

Public Document Pack



To: Councillor McRae, Chairperson; and Councillors Alphonse, Boulton, Farquhar and Greig (Reviews one and two only).

Town House,
ABERDEEN 8 April 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, 15 APRIL 2024 at 11.00 am.**

JENNI LAWSON
CHIEF OFFICER – GOVERNANCE

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

B U S I N E S S

1.1 Procedure Notice (Pages 5 - 6)

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

Link to the [Local Development Plan](#)

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

PLANNING ADVISER - LUCY GREENE

REVIEW ONE

2.1 93 Ash-hill Drive - Change of Use of Flat to Short Term Let Accommodation (sui generis) with Maximum Occupancy of Two People

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 230996.

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 7 - 34)

2.3 Planning Policies Referred to in Documents Submitted (Pages 35 - 36)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 37 - 44)

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 16 Bright Street - Change of Use of Flat to Short Term Let Accommodation (sui generis) with Maximum Occupancy of Four People (Retrospective)

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 231288.

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 45 - 72)

3.3 Planning Policies Referred to in Documents Submitted (Pages 73 - 74)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 75 - 90)

3.5 Determination - Reasons for Decision

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

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

REVIEW THREE

- 4.1 125 Blenheim Place - Erection of Single Storey Extension; Formation of Dormer; Installation of Replacement Windows and Door to Rear; and Formation of Roof Lights to Front

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 240015.

- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 91 - 108)

- 4.3 Planning Policies Referred to in Documents Submitted (Pages 109 - 110)

- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 111 - 124)

- 4.5 Determination - Reasons for Decision

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

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

Website Address: aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Mark Masson on mmasson@aberdeencity.gov.uk / tel 01224 067556 or

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

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

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

DETERMINATION OF REVIEW

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

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

Site Address:	93 Ash-hill Drive, Aberdeen, AB16 5YR,
Application Description:	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people
Application Ref:	230996/DPP
Application Type:	Detailed Planning Permission
Application Date:	15 August 2023
Applicant:	Mrs Yao Blair
Ward:	Hilton/Woodside/Stockethill
Community Council:	Rosehill and Stockethill
Case Officer:	Roy Brown

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a 2nd floor flat in a 4-storey c.1970s flatted development in an established residential area. Eight flats share a communal entrance and hallway and there are two on each floor. The block sits within a terrace of three, as part of a development comprising three terraces, a total of 72 flats. There are three communal stairwells and entrances each serving 8 flats. The application property is accessed from the central stairwell of the building. There are amenity spaces and a residential car park between the buildings. The building is accessed via Ash-Hill Drive to the south. The property comprises two bedrooms, a living room, a kitchen and a bathroom.

One other property in this block, number 85 Ash-Hill Drive is in use as Short Term Let accommodation and was recently granted planning permission (Ref: 230967/DPP). It is understood the other properties in the building are in mainstream residential use. Council records show that one of the flats in the block, number 97, is in Council ownership.

Relevant Planning History

Planning permission Ref: 230967/DPP granted the change of use of a neighbouring flat on the ground floor, number 85, to Short Term Let accommodation with a maximum occupancy of 2 people on 14th November 2023.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought for the proposed change of use of the property from a residential flat to Short Term Let (STL) accommodation (both sui generis) with a maximum occupancy of 2 people at any given time.

The applicant advises that occupants would have a minimum stay duration of 4 nights. The property would operate as an STL on a permanent basis. It is stated that those staying at the property could park on-street or in the residential car park. The property would be cleaned after each booking but waste disposal arrangements have not been specified.

Amendments

The application has been revised in that the stated maximum occupancy would be 2 rather than 4.

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=RZDCTEBZMDB00>

- Planning Supporting Information Checklist

CONSULTATIONS

Environmental Health Service – No observations / comments.

Roads Development Management Team – The site is located in the outer city in Controlled Parking Zone Z. Given the site is within a CPZ, the chances of indiscriminate parking are greatly reduced. There are no roads concerns with this proposal.

Waste and Recycling Service – The development is classified as commercial and therefore received a business waste collection. The development should make use of current on-street communal bins. General comments regarding business waste collection has been provided.

Rosehill and Stockethill Community Council – No response received.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC2 (Tourism and Culture)

Other National Policy and Guidance

Scottish Government publications:

- Circular 1/2023: Short-Term Lets and Planning
- Short Term Lets: Business and regulatory impact assessment (November 2021)
- Research into the impact of short-term lets on communities across Scotland (October 2019)

EVALUATION

The determining material consideration in the assessment of this planning is considered the cumulative impact on the amenity of the residential area, notably in that the existing residential flat No 89 would have Short Term Let accommodation both directly above it and below it, and assessing this matter, and the other material considerations, in the context of the relevant policies of the Development Plan. This matter, as with the other relevant material considerations are set out below.

Provision of Short Term Let Accommodation and Impacts on Character and Amenity

Paragraph (e) of Policy 30 (Tourism) of NPF4 states:

e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

Impact on the Amenity of the Area

The application site zoned in the Proposals Map of the Aberdeen Local Development Plan 2023 under Policy H1 (Residential Areas). Policy H1 states that proposals for non-residential uses will be supported if:

1. they are considered complementary to residential use; or
2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

The qualities of successful places referred to in Policy D1 (Quality Placemaking) of the ALDP seeks development to be safe and pleasant, in terms of avoiding unacceptable impacts on adjoining uses, including invasion of privacy. Policy D2 (Amenity) of the ALDP seeks residential developments to ensure occupiers are afforded adequate levels of amenity in relation to noise and privacy.

In considering the impact on the residential amenity of the surrounding flats, the property shares an entrance door and stairwell with 7 other properties. It is understood that all but one of the properties are in use as mainstream residential flats. Number 85 is the exception as it is in use as an STL and has been granted planning permission for use as such (Ref: 230967/DPP). The Planning Service considers that the use of the property as an STL could result in increased harm to the amenity of the neighbouring properties within the building beyond that which would typically be expected from a property in mainstream residential use, particularly from the following:

- The potential for noise from customer activities within the property, particularly in the quieter, more sensitive late evening and early morning periods – especially if used as a ‘party flat’,
- The potential for the disturbance of privacy and the perceived impact on safety resulting from the use of curtilage by transient persons unknown to permanent residents.

It is considered that the impacts on amenity from the use of the application property as an STL would most likely arise from the increased probability of noise emissions affecting the occupants of the other flats from regular arrivals and departures by customers via noise transmission through the ceiling and walls, and to the impact on safety and security from the use of the communal hallway. It is furthermore necessary to consider the cumulative impact that of having multiple properties in the building being operated as STLs on the amenity of the remaining mainstream residential flats in the building.

The grant of planning permission for this application would result in 25% of the building being in authorised STL use. No 85 is located on the ground floor on the same side of the building and its stated occupancy was for two occupants. As such, if both were in STL use, it would result in a situation whereby one of the neighbouring flats, No 89, would have a concentration of adjoining properties in STL use, whereby there would be one STL unit directly above it and one directly below it, which would be likely to cumulatively have a significant noise impact, as well as a decline in the actual or perceived sense of security and privacy afforded to that property from having two different groups of transient persons staying directly above it and below it. No 89 would experience both the property above and below experiencing the comings and goings associated with STLs. The application property is located on the 2nd floor and thus the occupants and cleaners would need to use the communal stairwell and pass the flats on the lower levels, including No 89, to enter the property.

Whilst the proposal states that it would have a maximum of 2 occupants, and thus it is unlikely to be used for the hosting of parties, taking into account that both No 85 and No 93 could possibly be

used by the same party in that they could both be made available on the same booking platforms (and are currently both understood to be advertised on Airbnb), it could result in four transient persons frequently spending time in one of the flats through them being used by a group, it is thus likely that this would have a material increase the level of disturbance and noise coming from one of the flats above or below No 89 which could be of an anti-social nature during the more sensitive late night and early morning periods beyond what would be expected if the property were to remain in mainstream residential use. The same cannot be said of the existing situation, whereby the stated occupancy for that property is for 2 people and it is located on the ground floor.

Taking into account that the surrounding area is residential and relatively quiet in nature, it is considered that No 89 is relatively sensitive to the noise disturbance. The cumulative noise and disturbance to that property which would arise from this proposal would materially adversely affect the residential amenity afforded to that property, significantly beyond what would be expected if the application property were to remain in residential use. As a result of the cumulative impact from No 85 being in use as an STL, it is therefore considered that the use of the property as an STL would adversely affect the amenity of the adjacent residential uses, and thus the surrounding area, in conflict with Policy 30(e)(i) of NPF4 and Policy H1 of the ALDP.

In terms of the actual or perceived reduction in safety and security from the use of the communal hallway by transient non-residents, it is considered that the amenity impact from the reduction in safety and security from their use of a communal hallway serving 8 flats would not necessarily be significant, acknowledging the possibility that the residents in the building could experience people using the space that are unknown to them. However, as above, the concentration of STL units, and two groups of transient persons both above and below No 98 in what would otherwise be a predominantly residential context would result in a decline in the actual or perceived sense of security and privacy afforded to that property.

With respect to the impact on the character of the surrounding area, in terms of Paragraph (e) of Policy 30, the character of the surrounding area is quiet and residential in nature, with a low level of traffic and footfall notwithstanding the number of properties in the area. The boundary of the Aberdeen Royal Infirmary campus is an approximate 300m walk from the site. Notwithstanding the impact that it would have on the neighbouring residential properties in the block, notably No 89, the proposal would result in a minor increase in activity in the area generally. In this context, the use of this property by non-residential occupants when occupied would not significantly change the residential character of the wider area. Additionally, no external alterations are proposed, therefore the Planning Service considers that the character of the area would not be impacted by any significant degree.

Provision of Short Term Let Tourist Accommodation and Local Economic Benefits

Policy VC2 (Tourism and Culture) of the ALDP states that:

'Proposals for new, or expansion of existing, visitor attractions and facilities capable of strengthening the appeal and attraction of Aberdeen to a wide range of visitors will be supported.'

'Proposals should complement existing visitor facilities and be sequentially located in the city centre, or on a site allocated for that use in this Plan, unless activity and locality specific issues demonstrate that this is impracticable.'

The use of the property as an STL would offer a different type of visitor accommodation to hotels and guesthouses that could be more attractive for certain visitors, students and business travellers / contract workers who could be staying in the city for several weeks, with it being acknowledged that the site is very close to the Aberdeen Royal Infirmary campus.

The Scottish Government's publication on 'Short Term Lets: Business and regulatory impact assessment' from November 2021 states:

- *'Short-term lets make an important contribution to the tourist economy because they can:*
- *offer visitors a unique tourist experience through a host's local knowledge, increasing the attractiveness of Scotland as a place to visit,*
- *offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from "hotspot" areas,*
- *offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- *provide additional capacity to accommodate tourist or other visitor demand in areas with a high demand over a short period of time (for example, to accommodate tourists during the Edinburgh Festival or the Open golf tournament).'*

Although it is not possible to precisely quantify or demonstrate the local economic benefits that would be derived from the use of this application property as an STL, as required by Policy 30(e)(ii) of NPF4, given the likely use of the property by students, visitors to the hospital and/or business travellers, it is envisaged that customers of the property would likely spend money in the wider tourism and hospitality sectors, to the benefit of those businesses. This is supported in general terms by the Scottish Government's 'Research into the impact of short-term lets on communities across Scotland' publication, produced in October 2019, which states in Key Findings - Chapter 5:

'The positive impacts of STLs most commonly identified related to the local economic impacts associated with the tourism sector.'

Given that the proposal would comprise a tourism facility that would not be in or close to the city centre, the proposal would have tensions with Policy VC2 (Tourism and Culture) of the ALDP and given the site is in a residential area away from local hospitality and tourism uses, it is expected that the benefit from this particular STL to the local economy is likely to be lesser than a use in the city centre. In assessing the magnitude of this tension, it is acknowledged that it is approximately 200m from a bus stop to the city centre. There are therefore sustainable public transport links to the city centre. Whilst it has not been submitted as justification (nor has it been sought), the site is in close proximity to the Aberdeen Royal Infirmary campus. It is likely that many of those staying would be visiting, working or be students at the campus on a short term basis rather than tourists and these occupants would not need to travel to the campus by unsustainable means. Acknowledging its accessibility to the city centre by sustainable means and the proximity of the Aberdeen Royal Infirmary campus, on balance and notwithstanding the determining issue that this would have a significant adverse impact on the residential amenity afforded to the residential flat below, the tension with Policy VC2 (Tourism and Culture) of the ALDP would not be significant in that it would not undermine the sequential spatial strategy to direct visitor facilities into the city centre by any significant degree. As such, the tension with this policy is not a reason to refuse the application.

