely, will not normally be granted planning permission, conservation area consent or listed building consent. Any listed building, structure or feature in the curtilage of a listed building, or any unlisted building, structure or feature in a Conservation Area, may only be demolished where: • evidence is provided to demonstrate that every effort has been made to retain it, and; • It is no longer of special interest or cultural significance; or • It is incapable of meaningful repair; or • It can be demonstrated the demolition is essential to delivering significant benefits to economic growth or the wider community; or • Its repair and reuse is not economically viable and that it has been marketed in an open and transparent manner. Where the tests for demolition are met the visible re-use of salvaged features within the development site is required.*
- Response: In keeping with the demonstrated precedent on Cromwell Road, the Appellant's proposal seeks to remove only the bare minimum of the low-lying wall required in order to allow the Appellant's electric vehicle to pass through. The architectural plan submitted to the Council was specifically designed to retain the maximum amount of granite in order to maintain as far as reasonably possible the characteristic features of the low-lying wall. Although representations have been made by the Aberdeen Civic Society, it is submitted that there must be an element of reasonableness applied to modern day sustainable living and to allow the property to be adapted accordingly. Introducing an electric plug and electric vehicle to the property will deliver an overall economic benefit to the local community in that it reduces emissions and fuel consumption and presents a quieter, cleaner and healthier option to the motor vehicles otherwise used. The overall look and characteristic of the Appellant's property will be maintained post-alteration in a tasteful manner that will reflect the granite heritage of the road. It should be noted that the Appellant's property is not listed nor in a conservation area.
- On this basis, it is submitted that the Appellant's proposed alteration will not result in an unbalanced appearance but rather will replicate the many altered properties in the same street whilst retaining the majority of the granite wall for historical purposes, and that the proposal is therefore not in material conflict with Policy D7 of the ALDP 2023.

Policy T3 (Parking)

- It was indicated in the Council's Report of Handling that this policy would not be wholly relevant in the Appellant's situation as it relates more to newer developments and not to existing properties. As such, there will be no further elaboration on this policy in this Appeal Statement.

10. Conclusion

The Town and Country Planning (Scotland) Act 1997 (as amended) requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The current application seeks planning permission for alterations to the front garden and granite wall in

order to allow the Appellant's family to safely, cost efficiently, and conveniently park and charge its

sustainable electric vehicle off a road congested with neighbouring vehicles (notably from 29 Cromwell Road).

It has been demonstrated within this Appeal Statement that the Appellant's proposal complies with the policies of the National Planning Framework 4 and the Aberdeen Local Development Plan 2023.

[Selectively perhaps](#)

Whilst there may be some minor conflict in terms of Policy D7 (Our Granite Heritage) of the ALDP 2023, it has been clearly established, and will be apparent at a site visit, that the area has changed over time with many of the homes undergoing alteration similar to that proposed which have not had a detrimental impact on the character and appearance of the area. It is therefore difficult to understand what has changed in the intervening period to render the current very similar proposal significantly inappropriate to justify refusal of planning permission. It is submitted that the current proposal will continue the established pattern of development which, as with all residential areas, is constantly evolving. The car park in the Appellant's front garden would not appear out of context given the existing driveways next door to the Appellant's property and would not impose a negative design feature on the surrounding area. The Officer's interpretation of the policy is subjective and has focused solely on the minor removal of the granite wall and not on the positive impact upon the overall street scene or wider area, which is much altered and where many examples of similar alterations can be found.

[Agree do a sight visit.](#)

The Appellant therefore respectfully requests that the planning refusal decision be overturned to allow the Appellant to construct the driveway in the front of the property in order to allow the Appellant's family to continue their sustainable lifestyle and not further congest the narrow lane (Cromwell Gardens) to the rear of the Appellant's property.

December 2023.

Response to Planning Appeal - 27 Cromwell Road

Summary Objections

Objection No (note labelling on following slides)

Comment

1. The existing ruling should be upheld as additional points raised in the appeal are irrelevant. The proposed plans (the 'Plans') and corresponding appeal notes are not sufficiently consistent for approval, e.g. against criteria set out in the ACC Supplementary Guidance and also Department of Transport guidelines.
2. The Plans do not add value or character to the streetscape or community, instead propose to actively corrode it.
3. Properties no. 52 - 90 on Cromwell Road consist of either fully detached or semi-detached dwellings. It is assumed that formal approval was granted because these properties are situated next to a single yellow line along the Northside of the street and a notably wide pedestrian boulevard. This configuration ensures excellent visibility for both pedestrians and road users compared to emerging vehicles. Additionally, permission may have been given to facilitate access to the garages at the rear of these properties, as they lack rear lane access.
Planning approvals for driveways at properties no. 23 - 25 are likely granted because these residences lack rear lane access. Earlier approvals for these properties were probably for the same reason, possibly stemming from approvals granted before the year 2000.
5. For information, our adult daughter who resides and works in Glasgow visited us for four days during Christmas and New Year. The attached photos seem highly selective and not broadly representative; perhaps a survey could provide a more accurate portrayal? It's worth noting that the pictures were taken during the holiday season when everyone had visitors. Additionally, the residents of 29 Cromwell Road do not own five cars, but in fact, now only two. Therefore, the comments from No. 27 regarding our motivations are not well-founded. Moreover, we have a gated driveway in our back garden.

Summary Objections *Contd*

Objection No (note labelling on following slides)

Comment

6. Cromwell Road is a public road, and there are no restrictions on parking. For instance, commuters often park there during the day, while homeowners generally use it in the evening, and this arrangement works well. Street parking is also widely utilized on weekends by visitors to Harlaw, Rubislaw Playing Fields, and Cromwell Road Park. Parking has never presented an issue and is considered a normal aspects of city living. As mentioned in the appeal, alternative parking options are available nearby in Burns Road, Forbesfield Road, rear lane and private parking spaces in rear gardens.
7. No. 27 has a pre-existing secured/gated parking space in their rear garden. The previous homeowner safely used this for 40 years. He also used to park his 15ft sailing boat within this space - so really, ample room. When the homeowners carry out the planned landscaping work to the rear garden in the springtime a charging point could easily be installed to allow the car to be parked and charged securely without affecting the biodiversity, apple trees or children's play fort if the owners wish to retain them. Also even if a small portion of the rear wall were to be removed (0.5m) this would still represent a more sustainable and fitting solution.
8. The Plans will create a loss of two on-street parking places on Cromwell Road, and will have a knock on impact to the other residents of Cromwell Road, as well as to the other users mentioned above.
9. Safety: The driveway being perpendicular to oncoming traffic simply does not provide sufficient visibility. It is too close to the parking island <35m. An oncoming car traveling at 30mph will see an emerging car too late.
10. In the appeal, sustainability was a core argument. See front garden photos – pre and post the current owners arrival. If Sustainability had truly have been an overarching guiding life principal then the owners would have deposited their renovation skip in the existing rear garden driveway space, instead of destroying the biodiversity and much admired local garden.

Objection 1

- **Source: ACC Supplementary Guidance:**

- The site is broadly within the perimeter of West End Office Area
- There is rear garden parking, already
- There are implication to road safety
- There is now no impact on the garden as this was trashed by their skip used for house refit
- There is plentiful on-street parking in the vicinity
- Unclear if 50% of the Garden remains?

PARKING IN FRONT GARDENS

The conversion of front gardens for car parking will only be permitted where:

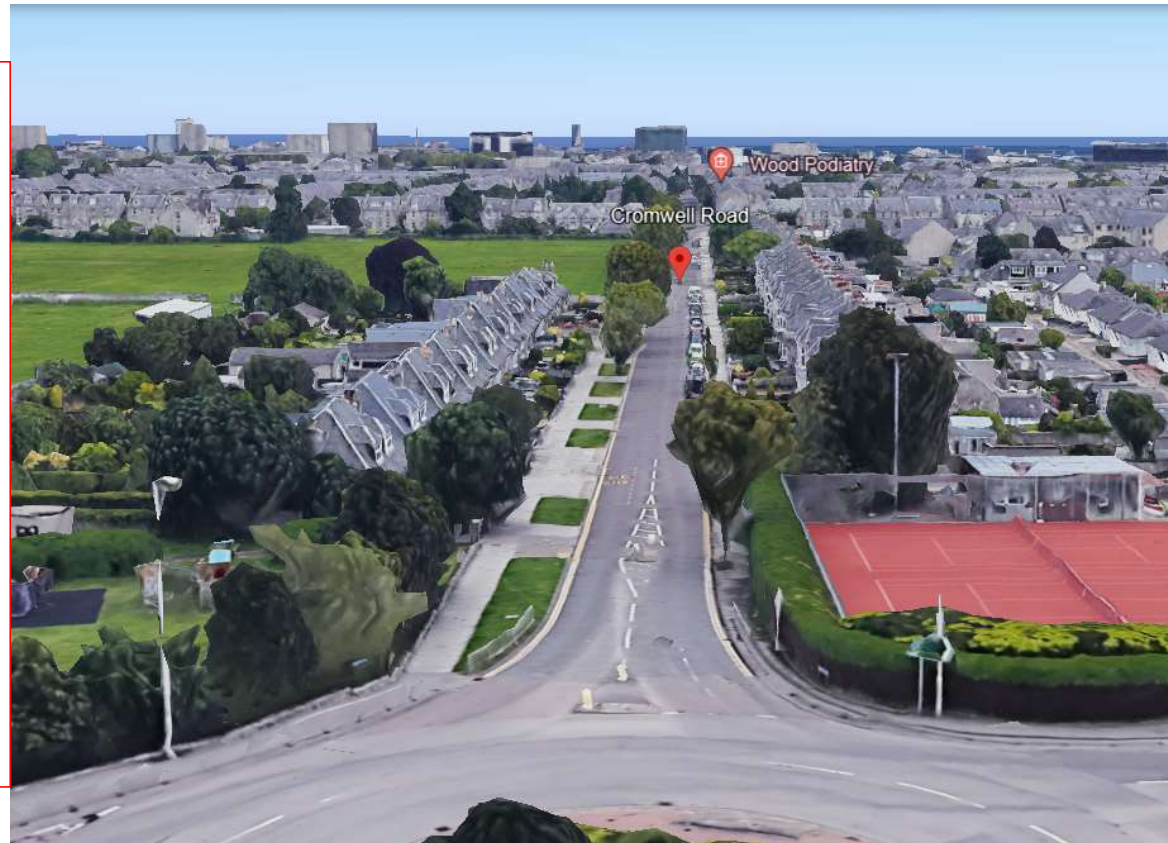
- the site is outwith the West End Office Area;
- rear garden parking is not an option;
- where there are no implications for road safety;

- where there is no impact on significant street or garden trees; and
- where on-street parking is readily available in the vicinity.

Other situations will be considered on their own merit, but with the provision that the garden will have to be large enough to take a single car whilst leaving a reasonable space between the parked car and the house, and at least 50% of the garden ground for soft landscaping. A detailed list of the criteria for assessing proposals for new driveways are set out below.

Objection 2

- Cromwell Road is one of Aberdeen's most recognised and prestigious streets. Measured from a visual and impact perspective it is simply stunning and unique, given the framed disposition of road, housing and forested walking boulevard.
- The walking avenue is used voluminously by users of nearby amenities (Harlaw Playing fields, Rubislaw and Cromwell Road Park), together with increasing numbers of walkers and joggers alike.
- Approval of the new owners Plans would be detrimental to the aforementioned. Furthermore, the proposed Plans are not congruous to the otherwise unifying features of the south side boundary and overall street disposition. If implemented, it would alter the existing streetscape for the worse and open for further degradation.



Objection 2

• Harlaw playing fields- used by primary and secondary schools and other

• Photo showing the amenity used by School children and others using the traffic island
Page 160

• Rubislaw playing fields- used by primary and secondary schools and others



• Photo setting out homogeneous nature of Cromwell road – i.e.

• South side use of rear lane parking.

• Northside, with benefit of yellow lines running down length of road and walking avenue with safe driveways

• **Note no rear lane access to North Side Properties**

• Crowell Road Play Park, used by youngsters

Objection 3 & 4



Houses with rear lane access, most of which have added rear garden driveways.

These properties do not front garden parking.



North Side with driveways, but approved post addition of yellow lines running length of Cromwell Road.

Also a unique benefit of wide grassed walking avenue which together with yellow lines provide good visibility for resident leaving own parking and also for oncoming traffic safety – unique in Aberdeen

n.b. no rear lane access.

- Availability of on - street Parking (see below by green markers)
- **Objection 6 & 8**
We do not agree that the photos taken over festive period, where many households along the street were welcoming guests was and is representative of the parking challenges, as outlined by the new owners, simply a timing issue.



Objection 7



Photo to demonstrate the driveway in the rear garden. Plenty space for a car, boat, or skip.
The new owners have elected to not use the drive in the rear garden or the rear lane parking, which, as an adopted lane, has no designated parking spaces.

Simulation of car turning arc



- See illustration above of the likely turning arc of an emerging car from 27.
- By measurement the distance from the planned driveway to the traffic island is 35m.
- We would challenge the proposed driveway on the grounds of road and pedestrian safety i.e. as a car emerges from this space, there will be other cars parked closer to the island. Also the traffic island in itself presents a visual obstruction. Altogether an oncoming car will have little time to react. Please note adjacent Department of Transport regulation for visibility for ALL TYPES OF CROSSINGS.

Objection 9

12 TABLES

Table 1 ALL TYPES OF CROSSING - VISIBILITY REQUIREMENTS

Reference should be made to Departmental Advice Note TA 12/81⁽²⁷⁾

85 Percentile Approach Speed (m.p.h.)	25	30	35	40	45	50
Desirable Minimum Visibility (metres)	50	65	80	100	125	150
Absolute Minimum Visibility (metres)	40	50	65	80	95	115

Table 2 PELICAN, PUFFIN & TOUCAN CROSSINGS - VEHICLE DETECTION REQUIREMENTS

Source: Department for Transport: The Design of Pedestrian Crossing, April 1995.