Whilst housing is in need in Aberdeen, there is not currently understood to be any significant pressure placed on local housing need from the number of STLs in Aberdeen, as is experienced elsewhere in Scotland (such as in Edinburgh and the Highlands and Islands). It is therefore considered that the loss of residential accommodation resulting from the use of the property as an STL would not have any significant impact on local housing need. As such, the STL use would be generally compliant with the aims of Policy 30(e)(ii) of NPF4. However, it is recognised that housing

need and demand can be subject to significant change over time, as demonstrated by such matters being periodically reviewed and quantified through Housing Need and Demand Assessments and addressed through the Development Plan process. In relation to the duration of planning permissions for Short Term Lets, the Scottish Government Circular 1/2023 (Short-Term Lets and Planning) notes that:

‘4.14 Planning authorities can impose a condition when granting planning permission to require the permitted use to be discontinued after a specified period – this is known as “planning permission granted for a limited period”.

4.15 Planning authorities may consider applying a discontinuation condition of 10 years, or such other time period as they consider appropriate, when granting planning permission for short term letting in a control area (or outside, if they see fit).’

The use of the property as an STL on a permanent basis would result in the permanent loss of residential accommodation in a residential area. As such, had the Planning Authority been minded to grant planning permission, it would have been considered necessary in this instance to grant it for a time-limited period of five years, which is the time period between the publication of Housing Need and Demand Assessments:

- To ensure that local housing need, demand and supply can be considered for any future applications for the continued use of the property as an STL;
- To allow for the site to be automatically returned to residential use upon the expiry of the permission (unless a new consent is granted in the meantime); and
- To further consider the demonstrable local economic benefits of its use as an STL at the time of any further planning application.

In having regard to Policy 30 (Tourism) of NPF4, it is considered in general terms that the Short Term Let accommodation unit would likely provide some economic benefit in that it would provide tourist accommodation in a location that is accessible by sustainable means from the city centre, although these would be somewhat limited by it being located in a residential area and not near businesses and amenities. A condition could have been used to address the long-term impact on housing supply. However, the specific circumstances of this site and the proposal are such that it would result in an unacceptable impact on the local amenity of the area to degree that would outweigh the local economic benefit that would arise from this one Short Term Let accommodation unit. The proposal would therefore conflict with the aims of Policy 30 (Tourism) of NPF4.

Transport and Accessibility

Policy 13 (Sustainable Transport) on NPF4 and Policies T2 (Sustainable Transport) of the ALDP promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. The site is a c.200m walk from the nearest bus stop on Ashgrove Road West and thus the development would be within 400m of the nearest bus stop, in accordance with Policy T2 of the ALDP. Many of the customers staying at the property on a short-term basis would likely be working, visiting or be students at the Aberdeen Royal Infirmary campus and thus would not need to travel there by unsustainable means. Given the maximum number of occupants would be two, there is a residential car park and on-street parking in the area is controlled by way of a Controlled Parking Zone, it is considered that the proposal would have a negligible impact on parking provision in the area and the local transport network compared to its existing use as a flat. Notwithstanding the conflicts with the policies set out above, the proposal would be compliant with Policy 13 of NPF4 and Policies T2 and T3 of the ALDP.

Waste Storage and Collection

Policy 12 (Zero Waste) of NPF4 and Policy R6 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to have sufficient space for the appropriate storage and subsequent collection of that waste and recyclable materials. It has been noted by the Waste and Recycling Service that the communal on-street bins could be used for this proposal. It is understood that the business owner can pay a financial contribution towards the collection of the waste, via a business waste contract with the Council in lieu of not paying Council Tax. Therefore, waste and recyclables generated by the customers of the property can be adequately stored and collected and an advisory note has been added for the applicant to be aware of in relation to entering into the required business waste contract. Notwithstanding the determining conflicts with the policies set out above, the waste storage arrangements would accord with Policy 12 of NPF4 and Policy R6 of the ALDP.

Tackling the Climate and Nature Crises, Climate Mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of National Planning Framework 4 (NPF4) requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

The development, comprising the change of use of an existing property, is sufficiently small-scale such that it would not have any material impact on the global climate and nature crises, climate mitigation and adaptation, nor are there any opportunities that can be identified to minimise greenhouse gas emissions given the nature of the proposal. Therefore, the proposal is compliant with Policies 1 and 2 of NPF4. Whilst this proposal would not include measures to enhance biodiversity, which would have minor tensions with Policy 3 of NPF4, the proposal is a change of use, small-scale and does not offer the opportunity for meaningful biodiversity enhancements.

DECISION

Refuse

REASON FOR DECISION

It is considered that the change of use of the application property to Short Term Let accommodation would have a significant adverse impact on the amenity on the residential flat below the application property, No 89 Ash-Hill Drive. As there is already an authorised Short Term Let accommodation unit below that property (No 85 Ash-Hill Drive), this proposal would result in the residential flat below having a Short Term Let accommodation unit directly above and below it, which cumulatively would result in significant noise impact, disturbance and a decline in the actual or perceived sense of security and privacy afforded to that property. This would be to the detriment of the residential amenity afforded to that residential flat. This would be accentuated by the relatively quiet nature of this residential area and thus the relatively high sensitivity of that residential flat from noise disturbance. The proposal would therefore adversely affect the residential amenity of the surrounding area. The proposal would therefore conflict with Policies 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4), H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023. The adverse impact on the amenity of surrounding area would significantly outweigh the economic benefit that would arise from this

Short Term Let accommodation unit and therefore the proposal would conflict with the aims of Policy 30 (Tourism) of NPF4.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100639044-001

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

Type of Application

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

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

Description of Proposal

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

Change of use from residential flat to Short Term Let accommodation

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

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

30/09/2020

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

Apartment has been listed for Airbnb lets by my mother, managed by myself. I recently inherited the property. Airbnb have informed that license is now required. When applying for this license received instruction from Aberdeen City Council Licensing Department to apply for change of use planning permission.

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="Flat"/>
First Name: *	<input type="text" value="Yao"/>	Building Number:	<input type="text" value="93"/>
Last Name: *	<input type="text" value="Blair"/>	Address 1 (Street): *	<input type="text" value="93 Ash-Hill Drive"/>
Company/Organisation	<input type="text" value="JB Home Improvement"/>	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="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB16 5YR"/>
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="93 ASH-HILL DRIVE"/>
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="AB16 5YR"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="807544"/>	Easting	<input type="text" value="392095"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

64.00

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)

Airbnb short-term let

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?

26

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)? *

26

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)

apartment is a second floor flat in existing apartment building with adequate existing waste storage and collection areas

Residential Units Including Conversion

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

≤ Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

≤ Yes No

Schedule 3 Development

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

≤ Yes No ≤ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

≤ Yes No

Certificates and Notices

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

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

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

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mrs Yao Blair

On behalf of:

Date: 13/08/2023

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 principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. * 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)

Short Term Let Accommodation Planning Supporting Information Checklist

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: Mrs Yao Blair

Declaration Date: 13/08/2023

Payment Details

Online payment: ABSP00009926

Payment date: 13/08/2023 22:22:00

Created: 13/08/2023 22:22

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Mrs Yao Blair
93 Ash-Hill Drive
Aberdeen
AB16 5YR

With reference to your application validly received on 15 August 2023 for the following development:-

Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people at 93 Ash-hill Drive, 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
230996/3	Location Plan
230996/2	Planning Supporting Information Checklist
230996/1	Floor Plan (Proposed)

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

The application has been revised in that the stated maximum occupancy would be 2 rather than 4.

REASON FOR DECISION

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

It is considered that the change of use of the application property to Short Term Let accommodation would have a significant adverse impact on the amenity on the

residential flat below the application property, No 89 Ash-Hill Drive. As there is already an authorised Short Term Let accommodation unit below that property (No 85 Ash-Hill Drive), this proposal would result in the residential flat below having a Short Term Let accommodation unit directly above and below it, which cumulatively would result in significant noise impact, disturbance and a decline in the actual or perceived sense of security and privacy afforded to that property. This would be to the detriment of the residential amenity afforded to that residential flat. This would be accentuated by the relatively quiet nature of this residential area and thus the relatively high sensitivity of that residential flat from noise disturbance. The proposal would therefore adversely affect the residential amenity of the surrounding area. The proposal would therefore conflict with Policies 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4), H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023. The adverse impact on the amenity of surrounding area would significantly outweigh the economic benefit that would arise from this Short Term Let accommodation unit and therefore the proposal would conflict with the aims of Policy 30 (Tourism) of NPF4.

Date of Signing 29 November 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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Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Roy Brown	To: ACC - Environmental Health
E-mail: roybrown@aberdeencity.gov.uk	Date Sent: 17 August 2023
Tel.: 01224 069005	Respond by: 7 September 2023
Application Type: Detailed Planning Permission	
Application Address: 93 Ash-hill Drive Aberdeen AB16 5YR	
Proposal Description: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people	
Application Reference: 230996/DPP	
Consultation Reference: DC/ACC/RZJ5GPBZ01C01	

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the consultation reference (shown above) into the 'Letter Reference' field and then click 'Search'.

Unless agreed with the case officer, should no response be received by the respond by date specified above it will be assumed your service has no comments to make.

Should further information be required, please let the case officer know as soon as possible in order for the information to be requested to allow timeous determination of the application. **Response**

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.	
Object to the application (please specify reasons below).	

COMMENTS

This service has no comments or observations regarding this application.

Responding Officer: Barbara Armstrong-Hill

Date: 17/8/23

Email:bahill@aberdeencity.gov.uk

Ext:

Consultee Comments for Planning Application 230996/DPP

Application Summary

Application Number: 230996/DPP

Address: 93 Ash-hill Drive Aberdeen AB16 5YR

Proposal: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people

Case Officer: Roy Brown

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 Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people. The site is located in the outer city, in controlled parking zone Z.

Given that the site is within a controlled parking zone the chances of indiscriminate parking are greatly reduced.

There are no Roads concerns with this proposal.

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Aberdeen City Council – Development Management Team Consultation Request

Application Address: 93 Ash-hill Drive

Proposal Description: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people

Application Reference: 230996/DPP

Consultation Reference: DC/ACC/RZJ5GRBZ01C02

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

The following development is classified as commercial and therefore receives a business waste collection.

When providing feedback on commercial developments, I can only provide a very general response regarding commercial developments due to Aberdeen City Council not being the only waste service contractor available in the city.

Site Specific comments:

- To make use of current on street communal bins

See below for general comments:

- Business premises need to be provided with a bin store to allocate, within the property curtilage for the business waste and recycling bins
- Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that **all businesses** from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).
- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:

- An area of hard standing at storage and collections point(s)
- Dropped kerb at proposed bin collection point
- Yellow lines in front of bin collection point
- Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

For further independent guidance about waste and recycling provision, storage and collection please refer to the following document:

http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste Supplementary Guidance available at <https://www.aberdeencity.gov.uk/sites/default/files/2023-01/APG%20Waste%20Management%20Requirements.pdf>

Responding Officer: N Taylor

Date: 28/08/2023

Email: wasteplanning@aberdeencity.gov.uk

Application 230996/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
- 30. Tourism

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
- D1 Quality Placemaking
- D2 Amenity
- R5 Waste Management Requirements for New Development
- VC2 Tourism and Culture
- T2 Sustainable Transport
- T3 Parking

Other Material Considerations- National Policy and Guidance

Scottish Government publications:

- Circular 1/2023: Short Term Lets and Planning [Planning circular 1/2023: short-term lets and planning - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)
- Short Term Lets: Business and regulatory impact assessment – November 2021 [G. Wider economic context - Short-term lets: business and regulatory impact assessment - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)
- Scottish Government – Research into the impact of short-term lets on communities across Scotland – October 2019 [people-communities-places-research-impact-short-term-lets-communities-scotland.pdf \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)

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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 100662021-001

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="Flat"/>
First Name: *	<input type="text" value="Yao"/>	Building Number:	<input type="text" value="93"/>
Last Name: *	<input type="text" value="Blair"/>	Address 1 (Street): *	<input type="text" value="93 Ash-Hill Drive"/>
Company/Organisation	<input type="text" value="yao jie blair"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value="██████████"/>	Postcode: *	<input type="text" value="AB16 5YR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

93 ASH-HILL DRIVE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB16 5YR

Please identify/describe the location of the site or sites

Northing

807544

Easting

392095

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)

Application No 230996/DPP To change of use from use as a residential flat to Short Term Let accommodation

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.

I am seeking to appeal the refusal on the planning application. I would argue that there would be no net difference to the amenity on the residential flat below regardless of whether the flat is used as a Short-Term Let for 1-2 persons or a Long-Term Let for a family of 2-4 persons, please see the supporting document for details.

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)

Appeal to the Refusal of the Short Term Let Planning Permission Application.pdf

Application Details

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

230996/DPP

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

15/08/2023

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

28/11/2023

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 Yao Blair

Declaration Date: 27/02/2024

Appeal to the Refusal of the Short Term Let Planning Permission Application

The decision to refuse planning permission to change the flat to a Short Term Let accommodation was based on the adverse impact to the residential flat below and above regarding significant noise impact, disturbance and decline in security and privacy. However I believe that regardless of whether the property is being used for Short Term or Long Term Let there will be trivial differences in those factors.

Concerning the significant noise impact and disturbance if the property was not used for Short Term Let it would still be occupied long term and so would produce the same if not more noise impact by permanent residents. The current maximum occupancy of the flat is 4 and the Short Term Let request was to change this to 2 which surely would result in a reduced noise impact to the surrounding properties since there will be less occupants. Those who would be leasing the property short term would most likely be out for the majority of the day compared to a family or students leasing long term who would spend a greater portion of their day within the property creating far more noise impact. The noise disturbance caused by the turn over of occupants coming and leaving the property will have the same impact as the short term let units directly above and below and so would result in a minimal difference to the current situation. On average the property currently has a minimum stay of 4 days with 1 day for cleaning. At most this would be a changeover of once a week which would keep the noise impact minimal. Concerning the cleaning schedule the noise impact of this would be essentially the same as someone who was living there long term.

In regards to the decline in the sense of privacy and security to the units directly above and below since they are both also Short Term Let properties whose occupants will be constantly changing the security against those occupants will be almost negligible due to the nature of their short stay. In respect to the safety and disturbance across the whole residential area this would be no different to the other Short Term Let property below and so if this flat raises those concerns then so should the other property. Furthermore for this accommodation the sole use of Airbnb allows for thorough background checking of those who have made bookings through the app and anyone who does not appear safe can be rejected.

Due to the minimal changes which will arise due to the change of the property to a Short Term Let this in fact will make no greater adverse effects to the residential amenity of the surrounding area and so does not conflict with Policies 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4), H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023.

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Short Term Let Accommodation

Planning Supporting Information Checklist



Property Address and Floor Level: 93 Ash-hill Drive, Aberdeen.
AB16 5YR. 2nd Floor Flat.

What is the maximum number of occupants that would be allowed to stay in the property?	2 People
How many bedrooms and beds would there be?	Two Bedrooms. One king-size bed and one double bed.
What is the minimum duration of stays for customers?	4 days as minimum stay.
Please also state the maximum duration of stay, if applicable.	NO maximum duration is set on Airbnb listing.
Would there be any car parking available for customers?	Yes.
If yes, how many spaces and what type? (i.e. dedicated off-street space, on-street etc)	There is a car park for the residents. beside the building. about 20-25 spaces, off-street parking.
Would the property be in use as a Short Term Let (STL) on a permanent basis, or would it only be available to hire for certain periods of the year only?	It would be in use as a short-term let on a permanent basis.
If not permanent, please provide further details	
What would the check-in and check-out times be and would customers be met or would they collect the keys from a key box or similar?	Check-in Time = 3 PM Check-out Time = 10 AM. I will meet the guest & give them keys.
Please advise what the arrangements would be, including frequency, for cleaning the property and how would waste be disposed of?	cleaning the property at the end of each stay per booking
Does the property share a communal access with any other properties and if so, how many?	The 8 flats in the building block sharing a communal access. Total 3 floors
Does the property have access to any communal amenities, including garden ground or roof terraces?	NO roof terrace. There is a garden on the ground. not fenced.
If so, provide details	
If known, how many other properties in the building are currently in use as Short Term Let accommodation?	I know NO. 85 is currently operated as Short Term Let.
If the application seeks permission retrospectively, how long has the property been in use as Short Term Let accommodation?	The flat has been used as STL since August 2020.
Please provide any existing online links to view & book the accommodation, if available:	www.airbnb.co.uk. under "2 bedroom flat near Aberdeen Royal Infirmary"

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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:	16 Bright Street, Aberdeen, AB11 7TE
Application Description:	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people (Retrospective)
Application Ref:	231288/DPP
Application Type:	Detailed Planning Permission
Application Date:	18 October 2023
Applicant:	Tannochbrae Cuisine Ltd
Ward:	Torry/Ferryhill
Community Council:	Ferryhill and Ruthrieston
Case Officer:	Sam Smith

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to the curtilage of a first floor flat, which shares a detached building with one other flat (18 Bright Street) below, at ground floor level. The building has an east-facing principal elevation which fronts onto Bright Street and the site is bound by residential properties to the north and south. The building has an existing rear extension and patio related to the ground floor flat along the southern boundary, and a rear garden comprising a grassed area which is split with hedging, with the rear upper (westernmost) part of the garden owned by the application property, 16 Bright Street. The application property is accessed via the side access path adjacent to the northern gable of the building, and then via a set of external stairs and a door positioned centrally on the rear elevation, with internal stairs leading upstairs. The neighbouring, ground floor property is accessed from the front of the building on Bright Street. The application property comprises two bedrooms on the north side of the building, a living room/dining area to the south and a central bathroom and kitchen looking out to the east and west respectively. The other property in the building is understood to be in mainstream residential use.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Retrospective planning permission is sought, retrospectively, for the change of use of the property from a residential flat to Short Term Let (STL) accommodation (both sui generis).

The applicant advises that the maximum occupancy for the two-bedroom STL would be 4 persons at any one time, with a minimum stay duration of 2 nights. The property would be operated as an STL on a permanent basis. Customers of the property would have access on-street parking outwith any controlled parking zone and the property would be cleaned after each booking. The applicant advises that the property has been in operation as a short term let since June 2018.

Amendments

The applicant submitted two supporting statements following the initial submission of the 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=S2H09KBZGN800>

- STL Checklist
- Supporting Statement
- Supporting Statement

CONSULTATIONS

ACC - Roads Development Management Team – No objection. The site is located outwith a controlled parking zone and there is access to unrestricted kerbside parking. The parking requirements are similar for the proposed use and current (authorised) use.

ACC – Waste And Recycling – No objection. The proposed development is classified as commercial and will therefore receive a business waste collection. Customers of the STL could continue to utilise existing domestic general waste and recycling bins located on the application site, currently along the access path to the rear of the site. Further information is included as an Advisory Note for the applicant to be aware of.

Ferryhill and Ruthrieston Community Council – No comments received.

REPRESENTATIONS

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

- There will be an adverse impact on access, parking and road safety, adding parking issues to the street and increasing the potential for parked cars to block neighbouring driveways.
- Compatibility with other uses in the area; having a transient population in the property is at odds with the residential area. This could set a precedent for other properties to be allowed to do the same.

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 (NPF4)

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.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy H1 (Residential Area)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC2 (Tourism and Culture)

Other National Policy and Guidance

- Scottish Government publications:
 - Circular 1/2023: [Short-Term Lets and Planning](#)
 - Short Term Lets: [Business and regulatory impact assessment – November 2021](#)
 - Scottish Government – [Research into the impact of short-term lets on communities across Scotland – October 2019](#)

EVALUATION

Provision of Short Term Let accommodation and impacts on character & amenity

Policy 30 (Tourism), paragraph (e) of National Planning Framework 4 (NPF4) states:

e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area;
or*
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits*

Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) states:

Within existing residential areas, proposals for non-residential uses will be supported if:

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

Impact on character and amenity of the area

The application property is situated within a residential area as zoned in the ALDP Proposals Map, with an overall quiet suburban character of a wholly residential street, located 950m south of the city centre boundary and 700m southeast of the Holburn Neighbourhood Centre. Given the small-scale nature of the property, comprising a two-bed unit with a proposed maximum occupancy of four people at any one time, its use as an STL would be unlikely to result in a significant increase in activity or coming and goings compared to mainstream residential use, therefore the proposal is unlikely to have a significant impact on the character of the area. Additionally, no external alterations are proposed, therefore it is considered that the character of the area would be preserved.

In terms of impacts on amenity, the property shares an access path to the rear curtilage with the neighbouring, ground floor property. In general, it is considered that the use of properties as STL's within residential flatted buildings could result in increased harm to the amenity of neighbouring properties, beyond that which would typically be expected from a property in mainstream residential use, particularly due to the following:

- the potential for noise from increased coming and goings due to frequent customer turnovers (check-ins and check-outs) and cleaning between occupancies;
- the potential for noise from customer activities within the property, particularly in the quieter, more sensitive late evening and early morning periods – especially if used as a 'party flat';
- the potential for the disturbance of privacy and the perceived impact on safety resulting from the use of communal areas by transient persons unknown to permanent residents.

The application property is located on the first floor and is accessed via its own access to the rear of the building, requiring guests to pass a rear window serving the ground floor property when ascending and descending the private external staircase to the application property's entrance. Further information relating to the use of this room which the window serves was requested. However, no response was received and the window has been assessed as any other window on the private elevation of a residential property. The presence of up to four frequently changing transient guests using this external area would present adverse harm to the privacy afforded to this window as well as a likely impact (actual or perceived) on security for the neighbouring property. This is due to the nature of the window which faces towards the private side of the site, and which would typically not see unknown persons walking past it. The proximity of the external stairs and landing to the entrance door would result in guests both arriving at and leaving the property, and having the opportunity to look immediately down and into the window from an elevated height. In addition, the size of the landing, the maximum number of guests and the nature of the proposed STL use (with guests unfamiliar with the site and the access arrangements) would likely result in persons being stood out on the steps next to the window while accessing the property, which would increase the potential impact on privacy and security for the neighbouring residents. It is noted that the supporting information provides a letter from the neighbouring resident stating that they are not harmed by the existing operation of the STL. However, this assessment forms the amenity impact on the property as opposed to an individual existing resident. Notwithstanding, the situation for the site could change in the future, with the

neighbouring residents changing due to the potential sale or leasing of the property and new occupants of the neighbouring property could be aggrieved by this amenity impact. As such, the potential amenity impact of the proposed use requires to be considered and assessed on its merits, regardless of any potential support from the occupants of the ground floor flat.

The property would sit above the ground floor flat and as such, there would also be the potential for noise transmission and disruption to the neighbouring property below when the application property is occupied. However, there would be no impact from any shared internal communal space due to the nature of the properties both having separate access into the building. Due to the small-scale nature of the two-bedroom flat, it is highly unlikely that the flat would be used for the hosting of parties or other events of an anti-social nature that could harm the amenity of neighbouring properties in terms of noise from activities within the property during the more sensitive late night and early morning periods. Such activities could nevertheless take place in the property if operated as mainstream residential accommodation. The impact from the upper floor flat would therefore likely be minimal in terms of noise coming from inside the property.

In relation to the outdoor communal areas, the garden area is split in the middle, separated by a hedge, and has a path passing through. The application property's garden lies on the upper (westernmost) part of the garden and as such, when used, would require guests to walk through the neighbour's garden via the path to access this amenity space. In addition, the path and stairs to the rear of the property used to access the STL sits immediately adjacent to the neighbouring garden and would require guests to walk past it to access or leave the property. As such, there would be an adverse amenity impact on the enjoyment of the neighbouring garden from the potentially frequent movement of regularly changing transient guests to the rear of the building and the associated garden, resulting in the downstairs neighbours not having any private amenity space which could not be encroached upon by unknown guests.

In summary, the use of the property as an STL would require transient guests to regularly use the communal areas to the rear (private side) of the property and to walk past a rear window to the neighbouring ground floor flat via external steps to the entrance of the property. Guests would also be required to walk past the neighbouring flat's garden to access both the property and/or the garden for the STL. The movement from groups of guests would therefore cause harm to the security and privacy of the neighbours which is contrary to Policy 30(e)(i) of NPF4 and it has not been demonstrated "that the use doesn't cause conflict with, or any nuisance to, the enjoyment of existing residential amenity" therefore the proposals are also contrary to Policy H1, criterion 2, of the ALDP.