- On face value Minimum Visibility should be 50-60m from the crossing for all types of crossings

Objection 9**Road Safety**

All applications to form a driveway must be assessed against road safety standards to ensure they do not present hazards to other road users or pedestrians.

Definitions of Road Types

A **Classified Road** is a highway which has been identified as being of importance for the movement of traffic. Classifications given are Class A, B or C, and any new access onto a classified road requires planning permission. **Primary Distributor Roads** form the primary network for the urban area and comprise trunk roads and important classified roads. All **Trunk Roads** are Class A. **District Distributor Roads** may be class A, B or C whilst **Local Distributor Roads** may be Class B or C, but are generally unclassified. Trunk Roads and Primary Routes are shown in the Finalised Aberdeen Local Plan in the Additional City Wide Proposals maps.

Access onto Classified Roads

There is a presumption against granting planning permission for a driveway onto a trunk road or primary distributor road. On district distributor roads there is also a presumption against granting consent for driveways, but this may be relaxed provided the proposal meets road safety criteria, and vehicles are able to enter and exit the parking area in forward gear. Local distributor roads are treated similarly to district distributors but without the requirement to enter and exit in forward gear.

Visibility

Driveways must be positioned to allow adequate visibility, particularly on busy pedestrian routes, in accordance with national standards.

- **Source: ACC Supplementary Guidance:**
- As aforementioned – the Plans do not provide adequate visibility.



- Front garden photo – in bloom and one month prior to sale of the property.



- Current front garden photo – following the choice to place skip here rather than at the rear.
- Clearly not a 'sustainable' choice.

Comments for Planning Application 230946/DPP

Application Summary

Application Number: 230946/DPP

Address: 27 Cromwell Road Aberdeen AB15 4UQ

Proposal: Formation of driveway and alterations to boundary wall

Case Officer: Jennifer Keohane

Customer Details

Name: Honorary Secretary Aberdeen Civic Society

Address: c/o 1 Mackie Place Aberdeen

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Aberdeen Civic Society objects to the removal of the boundary walling and installation of a private parking space. The house forms part of a terrace of houses and the installation of parking to the front of the property introduces an unfortunate precedent to a terrace of traditional houses, thereby removing street parking which can be used more effectively.

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Comments for Planning Application 230946/DPP

Application Summary

Application Number: 230946/DPP

Address: 27 Cromwell Road Aberdeen AB15 4UQ

Proposal: Formation of driveway and alterations to boundary wall

Case Officer: Jennifer Keohane

Customer Details

Name: Mr Dillon Goonan

Address: 118 Burns Road Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:With parking being at a premium in the area, both at the front on Cromwell Road of the property, the side on Burns Road and at the rear of the property in the lane, this proposal is only going to make the parking in the area far worse.

Number 27 has a space at the rear behind gates but don't use it. There is a space next to the gates that cars park but if any cars are in front of that gates it is obstructing an adjoining driveway opposite the gates.

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Comments for Planning Application 230946/DPP

Application Summary

Application Number: 230946/DPP

Address: 27 Cromwell Road Aberdeen AB15 4UQ

Proposal: Formation of driveway and alterations to boundary wall

Case Officer: Jennifer Keohane

Customer Details

Name: Mr Gregory Herrera

Address: 29 Cromwell Road, Aberdeen AB15 4UQ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: To Whom it may concern,

Reference to planning objections 27 Cromwell Road 2nd August 2023 i.e. converting front garden into a household car park.

Opposition of Planning Approval: Involves considerations related to aesthetics, environmental impact, community well-being, safety and the preservation of green spaces.

I am writing to object to this planning permission on behalf of the residents of 29 Cromwell Road, on the following grounds:

1. First a query on the current planning application form:

a. Does the current planning application relate solely to the front garden, or the whole plot? If the latter the following observations on the accuracy of the application:

Question on application: Access & Parking: How many vehicle parking spaces (garaging and open parking) currently exist on the application site?:

1. Answer: This has been marked 0, not correct

2. Factual inaccuracy: See picture above, as you can clearly see the picture of the back garden shows that this is gated expressly for open parking (the old neighbour parked there forever - see photo) and as an aside there is this also ample space behind the back garden wall for a second car (albeit not exclusive) (see photo).

Question: Access & Parking: next question - How many parking spaces do you propose on sight..?:

1. Answer: marked 1. not correct

2. Factual inaccuracy: Not correct (as above, 27 already has access to 1 open park spacing in back garden - see Photo) so answer should have been marked 2.

2. Impact on amenity

The Harlaw playing fields amenity lies on the opposing side of the road from No 27. As you know there is no car park for the 1000's of transiting users of Harlaw.

Creation of 27's planned parking space -effectively reduces available parking by at least 2 car spaces, thus impacting the amenity/community.

3. Impact on access, parking or road safety

a. Parking: Currently there are only 4 kerbside car spaces from 25 Cromwell downwards towards the corner of Burns Road, but 8 households.

Permission would reduce car spaces for the above down to 2, representing a 50% reduction.

27 Cromwell Road already has a private car park in the garden (see photo of car park gate),

27 also has access to a non-exclusive car space directly behind the garden wall and also along the back lane (see photo).

a. Road Safety

The intended Car park is simply too close to the traffic island (see photo) from a road safety concern for pedestrians, cars and cyclists.

In particular for - blind sighted opposing oncoming traffic, where the forward view of a car manoeuvring out of 27's front garden in front of it, would be restricted by the traffic island (see photo), and more so by adjacent pre-disposed parked street cars (see photo). Also view of resident may be completely blocked.

4. Design

a. The current design for the car park is slightly left of a central position (when looking at the house from the road). To reduce risk it should be moved to the furthest right of the property i.e. furthest away from the traffic island. The current length of the planned car park may need to be reviewed i.e. 5m or 6m. Also use of gravel vs guidelines may need to be reviewed?

5. Design and inclusion of driveway not in keeping of house and flats from 25 down to roundabout.

6. Others summary points against:

Preservation of green spaces, Biodiversity, Aesthetics and Well Being, Stormwater Management (recognising the opposing stream has historically problematic for residents of Cromwell Road) and

lastly Long-term value (A garden can be a selling point for the neighbourhood, whereas a car park might have the opposite effect).

Note - this facility does not allow for photos to be added to text or attached.

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From: [REDACTED]
To: [PI](#)
Cc: [John Cooke](#); [Jennifer Stewart](#); [Martin Greig](#); [Ken McLeod](#)
Subject: Opposition to 27 Cromwell Road - Planning Application
Date: 19 August 2023 12:44:51
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

To Whom it may concern,

Reference to planning objections 27 Cromwell Road 2nd August 2023 : i.e. converting front garden into a household car park,

Opposition of Planning Approval: Involves considerations related to aesthetics, environmental impact, community well-being, safety and the preservation of green spaces.

I am writing to object to this planning permission on behalf of the residents of 29 Cromwell Road, on the following grounds (I have also submitted an objection on the online portal, but could not figure out how to attach photos on that):

1. First a query on the current planning application form:
 - a. Does the current planning application form relate solely to the front garden, or the whole plot? if the latter the following observations:

Question: Access & Parking: How many vehicle parking spaces (garaging and open parking) currently exist on the application site?:

1. Answer: This has been marked **0, not correct**
2. Factual inaccuracy: See picture, as you can clearly see the picture of the back garden shows that this is gated expressly for open parking (the old neighbour parked there forever) and as an aside there is this also ample space behind the back garden wall for a second car (albeit not exclusive).



Question: Access & Parking: next question – How many parking spaces do you propose on

sight..?:

1. Answer: marked **1. not correct**
2. Factual inaccuracy: Not correct (as above, 27 already has access to 1 open park spacing in back garden) so answer should have been marked **2**.

2. Impact on amenity

The Harlaw playing fields amenity lies on the opposing side of the road from No 27. As you know there is no car park for users of Harlaw.

Creation of 27's planned parking space –effectively reduces available parking by at least 2 car spaces, thus impacting the amenity/community.

3. Impact on access, parking or road safety

- a. Parking - Currently there are 4 car spaces from 25 Cromwell to the corner of Burns Road, but 8 households. Permission would reduce car spaces for the above down to 2, representing a 50% reduction. 27 Cromwell Road already has a private car park in the garden, 27 also has access to a non-exclusive car space directly behind the garden wall and also along the back lane.



- a. Road Safety: The proposed car park is simply too close to the traffic island from a road safety concern for pedestrians, cars and cyclists. In particular for - blind sighted opposing oncoming traffic, where the forward view of a car manoeuvring out of 27's front garden in front of it, would be restricted by the traffic island (see photo), and more so by adjacent pre-disposed parked street cars.

View of Traffic island on Cromwell Road- White van parked where 27 proposed parking would emanate from



View of oncoming car from the payment



*View showing No 27 parking from a deeper perspective – White van is picture alongside kerb of
27*



Visibility blocked coming out of parking from adjacent parked White Van



4. Design

- a. The current design for the car park is slightly left of a central position. To reduce risk it should be moved to the furthest right of the property i.e. furthest away from the traffic island. The current length of the planned car park may need to be reviewed i.e. 5m or 6m. Also use of gravel vs guidelines may need to be reviewed?

5. Design and inclusion of driveway not in keeping with Terraced houses and flats from 25 down to the roundabout (none of which have front garden parking from but have in common rear lane access/parking).



6. Others summary points against:

Preservation of green spaces, Biodiversity, Aesthetics and Well Being, Stormwater Management (recognising the opposing stream has historically problematic for residents of Cromwell Road) and lastly Long-term value (A garden can be a selling point for the neighbourhood, whereas a car park might have the opposite effect).

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Application 230946 – 27 Cromwell Road

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
- D7 – Our Granite Heritage
- T3 - Parking

Other Material Considerations

Aberdeen Planning Guidance

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

Transport and Accessibility

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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 100654897-001

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="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="27"/>
First Name: *	<input type="text" value="Kate"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Bylinski"/>	Address 1 (Street): *	<input type="text" value="Cromwell Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB154UQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

27 CROMWELL ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 4UQ

Please identify/describe the location of the site or sites

Northing

805190

Easting

392049

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)

Planning permission sought to form a driveway in the front curtilage of the property, necessitating the removal of a section of existing low-lying granite boundary wall. The proposal would accommodate off street parking for one vehicle. The proposal sees the existing garden area laid with setts and gravel. A concrete kerb would be formed at the pavement edge along with a grated gully (where the proposed driveway meets the public footway) to allow for drainage.

Type of Application

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

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

What does your review relate to? *

Refusal Notice.

Grant of permission with Conditions imposed.

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

Statement of reasons for seeking review

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

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

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

The proposal maintains the granite heritage of the neighbourhood, removing only what is necessary of low-lying granite wall to construct a much needed car park for family's sole electric vehicle, requiring a proximate charging point / cable. There are identical car parking alterations in front of numerous properties on the same street, creating precedent. The proposal has received support from Roads Development Management Team. Representations from neighbours are wholly unrelated to proposal.

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)

An appeal statement has been provided (with photographic evidence) setting out in detail why the proposal not only complies with the policies of the National Planning Framework 4 and the Aberdeen Local Development Plan 2023, but seeks to enhance numerous objectives therein based principally on the sustainable lifestyle of household to which the application relates.

Application Details

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

230946/DPP

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

02/08/2023

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

16/10/2023

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mrs Kate Bylinski

Declaration Date: 22/12/2023

Appeal Statement

Town and Country Planning (Scotland) Act 1997, as amended
Application for Review Against the Refusal of Planning Permission for the Formation of Driveway and Alterations to Boundary Wall
Application Reference No 230946/DPP
For Mrs Kate Bylinski (the “Appellant”)
By Aberdeen City Council (the “Council”)

1. Executive Summary

This Appeal Statement has been prepared by Kate Bylinski, the Appellant, in respect of the decision of Aberdeen City Council to refuse an application for full planning permission for the formation of a driveway and alterations to a boundary wall at 27 Cromwell Road, Aberdeen (application Ref 230946/DPP). The application for planning permission was lodged on 2 August 2023 and refused under delegated powers on 16 October 2023. This Appeal Statement considers in detail the reasons for refusal and demonstrates that the Appellant’s proposal not only complies with the policies of National Planning Framework 4 and the Aberdeen Local Development Plan 2023 but also seeks to enhance their objectives, notably in the way of sustainability.

In summary, the Appellant’s proposal is in keeping with the granite heritage of the neighbourhood, removing only what is strictly necessary of the low-lying granite wall in order to construct a much needed car park for the family's sole electric vehicle, which electric vehicle requires a charging plug and cable to be located in proximity thereto. There are identical or similar car parking arrangements in the front of numerous properties on the same street (as well as on other streets in the immediate area), creating a reasonable precedent supporting the application. The Appellant’s proposal has received the approval of the Roads Development Management Team. Finally, the representations made by neighbours 29 Cromwell Road and 118 Burns Road are considered as being wholly unrelated to the planning permission application and based purely on the self-interest of the objectors' own parking situation.

Therefore, it is at the reasonable discretion of the decision maker, in this case the Local Review Board, to decide what weight to place on this document. The Local Review Board is respectfully requested to uphold the review and grant planning permission for application 230946/DPP.