Provision of Short Term Let tourist accommodation and local economic benefits

Policy VC2 (Tourism and Culture) of the ALDP states that:

'Proposals for new, or expansion of existing, visitor attractions and facilities capable of strengthening the appeal and attraction of Aberdeen to a wide range of visitors will be supported.'

'Proposals should complement existing visitor facilities and be sequentially located in the city centre, or on a site allocated for that use in this Plan, unless activity and locality specific issues demonstrate that this is impracticable.'

The use of the property as an STL offers a different type of visitor accommodation to hotels and guesthouses that can be more attractive for certain visitors, particularly families and business travellers / contract workers who may be staying in the city for several weeks. The Scottish Government's publication on 'Short Term Lets: Business and regulatory impact assessment' from November 2021 states:

'Short-term lets make an important contribution to the tourist economy because they can:

- a) offer visitors a unique tourist experience through a host's local knowledge, increasing the attractiveness of Scotland as a place to visit,*
- b) offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from "hotspot" areas,*
- c) offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- d) provide additional capacity to accommodate tourist or other visitor demand in areas with a high demand over a short period of time (for example, to accommodate tourists during the Edinburgh Festival or the Open golf tournament).'*

Although it is not possible to precisely quantify or demonstrate the local economic benefits that would be derived from the use of the application property as an STL, as required by Policy 30(e)(ii) of NPF4, given the likely use of the property by tourists and/or business travellers it is envisaged that customers of the property would be likely to spend money in the local tourism and hospitality sectors, to the benefit of those businesses. This is backed up in general terms by the Scottish Government's 'Research into the impact of short-term lets on communities across Scotland' publication, produced in October 2019, which states in Key Findings - Chapter 5:

'The positive impacts of STLs most commonly identified related to the local economic impacts associated with the tourism sector.'

Given that the proposal would comprise a tourism facility that would not be in the city centre, the proposal would have some tension with the aims of Policy VC2 (Tourism and Culture) of the ALDP. In assessing the magnitude of this tension, it is acknowledged that the site sits c. 950m outside the city centre boundary, 700m from the Holburn Neighbourhood Centre and 1.2km from the main railway and bus station in Aberdeen and as such, is a 10 to 15 minute walk away from surrounding local businesses and amenities. There are also bus routes from Polmuir Road (c. 150m east) and Great Southern Road (330m west) leading to the city centre providing sustainable transport to main businesses and amenities. However, it is noted that the property is not located near any tourist or visitor hotspot areas and there are other areas nearer to the city centre which would be more appropriate for short term let accommodation of this type. Acknowledging its sustainable location and accessibility from the city centre, on balance, the proposed STL use would not be in conflict with the aims of Policy VC2 (Tourism and Culture) of the ALDP in that it would not undermine the sequential spatial strategy to direct visitor facilities into the city centre by any significant degree.

Although housing is in need in Aberdeen, there is not currently understood to be any significant pressure placed on local housing need from the amount of STL's in Aberdeen, as is experienced elsewhere in Scotland (for example Edinburgh and the Highlands & Islands in particular), therefore it is considered that the loss of residential accommodation resulting from the use of the property as an STL would not have any significant impact on local housing need – ensuring that the proposals are generally compliant with the aims of Policy 30(e)(ii) of NPF4.

However, it is recognised that housing need and demand can be subject to significant change over time, as demonstrated by such matters being periodically reviewed and quantified through Housing Need and Demand Assessments and addressed through the Development Plan process.

In relation to the duration of planning permissions for Short Term Lets, the Scottish Government Circular 1/2023 (Short-Term Lets and Planning) notes that:

4.14 Planning authorities can impose a condition when granting planning permission to require the permitted use to be discontinued after a specified period – this is known as “planning permission granted for a limited period”.

4.15 Planning authorities may consider applying a discontinuation condition of 10 years, or such other time period as they consider appropriate, when granting planning permission for short term letting in a control area (or outside, if they see fit).

The grant of planning permission for the use of the property as an STL on a permanent basis would result in the permanent loss of residential accommodation in a sustainable location. As such, were the application to be supported, it would be necessary in this instance, , for a time-limited period of five years to be applied, which is the time period between the publication of Housing Need and Demand Assessments:

- To ensure that local housing need, demand and supply can be considered for any future applications for the continued use of the property as an STL;
- To allow for the site to be automatically returned to residential use upon the expiry of the permission (unless a new consent is granted in the meantime); and
- To further consider the demonstrable local economic benefits of the property’s use as an STL at the time of any further planning application.

However, as the application is being refused, due to the aforementioned issues in relation to the impact on residential amenity, no such condition is required.

Transport & Accessibility

Policy 13 (Sustainable Transport) on NPF4 and Policy T2 (Sustainable Transport) of the ALDP both promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. Policy T3 (Parking) of the ALDP is supportive of low or no car development in suitable locations where there is adequate access to active travel and public transport options.

The application property is situated outwith the city centre (as defined in the ALDP Proposals Map), sitting c. 950m outside of the city centre boundary. The property would be within suitable walking distance to amenities and businesses in the city centre as well as the train and bus stations, although it is noted that there are other properties which would sit closer to visitor demand areas or in the city centre which would be more readily accessible. Guests to the property would also be able to use available uncontrolled on-street car parking and the use of the property as an STL would likely require a similar level of parking as the existing (authorised) residential use. Notwithstanding, it is anticipated that the majority of customers staying on a short-term basis would be tourists or business travellers, many of whom could reasonably be expected to arrive in the city by plane, train or bus, and access the property sustainably, likely not generating any traffic or requiring any car parking. The proposal is therefore compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP.

Waste Management

Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to

have sufficient space for the appropriate storage and subsequent collection of that waste and recyclable materials. Although the property would be a business and would therefore not pay Council Tax, customers of the STL would be able to utilise existing domestic general waste and mixed recycling bins situated on the side access path adjacent to the property. The Council's Waste & Recycling Service have advised that the customers of the property could utilise the existing domestic bins, subject to the applicant paying a financial contribution towards the collection of the waste, via a business waste contract with the Council, in lieu of not paying Council Tax. Therefore waste and recyclables generated by the customers of the property can be adequately stored and collected and an advisory note has been added for the applicant to be aware of in relation to entering into the required business waste contract with the Council. The proposals are therefore acceptable in accordance with Policies 12 of NPF4 and R5 of the ALDP.

Representations

The matters raised in the representation received can be addressed as follows:

- *There will be an impact on access, parking and road safety, adding parking issues to the street and potentially block a neighbouring driveway.*

Response: The impact of the property in use as a short term let on parking requirements has been assessed above in this report. It is expected that guests would use available parking in the same way as a permanent resident, if required. Additionally, there would likely be periods when the property is not occupied. Combined with the potential for some guests to arrive in the city by public transport, it is envisaged that car parking demand associated to the proposed STL use would not be significant.

- *Compatibility with other uses in the area; having a transient population in the property is at odds with the residential area. This could set a precedent for other properties to be allowed to do the same.*

Response: In relation to setting a precedent for STLs, the cumulative impact of this type of use is assessed where there are multiple STLs in an area and as such, will be reviewed for any future applications in the building or in the immediate vicinity. At the time of writing, there are not known to be any cumulative issues in the area arising from multiple properties in STL use.

Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of National Planning Framework 4 (NPF4) requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

The proposed development, comprising the change of use of an existing property, with no associated external alterations, is sufficiently small-scale such that it would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals. Therefore the proposals are compliant with Policies 1 and 2 of NPF4. The proposed development would be wholly internal, small-scale and does not offer the opportunity for any biodiversity gain

and the proposals are thus considered to be acceptable, despite some minor tension with Policy 3 of NPF4.

DECISION

Refuse

REASON FOR DECISION

The location of the access door for the short term let (STL) property sitting to the rear of the building, on an otherwise private elevation, would result in groups of up to four transient guests (changing on a frequent basis) requiring to pass through a private area of the site to access the property. This would require guests unknown to the occupants of the neighbouring ground-floor flat passing its rear window when using the external stairs to access the property, resulting in persons being able to look immediately down into the window when using the steps, thus adversely impacting on the privacy and sense of security for the occupants of the neighbouring flat. Guests would also require to walk past the neighbouring rear garden to access the property as well as walking through it via the shared path to access the rear garden on the upper part of the rear curtilage. As such, the use of this property as an STL would present adverse harm to the amenity of the neighbouring residential property in respect to privacy, security and enjoyment of private external amenity areas. The proposed use is therefore contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism), paragraph (e) part i) of National Planning Framework 4 (NPF4).

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100648363-001

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)

Planning permission is sought for the change of use of the property from residential flat to Short Term Let accommodation. The maximum number of occupants is 4.

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

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="Louise"/>	Building Number:	<input type="text" value="12"/>
Last Name: *	<input type="text" value="Creane-Smith"/>	Address 1 (Street): *	<input type="text" value="Church Street"/>
Company/Organisation	<input type="text" value="Tannochbrae Cuisine Ltd"/>	Address 2:	<input type="text" value="Dufftown"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Keith, Dufftown"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Postcode: *	<input type="text" value="AB55 4AR"/>
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="16 BRIGHT STREET"/>
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="AB11 7TE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="804783"/>	Easting	<input type="text" value="393707"/>
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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)

as per MAIL ID 46887 Rebecca Kerr | Planner MRTPI Aberdeen City Council | Development Management | Strategic Place Planning

Title:

Other title:

Planner MRTPI

First Name:

Rebecca

Last Name:

Kerr

Correspondence Reference Number:

MAIL ID 46887

Date (dd/mm/yyyy):

09/10/2023

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:

74.40

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)

Originally a 2-bed residential flat for up to 4 persons, and now being used as a 2-bed flat for short-term let accommodation for up to 4 persons.

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 provision is sufficient for storage and collection of waste

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mrs Louise Creane-Smith

On behalf of:

Date: 13/10/2023

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	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mrs Louise Creane-Smith

Declaration Date: 13/10/2023

Payment Details

Online payment: ABSP00010154

Payment date: 13/10/2023 14:23:00

Created: 13/10/2023 14:23

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Tannochbrae Cuisine Ltd
Mrs Louise Creane-Smith
12 Church Street
Dufftown
Keith, Dufftown
AB55 4AR

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **refuses planning permission** for the development specified below and shown in the plans and drawings listed.

Application Reference Number	231288/DPP
Address of Development	16 Bright Street Aberdeen AB11 7TE
Description of Development	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people (retrospective)
Date of Decision	27 February 2024

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

In agreement with the applicant, the following amendments were made to the application – The applicant submitted two supporting statements following the initial submission of the application.

REASON FOR DECISION

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

The location of the access door for the short term let (STL) property sitting to the rear of the building, on an otherwise private elevation, would result in groups of up to four transient guests (changing on a frequent basis) requiring to pass through a private area of the site to access the property. This would require guests unknown to the occupants of the neighbouring ground-floor flat passing its rear window when using the external stairs to access the property, resulting in persons being able to look immediately down into the window when using the steps, thus adversely impacting on the privacy and sense of security for the occupants of the neighbouring flat. Guests would also require to walk past the neighbouring rear garden to access the property as well as walking through it via the shared path to access the rear garden on the upper part of the rear curtilage. As such, the use of this property as an STL would present adverse harm to the amenity of the neighbouring residential property in respect to privacy, security and enjoyment of private external amenity areas. The proposed use is therefore contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism), paragraph (e) part i) of National Planning Framework 4 (NPF4).



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

PLANS AND DRAWINGS

4827

Location Plan
Site Layout (Other)
Other Floor Plan (Proposed)
Other Drawing or Plan
Other Supporting Statement

Signed on behalf of the planning authority

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

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 231288/DPP

Application Summary

Application Number: 231288/DPP

Address: 16 Bright Street Aberdeen AB11 7TE

Proposal: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people

Case Officer: Sam Smith

Consultee Details

Name: Mr Jack Penman

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

I note this proposal is for a change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people at 16 Bright Street, Aberdeen AB11 7TE.

The site is in the outer city boundary, in an existing residential area and is not in a controlled parking zone.

I note there is 0 parking associated with this site. Not being in a CPZ means parking will be where there is unrestricted kerbside and on a first come first served basis. The parking requirements are similar for the proposed use and current use.

I note there are existing bins.

There are no Road concerns with this proposal.

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Application Address: 16 Bright Street, Aberdeen, AB11 7TE

Proposal Description: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people

Consultation Reference: DC/ACC/S2U3GEBZ03R04

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

The following development is classified as commercial and therefore receives a business waste collection.

When providing feedback on commercial developments, I can only provide a very general response regarding commercial developments due to Aberdeen City Council not being the only waste service contractor available in the city.

Site Specific comments:

- To make use of current bins until commercial status can be determined.

See below for general comments:

- Business premises need to be provided with a bin store to allocate, within the property, the waste and recycling bins
- Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that **all businesses** from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).
- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
 - An area of hard standing at storage and collections point(s)
 - Dropped kerb at proposed bin collection point
 - Yellow lines in front of bin collection point
 - Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

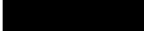
For further independent guidance about waste and recycling provision, storage and collection please refer to the following document:

http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste Supplementary Guidance available at <http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=74584&slD=14394>

Responding Officer: N Taylor

Date: 24/10/2023

Email: wasteplanning@aberdeencity.gov.uk

From: 
To: [PI](#)
Subject: Application Reference : 231288/DPP
Date: 03 November 2023 14:35:07

Hello,

I have some objections to 16 Bright Street being turned into short term let accommodation -

- Impact on access, parking or road safety - this will add parking issues to the street. Already too many cars park on the street occasionally blocking the entrance to my driveway. Sometimes I can't get out of my driveway due to this and is a concern in the event of an emergency.
- Compatibility with other uses in the area - having a transient population in the property is at odds with the residential area. This could set a precedence for other properties to be allowed to do the same.

Regards,

Andrew Caie.

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Application 231288/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
- 30. Tourism

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
- D1 Quality Placemaking
- D2 Amenity
- R5 Waste Management Requirements for New Development
- VC2 Tourism and Culture
- T2 Sustainable Transport
- T3 Parking

Other Material Considerations- National Policy and Guidance

Scottish Government publications:

- Circular 1/2023: Short Term Lets and Planning [Planning circular 1/2023: short-term lets and planning - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)
- Short Term Lets: Business and regulatory impact assessment – November 2021 [G. Wider economic context - Short-term lets: business and regulatory impact assessment - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)
- Scottish Government – Research into the impact of short-term lets on communities across Scotland – October 2019 [people-communities-places-research-impact-short-term-lets-communities-scotland.pdf \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)

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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 100663354-001

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"/>
First Name: *	<input type="text" value="Louise"/>	Building Number:	<input type="text" value="12"/>
Last Name: *	<input type="text" value="Creane-Smith"/>	Address 1 (Street): *	<input type="text" value="Church Street"/>
Company/Organisation	<input type="text" value="Tannochbrae Cuisine Ltd"/>	Address 2:	<input type="text" value="Dufftown"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="Keith, Dufftown"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB55 4AR"/>
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:

16 BRIGHT STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB11 7TE

Please identify/describe the location of the site or sites

Northing

804783

Easting

393707

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)

This proposal is a Notice of Review is to initiate the appeals process and ensure the correct and due application of law is applied to Planning permission which is sought for the change of use of the property from residential flat to Short Term Let accommodation. The maximum number of occupants is currently 4.

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.

Having taken legal advice including a review of the relevant background documents, it's considered that the grounds for refusal are legally unsound, factually incorrect and capable of challenge. Please refer to the supporting documents to see both: 1) Local Review Body Appeal Statement in full. 2) Secondary matters for review

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)

1) TANC_1_1 - Speyside Cottages STL Application - LRB Appeal Statement 28_02_24 PDF 2) Secondary Matters_Common Sense Approach Highlights_231288

Application Details

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

231288/DPP

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

13/10/2023

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

27/02/2024

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 Louise Creane-Smith

Declaration Date: 05/03/2024

LOCAL REVIEW BODY APPEAL STATEMENT

Proposals: Change of Use from Dwelling-house to Short Term Let (“STL”)
Applicant: Tannochbrae Cuisine Limited (operating as “Speyside Cottages”)
Council: Aberdeen City Council (“ACC”)
Application: 231288/DPP
Property: 16 Bright Street, Aberdeen AB11 7TE

1. INTRODUCTION

1.1 We have been instructed by the Applicant to advise following the refusal of the Application on 27 February 2024. Having reviewed the relevant background documents, we consider that the grounds for refusal are legally unsound, factually incorrect and capable of challenge, due to:

1.1.1 planning policy being incorrectly interpreted and applied;

1.1.2 the inconsistent approach to determining STL applications across the ACC administrative area; and

1.1.3 the failure of ACC to take in to account all relevant material considerations (and to disregard irrelevant considerations) in coming to its decision, contrary to Section 25 of the Town and Country Planning (Scotland) Act 1997 (the “1997 Act”), which requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.

1.2 It is arguable that no material change of use has occurred at the Property as a matter of fact, especially given no STL Control Zone has been designated in Aberdeen. Even if there has been a material change of use, the use of the Property as a STL has no adverse impact on amenity and will not have any significant detrimental impact on local housing need. As such, any material change should be granted planning permission.

1.3 ACC’s Report of Handling states:

“it has not been demonstrated “that the use doesn’t cause conflict with, or any nuisance to, the enjoyment of existing residential amenity” therefore the proposals are also contrary to Policy H1, criterion 2, of the ALDP.”

This is ACC’s sole reason for refusal. It is without basis and misunderstands key facts, including how external areas are used for access in practice (in relation to which further detail is to be provided by the Applicant under separate cover). ACC unfairly requires the Applicant to prove a negative, to an unreasonable degree.

1.4 Concerns ACC has expressed about the future occupation of neighbouring properties are merely hypothetical. They are not borne out by evidence of the Applicant’s operations. No enforcement actions have been brought in relation to the STL use of the Property and its

immediate neighbour is supportive of the Application. Day to day STL operations are to be regulated by the STL Licensing regime and, in any event, ACC has powers to control future use by way of planning conditions or through a planning obligations agreement.

- 1.5 The target determination deadline of 17 December 2023 was not met by ACC. The Applicant waived their entitlement to apply to ACC's Local Review Body on the basis of non-determination/deemed refusal, hopeful of seeking to resolve ACC's concerns constructively. Unfortunately, this has not been possible and the Applicant is forced to submit an appeal.

2. PLANNING POLICY CONTEXT

- 2.1 For the purposes of Section 25 of the 1997 Act, the development plan is the Aberdeen Local Development Plan 2023, adopted 19 June 2023 (the "LDP"). LDP Policies relevant to the Application include: Policy H1 (Residential Areas), Policy D1 (Quality Placemaking), Policy D2 (Amenity), Policy R5 (Waste Management Requirements for New Developments), Policy T2 (Sustainable Transport), Policy T3 (Parking), Policy VC1 (Vibrant City), Policy VC2 (Tourism and Culture) and Policy VC4 (City Centre and Retail Core).

- 2.2 The Scottish Government's Chief Planner issued a letter on 8 February 2024 concerning transitional arrangements for new, national planning policy under NPF 4. It states:

"Whether an LDP has been adopted prior to or after the adoption and publication of NPF4, legislation states that in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); section 24(3))."

- 2.3 In the circumstances, NPF4 Policy 1 (Tackling the Climate and Nature Crises), Policy 2 (Climate Mitigation and Adaptation), Policy 3 (Biodiversity), Policy 12 (Zero Waste), Policy 13 (Sustainable Transport) and Policy 30 (Tourism) are also relevant to the Application.

STL Policy Gap

- 2.4 There is no policy provision in the LDP for STLs. As such, NPF 4 Policy 30(e) applies. It states:

"(e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits."

- 2.5 No STL Control Zone has been designated by ACC to date pursuant to the Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021.

3. ACC GUIDANCE

- 3.1 ACC published a "Short Term Lets Guidance Note – Planning Permission" on 10 March 2023. It clarifies that a STL requiring a STL Licence to operate under the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 does not automatically require planning permission for the STRL use:

“It is for the Planning Authority to decide if the use of the premises as a STL represents a ‘material’ change of use. If the proposal is considered to represent a material change of use, this constitutes ‘development’ that would require planning permission.”

- 2.3 It also makes a distinction between high density residential tenements and other types of dwelling house:

“Although to be assessed on a case-by-case basis, it is considered that in most circumstances, an existing dwellinghouse used on a single household basis as a STL, is unlikely to represent a material change of use.”

- 2.4 Draft “Aberdeen Planning Guidance: Short-term Lets” is out to consultation until 8 March 2024. Although not yet finalised, it states:

“At present, the loss of residential accommodation resulting from changes of use to STLs is therefore considered unlikely to have any significant detrimental impact on local housing need within Aberdeen.”

3 MATERIAL CONSIDERATIONS

No Presumption of Material Change of Use

- 3.1 Unless and until a STL Control Zone is established in Aberdeen, the statutory presumption relating to STLs under Section 26B of the 1997 Act does not apply at the present time. The presumption will not apply retrospectively if a Control Zone affecting the Property comes into force in future (*Jain Muirhead and Dickens Edinburgh Limited v City of Edinburgh Council* [2023] CSOH 86).

Local Support

- 3.2 No objections to the Proposals have been raised by any statutory consultees. 22 neighbours were notified about the proposals in the course of consultation on the Application. Only 1 objection was submitted. This objection is very general and relates to car parking and impacts on residential amenity without providing detail of specific concerns.

Traffic, Transport, Car-Parking

- 3.3 On parking space availability, ACC’s own Transport Department has confirmed it has no concerns about roads or car parking in its consultation response to the Application. It did not raise any points relating to this in its consultation response. The area is not subject to on-street car parking controls.
- 3.4 Short stay visitors are more likely to rely on public transport than private cars, especially given the Property is located in Aberdeen City centre, well served by buses and taxis and only a short walk to shops, attractions and train stations. The Proposals provide tourist accommodation near to the city centre in a sustainably accessible location, in accordance with LDP Policies T2 (Sustainable Transport) and T3 (Parking) and NPF 4 Policy 13 (Sustainable Transport).

Residential Amenity Impact

- 3.5 On amenity impact and LDP Policies D1 and D2, there is no evidence of any amenity impacts arising, let alone any impacts which would be worse than if the Property were in traditional residential use. The Applicants are not aware of any complaints having been made in respect of STL operations since they began at the Property in 2018. The Applicant has consistently achieved the highest satisfaction ratings on consumer websites such as AirBNB, Booking.com and Google. No enforcement queries or actions are noted on ACC's online planning register in relation to the Property.
- 3.6 On the nature of the Property itself, it is not in a tenement building. It is on the first floor of a detached house which we understand was occupied as single dwelling-house until 1999, when it was subdivided into an upper flat (the Property) and lower flat ("No 18" Bright Street). The building has comprised a total of 2 planning units since the subdivision, each with its own entrance from the street.
- 3.7 No 18 has been occupied by the same person since STL operations commenced at the Property. This neighbour at No 18 is the only person who might experience an amenity impact from the Proposals. She is wholly supportive of the Application. As shown in her statement submitted to ACC in connection with the Application, she has praised the quality of the Applicant's operations and welcomes the continued use of the Property for STLs.
- 3.8 There have been no concerns from No 18 on noise, security, privacy or any other matter. The window referenced in ACC's Report of Handling is for No 18's spare room, which is used when she does jigsaws. The Applicant has an excellent relationship with No 18 and, unsolicited, has previously offered to subsidise shutters or window dressing to enhance No 18's privacy. No 18 declined this offer as she said it was not necessary.
- 3.9 STL guests will be in Aberdeen for a specific purpose – be it leisure or business – which means they are likely to be out of the Property for most of their stay, rather than coming and going throughout the day. Greater disturbance could arguably be caused by a busy family in permanent residential occupation.
- 3.10 ACC appears to be merely assuming that there may be amenity impacts, despite no complaints in the past five years of STL use. In respect of potential future issues, it is open to ACC to seek to impose appropriate planning conditions (see Scottish Government Planning Advice Note PAN 51 at paragraph 5), as it has done many times on other STL planning permissions. There are also operational constraints the Applicant can impose on guests in terms of "house rules", for example requiring them to use or not use certain parts of the Property. Email correspondence with ACC's planner indicates that an adverse amenity impact was a foregone conclusion despite policy compliance in all other respects.
- 3.11 It is not ACC's role to police the exercise of private land use rights. This has been clarified by the Supreme Court in ***Fearn and others v Board of Trustees of the Tate Gallery [2023] UKSC 4*** para 109:

"...the planning system does not have as its object preventing or compensating violations of private rights in the use of land. Its purpose is to control the development of land in the public interest. The objectives which a planning authority may take into account in formulating policy and in deciding whether to grant permission for building on land or for a material change of use are

open-ended and include a broad range of environmental, social and economic considerations. While a planning authority is likely to consider the potential effect of a new building or use of land on the amenity value of neighbouring properties, there is no obligation to give this factor any particular weight in the assessment. Quite apart from this, as Lord Neuberger observed in Lawrence v Fen Tigers Ltd [2014] UKSC 13; [2014] AC 822, para 95: “when granting planning permission for a change of use, a planning authority would be entitled to assume that a neighbour whose private rights might be infringed by that use could enforce those rights in a nuisance action; it could not be expected to take on itself the role of deciding a neighbour’s common law rights.”