2. Reasons for Refusal

The decision notice dated 16 October 2023 provides the following statement upon which the Council has based its decision: "*The proposal would result in the removal of low-lying granite wall which would fragment a unifying historic boundary feature of the front garden of properties on the south side of Cromwell Road and would significantly alter the existing streetscape. The formation of a driveway would not accord with the prevailing form of parking on the south side of Cromwell Road, which is generally rear curtilage parking accessed off Cromwell Gardens and thus the established character of this street. As a result, it would be a negative feature which would not seek to preserve or enhance the character of the surrounding area. This would be in direct conflict with Policies H1 (Residential Areas), D1 (Quality Placemaking) and D7 (Our Granite Heritage) of the Aberdeen Local Development Plan 2023 and Policies 14 (Design Quality Places) and 16 (Quality Homes) of National Planning Framework 4.*"

3. Site Appraisal & Description

The Appellant’s proposal relates to an end terrace two and a half storey granite property situated to the west of Aberdeen city centre. The property has a north facing principal elevation fronting Cromwell Road. On this road, between the pedestrian crossing island to the 25 Cromwell Road driveway, there are only four available parking spaces. The front curtilage comprises a small, enclosed garden area with

pedestrian path which is bounded by a low-lying granite wall and gate. The south facing elevation has a single storey annex which projects into the enclosed rear curtilage. This can be accessed from the narrow rear lane, known as Cromwell Gardens, via a double gate located on rear boundary wall. The application site adjoins 29 Cromwell Road to the west with semi-detached properties 19, 21, 23 and 25 Cromwell Road located to the east. Other residential properties are located in the surrounding area.



Photo 1: Demonstrating the front of the Appellant's property along with the dilapidated state of its garden following the passing of the previous owner.

The Appellant's property is currently undergoing renovation work in order to revitalize it following the passing of an elderly gentleman who had not undertaken maintenance work to the building in circa 40 years. As part of the renovation work and in keeping with the sustainability agenda of the Aberdeen Local Development Plan 2023, the Appellant and her husband purchased an electric vehicle, which requires a charging point (along with charging cable) to be installed at the property. The back garden contains an array of delightful fruit trees and bushes (a number of which line the back fence), three sheds (also placed along the back fence) for storing seedlings, fertilizer and gardening tools, and a large lawn of healthy grass.



Photo 2: Demonstrating raspberry bushes and an apple tree adjoining the rear gate of the Appellant's property. During the summer and autumn months, these bushes and trees are in full bloom and are fruit bearing in large quantity. The rear garden wall is necessary to protect these plants from the elements.



Photo 3: Demonstrating the three sheds adjoining Appellant's rear gate and wall for storing seedlings, fertilizer and gardening tools.

The property and surrounding area are not located in a conservation area, and the property is not a listed building.

4. The Appellant

The Appellant is a young married woman and who has recently moved into the property with her husband. The Appellant would like to ensure that her family's electric vehicle (the sole family car) has a suitable car parking space to accommodate the length of charging cable as well as a safe space for parking given the lack of space in front of the property (as will be further explained below). The Appellant and her husband share the electric car and both work locally. As such, suitable parking with a charging point is critical for the Appellant and her husband to be able to drive to work.

5. Grounds for Appeal

5.1 - Precedent

It is submitted that the proposed alterations must be viewed as part of the overall streetscape which is defined by a mix of various alterations and car parking arrangements which have occurred over the years. The design of the proposed car park is in keeping with the original design of the house and replicates the many examples of car parking alternations which have occurred over time on the same street (Cromwell Road) as well as in the nearby surrounding streets.



Photo 4: Demonstrating that 56 Cromwell Road has removed a wide section of the low-lying granite wall in order to create a car park to the front of the property.



Photo 5: Demonstrating that 58 Cromwell Road has removed a section of low-lying granite wall in order to create a car park to the front of the property.

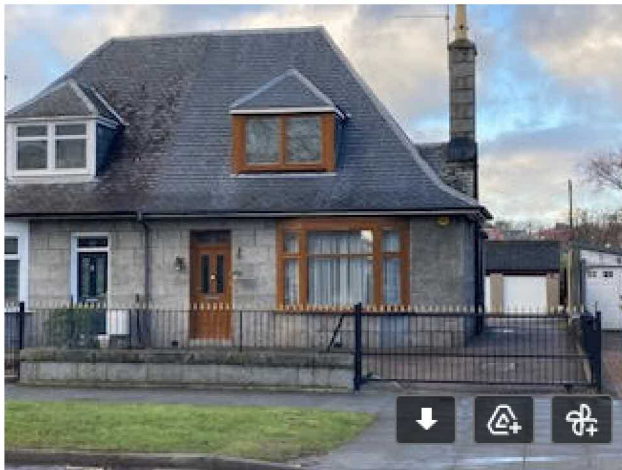


Photo 6: Demonstrating another property on Cromwell Road that has removed a section of low-lying granite wall for the purposes of the a front driveway, along with the installation of a mechanical gate.

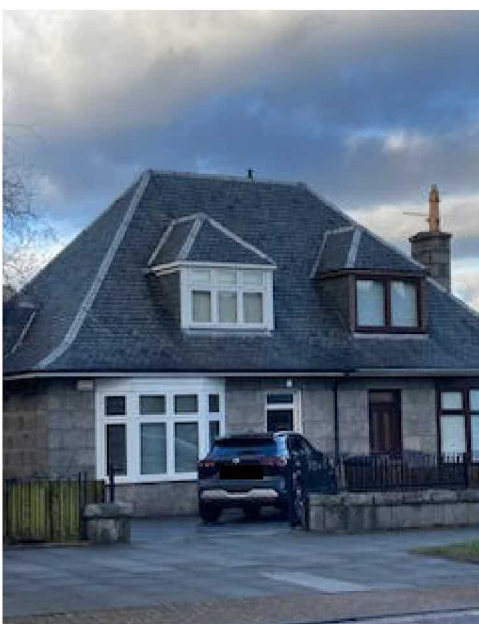


Photo 7: Demonstrating another property on Cromwell Road that has removed a section of low-lying granite wall for the purposes of a front driveway.



Photo 8: Demonstrating another property on Cromwell Road that has removed a section of low-lying granite wall for the purposes of a front driveway.



Photo 9: Demonstrating another property on Cromwell Road that has removed a section of low-lying granite wall for the purposes of a front driveway.



Photo 10: Demonstrating that 25 Cromwell Road (to the immediate left of the Appellant's property) has removed a portion of low-lying granite wall to construct a car park.

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Summary [Further Information](#) [Contacts](#) [Important Dates](#)

Reference	021927
Application Validated	Thu 31 Oct 2002
Address	25 Cromwell Road Aberdeen
Proposal	CONSTRUCTION OF DRIVEWAY
Status	Unknown
Decision	Approve Conditionally
Decision Issued Date	Thu 23 Jan 2003
Appeal Status	Unknown
Appeal Decision	Not Available
Local Review Body Status	Not Available
Local Review Body Decision	Not Available



Photo 11: Demonstrating that 23 Cromwell Road and 21 Cromwell Road (to the nearby left of the Appellant's property) have each removed a portion of low-lying granite wall in order to construct a car park.



Photo 12: Demonstrating that 19 Cromwell Road (to the nearby left of the Appellant's property) has removed a portion of low-lying granite wall in order to construct a car park.

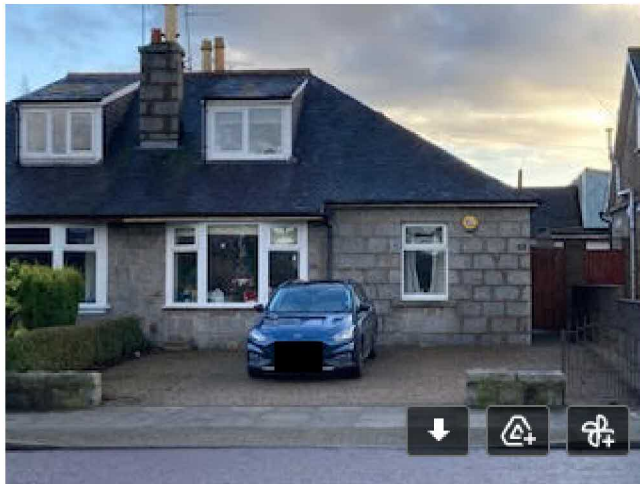


Photo 13: Demonstrating another property on the south side of Cromwell Road which has removed a portion of low-lying granite wall in order to construct a car park.

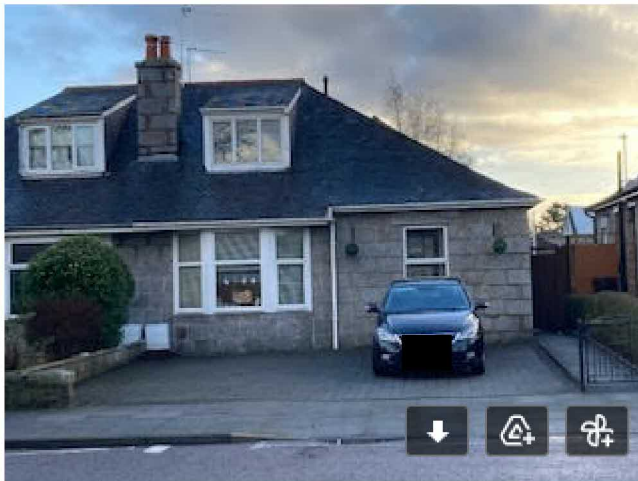


Photo 14: Demonstrating that 7 Cromwell Road has removed almost all of the low-lying granite wall to create a large car park.



Photo 15: Demonstrating that 3 and 5 Cromwell Road have each removed almost all of the low-lying brick wall in order to create car parks.

In summary, the following properties on Cromwell Road have been granted (it is assumed) permission to remove all or a portion of the low-lying granite wall to the front of the property in order to create a car parking space:

- South Side: 3 Cromwell Road, 5 Cromwell Road, 7 Cromwell Road, 19 Cromwell Road, 21 Cromwell Road, 23 Cromwell Road, and 25 Cromwell Road.
- North Side: 54 Cromwell Road, 56 Cromwell Road, 58 Cromwell Road, 60 Cromwell Road, 62 Cromwell Road, 64 Cromwell Road, 66 Cromwell Road, 68 Cromwell Road, 70 Cromwell Road, 72 Cromwell Road, 74 Cromwell Road, 76 Cromwell Road, 78 Cromwell Road, 80 Cromwell Road, 82 Cromwell Road, 84 Cromwell Road, 86 Cromwell Road, 88 Cromwell Road, and 90 Cromwell Road.

Despite the various alterations carried out on Cromwell Road, the properties and overall street scape remains materially in keeping with the historical look of the road.



Photo 16: Demonstrating Cromwell Road in 1951 – please note that the Appellant’s property is visible in this photo.



Photo 17: Demonstrating Cromwell Road in 2023 – please note that the Appellant’s property is visible in this photo.



Photo 18: Demonstrating Cromwell Road in 2023 – please note that the Appellant’s property is visible in this photo.

5.2 - Design Process & Proposal

The Appellant would like to maximize the use of the property in a sustainable fashion, notably with the construction of a cost-efficient car park for the family's electric vehicle, always in keeping with the design of the street which includes similar car parking arrangements.

Detailed Planning Permission is sought to form a driveway within the front curtilage of the property, which would necessitate the removal of a section of existing low-lying granite boundary wall. The expert architect’s drawings indicate that the proposed parking would reasonably accommodate off street parking for one vehicle. The section of wall to be removed measures less than 3.5 metres in width, leaving a portion of the wall intact. The low-lying wall has a height of less than 740mm. The proposal would see the existing garden area laid with setts (closest to the pavement) and gravel. A concrete kerb would be formed at the pavement edge where a grated gully is proposed which would be situated where the proposed driveway meets the public footway to allow for drainage.

This proposed plan is in keeping with the requirements of the Aberdeen City Council guidance and the Road Development Management Team's support letter for this application.

5.3 – Sustainability

The Applicant wishes to ensure that the property is sustainable for the benefit of her family and with a view to benefitting the wider local community. The Appellant and her husband are committed to reducing their carbon footprint by using one electric car between them, rather than two motor vehicles, for their commute to work. In addition, the Appellant would like to install an electric car charging point at the home. The Appellant would like to preserve the sustainability of the rear garden’s fruit trees and bushes given the effort by the previous owner over the past four decades.

5.4 – Development Plan Policy

5.4.1 – NPF4

NPF4 was adopted on 13 February 2023 and now forms part of the development plan. Considering the policies of relevance to the current application:

Policy 1 (Tackling the Climate and Nature Crises)

- *Policy Intent: To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. When considering all development proposals significant weight will be given to the global climate and nature crises.*

Policy 2 (Climate Mitigation and Adaptation)

- *Policy Intent: To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.*
- Response to Policies 1 and 2: Not only is the current proposal small scale, but it is based on the creation of a more sustainable living environment for the Appellant's family as well as an associated benefit to the local community by minimizing waste, noise and emissions as a result of the use of the electric car and charging point.
- On this basis, it is submitted that the proposal complies with Policy 1 and 2 of the NPF4 and seeks to enhance the objectives.

Policy 3 (Biodiversity)

- *Policy Intent: To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.*
- **Response:** The back garden of the Appellant's property contains an array of fruit trees and bushes, two glass greenhouses, three sheds, and a large lawn of healthy grass, all cultivated by the previous owner over a period of four decades with the objective of sustainable living. To construct car parking via the rear of the property will necessitate (i) widening the existing fence (given the size of the modern electric vehicle) and therefore the tearing down of part of the rear garden wall; (ii) tearing down the three sheds lining the rear garden wall; (iii) removal of a number of fruit trees and bushes lining the rear garden fence; (iv) and removal of a generous amount of grass to pave the desired parking area for a suitable three point turn. The widening of the gap in the fence would expose the garden to the elements and harm the remaining vegetation in the back garden. This would be a detriment on the biodiversity of insects and animals using the back garden as well as the fruit trees and bushes that took four decades to cultivate. The proposal to construct a car park in the front garden does not infringe on the biodiversity of the area given the dilapidated state of the garden nor upon the neighbouring properties.
- On this basis, it is submitted that the proposal complies with Policy 3 of the NPF4 and seeks to enhance its objectives.