Housing Supply

- 3.12 Draft “*Aberdeen Planning Guidance: Short-term Lets*” confirms ACC’s position that loss of housing supply is not likely to result from STL uses in Aberdeen (see **paragraph 2.4** above). As such, the Proposals comply with NPF4 Policy 30(e)(ii).
- 3.13 Even if ACC is concerned about changes to need and demand in local housing over time, this is a matter to be addressed through the Development Plan process rather than in a single planning permission.

Tourism, Culture and Economic Impacts

- 3.14 LDP Policy VC2 supports new or expanded visitor facilities capable of strengthening the appeal and attraction of Aberdeen to a wide range of visitors. STLs offer a different type of visitor accommodation to hotels and guesthouses, which can be more attractive for certain visitors, particularly families and business travellers who may be staying in the city for several weeks. This reflects the Scottish Government’s ‘*Research into the impact of short-term lets on communities across Scotland*’ publication (October 2019) and its publication ‘*Short Term Lets: Business and regulatory impact assessment*’ (November 2021), which highlight some of the ways in which STLs can contribute to the local tourist economy.

Cumulative Impacts

- 3.15 The Proposals are small in scale and occupancy of the Property is limited to a maximum of 4 people (which would likely be the same if the Property were used for traditional residential accommodation). There are no impacts to be considered in combination with other STLs nearby as there are none: a search of ACC’s STL Licence Register on 21 February 2024 shows that the Applicant is the only person to have applied for a STL Licence in the entire postcode area of AB11 7TE.

Climate Change and Environmental Impact

- 3.16 The Proposals accord with NPF 4 Policies 1, 2 and 3 which concern climate change and biodiversity. They comprise the change of use of an existing property, with no associated external alterations, and do not make any adverse material difference to the global climate and nature crises nor to climate mitigation and adaptation. The nature of the Proposals means there are limited opportunities to minimise greenhouse gas emissions as no building work is involved. The traffic and transports aspects of the Proposals are outlined at **paragraphs 3.3 - 3.4** above. The proposed development is wholly internal, small-scale and does not offer the opportunity for any biodiversity gain.

Waste Management

- 3.17 LDP Policy R6 and NPF4 Policy 12 require developments that generate waste and/or recyclables to have sufficient space for the appropriate storage and subsequent collection of that waste and recyclable materials. ACC's Waste & Recycling Service have responded to the consultation on the Application and have no objection to the Proposals.

Consistency of Decision-Making

- 3.18 A search of ACC's planning register on 21 February for applications for change of use to STL (prospective or retrospective) or certificates of lawfulness (of existing or proposed use) for STL use returned a total of 178 results. 115 of 178 applications, representing 65% of all STL applications, were approved.
- 3.19 The Proposals are demonstrably more compliant with the LDP and NPF4 than a large number of other STL applications on ACC's planning register which have been granted consent (e.g. planning application references 231325/DPP, 231518/DPP and 231261/CLE). It would be unreasonable for ACC to determine the Application subject to more stringent policy requirements than those used for other planning applications for comparable development.
- 3.20 Of the 178 total STL applications, 3 applications were withdrawn and 49 remain extant (decisions pending). 11 of the 178 applications were refused. Without exception, these refusals concerned applications for STLs in tenement buildings or where there would be shared access. Neither of these features exist at the Property.

Davidson Chalmers Stewart LLP
28 February 2024

Doc title: Secondary Matters_Common Sense Approach Highlights_231288

Common Sense Approach Highlights

Proposal: Change of Use from Dwelling-house to Short Term Let (“STL”)
Applicant: Tannochbrae Cuisine Limited (operating as “Speyside Cottages”)
Council: Aberdeen City Council (“ACC”)
Application: 231288/DPP
Property: 16 Bright Street, Aberdeen AB11 7TE

Author: Louise Creane-Smith, offering proposed solutions

Firstly, I would like to take a practical and constructive approach to the refusal, and collaborate towards a positive outcome that maintains a win for all parties. I respectfully request an open mind and a solution led review is held, with an agreement from the outset that a win for all parties is the optimal outcome?

Secondly, I would like to address the refusal on a point by point basis proposing constructive solutions for consideration and comment.

I identify the parties effected and their relative ‘win’ from a collaborative approach to be as follows:

- Aberdeen City Planning Dept: Complying with planning and law as required is their mandatory win
- No 18 Neighbour: Supporting our neighbour and maintaining a heated flat that reduces her energy bills and provides weekly gardening, social interaction and other services too
- Community: continues to benefit from well cared for areas and contribution we make to local area
- Tourism & Local business from spending on dining, attractions that long term residents do not do on the same level, or from it being a vacant property
- Small family business can continue to earn and support itself in these extremely tough times, driving people out of earning a living can not be considered a win

The reasons on which the Council has based this decision are as follows (as per DECISION NOTICE dated 27 Feb 2024 relating to application 231288/DPP:

- 1) – The location of the access door for the short term let (STL) property sitting to the rear of the building, on an otherwise private elevation, would result in groups of up to four transient guests (changing on a frequent basis) requiring to pass through a private area of the site to access the property

LCS Comment : This is a mutual area, it is a blank wall, no windows, a gable end, it has no intrusion into privacy for anyone, there has never been noise or concerns raised. I would request further clarification to whom it is private, or what are we protecting here. It is visible from street and it is not a regular passage for anyone other than the occupants of no 16. Never in the years of operation has there been any issue, the factual reality highlights that no infringement of privacy has ever taken place. However we do offer 2 solutions to address this.

Before doing so the ‘Frequent Basis’ terminology is misleading, I would like to highlight if a family of 4 lived in property there would be daily comings and goings for majority of the year by them and many other services for permanent residents such as mail and deliveries, perhaps with a reprieve of 20 days or so for their holidays, with familiarity and their daily life they would likely have no concern of noise, running, tap dancing perhaps – the steps could likely become a daily hang out, we don’t know, but they would be using the apartment a lot more regularly with higher footfall, traffic and for more days than an STL.

To help with ‘transient’ forecasting and a realistic review of the ‘risks’ it should be noted the STL in last year has operated at 62% occupancy, this relatively high, the highest it has ever been and we don’t foresee stats ever exceeding 70% for your reference. It is likely to be lower than this. This means for 139 days and nights there has been silence, no traffic at any time. The average stay is 7.6 nights, meaning in the 365 days of the year there has only been 29 different guest groups. A professional cleaning company, with the same familiar and friendly staff clean property after each break and have done for years, it is essential to their contract that they enter and operate in a quiet manner. When apartment is populated there are strict check in / check out times determined by T&Cs and House Rules – photos for ease of reference and confirmation with guests they have all details. There are very clear house rules and our guests book, and we market it because of the ‘rural quiet’ feel. Typically, the guests groups are 2 or regular just 1 adult (solo traveller, NHS worker, family member visiting grandchild, business consultant – there are many many examples of this, there has never been a single party or rowdy group).

Proposed Solution 1 : We implement signage highlighting the need for silence if that also addresses another risk point.

Proposed Solution 2. : Implement the timed approval with only 5 years planning permission approval given, thereafter any concern that has become reality can be addressed and planning approval removed

- 2) This would require guests unknown to the occupants of the neighbouring ground-floor flat passing its rear window when using the external stairs to access the property, resulting in persons being able to look immediately down into the window when using the steps, thus adversely impacting on the privacy and sense of security for the occupants of the neighbouring flat.

LCS Comment:

- This forecast risk, has, in reality never happened, in all the real-life years of operation.
- This is confirmed by neighbour providing supporting statement
- I was advised regardless of what our current neighbour feels the decision must be made taking into consideration what future owners may feel or object too. I would request this is reconsidered against legal terms. New owners always make a purchase with knowledge of any ‘in-situ’ licenses or planning approvals in place, is it legal to curtail and limit real-life based on hypothetical persons in the future?

Proposed Solution 3 : If we are protecting future owners, and as current neighbour is supportive the timed 5 year planning approval can be provided.

4. Guests would also require to walk past the neighbouring rear garden to access the property as well as walking through it via the shared path to access the rear garden on the upper part of the rear curtilage. As such, the use of this property as an STL would present adverse harm to the amenity of the neighbouring residential property in respect to privacy, security and enjoyment of private external amenity areas.

LCS Comment:

- This statement is factually incorrect, there is no mutual path running along site, next or through the neighbouring garden.
- The neighbouring garden is the lower garden, protected by a hedge. Guests do not and can not walk past it
- There is no shared access path that walks through the neighbours garden for guests to access their rear garden
- No 16, the apartment in question rear garden is the uppermost, which is visible and surrounded by all mutual paths

Proposed Solution 4 – is a solution needed when correct facts are reviewed?

Proposed Solution 5 – Rear garden access is removed from guest use, making no use of outdoor space available. Laundry is provided by means of washing machine and tumble dryer in property so no drying green is required. No outdoor furniture is supplied. Dogs are no longer allowed so no exercising area is required.

4. The proposed use is therefore contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism), paragraph (e) part i) of National Planning Framework 4 (NPF4).

LCS Comment

- Disagreed, it is felt this is in alignment and the full application and review of plans, policy, guidelines, law and planning frameworks have not been applied in full or correctly.

I trust this illustrates the meaningful and responsible way we operate our business and our overriding aim to work in collaboration to resolve obstacles in a positive manner.

We ask that a factually correct and legal review is undertaken.

- Ends -

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Short Term Let Accommodation


Planning Supporting Information Checklist



Property Address and Floor Level: 16 Bright Street, Ferryhill, Aberdeen, AB11 7TE, Private ground floor entrance with living accommodation on first floor

<p>What is the maximum number of occupants that would be allowed to stay in the property?</p> <p>How many bedrooms and beds would there be?</p>	<p>4</p> <p>2 x bedrooms each with a King size bed</p>
<p>What is the minimum duration of stays for customers?</p> <p>Please also state the maximum duration of stay, if applicable.</p>	<p>2 nights</p> <p>28 nights</p>
<p>Would there be any car parking available for customers?</p> <p>If yes, how many spaces and what type? (i.e. dedicated off-street space, on-street etc)</p>	<p>Yes, if required there is on-street car parking</p>
<p>Would the property be in use as a Short Term Let (STL) on a permanent basis, or would it only be available to hire for certain periods of the year only?</p> <p>If not permanent, please provide further details</p>	<p>Open all year round used as short term let</p>
<p>What would the check-in and check-out times be and would customers be met or would they collect the keys from a key box or similar?</p>	<p>Check in from 3pm until 10pm</p> <p>Check out by 10am</p> <p>Lock box key safe situated at the private front door</p>
<p>Please advise what the arrangements would be, including frequency, for cleaning the property and how would waste be disposed of?</p>	<p>Cleaning company used after every check out to clean property, remove and replace linen and towels.</p> <p>Rubbish placed in refuse bins in the garden area by guests and/or cleaner</p>
<p>Does the property share a communal access with any other properties and if so, how many?</p>	<p>No</p>
<p>Does the property have access to any communal amenities, including garden ground or roof terraces?</p> <p>If so, provide details</p>	<p>No – the property has private garden area, it is not communal.</p>
<p>If known, how many other properties in the building are currently in use as Short Term Let accommodation?</p>	<p>n/a</p>

<p>If the application seeks permission retrospectively, how long has the property been in use as Short Term Let accommodation?</p> <p>Please provide any existing online links to view & book the accommodation, if available:</p>	<p>June 2018</p> <p>https://speysidecottages.com/listings/city-apartment-aberdeen-rural-charm/</p>
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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <p style="margin: 10px 0 0 0;">Report of Handling by Development Management Manager</p>
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Site Address:	125 Blenheim Place, Aberdeen, AB25 2DL
Application Description:	Erection of single storey extension; formation of dormer; installation of replacement windows and door to rear; and formation of roof lights to front
Application Ref:	240015/DPP
Application Type:	Detailed Planning Permission
Application Date:	9 January 2024
Applicant:	Ms Suzy Grant
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is located on the western side of Blenheim Place and relates to a traditional granite, 2 storey, terraced dwellinghouse and its associated front and rear curtilage. The dwelling has an east facing principal elevation fronting Blenheim Place. 127/129 Blenheim Place and 123 Blenheim Place are located to the north and south respectively. The property backs on to a rear lane that runs between, and parallel to, Blenheim Place and Fountainhall Road which is an adopted road, open to vehicular traffic and is publicly accessible.

To the rear of the property, windows and doors are framed in white uPVC with the exception of one window which is a timber framed sash and case. There is an existing single/one-and-a-half storey annex which projects from the rear elevation of the dwellinghouse, along the mutual boundary with 123 Blenheim Place. It measures approximately 8.5m in length, 2.7m in width and 4-5.2m in height.

The surrounding area is characterised by properties of a similar architectural character. With the exception of the adjoining property (123 Blenheim Place) which contains a modern box dormer, the vast majority of the roofs of these properties – notably on the western side of Blenheim Place – contain either piended dormers or rooflights. The site lies within the Albyn Place and Rubislaw Conservation Area.

Relevant Planning History

111354 – Detailed planning permission for proposed window and door replacement – Approved 20 October 2011.

220604/DPP – Detailed planning permission for the erection of single storey extension; formation of dormer; installation of replacement windows and door to rear; and formation of roof lights to front – This application was refused under delegated powers by the planning authority on 08 November 2022. A Notice of Review was submitted to the Local Review Body in October 2022

and after consideration of the proposal, the decision to refuse was upheld by the body on 09 November 2022.

The reason for this was as follows:

“While aspects of the proposal could be deemed acceptable in terms of design, scale and materials, the proposed large rooflight to the front would be of an incompatible scale and location, creating a cluttered roofslope. The proposed dormer creates significant tension with the Householder Development Guide and HES’s Managing Change guidance relating to roofs as it would result in the loss of a historic dormer and the erection of an unsympathetic dormer which would be a considerable mass on the rear elevation of the original building, which is prominently visible from the rear service lane. With the exception of the adjoining property – which does not set a precedent – alterations along the other rear elevations nearby have been designed with due consideration for the context of the area but the proposed dormer extension would be at odds with that context.

Therefore, overall, the proposal would have a detrimental impact on the character and appearance of the Conservation Area and would thus fail to comply with Scottish Planning Policy; Historic Environment Policy for Scotland; Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D4 (Historic Environment) of the Adopted Aberdeen Local Development Plan 2017; guidance contained within the Supplementary Guidance ‘The Householder Development Guide’ and ‘The Repair and Replacement of Windows and Doors’ and HES’s Managing Change Guidance relating to roofs; and Policies D1, D2, D6, D8 and H1 of the Proposed Aberdeen Local Development Plan 2020. There are no material planning considerations of sufficient weight which would warrant approval of planning permission in this instance.”

230692/DPP – Detailed planning permission for the ‘Erection of single storey extension; formation of dormer; installation of replacement windows and door to rear; and formation of roof lights to front’. This application was refused under delegated powers by the planning authority on 15th September 2023. A Notice of Review was submitted to the Local Review Body, however it was not submitted within the permitted 3 month period and thus could not be accepted. This current application is for the same proposal.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a single storey extension; the formation of a dormer; the installation of replacement windows and a doors to the rear; and the formation of rooflights to the front.

The extension would project 0.6m from the side (north-west) elevation of the extension single storey annex, for a length of c.3.8m. It would have a flat roof design at a height of c.2.8m and be fully glazed. Other alterations to the rear include the installation of replacement windows and doors at ground floor level with uPVC windows, finished in grey. Two new rooflights would be installed to the annex.

On the rear, south-western roofslope, the existing pitched roof dormer would be removed. It is proposed to replace it with two pitched roof dormers which would be linked by a flat roof hung tile mansard roof extension. The total width of the dormer would be approximately 6.39m and it would be positioned 750mm from the adjoining dwelling and granite tabling on the gable, respectively, and its roof link would be 600mm below the roof ridge with the pitched roofs being just below the roof ridge (approx. 100mm). Glazing would be located at either end of the dormer under the pitched roofs. There would be a c.1.85m wide slated solid panel between these two windows, corresponding with the flat roofed section.

To the front of the dwelling, it is proposed to install two 780mm x 980mm rooflights. Both of these rooflights would be conservation type and recessed into the roof-slope and would contain central glazing bars.

Amendments

None.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at – <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S6ZL1UBZIYA00>

Heritage Statement – Dormer on Rear Elevation – Dated 19th April 2023.

CONSULTATIONS

Queen's Cross and Harlaw Community Council – No response received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

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

Development Plan

National Planning Framework 4

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- 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)
- Policy D6 (Historic Environment)
- Policy D8 (Window and Doors)

Aberdeen Planning Guidance

- The Householder Development Guide

- The Repair and Replacement of Windows and Doors

Other National Policy and Guidance

- Historic Environment Policy for Scotland

Other Material Considerations

- Historic Environment Scotland Managing Change in the Historic Environment: Windows and Roofs
- Albyn Place and Rubislaw Conservation Area Character Appraisal and Management Plan (July, 2013)

EVALUATION

The merits of this application have been previously assessed under the previous two refusals, 220604/DPP and 230692/DPP, both of which are noted in the relevant planning history above. In relation to the most recent refusal, this proposal is identical in all respects to application 230692/DPP, that was refused on the 15 September 2023. As such, while all aspects of the proposal will be considered below, it must be noted that some elements are acceptable as was previously highlighted under the most recent application. Therefore, under this evaluation the matter that will be given the main consideration relates to the aspect that does not comply with national or local policy or Aberdeen Planning Guidance, the proposed dormer window.

In respect of the relevant policies that will be used to undertake this assessment, as the site falls within a residential zoning, Policy H1 (Residential Areas) of the Aberdeen Local Development Plan (ALDP) applies, which advises that householder development would comply if it does not constitute overdevelopment, does not adversely affect the character and amenity of the surrounding area and does not result in the loss of open space. In respect to the final point, the application relates to a private residential curtilage, therefore there would be no loss of open space. While Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP and Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4) will be used to consider the design, character and amenity aspects of this proposal. Also of particular relevance is the Householder Development Guide Aberdeen Planning Guidance (APG) which outlines criteria for householder development. Should other policies be required to assess any aspect, these will be given consideration where relevant.

Furthermore, as the site is located within Albyn Place and Rubislaw Conservation Area, special attention to the desirability of preserving or enhancing the character or appearance of this conservation areas is required under section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Therefore, consideration against Historic Environment Policy for Scotland (HEPS), Policy D6 (Historic Environment) of the ALDP and Policy 7 (Historic Assets and Places) of NPF4 will be given. HEPS and both policies seek to ensure that new development in conservation areas either preserves or enhances its character and appearance.

The evaluation will now turn to the assessment of all elements that have been proposed, these include the dormer window, the ground floor single storey extension, the replacement of windows and doors at ground floor level and the installation of rooflights on the front elevation. These matters will be considered under their own separate headings.

Dormer

While the proposed dormer does not alter the footprint of the dwelling or affect the rear garden, one of the general principles of the APG is that dormers should be architecturally compatible in design and scale with the original house and its surrounding area. The APG also states, 'on traditional properties, original dormers must be retained and repaired, and their removal and/or

replacement with larger or modern dormers will not be permitted'. With Policy D8 (Windows and Doors) of the ALDP also setting out that historic windows and doors will require to be retained, repaired and restored, with replacements only be supported where it has been demonstrated that historic windows and doors have deteriorated beyond practicable repair.

A supporting statement has been submitted which has evidenced that the existing dormer is not original, i.e. dating from when the property was built in the late 19th century, but does confirm that it is nevertheless of historic and traditional design, with the statement setting out that this dormer would date to the early 20th century approximately 30 years after the house's construction so approximately 90 - 100 years old. The statement also sets out that this existing dormer has more recently been altered by the insertion of a uPVC fitting window with oversized fascia. The statement does not advise that it is beyond practicable repair. So while the dormer is not original to the dwelling and thus is not contrary to the APG in that respect, it is by the applicants own admission in the Supporting Statement compiled by their Heritage Consultant, historic to the building. To provide additional context to the matter of 'historic', 125 Blenheim Place is sited within a conservation area, demonstrating the importance of the building and the surrounding area. Therefore, its design and its constituent parts, i.e. its features, are important to the history of, not only the building, but the conservation area and Aberdeen as a whole, in that it contributes to the unique character of its streetscapes. This dormer that the applicant is looking to remove, is estimated to be some 100 years old, and by virtue of its diminutive design and scale, albeit not original and having had some unsympathetic alterations, has a positive impact on the character of the conservation area, thus it is legitimate and appropriate to describe the dormer as historic, taking into account its location and its relevance to this historic part of the city. Having regard to the statutory duty placed on planning authorities under section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) 1997 Act, and given the above, its removal and loss neither preserves nor enhances the character or appearance of this conservation area and indeed would cause harm to its character and appearance. The proposal would also be in direct conflict with the Historic Environment Scotland's (HES) Managing Change Document – Roofs, which states that *'the addition of new features to principal or prominent roof slopes should generally be avoided. New dormers and rooflights should be appropriately designed and located with care... Early historic dormers should be retained'*.

This above has been the position of the planning authority for the last two years and has been outlined in two reports of handling related to 220604/DPP and 230692/DPP and within several email correspondence to the applicant's agent. This position was supported by the Local Review Body (LRB) in reviewing the decision made on the first of these applications and thus the LRB was also opposed to the loss of the historic dormer and to the resultant adverse impact there would be on the Albyn Place and Rubislaw Conservation Area.

Turning to the proposed replacement, having given consideration to this aspect against the relevant policies and guidance, the linked dormer is overbearing and would dominate the roof plane due to its scale and positioning, which is close to the mutual boundary with 123 Blenheim Place, resulting in a slightly unbalanced appearance and would thus cause significant harm to the appearance of the dwelling. The proposed dormer would appear unduly visually dominant on the roof slope, especially in comparison to neighbouring properties, covering approximately 47% of the roof slope. The dormer would be a considerable mass compared to the majority of neighbouring buildings, which typically contain rooflights, or 1 or 2 piended dormers without the wide hung tile linking panel as is proposed. Furthermore, the APG does advise that on non-listed buildings in conservation areas, consideration may be given to the provision of linked panels between windows on the private side of the building, where it will not be seen from any public area. However, in this case the dormer would be clearly visible from the rear lane, which is a public place and an adopted road. Thus, the dormer conflicts with the ALDP policies and associated APG, in addition, it would also have a detrimental impact on the character of the conservation area.

In respect to the surrounding context, while it is recognised that the adjoining property at 123 Blenheim Place contains a large, modern box dormer, this dormer was approved in 2009, some 15 years ago and is the only example of such a dormer design and size in Blenheim Place. The APG is clear in setting out that *'no existing extensions, dormers or other alterations which were approved prior to the introduction of this supplementary guidance will be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document'*. Additionally, what must be given significant weight in this case is the fact that the rear elevations of the properties on the western side of Blenheim Place (north of Desswood Place) and the majority to the east of Blenheim Place are similar in their appearance and architectural details. While there have been some additions to roof planes within the surrounding area over the years, all these proposals have been considered against then relevant policies and guidance at that time, with consideration given to each applications individual merit. The presence of these features do not, by themselves, justify the proposal currently being assessed and do not set any precedent. Furthermore, there are several original features or later additions, such as piended dormers and rooflights that have a significant contributing factor to the similarity of the surrounding area. Indeed there are some roof planes that contain no alterations and all of these factors offer some routemap to the history of the area.