Policy 14 (Design Quality Places)

- *Policy Intent: To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.*
 - a) *Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.*
 - b) *Development proposals will be supported where they are consistent with the six qualities of successful places:*

- *Healthy: Supporting prioritisation of women’s safety and improving physical and mental health.*
 - *Pleasant: Supporting attractive natural and built spaces.*
 - *Connected: Supporting well connected networks that make moving around easy and reduce car dependency.*
 - *Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.*
 - *Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.*
 - *Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.*
- Response: The proposal seeks to maximise the opportunities presented by the property and how it can contribute to sustainable living for the Appellant’s family and for the benefit of the neighbourhood. The property is located within an established residential area, where examples of similar alterations are evident at, *inter alia*, 25 Cromwell Road, 23 Cromwell Road, and 21 Cromwell Road (see photos 10 and 11 above). Alterations for a driveway of a much larger size have been approved at, *inter alia*, 3 Cromwell Road and 5 Cromwell Road, where almost the entire low-lying granite wall was removed (see photo 15 above). On the even numbered properties on Cromwell Road, almost every single property was granted approval to remove a section of the low-lying granite wall for the construction of a driveway and car park (see photos 4 to 15 above). The Appellant benefits from connected access to local facilities and services and therefore adheres to the principles of local living by frequently walking to local amenities. When utilising the electric vehicle, the Appellant does not pollute. The proposed alterations will allow the Appellant’s family to live sustainably with their electric vehicle’s charging point and cable located in a logical, safe and convenient location. The proposed alteration has been designed to complement the surrounding area while providing much needed adapted parking for the Appellant’s electric vehicle, allowing the Appellant’s family to live long term in the property. Using an electric vehicle and charging point will result in a cleaner, quieter, healthier community.
 - On this basis, it is submitted that the proposal complies with Policy 14 and seeks to enhance the “healthy”, “sustainable”, “connected” and “adaptable” elements thereof, without removing the “distinctive” aspects of Cromwell Road.

Policy 16 (Quality Homes)

- *Intent: To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.*
- *(g) Householder development proposals will be supported where they: (i) do 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; and (ii) do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.*
- Response: The proposal has been specifically designed by a professional architect to provide the Appellant’s property with sustainable living whilst having a non-detrimental impact on the character or environmental quality of the home and neighbourhood. The size, design and materials reflect similar alterations in the immediate area which have been undertaken with the appropriate consent. The proposed alteration will not have a detrimental impact on the amenity of the neighbouring properties by virtue of physical impact, overshadowing or overlooking. It is an alteration which is contained within the boundaries of the Appellant’s property and which

is adapted to park a single vehicle. To oblige the Appellant to park the family's electric vehicle in the road in front of the property constitutes a safety hazard for pedestrians, strollers, bicycles and pets, as a charging cable would need to cross the pavement to plug into the vehicle (trip hazard) as well as a potential electric shock hazard. If the Appellant does not have a parking space close enough to the property, then the electric vehicle cannot be charged at all due to the short length of charging cable. Installing a charging point at the front of the house would allow future generations to capitalise on the sustainability model underlying the Appellant's proposal.

- On this basis, it is submitted that the proposal complies with Policy 16 and additionally seeks to enhance the quality, affordability and sustainability of the property, whilst simultaneously refraining from infringing on neighbouring properties.
- Representations from local residents:
 - 118 Cromwell Road:
 - This property is currently occupied by renters and has more than enough car parking space in front of the property for their three motor vehicles.



Photo 19: Demonstrating the private parking available for 118 Burns Road, which is enough for three motor vehicles.

- This property is accessible via a very small and narrow rear lane (Cromwell Gardens) coming off Burns Road. The congestion in this lane renders accessibility and movement unreasonably tight and presents a risk of damage to vehicles.



Photo 20: Demonstrating the small size of the rear lane and the congestion.



Photo 21: Demonstrating the narrow width of the lane with a single car as a reference point. Based on the current configuration of the Appellant's rear gate, it would be necessary to back the electric vehicle out of the lane, approximately 60 meters.

- The Appellant's electric vehicle was damaged when it was parked in this rear lane on 4 July 2023 at a cost of £700 to repair, with a police report being filed accordingly (report number reference 2206). The PC that attended the scene was Dean Schembri (Badge No A9765). Although 118 Burns Road had CCTV with sight on the scene of the damage, they refused to provide video footage so that the person who damaged the Appellant's electric vehicle may be identified.
- For reasons unknown, the renters at 118 Burns Road often park their motor vehicles in such a way as to block access to the rear gate of the Appellant's property with a large van and other vehicles.



Photo 22: Demonstrating the van belonging to 118 Burns Road, which is systematically parked in the same place blocking access to the rear of the Appellant's property. Although not illegally parked, this van is parked in a way that obstructs access through the Appellant's rear gate. It is noted that this van cannot reverse any closer to the back wall but still blocks access to the Appellant's rear gate.



Photo 23: Demonstrating that it would be impossible to exit the Appellant's rear gate given way the van is parked.



Photo 24: Demonstrating from another angle the way the 118 Burns Road van is parked, rendering it impossible to exit the Appellant's rear gate.

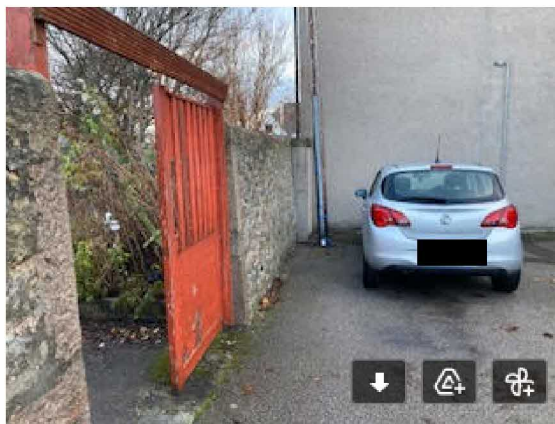


Photo 25: Demonstrating 118 Burns Road parking one of their cars in the space in front of the Appellant's rear gate, effectively preventing a clean three-point turn to exit the rear gate.



Photo 26: Demonstrating that it would be unreasonably difficult for Appellant to access parking through the rear gate based given the current parking situation in the back lane. Demonstrating 118 Burns Road parking their vehicle in such a way as to block Appellant's access to the rear gate whilst having ample parking in front of their own accommodation.

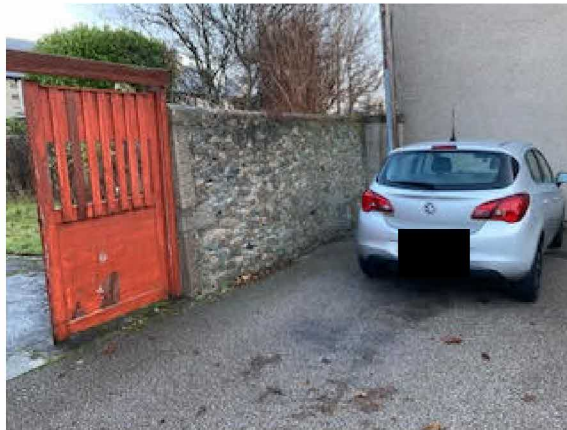


Photo 27: Demonstrating lack of clean three-point turn in order to exit Appellant's rear gate.



Photo 28: Demonstrating that it would be unreasonably difficult to reverse out of the Appellant's rear gate when another car is legally parked in the space, such as this grey range rover.

- The existing configuration of the Appellant's property, being the last property at the end of the back lane, renders it impossible to carry out a safe three-point turn to exit the rear gate when a vehicle has parked in the space alongside the fence. Therefore, to render rear parking viable for the Appellant (consequently removing the space and availability for another car to park in the space shown in photos 23, 26 and 29) would require (i) the demolition of a material portion of the large wall pictured in photo 28 above; (ii) the installation of a new gate; (iii) the demolition of the Appellant's three sheds (photo 3 above); the removal of the tree and bushes lining the back wall (photo 2 above); (iv) the removal of a large portion of the lawn to cater to the larger electric vehicle; and (v) the configuration and installation of a new power plug adapted to the charging cable of the electric vehicle, the sum of which is significantly more costly and laborious than the alternative front car parking proposal. In addition, the retention of the rear garden wall is critical in protecting the vegetation in the rear garden from the natural elements, another element of sustainable living that the Appellant wishes to continue at the property.



Photo 29: Aerial view of the Appellant's property, with a vehicle blocking access to the rear gate.



Photo 30: Demonstrating how easy it is to block access to the rear gate of Appellant's property whilst remaining legally parked in the narrow back lane.

- With respect to accessing the rear of the Appellant's property for car parking, the existing gate is not wide enough to comfortably drive through with the Appellant's larger more modern electric vehicle. In addition, there is no electrical cable long enough by which to charge the Appellant's electrical vehicle from the rear of the Appellant's property without parking the car in the middle of the existing lawn.
 - The placement of the Appellant's rear gate paired with the existing configuration of parking choices available on Cromwell Gardens and larger modern vehicles makes it unsafe, awkward and difficult to park the Appellant's electric vehicle through the rear gate of the Appellant's property. It is therefore submitted that 118 Cromwell Road's representation is unreasonable and absurd given that their property has enough private car parking spaces to park all of their motor vehicles comfortably and safely. Ironically, a car park constructed in the rear of the Appellant's property would actually increase congestion on Cromwell Gardens and result in a more awkward parking situation for 118 Burns Road (counterintuitive to the representation made), and would increase the chances of collision (as already experienced by the Appellant via the incident reported to the police in July 2023).
- 29 Cromwell Road:
 - This property is currently occupied by a family of six, and with five individuals each owning a petrol engine vehicle. It is understood by the Appellant that two members of the family are currently away at college outside of Aberdeen, but making regular trips to Aberdeen for family visits. This results in three cars being regularly parked in front of the Appellant's property and up to five cars being parked in front of the Appellant's property at any one time.



Photo 31: Demonstrating two of 29 Cromwell Road's vehicles parked in front of Appellant's property.



Photo 32: Demonstrating another two of 29 Cromwell Road's vehicles parked in front of Appellant's property. Note: Appellant's electric vehicle is parked at the left of the line-up of vehicles.



Photo 33: Demonstrating another 29 Cromwell Road vehicle parked in front of Appellant's property (on the left-hand side). Note that the driveway which is visible in the photo belongs to 25 Cromwell Road, and which has removed part of its low-lying granite wall.

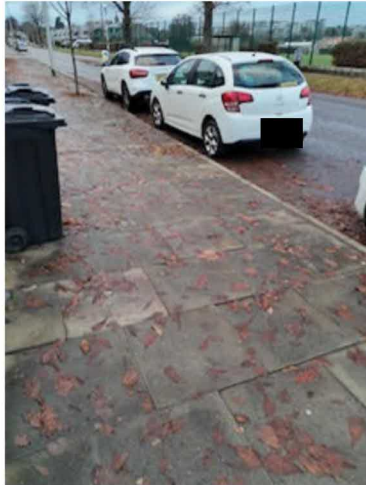


Photo 34: Demonstrating another 29 Cromwell Road vehicle parked in front of Appellant's property.



Photo 35: Demonstrating another 29 Cromwell Road vehicle parked in front of Appellant's property.



Photo 36: Demonstrating another 29 Cromwell Road vehicle parked in front of the Appellant's property.

- The white petrol engine vehicle belonging to 29 Cromwell Road has been frequently parked in front of the Appellant's property for multiple continuous days, blocking the ability for another regularly utilised car to come and go conveniently. If an individual from 29 Cromwell Road intends to park long term whilst they remain at home, it would be more considerate and reasonable to park on Burns Road or Forbesfield Road (where there is more parking spaces) given the limited number of parking spaces in this area of Cromwell Road.



Photo 37: Demonstrating 29 Cromwell Road vehicle parked in front of Appellant's property.

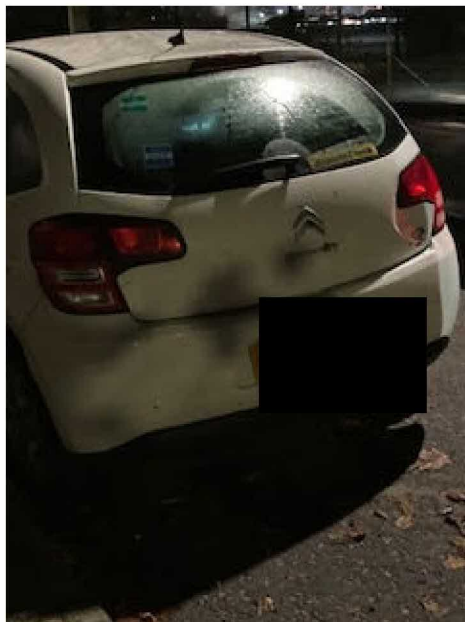


Photo 38: Demonstrating same 29 Cromwell Road vehicle parked in front of Appellant's property.



Photo 39: Demonstrating same 29 Cromwell Road vehicle parked in front of Appellant's property. Please note that there is no space for Appellant's electric vehicle to be parked in front of Appellant's property.

- Based on the number of petrol engine vehicles used by 29 Cromwell alone, it is often extremely difficult to find car parking on Cromwell Road in front of the Appellant's property. To this end, a dedicated car parking space in front of the Appellant's property per the Appellant's proposal is critical to ensuring the Appellant's electric vehicle can be regularly and conveniently charged.
- Parking the Appellant's electric vehicle on the road in front of the Appellant's property (rather than in a dedicated parking lot) will require the cable of the electric vehicle to pass along the pavement, which is a trip hazard for walkers and strollers, an electrical hazard for pets, and a maintenance concern for the Appellant if constantly being rolled over / trodden on.
- It is therefore submitted that the representations made by 29 Cromwell Road are entirely based on self-interest to maintain car parking spaces for the convenience of their five petrol engine vehicles and has nothing to do with the Appellant's planning permission requested as it does not infringe on 29 Cromwell Road's property in any way.

5.4.2 – ALDP 2023

Aberdeen Local Development Plan 2023 forms a critical element of the strategy of the city. Considering the policies of relevant to the current application:

Policy H1 (Residential Areas)

- *Policy H1 – Residential Areas, states “Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new residential and householder development will be approved in principle if it: 1. does not constitute over-development; and 2. does not have an adverse impact to residential amenity and the character and appearance of an area; and 3. does not result in the loss of open space.”*
- Response: The Appellant's proposal leaves a portion of the existing front garden untouched and the existing rear garden wholly untouched. It does not have a detrimental impact on the residential amenity of the area in terms of overlooking, loss of daylight or loss of privacy. It does not infringe on the neighbouring properties. Therefore, it is submitted that the proposal does not constitute overdevelopment nor in the loss of open space.

- It has been previously demonstrated that multiple properties in the immediate area include a range of similar alterations to the parking arrangement (notably, 25, 23, 21 and 19 Cromwell Road – per photos 10, 11 and 12 above). It is assumed that all such alterations have benefited from planning consent and therefore were considered appropriate in terms of design and impact on the character of the area at that time. It is therefore difficult to understand what has changed in the intervening period to render the current very similar proposal so significantly inappropriate to justify refusal of planning permission. Even with the various similar alterations made to a number of other properties, the prevailing character of Cromwell Road has remained materially unaltered as an attractive residential area (per photos 4 to 15 above). The neighbouring yards to the site subject of the current appeal (notably, 25, 23, 21 and 19 Cromwell Road – per photos 10, 11 and 12 above) have each had a similar alteration to that currently proposed. To this end, in keeping with the precedent of neighbouring properties, it is submitted that the current proposal will neither detract from the character or residential amenity and appearance of the area.
- The Roads Development Management Team ("RDMT") consider the proposed alteration acceptable and therefore had no objections to the application. The support letter provided by the RDMT states that "*as per ACC supplementary guidance, a driveway on to such road would be considered acceptable if it meets safety criteria and unlike a 'district' distributor road does not require to enter and exit in a forward gear*". To this end, the plans submitted by the Appellant's professional architect ensured that such criteria set out in the RDMT support letter have been met.
- The only two representations from local residents (i.e. 118 Burns Road and 29 Cromwell Road) have been set out and addressed in the paragraphs above.
- Finally, it should be noted that the proposed alteration is intended for the sustainable living of the Appellant's household and poses an obvious benefit to the surrounding environment in that the electric vehicle produces no noise, no smell, and no emissions, increasing the residential amenity of the area.
- On this basis, it is submitted that the Appellant's proposal complies with Policy H1 of the ALDP 2023.

Policy D1 (Quality Placemaking)

- *Policy D1 - Quality Placemaking by Design, states all development must ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.*
- *Proposals are required to ensure: • quality architecture, craftsmanship and materials; • a well-considered layout, including biodiverse open space, high quality public realm and landscape design. • a range of sustainable transportation opportunities ensuring connectivity commensurate with the scale and character of the development. Successful places will sustain and enhance the social, economic, environmental, wellbeing and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities. • distinctive • welcoming • safe and pleasant • easy to move around • adaptable • resource efficient.*
- Response: The design of the proposed alteration has been carefully considered by the Appellant's professional architect taking account of the context of the site and the surrounding properties. The proposed alteration represents an appropriate design providing much needed sustainable parking for the Appellant's family while not detracting from the existing residential amenity. It is submitted that the proposed alteration responds positively to the six qualities by making best use of the opportunities presented by the Appellant's property while providing

adapted, safe, environmentally friendly, and resource efficient parking accommodation in a house which is well located in proximity to amenities.

- On this basis, it is submitted that the Appellant’s proposal complies with Policy D1 of the ALDP 2023.

Policy D7 (Our Granite Heritage)

- *Policy D7 – Our Granite Heritage, states that the Council seeks the retention and appropriate re-use, conversion and adaption of all historic granite buildings, structures and features, including setted streets, granite kerbs and granite boundary walls. Proposals to demolish any granite building, structure or feature, partially or completely, will not normally be granted planning permission, conservation area consent or listed building consent. Any listed building, structure or feature in the curtilage of a listed building, or any unlisted building, structure or feature in a Conservation Area, may only be demolished where:* • *evidence is provided to demonstrate that every effort has been made to retain it, and:* • *It is no longer of special interest or cultural significance; or* • *It is incapable of meaningful repair; or* • *It can be demonstrated the demolition is essential to delivering significant benefits to economic growth or the wider community; or* • *Its repair and reuse is not economically viable and that it has been marketed in an open and transparent manner. Where the tests for demolition are met the visible re-use of salvaged features within the development site is required.*
- Response: In keeping with the demonstrated precedent on Cromwell Road, the Appellant’s proposal seeks to remove only the bare minimum of the low-lying wall required in order to allow the Appellant’s electric vehicle to pass through. The architectural plan submitted to the Council was specifically designed to retain the maximum amount of granite in order to maintain as far as reasonably possible the characteristic features of the low-lying wall. Although representations have been made by the Aberdeen Civic Society, it is submitted that there must be an element of reasonableness applied to modern day sustainable living and to allow the property to be adapted accordingly. Introducing an electric plug and electric vehicle to the property will deliver an overall economic benefit to the local community in that it reduces emissions and fuel consumption and presents a quieter, cleaner and healthier option to the motor vehicles otherwise used. The overall look and characteristic of the Appellant's property will be maintained post-alteration in a tasteful manner that will reflect the granite heritage of the road. It should be noted that the Appellant’s property is not listed nor in a conservation area.
- On this basis, it is submitted that the Appellant’s proposed alteration will not result in an unbalanced appearance but rather will replicate the many altered properties in the same street whilst retaining the majority of the granite wall for historical purposes, and that the proposal is therefore not in material conflict with Policy D7 of the ALDP 2023.

Policy T3 (Parking)

- It was indicated in the Council’s Report of Handling that this policy would not be wholly relevant in the Appellant’s situation as it relates more to newer developments and not to existing properties. As such, there will be no further elaboration on this policy in this Appeal Statement.

10. Conclusion

The Town and Country Planning (Scotland) Act 1997 (as amended) requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The current application seeks planning permission for alterations to the front garden and granite wall in order to allow the Appellant's family to safely, cost efficiently, and conveniently park and charge its

sustainable electric vehicle off a road congested with neighbouring vehicles (notably from 29 Cromwell Road).

It has been demonstrated within this Appeal Statement that the Appellant's proposal complies with the policies of the National Planning Framework 4 and the Aberdeen Local Development Plan 2023.

Whilst there may be some minor conflict in terms of Policy D7 (Our Granite Heritage) of the ALDP 2023, it has been clearly established, and will be apparent at a site visit, that the area has changed over time with many of the homes undergoing alteration similar to that proposed which have not had a detrimental impact on the character and appearance of the area. It is therefore difficult to understand what has changed in the intervening period to render the current very similar proposal significantly inappropriate to justify refusal of planning permission. It is submitted that the current proposal will continue the established pattern of development which, as with all residential areas, is constantly evolving. The car park in the Appellant's front garden would not appear out of context given the existing driveways next door to the Appellant's property and would not impose a negative design feature on the surrounding area. The Officer's interpretation of the policy is subjective and has focused solely on the minor removal of the granite wall and not on the positive impact upon the overall street scene or wider area, which is much altered and where many examples of similar alterations can be found.

The Appellant therefore respectfully requests that the planning refusal decision be overturned to allow the Appellant to construct the driveway in the front of the property in order to allow the Appellant's family to continue their sustainable lifestyle and not further congest the narrow lane (Cromwell Gardens) to the rear of the Appellant's property.

December 2023.

Response to Objections Raised by Interested Party

Application Reference No 230946/DPP
For Mrs. Kate Bylinski (the “Appellant”)
By Aberdeen City Council (the “Council”)

This document has been prepared by Kate Bylinski, the Appellant, as a response to objections raised (dated 15 January 2024) by neighbouring property 29 Cromwell Road (the “Interested Party”) to the Appellant’s request for local review following the Council’s rejection of the Appellant’s planning permission application for a front driveway at 27 Cromwell Road, Aberdeen. The Interested Party made ten key points in objection to the Appellant’s Appeal Statement dated 22 December 2023, in furtherance to similar objections (dated 19 August 2023) made to the Appellant’s initial planning permission application (dated 2 August 2023).

Summary of Interested Party’s objections (per Interested Party’s documents dated 15 January 2024):

- **Objection 1:** The proposed plans are not sufficiently consistent for approval and against the criteria set out in the ACC Supplementary Guidance and Department of Transport Guidance.
- **Objection 2:** The proposed plans do not add value of character to the streetscape and propose to actively corrode it.
- **Objection 3:** Properties no 52 – 90 on Cromwell Road were given parking approval because they are situated next to a single yellow line and provides visibility for pedestrians and road users and that they lack rear lane access.
- **Objection 4:** Properties no 23 – 25 on Cromwell Road were likely given approval for driveways because these residences lack rear lane access and were probably given approvals from before the year 2000.
- **Objection 5:** Interested Party now only has two vehicles and a gated driveway in its back garden.
- **Objection 6:** Cromwell Road is a public road and there are no restrictions on parking for visitors and homeowners.
- **Objection 7:** Appellant’s property has gated parking space in the rear garden, which the previous homeowner used safely for 40 years parking a 15ft sailing boat. The Appellant could easily install a charging point in the rear garden, even if a small portion of the rear wall must be removed.
- **Objection 8:** The proposed plan creates a loss of two on-street parking spaces on Cromwell Road.
- **Objection 9:** The proposed plan being perpendicular to oncoming traffic does not provide sufficient visibility and is too close to a parking island.
- **Objection 10:** The Appellant should have placed the skip used for renovations in the existing rear garden driveway space instead of destroying the biodiversity of the much-admired front garden.

In response to Objection 1:

- It is known by the Appellant that the Interested Party is not an expert on road safety or urban transport architecture. The Interested Party should therefore leave the analysis of such points to the professional Roads Development Management Team, who are experts on this subject and have given unconditional support to the Appellant’s proposed plans.

- It is therefore submitted that the Interested Party's Objection 1 be discounted as irrelevant.

In response to Objection 2:

- The Appellant has demonstrated in its Appeal Statement dated 22 December 2023 that there are numerous properties on Cromwell Road that have been given approval for a front driveway. The addition of a front driveway to the Appellant's property is in keeping with the precedent of Cromwell Road and will be tastefully constructed to ensure that only the bare minimum of the low-lying granite wall is removed to safely enter and exit a front car park.
- See comments in response to Objection 3 (second bullet point) below.
- It is respectfully submitted that the Council should consider adapting the low-lying wall, little more than ornamental, to allow (and set an example to encourage) the construction of sustainability infrastructure for the use of the Appellant's electric vehicle.

In response to Objection 3:

- It is submitted that the Interested Party is making speculative remarks only as to why these properties were given front parking approval given (i) that there is no public information regarding planning permission for such front driveways; and (ii) the wording used by the Interested Party.
- Moreover, the Interested Party states (in the form of blue mark-up) on page 13 of the Appellant's Appeal Statement dated 22 December 2023 that it does not know why 11 Cromwell Road was given planning permission to construct a front car park given that they have access to a rear lane in a similar configuration to the Appellant. This information establishes a precedent in favour of the Appellant's proposed front parking.

In response to Objection 4:

- Given the wording used by the Interested Party, it appears as though the Interested Party is making speculative remarks as to why properties 23 – 25 Cromwell Road were granted planning approval for front car parks.
- The Interested Party is incorrect in supposing that 25 Cromwell Road was given planning permission for their front drive prior to 2000. In its Appeal Statement dated 22 December 2023, the Appellant attached a screenshot of 25 Cromwell Road's publicly available planning permission approval, which was granted on 23 January 2003.
- It is therefore submitted that the Interested Party's Objection 4 be discounted as speculative and misleading.

In response to Objection 5:

- Interested Party Motor Vehicles:
 - o The Appellant is aware that one of the three motor vehicles owned by the Interested Party (i.e. those parked regularly in front of the Appellant's property) has experienced significant mechanical problems: (i) during summer 2023, when a jump start was requested from Appellant's builder; and (ii) during the 2023 festive period, when attempts were made to repair it in front of the Appellant's property. Based on the comments made by the Interested Party, it would be fair to conclude that such vehicle has recently either been scrapped or sold. It is therefore submitted that the Interested Party is misleading the Local Review Body by indicating that there are only two motor vehicles belonging to the Interested Party when in fact, as late as 30 December 2023, there were three motor vehicles regularly parking in front of the Appellant's

property. Alleging that the Interested Party “recently” downsized to two motor vehicles is misleading and does not mean that a new motor vehicle is not imminent (given precedent) and is simply a convenient disposal to support self-interest.

- It is therefore submitted that the Interested Party’s sole objective is to preserve parking spaces to the front of the Appellant’s property for its own use and convenience, even though it has gated rear car parking which is does not use (as will be further elaborated upon below).

- Parking on Cromwell Gardens:

- It is submitted that the Interested Party does not use its rear gated car park as is it is too difficult to enter/exit given the restricted manoeuvring space available on Cromwell Gardens when other vehicles are parked parallel against the Cromwell Gardens wall (per photo below).
- It should be noted that the vehicles parallel parked in the image below are parked on top of single white lines. These white lines suggest that vehicles should not be parallel parked against the Cromwell Gardens wall in order to allow access to the garages on Cromwell Gardens.
- The Appellant has not seen the Interested Party using its rear gated parking more than once (*NB: in order to move a van – yet another motor vehicle belonging to the Interested Party*) since the Appellant purchased its property in July 2023.



Note: Demonstrating (i) the normal parking situation on Cromwell Gardens; and (ii) that the Interested Party (red motor vehicle) prefers to park on Cromwell Gardens rather than attempt to enter/exit its own rear gated car park (only meters away from where it is parked in the image above).

- It is additionally submitted that none of the other properties having access to Cromwell Gardens use their rear parking garage as there is simply not enough space to enter/exit a garage when another car is regularly parallel parked against the Cromwell Gardens wall (per image above). The minimum space required for a standard size vehicle to enter/exit a garage on Cromwell Gardens is 6.13 meters. When a vehicle is parked parallel against the Cromwell Gardens wall on top of the white lines (frequent occurrence – per image above), then the available reversing space out of a garage reduces to 4.60 meters, rendering it impossible to access without either damaging the reversing car and/or the parked car.



Note: Demonstrating what Cromwell Gardens parking looks like most days. The distance between the white garage door to the left of the above image and the black car to the right of the above image is 4.60 meters. The length of the Appellant's car is 4.65 meters. The length of the black car to the right of the image is 4.30 meters. Logically speaking, it would be impossible to reverse out of any of the garages when a car is parallel parked against the Cromwell Gardens wall (which is more frequently the case than not).

- The Appellant has already had its electric vehicle damaged when accessing Cromwell Gardens and which resulted in police being contacted (per Appeal Statement dated 22 December 2023).
- As demonstrated in the Appeal Statement dated 22 December 2023, the neighbours at 118 Burns Road frequently park a large extended length commercial vehicle or range rover at the end of Cromwell Gardens (no single white lines), which restricts the Appellant's access to enter/exit the rear gate.



Note: Demonstrating Appellant's rear gate blocked by 118 Burns Road motor vehicle.



Note: Demonstrating that the distance between the Appellant's back gate and the black line delineating 118 Burns Road car park is 5.75 meters. The length of the Appellant's electric car is 4.65 meters. If vehicles are parked in the same spot as the 118 Burns Road grey van (per image above), then the Appellant cannot access its rear gate. If there are no vehicles parked in the same spot as the 118 Burns Road grey van (per image above), then it is necessary for the Appellant to either (i) reverse into 118 Burns Road car park (where the white car is parked (per image above)); or (ii) if the 118 Burns Road car park is full, undertake numerous minuscule manoeuvres into order to carry out a three-point turn, to exit its rear gate. Either option is enough of a difficulty with the Appellant's larger electric vehicle to render this a safety related disincentive. Alternatively, the Appellant would be required to reconfigure the entire back wall of its property (as described in Appeal Statement dated 22 December 2023).



Note: Demonstrating 118 Burns Road grey van blocking entry/exit of Appellant's rear gate.



Note: Demonstrating 118 Burns Road grey van blocking entry/exit of Appellant's rear gate.



Note: Demonstrating 118 Burns Road range rover blocking entry/exit of Appellant's rear gate.

In response to Objection 6:

- It is submitted that the Interested Party's Objection 6 is wholly irrelevant to the planning permission application in question and that the Appellant is unclear as to exactly what opinion is being presented from the Interested Party.

In response to Objection 7:

- There is no evidence provided by the Interested Party of a 15ft boat having been parked in the rear of the Appellant's property by the previous owner. This information is purely hearsay.
- The Interested Party is not entitled to comment on the placement of the Appellant's electric vehicle charging points or garden optics. Moreover, the planning permission application in question does not pertain to the rear garden, so the Interested Party is not entitled to make speculative remarks as to how the Appellant should reconfigure its rear garden for an electric vehicle. In addition, how the Appellant chooses to decorate its garden is wholly irrelevant to the planning permission application in question. Finally, it should be noted that the removal and replanting of seasonal flowers in the front garden is a completely different scope of work to the felling of 50-year-old fruit trees and the replanting of saplings in the back garden, so the Interested Party's suggestion that this can be easily done to accommodate rear garden parking is absurd. The Appellant has, however, demonstrated in both its planning permission application dated 2 August 2023 as well as its Appeal Statement dated 22 December 2023 that the proposed plans for the front drive do not infringe on the Interested Party's property, view, health or safety.
- It is therefore submitted that the Interested Party's Objection 7 is entirely speculative, subjective, and hearsay in nature and should be discounted.

In response to Objection 8:

- It is submitted that the Interested Party's Objection 8 is the only reason for the Interested Party's objection to the Appellant's proposed plans. It is submitted that the Interested Party solely intends to preserve parking availability for its three motor vehicles in the front of the Appellant's property as this is more convenient than parking elsewhere (including to the rear of the Interested Party's property, where it has been shown to be obviously difficult to enter/exit rear parking). If the Interested Party is correct when stating that it has ample space to the rear of its own property for parking, then the Interested Party should logically park some of its vehicles there instead of parking all its motor vehicles to the front of the Appellant's property on a regular basis.

In response to Objection 9:

- It is submitted that the Interested Party is not an expert on road safety or urban transport architecture and should leave the analysis of such to the Roads Development Management Team, who are expert on this subject and have given unconditional support to the Appellant’s proposed plans. To this end, the Local Review Body should be guided by the professionals and not by the opinion of a lay person on such an issue.
- It is therefore submitted that the Interested Party’s Objection 9 be discounted as irrelevant.

In response to Objection 10:

- How the Appellant chooses to decorate its garden is wholly irrelevant to the planning permission application in question. Provided the Appellant’s proposed plans do not infringe on the Interested Party’s property, view, health or safety, then the Interested Party is acting out with its rights in commenting on the optics of garden decoration or the location of charging points. To this end, it should be noted that the Appellant has demonstrated in its planning permission application dated 2 August 2023 as well as its Appeal Statement dated 22 December 2023 that the proposed plans for the front drive do not infringe on the Interested Party’s property, view, health or safety.
- It is submitted that the Interested Party is taking a very personal stance to the Appellant’s proposed plans to the point of commenting on the condition of the flowers in the Appellant’s front garden as a result of a skip being in place during a major renovation to render the property more sustainable (insulation upgrade, LED electrics, boiler upgrade, etc.) and modernized.
- It is therefore submitted that the Interested Party’s Objection 10 be discounted as irrelevant.

Appellant’s Concluding Remarks:


The electric vehicle is a new mode of transportation that has yet to be fully embraced and accepted in society; however, in order to encourage the transformation of Aberdeen into a sustainable city, residents must be allowed to update urban infrastructure to accommodate such new technology. The specific requirements of an electric vehicle result in the need for conveniently placed charging points and the consideration of the safety of associated electric cables. The Interested Party, who has no electric vehicles, has not provided any facts, researched views or expert opinions to support its objections.

The Interested Party’s suggestion that the Appellant’s proposed plan is for financial gain is false as rear car parking would be cheaper to construct (as well as a detriment to the biodiversity of the Appellant’s back garden). A significant amount of time and money has been spent renovating the Appellant’s property in order to modernize it and render it more sustainable for 21st century living. This is not the action of a person intending to “flip” a property, particularly given that the Appellant has recently relocated back to Aberdeen, something that the Council is encouraging. The fact that the Appellant is a lawyer is wholly irrelevant to the Appellant’s proposed plan for a front driveway.

The Appellant therefore respectfully requests that the planning refusal decision be overturned by the Local Review Body in order to allow the Appellant to construct a driveway in the front of the property.

----- January 2024 -----

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	1B Skene Place, Dyce, Aberdeen, AB21 7AY
Application Description:	Demolition of existing guesthouse and erection of dwellinghouse
Application Ref:	230596/DPP
Application Type:	Detailed Planning Permission
Application Date:	16 May 2023
Applicant:	Mr Norman Hunter
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce and Stoneywood
Case Officer:	Aoife Murphy

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The site is located to the south of Skene Place in the residential area of Dyce and accommodates a single storey guesthouse with attached garage. The property infills the majority of the site with a small area of open space to the south east, which appears to be shared with the attached property to the east, 1A Skene Place. The remainder of the site is bound by a car park to the west and an area of open space to the south.

While the property is noted as being a guesthouse on the application form which would fall under a Class 7 use (hotels and hostels), from the planning history, which is outlined below, it is not clear what the intended use class was for this property. Regardless, the property has been operating as a B&B for in excess of 10 years according to evidence and therefore is deemed to be that class.

Relevant Planning History

921939 – Detailed Planning Permission for a change of use of a single-storeyed shop unit to provide accommodation suitable for multiple occupancy – Refused 17.12.1992.

930095 – Detailed Planning Permission for a change of use of a shop to provide multiple-occupation accommodation primarily for oil workers staying overnight prior to flying offshore - Approved 12.05.1993.

221157/DPP – Detailed Planning Permission for demolition of existing guest house and erection of replacement dwelling – Withdrawn 30.11.2022.

APPLICATION DESCRIPTION

Description of Proposal

Permission is sought for the erection of a 1½ storey dwelling to replace the existing building. The dwelling would measure approximately 7.8m in height, 9.7m in length and 10.5m in width and would accommodate an office, lounge, WC, kitchen/dining area and utility on the ground floor and three bedrooms, two shower rooms and study on the first floor. The front and rear would be finished in grass, with the latter also having an area of paving, with the rear externally accessed via a communal path between the existing and proposed dwellings. It is presumed that the garden would be communal, as there are no boundary treatments proposed between the two, however this is not clear from the submitted plans. A 1.8m high boundary wall is proposed along the western boundary, but the plans do not show what the treatments would be for the north and south boundaries. Access to the property would be from Skene Place to the north.

Amendments

The parking space to the front has been removed from the proposal and no longer forms part of this application.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RUQZXEBZJKN00>

Noise Impact Assessment

CONSULTATIONS

ACC - Environmental Health – has reviewed the submitted noise impact assessment and while the Service does not object to this proposal and accepts the findings in relation to the internal noise levels, in relation to external amenity, the Service notes that conflict with Policy B3 (Aberdeen International Airport and Perwinnes Radar) of the Aberdeen Local Development Plan as the external space will not achieve the external noise limit of 55dB LAeq 16 Hour or the 57dB LAeq 16 Hour. While the assessment notes the use of an acoustic pod, this is not considered to be appropriate mitigation as it is not external amenity space and it does not provide external acoustic conditions for future occupants. The Service does therefore not accept this mitigation. While the Service does not propose to object to the proposal, should the application be approved, despite the conflict from Policy B3, the Service would recommend that noise mitigation contained within section 6.1 and appendix H1 of the assessment should be conditioned and that the acoustic pod should not form part of this mitigation.

ACC - Roads Development Management Team – initially requested further information in relation to the parking space to the front, however upon receiving confirmation from the agent that the parking space will no longer form part of the proposal and with the re-introduction of the footway frontage, the Roads Team had no further comment to make on this proposal.

ACC - Waste and Recycling – has no objection to the proposal, but notes the waste requirements for such a proposal.

Aberdeen International Airport – has examined the proposal from an aerodrome safeguarding perspective and advised that it does not conflict as such there is no objection. However, given the nature of the proposed development, it is possible that a crane may be required and therefore the applicant should be aware of the British Standard Code of Practice for the safe use of Cranes.

Dyce and Stoneywood Community Council – has advised that it is neither objecting or supporting the proposal, but notes the following;

The design is improved since the previous submission under 221157/DPP, however the footprint is still greater than 33% as advised in the Sub-division and Redevelopment of Residential Curtilages Aberdeen Planning Guidance. Requires careful consideration to ensure proposal is not inconsistent with Policy D1 (Quality Placemaking) and Policy H1 (Residential Areas) of the Aberdeen Local Development Plan.

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 Adaption)
- Policy 3 (Biodiversity)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)

Aberdeen Local Development Plan 2023

- Policy WB3 (Noise)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy R5 (Waste Management Requirements from New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy H1 (Residential Areas)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy B3 (Aberdeen International Airport and Perwinnes Radar)

Interim Aberdeen Planning Guidance

Aberdeen Planning Guidance is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- The Sub-division and Redevelopment of Residential Curtilages
- Transport and Accessibility
- Resources for New Development

- Noise
- Amenity

EVALUATION

Principle of Development

The site is located within a residential area, as such Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) is relevant. However, while the site is within a residentially zoned area, other policies, in addition to Policy H1, will be used to assess the principle of development, these include Policy WB3 (Noise), Policy D1 (Quality Placemaking), Policy D2 (Amenity) and Policy B3 (Aberdeen International Airport and Perwinnes Radar). These will be considered in the subsequent paragraphs.

Policy H1, advises that within existing residential areas proposals for new development will be supported if it does not constitute over development, does not have an adverse impact on residential amenity and the character and appearance of an area; and does not result in the loss of open space. In respect to the final point, the proposal is within a private curtilage and therefore would not result in the loss of open space. Matters relating to over development, character and impact on amenity will be considered below.

Over development and character

In respect to the above, in order to consider one aspect, the Planning Service also need to consider the other, given that they largely relate to each other. To support Policy H1, the Sub-division and Redevelopment of Residential Curtilages Interim Aberdeen Planning Guidance (APG) requires to be considered. This APG advises that the density of the surrounding area should be reflected in the development proposals for the new and existing property. The APG does provide a general guide for development, in that no more than a third (33%) of the total site area for each individual curtilage should be built upon. In this case, it is hard to establish the general density of the surrounding residential plots as there is no established pattern in the immediate area, however residential plots generally provide sufficient garden ground to the side or rear. The only exception to this is the adjacent dwelling at 1A Skene Place, which is a 1½ storey dwelling within a similar sized plot. However, it is considered that these types of plots are few and far between.

Turning now to the built development, having carried out calculations of this site, the proposed dwelling would represent 45% of the site being developed in terms of built area, significantly higher than the maximum 33% allowed by APG. While the information in the APG is suggested as being a 'general rule' it has been included to ensure that any proposal reflects the general density of the surrounding area. In this case the plot is relatively small and a dwelling of this size would only leave a rear garden that is 59m², and from undertaking a desktop study of the surrounding area, this is small in scale and does not represent the norm. As mentioned, while the adjacent site at 1A, is similar in size, it does appear that this has some additional curtilage to the side, something that this proposed dwelling would not benefit from. Furthermore, it does appear that the proposed dwelling would result in a reduction in 1A's rear curtilage owing to its siting and this would not be appropriate or acceptable.

In light of the above, it is considered that while the site is located within a residential area and in that sense reflects the existing character, it is considered that the proposed dwelling would result in an unacceptable form of development, in that it does not respect the general pattern of development, would result in over development of the plot and would also result in a reduction in the rear curtilage of 1A Skene Place. It is for these reasons that the Planning Service are not in a position to support this aspect of the proposal.

Policy H1 also advises that any new proposal should not result in any negative impact on the appearance of an area. The APG goes on to advise that in terms of character, the scale and massing of the any new dwelling should complement the scale of surrounding properties and be reflective of the surrounding character with the ridge and wallhead heights of any new dwelling being no higher than the ridges or wallheads on adjoining dwellings, ensuring the character of the area is maintained. While this proposed dwelling is detached, the measurements and heights of neighbouring property is relevant and therefore will be considered in this evaluation. As mentioned, Policy D1 (Quality Placemaking) is also relevant and this policy expects high standards of design with a strong and distinctive sense of place which is a result of context appraisal.

In terms of its general appearance, the proposed dwelling does not raise any issues, its wall height and ridge levels are similar to that of 1A Skene Place, as is its general design. Overall, while there is some acceptability in terms of its design when viewed from the street, this does not negate the fact that the site is small and does not comfortably provide an acceptable level of development. In addition, there are lack of details with respect to boundary treatments to the front and rear of the site. However, owing to the unacceptability of the proposal due to overdevelopment of the site, it was not considered prudent to request any further information.

Amenity

With regards to amenity, both the impact on the future occupants of the proposed dwelling as well as the surrounding properties need to be considered. Therefore, in addition to Policy H1, Policy B3 (Aberdeen International Airport and Perwinnes Radar), Policy WB3 (Noise), and Policy D2 (Amenity) also need to be considered.

Policy D2, advises that new residential development must ensure that occupiers are afforded adequate levels of privacy; that there is adequate private external amenity space in terms of quantity and quality; that there is minimal shading of external private and public spaces; that all residents have access to usable open space; and have a private face to an enclosed garden or court to ensure a sense of safety and enclosure. Such matters will be considered below. First the Planning Service must review the potential conflict with Policy B3 owing to location of the site in relation to the airport.

Policy B3 states, in relation to noise, that applications for residential development in areas where aircraft noise levels are 57dB LAeq (the summer 16-hour dB LAeq measurement) or more as identified in the noise contour map will be refused, due to the inability to create an appropriate level of residential amenity, and the need to safeguard the future operation of Aberdeen International Airport. In response to this, the applicant was made aware that a Noise Impact Assessment would be required not only to satisfy Policy B3, but also Policy WB3 (Noise), in light of the significant exposure to noise, and this was duly requested via a Regulation 24 request. On receipt of the assessment, Environmental Health has been consulted and as noted above, while the Service accepts the findings in relation to the internal noise levels, the external amenity area is a concern and does conflict with Policy B3 as it would not achieve the external noise limit of 55dB LAeq 16 Hour or the 57dB LAeq 16 Hour. However, Environmental Health has not objected to this proposal but do not accept the use of an acoustic pod, as noted in the report as this is not considered to be appropriate mitigation as it is not external amenity space and it does provide external acoustic conditions for future occupants. In light of Environmental Health's comments and the clear conflict with Policy B3, it is for the Planning Service to consider whether there is any merit in departing from the aforementioned policy.

In response to this, the Planning Service can clearly see that the development would not have acceptable noise levels externally, however the location of the site also needs to be taken into account. In this case, the site is clearly within an established residential area, as such all properties within the area currently have what would be considered unacceptable external noise

levels. While this is not a reason to allow such a development it does offer some justification as to why the Planning Service would acknowledge the conflict and potentially allow a departure from Policy B3. However, owing to the issues highlighted above, relating to over development and issues relating to the existing pattern, there are no material planning considerations which would warrant a departure from Policy B3 in this instance. Furthermore, owing to the above, the proposal cannot be considered welcoming or pleasant as required by Policy D1. As such, it is clear that the proposal fails to comply with Policy B3 and Policy D1.

In terms of the other aspect of amenity, including any potential impact on amenity of the neighbouring property, owing to the proposed arrangement, it is not considered that there would be any impact in terms of overshadowing in respect to daylight and sunlight for 1A Skene Place or any impact on privacy for the dwelling itself. However, a concern, which has been highlighted above, is that the proposed dwelling does result in the reduction of the private garden ground associated with the existing dwelling at 1A, which is already smaller than those in the surrounding area. Adding to this is the fact that the rear cartilage of the proposed dwelling is also lacking in terms of its size and does not appear to be separated from 1A by any form of boundary treatment. This was highlighted to the agent, but no further information was submitted in respect to this. Overall, the proposal cannot be considered compliant with Policy D2.

Conclusion

In relation to Policy H1 (Residential Areas), it is considered that while the proposal does not result in the loss of open space, it is considered to constitute over development and does impact on the character of the area owing to the disruption to the pattern of development. While there would be no adverse impact on residential amenity in respect to sunlight or daylight, the proposal does result in a reduction to the private amenity space associated with 1A Skene Place. Additionally there is a lack of sufficient private garden ground directly related to the proposed development and further to this it will not be able to achieve acceptable external noise levels owing to its location, as such there would be an unacceptable amenity impact to future occupants. Overall, the proposal fails to comply with Policy H1 (Residential Areas), Policy B3 (Aberdeen International Airport and Perwinnes Radar), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP.

Further to the above, the proposal is also not considered to be consistent with Policy 14 (Design, Quality and Place) of NPF4, in that it fails to meet the six qualities of successful places in that it would not be healthy, by not providing sufficient external amenity space and would not be pleasant owing to the fact that acceptable noise levels cannot be achieved externally.

The concerns of the Dyce And Stoneywood Community Council, as noted above have also been considered and as outlined, the Planning Service also has concerns regarding the proposals compliance with Policy D1 (Quality Placemaking) and Policy H1 (Residential Areas) of the ALDP.

Access and Parking

In terms of sustainable travel, the site is served by direct access onto publicly adopted footpaths on Skene Place, leading to Victoria Street which provides connectivity to the wider Dyce area. In terms of cycle access to the site this would be on-street until the connections with 'National Cycle Network – Route 1' along the old railway, referred to as Formartine and Buchan Way as well as this same route along Riverview Drive. This route provides connections directly into the City Centre and connections to other cycle infrastructure to other areas of the city. Furthermore, Victoria Street forms part of regular bus service routes in and out of the City, with bus stop provisions within approximately 210m of the site. Additionally, Dyce is served by its own rail station with regular services in and out of the city and other areas surrounding Aberdeen, with the station located within close proximity to the site. In light of this the proposal complies with Policy T2 (Sustainable Transport) of the ALDP and also Policy 13 (Sustainable Transport) of NPF4.

In relation to parking, Policy T3 (Parking) of the ALDP, none is proposed as part of the application and Roads Development Management has raised no concerns with regards to this. It is considered that there is sufficient off site parking which can serve the proposed dwelling.

Other Technical Matters

Policy R5 (Waste Management Requirements for New Developments) requires that all new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. In this case, it is considered that there is sufficient space for bin storage within the site. ACC's Waste and Recycling Team has advised that it has no objection to the proposal, noting the storage facilities that would be required for a residential dwelling. Overall, it is considered that the proposal is compliant with Policy R5 of the ALDP and Policy 12 (Zero Waste) of NPF4.

In respect of Policy R6 (Low and Zero Carbon Buildings and Water Efficiency), full details of these aspects would be required and had permission been granted, a condition would have been attached ensuring that such information was submitted and approved by the Planning Service.

National Planning Framework 4

Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation) of NPF4 seek encourage, promote and facilitate development that addresses the global climate emergency and nature crisis and that minimises emissions and adapts to the current and future impacts of climate change, respectively. In this case, given that the development would see the demolition of an existing building and in light of this it is not clear what the impact on climate change would be, but owing to the scale of the development it is likely to be minimal. Therefore, the proposal is considered acceptable when assessed against Policy 1 and Policy 2 of NPF4.

With respect to Policy 3 (Biodiversity), given the proposed use, there is limited scope to include biodiversity enhancements, but that does not mean that enhancements cannot not be incorporated at a future date, such information could be the subject of condition had approval been granted. Regardless, the proposed development will not impact existing levels of biodiversity in compliance with Policy 3.

DECISION

Refuse

REASON FOR DECISION

The application has been assessed against the relevant policies of the Aberdeen Local Development Plan 2023 (ALDP) and National Planning Framework 4 (NPF4) and overall is considered to be unacceptable. In respect of Policy H1 (Residential Areas) of the ALDP, the proposal would result in over development of the site and does impact on the character of the area owing to the disruption to the pattern of development. Furthermore, there would be an impact on the amenity of 1A Skene Place due to the reduction in private garden ground and also an impact on the amenity of any future occupants of the proposed dwelling owing to an insufficiently sized private garden area and unacceptable external noise levels. As such, the proposal not only fails to comply with the criteria of Policy H1, its also fails to comply with Policy B3 (Aberdeen International Airport and Perwinnes Radar), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP. The proposal is also not considered to be consistent with Policy 14 (Design, Quality and Place) of NPF4, in that it fails to meet the six qualities of successful places.

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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 100628691-001

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

Type of Application

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

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

Description of Proposal

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

Proposed demolition of existing Guest House and erection of new 3 bed house

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Derek L Young		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Derek	Building Name:	
Last Name: *	Young	Building Number:	32
Telephone Number: *	01224 647358	Address 1 (Street): *	Meikle Gardens
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Westhill
Fax Number:		Country: *	Aberdeenshire
		Postcode: *	AB32 6WN
Email Address: *	derek-young@btconnect.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Norman	Building Number:	32
Last Name: *	Hunter	Address 1 (Street): *	Kirkhill Gardens
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Potterton
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB23 8ZR
Fax Number:			
Email Address: *	sales@affordableaberdeen.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

1B SKENE PLACE

Address 2:

DYCE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB21 7AY

Please identify/describe the location of the site or sites

Northing

812718

Easting

388575

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)

Re submit application

Title:

Ms

Other title:

First Name:

Aoife

Last Name:

Murphy

Correspondence Reference
Number:

Date (dd/mm/yyyy):

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

Site Area

Please state the site area:

186.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Guest House

Access and Parking

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

Yes No

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

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

Yes No

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

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

0

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

0

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

Water Supply and Drainage Arrangements

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

Yes No

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

Existing bins storage

Residential Units Including Conversion

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

Yes No

How many units do you propose in total? *

1

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

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

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

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

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

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

Name:

Mr Ben Lumsden

Address:

1A, Skene Place, Dyce, Scotland, AB23 8ZD

Date of Service of Notice: *

16/05/2023

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: Derek Young

On behalf of: Mr Norman Hunter

Date: 16/05/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

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

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

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

Existing site drainage

Declare – For Application to Planning Authority

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

Declaration Name: Mr Derek Young

Declaration Date: 16/05/2023

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Derek Young
Derek L Young
32 Meikle Gardens
Westhill
Aberdeenshire
AB32 6WN

on behalf of **Mr Norman Hunter**

With reference to your application validly received on 16 May 2023 for the following development:-

Demolition of existing guest house and erection of dwelling house at 1B Skene Place, Dyce

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
1078 - 03PL	Location Plan
1078 - 02	Elevations and Floor Plans
TTG 100723A 2	Noise Assessment

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 application has been assessed against the relevant policies of the Aberdeen Local Development Plan 2023 (ALDP) and National Planning Framework 4 (NPF4) and overall is considered to be unacceptable. In respect of Policy H1 (Residential Areas) of the ALDP, the proposal would result in over development of the site and does impact on the character of the area owing to the disruption to the pattern of development. Furthermore, there would be an impact on the amenity of 1A Skene Place due to the reduction in private garden ground and also an impact on the amenity of any future occupants of the proposed dwelling owing to an insufficiently sized private garden area and unacceptable external noise levels. As such, the proposal not only fails to comply with the criteria of Policy H1, its also fails to comply with Policy B3 (Aberdeen International Airport and Perwinnes Radar), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP. The proposal is also not considered to be consistent with Policy 14 (Design, Quality and Place) of NPF4, in that it fails to meet the six qualities of successful places.

Date of Signing 26 October 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 230596/DPP

Application Summary

Application Number: 230596/DPP

Address: 1B Skene Place Dyce Aberdeen AB21 7AY

Proposal: Demolition of existing guest house and erection of dwelling house

Case Officer: Aoife Murphy

Consultee Details

Name: Mr scott lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

I note that this application is for the Demolition of existing guest house and erection of dwelling house. The site is located in the outer city, outwith any controlled parking zone.

There are no concerns with the principle of this, however can a more detailed plan of the proposed parking area be provided? It appears that the bay window will protrude into the driveway and it is not clear the dimensions that will remain. Additionally, the footway appears to remain like a junction opening, however if this is now to be a driveway for a dwelling then the footway should be reinstated across the whole frontage with a standard dropped kerb crossing installed.

This will also need a S56 RCC application as it proposes alterations to the adopted footway.

There appears to be plenty of space to store refuse bins and to put them out for collection.

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

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Aoife Murphy

From: Scott Lynch
Sent: 06 June 2023 14:21
To: Aoife Murphy
Subject: 1B Skene Place, Dyce Planning Ref 230596/DPP

Aoife,

As a result of the applicant removing the substandard parking and reintroducing footway along the frontage there are no further Roads concerns with this application.

They will likely need a S56 RCC for altering the adopted carriageway and should contact ACC RCC team to discuss this.

Scott

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Aberdeen City Council – Development Management Team Consultation Request

Response to application 230596 1b Skene Place

Please select one of the following.

No observations/comments.	
Would make the following comments (please specify below).	
Would recommend the following conditions are included with any grant of consent.	
Would recommend the following comments are taken into consideration in the determination of the application.	Y
Object to the application (please specify reasons below).	

COMMENTS

Waste Services response regarding application 230596 1b Skene Place

As I understand, the development will consist of 1 **dwelling house**.

I have consulted with colleagues across the waste operations team. I can confirm that Aberdeen City Council intend to provide the following services upon building completion.

Please note the information provided below by Waste Services is independent of the outcome of the planning application, which is being determined by the planning authority.

Each **new house** will each be provided with:

- **1 x 180 litre wheeled bin for general waste** 1050mmH x 546mmW x 645mmD
- **1 x 240 litre co-mingled recycling bin for recycling** 1066mmH x 575mmW x 583mmD
- **1 x 240litre wheeled bin for food and garden waste** 1066mmH x 575mmW x583mmD
- **1x kitchen caddy and caddy liners.**

The following costs will be charged to the developer:

- **Each 180l/ 240l bin costs £39.00**
- **Kitchen caddy and caddy liners £0.00**
- **Delivery fee for any order with 10 or less bins £33.00**

It is pertinent to note that these services will be provided taking account of the following:

General points

- All the waste containers must be presented on the kerbside of Skene Place only on the collection day and must be removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.
- **No excess** should be stored out with the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292.
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>
- **Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied.** Bins **MUST** be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.

- If the bin store will be **locked and/ or involve a barrier, 8 keys must be provided for each store**, providing access to the different collection crews and Recycling Officer for monitoring contamination. These should be dispatched to the Waste Team.

Should you have any further queries or wish to discuss these comments further, please do not hesitate to contact me.

Responding Officer: L Todd

Date: 22/06/2023

Email: wasteplanning@aberdeencity.gov.uk

Aoife Murphy

From: Mark Nicholl
Sent: 20 June 2023 11:59
To: Aoife Murphy
Subject: RE: E-Consultation Request Notification, Development Management , Application Ref: 230596/DPP

Good morning Aoife,

Please see the comments below relating to Planning Application 230596/DPP | Demolition of existing guest house and erection of dwelling house | 1B Skene Place Dyce Aberdeen AB21 7AY

COMMENTS

Regarding the above Detailed Planning Permission application an assessment by the Environmental Protection Section has been undertaken. The following areas have been evaluated and the associated comments are considered appropriate and proportionate;

Environmental Noise

The proposed site is located within the 2020 63dB LAeq 16 Hours Noise Contour. In addition to aircraft noise the proposed development has potential to be impacted upon by other existing noise sources including; road traffic noise from A947 to the east of the site and possibly railway noise from the west.

Due to the location of the proposed development with significant noise impact it is considered highly unlikely to achieve a reasonable level of outdoor amenity throughout the day, and compliance with the WHO Guideline Values for Community Noise, specifically, for 'Moderate Annoyance' a maximum LAeq (16 hours – day 07:00 to 23:00 Hours) of 50dB for external areas or the guideline value for significant annoyance of 55 dB LAeq. Additionally, in relation to aircraft alone, it is also unlikely to achieve the relevant 57dB LAeq 16 Hours limit. Policy B4 of the 2017 Local Development plan states 'Applications for residential development in areas where aircraft noise levels are in excess of 57dB LAeq (the summer 16-hour dB LAeq measurement) will be refused'.

It is also considered difficult to achieve a reasonable level of indoor amenity throughout the day and compliance with the relevant requirements of the WHO Guideline Values for Community Noise, ideally with windows open for ventilation; a maximum LAeq (16 hours – day 07:00 to 23:00 Hours) of 35dB for indoor living areas.

With suitable mitigation measures a reasonable level of amenity at night within bedrooms may be achieved and compliance with the relevant requirements of the WHO Guideline Values for Community Noise maximum LAeq (8 hours – night 23:00 to 07:00 Hours) of 30dB and a night-time LAmx of 45dB.

Other noise emissions experienced at the proposed development site include ground movements and individual noise incidents from both fixed wing and helicopter passes are numerous and extremely intrusive. These types of noise incidents are considered difficult to mitigate against and it is therefore considered difficult to achieve reasonable protection from these incidents. Runway 5 is used for helicopter traffic bringing them in closer proximity to the site than normal. This would also potentially expose the site to increased helicopter noise which would require consideration.

Should the Planning service consider a departure from Policy B4 of the 2017 Local Development plan is appropriate and the applicant wishes to proceed with the proposal this Service would require, prior to any decision, a detailed noise impact assessment by a suitably qualified noise consultant to further explore and establish the impacts of likely noise sources on residential properties and the necessary control measures.

This assessment should:

- a) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- b) Identify the sources of noise impacting on the proposed residences.
- c) Establish the level of noise impact on the development.
- d) Detail the noise mitigation measures to reduce noise to an acceptable level.
- e) Include relevant input from Aberdeen International Airport.
- f) Have a methodology which has been submitted and agreed in writing with this Service in advance of the assessment.

I trust this information is of use..

Kind regards

Mark Nicholl - Environmental Health Officer Aberdeen City Council | Protective Services | Operations 3rd Floor South | Marischal College | Broad St | Aberdeen | AB10 1AB

Direct Dial: 01224 522596

Tel: 0300 0200 292

www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

-----Original Message-----

From: EPPlanning <EPPlanning@aberdeencity.gov.uk>

Sent: Tuesday, June 20, 2023 11:39 AM

To: Mark Nicholl <MNicholl@aberdeencity.gov.uk>

Subject: FW: E-Consultation Request Notification, Development Management , Application Ref: 230596/DPP

1 x house

Mark Nicholl - Environmental Health Officer Aberdeen City Council | Protective Services | Operations 3rd Floor South | Marischal College | Broad St | Aberdeen | AB10 1AB

Direct Dial: 01224 522596

Tel: 0300 0200 292

www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

-----Original Message-----

From: AMurphy@aberdeencity.gov.uk <AMurphy@aberdeencity.gov.uk>

Sent: Tuesday, June 20, 2023 9:58 AM

To: EPPlanning <EPPlanning@aberdeencity.gov.uk>

Subject: E-Consultation Request Notification, Development Management , Application Ref: 230596/DPP

Dear Sir/Madam

Please find attached a planning consultation request on the above application from the ACC Development Management Team.

If no response is received by 11 July 2023, then it will be assumed that you have no comment to make on the application. Should you require a longer period to respond or additional information please do not hesitate to contact me.

For pre-application enquiries please use DC/ACC/RWJNKJBZ03800 to search for the enquiry.

Regards

Aoife Murphy
Senior Planner

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

T: 01224 045242

E: AMurphy@aberdeencity.gov.uk

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FAO Aoife Murphy
Aberdeen City Council

Via Email

ABZ Ref: ABZ3155

26th June 2023

Dear Aoife

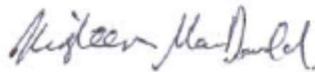
Ref: 230596/DPP | Demolition of existing guest house and erection of dwelling house | 1B Skene Place Dyce Aberdeen

I write in relation to the above application.

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore, have no objection to this proposal.

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4 – Cranes (available at <https://www.aoa.org.uk/policy-campaigns/operations-safety/>).

Yours Sincerely



Kirsteen MacDonal

Safeguarding Manager
Aberdeen Airport
07808 115 881
abzsafeguard@aiairport.com

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Comments for Planning Application 230596/DPP

Application Summary

Application Number: 230596/DPP

Address: 1B Skene Place Dyce Aberdeen AB21 7AY

Proposal: Demolition of existing guest house and erection of dwelling house

Case Officer: Aoife Murphy

Customer Details

Name: Dr Bill Harrison

Address: 16 Summer Place Dyce Dyce Aberdeen

Comment Details

Commenter Type: Community Councillor

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

Comment Reasons:

Comment: I am writing on behalf of Dyce and Stoneywood Community Council. We note this application, which seems to be slightly modified compared to 221157, which was withdrawn by the applicant. The design is improved but so far as we can judge, the footprint of the proposed house (88 m²) is still significantly greater than 33% of the plot area of about 216 m² (see ALDP supplementary guidance 2.2 "The Sub-Division and Redevelopment of Residential Curtilages" section 3.1). This should be carefully scrutinised by Planning to ensure that the proposal is not inconsistent with policies H1 (residential areas) and D1 (quality placemaking by design) of the Aberdeen Local Development Plan (2017).

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Application 230596/DPP

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)

- 1. Tackling the climate and nature crises
- 2. Climate mitigation and adaptation
- 3. Biodiversity
- 12. Zero waste
- 13. Sustainable transport
- 14. Design, quality and place
- 15. Local living and 20 minute neighbourhoods
- 16. Quality homes

Aberdeen Local Development Plan 2023

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

- H1 Residential Areas
- WB3 Noise
- D1 Quality Placemaking
- D2 Amenity
- T2 Sustainable Transport
- T3 Parking
- B3 Aberdeen International Airport and Perwinnes Radar
- R5 Waste Management
- R6 Low and Zero Carbon Buildings and Water Efficiency

Other Material Considerations

Aberdeen Planning Guidance

[Aberdeen Planning Guidance \(APG\)](#)

- [Householder Development Guide](#)
- [Transport and Accessibility](#)
- [Natural Heritage](#)
- [Resources for New Development](#)
- [Noise](#)
- [Amenity](#)

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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 100628691-003

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:	Derek L Young		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Derek	Building Name:	
Last Name: *	Young	Building Number:	32
Telephone Number: *	01224 647358	Address 1 (Street): *	Meikle Gardens
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Westhill
Fax Number:		Country: *	Aberdeenshire
		Postcode: *	AB32 6WN
Email Address: *	derek-young@btconnect.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Norman"/>	Building Number:	<input type="text" value="32"/>
Last Name: *	<input type="text" value="Hunter"/>	Address 1 (Street): *	<input type="text" value="Kirkhill Gardens"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Potterton"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB23 8ZD"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="derek-young@btconnect.com"/>		

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="1B SKENE PLACE"/>
Address 2:	<input type="text" value="DYCE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB21 7AY"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="812718"/>	Easting	<input type="text" value="388575"/>
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Description of Proposal

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

Demolition of existing guest house and erection of dwelling house

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to attachment

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)

1078 - 1B Skene Place, Dyce LRB Application Document 1B Skene Place - Noise Impact Assessment Report 1078-01 - Existing Plans and Elevations 1078-02 - Proposed Plans and Elevations 1078-03 - Location Plan

Application Details

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

230596/DPP

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

16/05/2023

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

23/10/2023

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)

A site visit would be beneficial to understand the site situation.

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Derek Young

Declaration Date: 27/11/2023

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Our Ref. DY/1059
20th November 2023

Planning Reference No. 230596/DPP

1B Skene Place, Dyce AB21 7AY – LRB Planning Decision Appeal.

We were advised on the 26th of October 2023 that Aberdeen City Council Planning Department using delegated powers had decided to refuse my clients application for the demolition of an existing guest house and the erection of a new dwelling house at 1B Skene Place Dyce, AB21 7AY.

The reasons for refusal relate to:

- 01 Overdevelopment of the site and the impact on the character of the area owing to the disruption to the pattern of development.
- 02 Reduction of the private garden ground enjoyed by 1A Skene Place.
- 03 The impact on any future occupants of the dwelling due to the reduced size of garden ground.
- 04 The unacceptable external noise levels.
- 05 The proposals are not considered to be consistent with Policy 14 (Design, Quality and Place) of NPF4, in that it fails to meet the six qualities of successful places.

Points of response:

- 01 The existing guest house footprint virtually takes up the entire site from front to back. It is linked directly to the house known as 1A Skene Place. The demolition of the guest house will provide a new brown field site for the proposed 3 bed detached dwelling and associated amenity space. The new rear garden will enhance the existing amenity of number 1A by virtue of the feeling of openness rather than being hemmed in and overshadowed by the guest house.
- 02 The loss of garden ground to 1B equates to approx. 21sqm. This leaves a site area of 225sqm approx. (No 1A only) The house footprint is 82sqm leaving 183sqm of amenity ground. As suggested the plot ratio of 1/3 development to 2/3 amenity is fulfilled in this instance. This in our opinion negates point 03 within the reasons for refusal.
- 03 The design of the new house, in our opinion, is consistent in style and size with No 1A complimenting the street scape. If this application is approved, the proposed finishes will be further discussed with the planners and possibly changed under the conditions of any approval.
As the new house tries to reflect that existing it should not be considered as being inconsistent with its surroundings as suggested by the planners.
- 04 We were requested by the planners to obtain a Noise Risk Assessment which was to be carried out by a recognised Noise Engineer. The survey was carried out by Grosle Environmental Services. The survey states on page 18 of 36 - "This noise Impact Assessment details that with the implementation of the mitigating measures detailed in Section 6.1, noise from the various sources shall not exceed the target noise levels. The residents shall therefore live in a suitable acoustic environment and consequently no adverse impact is predicted." This uncontested survey mitigates point 4 re unacceptable noise levels.
- 05 With regard to point 5 we would argue that the design is consistent to its neighbour in both scale and design. One main change from that existing is the linked dormer – once again this could be amended to suit under suitable conditions. The houses and buildings around the immediate area are a mix match of old and new. This house will not appear as being out of place where the existing guest house appears so.

- 06 Regarding the suggestion that the design and style of the proposed house is out with that of other surrounding buildings we would like to point out the block of some 30 or so flats between this site and the airport. The flats are of a simple design without any style and built for low budget purposes. It would appear that no cogence was given by the planners re its design and impact on the surrounding area. Airport and railway noise also does not to appear to have been an issue.

In conclusion the new house will enhance the area against what could be considered a rather bland and uncharacteristic, redundant guest house with no amenity space. The site is at the end of a dead-end road which leads to a public open space with associated parking. It should be noted that the Roads Department made no observations on car parking other than requiring the existing pavement to be reinstated.

The location of the site at the bottom of the access road means that there will be limited vehicular movement around the property so creating a peaceful environment.

Following your discussion on the Decision to Refuse, the committee may be of a mind to gain a better knowledge of the proposals, we would suggest that a site visit be in order to confirm the adequacy and legitimacy of our proposals.

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