Notwithstanding the presence of neighbouring property's dormer or other disparate examples of box dormers and while there is not specifically uniformity across the roof slopes of the wider surrounding area, many alterations or additions are sympathetic, subservient, traditional dormer additions or rooflights. This similarity across such a large number of properties – and importantly the general omission of large linked dormers – is a contributing factor to the character and appearance of the area. As such, the existing historic elements should be protected and retained to ensure that the existing character is preserved with only changes that enhance the existing area would be considered, a matter that is echoed by the APG.

The proposal would, in effect, remove the existing traditionally designed dormer, which is deemed to be historic, and create a considerably large mass on the roofslope which is unsympathetic to the traditional scale and form of the original building. With the exception of the adjoining property, the rear elevations of the surrounding properties on the western side of Blenheim Place do not see any large linked dormer additions; the vast majority of any additions have been designed, sited and scaled with due consideration for the context of the original properties. In the current context, the proposal to create a large linked pair of dormers to the application property would contribute to the incremental increase in insensitive alterations to roof slopes which would harm the prevailing character and appearance conservation area. Furthermore, this proposal could set a precedent for similar proposals which could be granted planning permission under current policies and guidance, which cumulatively would be significantly detrimental to the character of the surrounding area.

While the proposed dormer extension would comply with some of the specific guidelines relating to dormers contained within the APG, the overriding determining factor, and statutory duty of the planning authority, is the consideration of the impact of the proposal on the character and appearance of the conservation area. The proposed enlargement to extend the dormer would comprise the removal of the traditionally designed historic dormer, located in a publicly visible location, in conflict with Policy D8 of the ALDP. It would result in the loss of similarity of this part of Blenheim Place, creating a dormer at odds with the context of the surrounding area. It would therefore be detrimental to the character of the surrounding residential and conservation area, in conflict with Policy H1 and Policy D6 of the ALDP, Policy 7 (Historic Assets and Places) of NPF4, HEPS and HES's Managing Change Document – Roofs. The proposal would not conform with the qualities of successful placemaking in conflict with Policy D1 of the ALDP and Policy 14 of NPF4 in that it would not reinforce the established pattern of development and reflect local styles and urban form, and it would result in conflict with the APG, in that it would not be architecturally compatible in design and scale with the original building in the context of the surrounding area.

Single Storey Extension

This aspect has not been altered since the assessment of the most recent application and under that evaluation the extension was acceptable as it does not double the footprint of the original dwelling and in excess of 50% of the original rear garden ground would remain undeveloped. In respect of its scale, at 2.3sqm, the extension is subordinate to the main dwelling and does not detract from the character of the wider area or that of the conservation area. In terms of its design, the extension is well detailed, using appropriate materials and in a location that does not impact on the visual amenity of the surrounding area. Thus, this aspect of the proposal complies with the relevant parts of Policy H1 and Policy D1 of the ALDP, the Householder Development Guide and Policy 14 and Policy 16 of NPF4. For the reasons above, this aspect also complies with HEPS, Policy D6 of the ALDP and Policy 7 of NPF4.

Replacement Windows and Doors

Similar to the extension above, this aspect has not been altered since the assessment of the most recent application and under that evaluation the replacement of these windows and doors was acceptable, in that they do not alter the footprint nor do they impact the rear garden ground in any way. While the retention and restoration of historic windows and doors is required by Policy D8 (Windows and Doors) of the ALDP and the Repair and Replacement of Windows and Doors APG, the windows and doors proposed to be replaced on the ground floor are neither original nor historic and therefore it is acceptable that these are replaced. In respect to the design, the new additions are acceptable and while Upvc is proposed, the existing windows to the rear are a mixture of uPVC sash and case and tilt-and-turn as such there is no suitable justification to oppose the framing material proposed. The windows would be finished in grey, and given the rear elevation of the dwelling at ground floor level sees many modern interventions (such as the uPVC French doors and proposed extension) and given they would not be seen from a public viewpoint, this finish could be accepted.

The details of the replacement windows and doors are acceptable and the proposed window replacement complies with the APG 'The Repair and Replacement of Windows and Doors' and thus Policy H1, Policy D1 and Policy D6 of the ALDP and Policy 7, Policy 14 and Policy 16 of NPF4.

Rooflights

The roof lights in this case and as previous assessed under 230692/DPP, are of a size and design appropriate for public facing elevations in the conservation area, therefore, this aspect of the proposal is acceptable and meets the expectations of the APG, in that that they would not serve to overwhelm the roof slope by virtue of scale or quantity. Therefore, this aspect complies with Policy H1, Policy D1 and Policy D6 of the ALDP and Policy 7, Policy 14 and Policy 16 of NPF4.

Residential Amenity

The proposal would not adversely impact neighbouring residential amenity in terms of privacy, sunlight and background daylight, in accordance with Policy H1 and Policy D2 of the ALDP.

National Planning Framework 4

Policy 1 (Tackling the Climate and Nature Crises) gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The application addresses this by contributing to the circular economy by making productive use of an existing residential property and adapting them to meet the changing and diverse needs of the user, and further energy saving standards and carbon reduction measures will be considered during the building standards process. This is also considered to comply with Policy 2 (Climate Mitigation and Adaptation), part c as this is an adaptation to climate change through improving insulation and modernisation of the house.

While Policy 3 (Biodiversity) looks for the enhancement of biodiversity, NPF4 does advise that applications for individual householder development are excluded from this requirement. As such there is no requirement for this with this proposal.

Conclusion

Since the assessment of the previous application and LRB decision, there has been no change to the Development Plan policies or associated guidance, additionally, there has been no amendments to the proposal or indeed any further information provided for why it would be acceptable to remove this historic dormer. Indeed all relevant planning history notes that the loss of this existing dormer would have an impact on the character of the building and the wider Albyn Place and Rubislaw Conservation Area. Therefore, when assessed against the relevant policies of the ALDP and NPF4, the proposal cannot be deemed to be acceptable, in that it would result in the loss of a historic dormer with a modern, significantly larger dormer, which impacts the existing roof plane as well as having a detrimental impact on the character of the surrounding area and the Albyn Place and Rubislaw Conservation Area.

DECISION

Refuse

REASON FOR DECISION

While aspects of the proposal could be deemed acceptable in terms of design, scale and materials, the proposed dormer creates significant conflict with the Policy D6 (Historic Environment) and Policy D8 (Windows and Doors) of the Aberdeen Local Development Plan 2023 (ALDP) and Historic Environment Scotland's Managing Change guidance relating to roofs as it would result in the loss of a historic dormer and the erection of an unsympathetic dormer which would be a considerable mass on the rear elevation of the original building, which is prominently visible from the rear lane, which is an adopted road and is accessible by the public. With the exception of the adjoining property - which does not set a precedent - alterations along the other rear elevations nearby have been designed with due consideration for the context of the area but the proposed dormer extension would be at odds with that context.

Therefore, overall, the proposal would have a detrimental impact on the character and appearance of the Albyn Place and Rubislaw Conservation Area and would thus fail to comply with Historic Environment Policy for Scotland; Policy H1 (Residential Areas), Policy D1 (Quality Placemaking), Policy D6 (Historic Environment) and D8 (Window and Doors) of the ALDP, as well as Policy 7 (Historic Assets and Places), Policy 14 (Design, Quality and Place) and Policy 16 (Quality homes) of National Planning Framework 4, Historic Environment Scotland's Managing Change Guidance relating to roofs and Aberdeen Planning Guidance - Householder Development Guide in relation to dormers. There are no material planning considerations of sufficient weight which would warrant approval of planning permission in this instance.



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 100560303-006

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)

Erection of single storey extension; formation of dormer; installation of replacement windows and door to rear; and formation of roof lights to front

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

No Yes - Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	J.V. Carroll, Chartered Architectural Technologists		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Ross	Building Name:	Inverden House
Last Name: *	Clarihew	Building Number:	<input type="text"/>
Telephone Number: *	01224 643106	Address 1 (Street): *	Queens Lane North
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Aberdeen
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	AB15 4DF
Email Address: *	info@jvcarroll.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Suzy	Building Number:	125
Last Name: *	Grant	Address 1 (Street): *	Blenheim Place
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	ABERDEEN
Extension Number:	<input type="text"/>	Country: *	SCOTLAND
Mobile Number:	<input type="text"/>	Postcode: *	AB25 2DL
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

125 BLENHEIM PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB25 2DL

Please identify/describe the location of the site or sites

Northing

806155

Easting

392391

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)

Planning history on this site - Planning Permission was refused (220604/DPP) on 08/08/22. A revised application was submitted on 07/06/23 (230692/DPP), which was refused 15/09/23. An appeal was lodged 22/12/23, however this was out with the 3 month period. Therefore a further application is being lodged to allow this appeal to be heard.

Title:

Ms

Other title:

First Name:

Aoife

Last Name:

Murphy

Correspondence Reference Number:

230692/DPP

Date (dd/mm/yyyy):

05/01/2024

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

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Ross Clarihew

On behalf of: Ms Suzy Grant

Date: 09/01/2024

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 Ross Clarihew

Declaration Date: 09/01/2024

Payment Details

Online payment: ABSP00010411
Payment date: 09/01/2024 08:58:00

Created: 09/01/2024 08:59



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Ross Clarihew
J.V. Carroll, Chartered Architectural Technologists
Inverden House
Queens Lane North
Aberdeen
AB15 4DF

on behalf of **Ms Suzy Grant**

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **refuses planning permission** for the development specified below and shown in the plans and drawings listed.

Application Reference Number	240015/DPP
Address of Development	125 Blenheim Place Aberdeen AB25 2DL
Description of Development	Erection of single storey extension; formation of dormer; installation of replacement windows and door to rear; and formation of roof lights to front
Date of Decision	8 March 2024

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 –

While aspects of the proposal could be deemed acceptable in terms of design, scale and materials, the proposed dormer creates significant conflict with the Policy D6 (Historic Environment) and Policy D8 (Windows and Doors) of the Aberdeen Local Development Plan 2023 (ALDP) and Historic Environment Scotland's Managing Change guidance relating to roofs as it would result in the loss of a historic dormer and the erection of an unsympathetic dormer which would be a considerable mass on the rear elevation of the original building, which is prominently visible from the rear lane, which is an adopted road and is accessible by the public. With the exception of the adjoining property - which does not set a precedent - alterations along the other rear elevations nearby have been designed with due consideration for the context of the area but the proposed dormer extension would be at odds with that context.

Therefore, overall, the proposal would have a detrimental impact on the character and appearance of the Albyn Place and Rubislaw Conservation Area and would thus fail to comply with Historic Environment Policy for Scotland; Policy H1 (Residential Areas), Policy D1 (Quality Placemaking), Policy D6 (Historic Environment) and D8 (Window and Doors) of the ALDP, as well as Policy 7 (Historic Assets and Places), Policy 14 (Design, Quality and Place) and Policy 16 (Quality homes) of National Planning Framework 4, Historic Environment Scotland's Managing Change Guidance relating to roofs and Aberdeen Planning Guidance - Householder Development Guide in relation to dormers. There are no material planning considerations of sufficient weight which would warrant approval of planning permission in this instance.



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

PLANS AND DRAWINGS

G:65 - 05 A
G:65 - 07 B
G:65 - 06

Location Plan
Elevations and Floor Plans
Velux Details

Signed on behalf of the planning authority

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

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 240015/DPP - 125 Blenheim 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 7 (Historic Assets and Places)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

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

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

- H1 – Residential Areas
- D1 – Quality Placemaking
- D2 – Amenity
- D6 – Historic Environment
- D8 – Windows and Doors

Other Material Considerations

Aberdeen Planning Guidance

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

Householder Development Guide

Other National Policy and Guidance

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

Thank you for completing this application form:

ONLINE REFERENCE 100560303-007

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="J.V. Carroll, Chartered Architectural Technologists"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Ross"/>	Building Name:	<input type="text" value="Inverden House"/>
Last Name: *	<input type="text" value="Clarihew"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01224 643106"/>	Address 1 (Street): *	<input type="text" value="Queens Lane North"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="AB15 4DF"/>
Email Address: *	<input type="text" value="info@jvcarroll.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="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Suzy"/>	Building Number:	<input type="text" value="125"/>
Last Name: *	<input type="text" value="Grant"/>	Address 1 (Street): *	<input type="text" value="Blenheim Place"/>
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="AB25 2DL"/>
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="125 BLENHEIM PLACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB25 2DL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806155"/>	Easting	<input type="text" value="392391"/>
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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)

Erection of single storey extension; formation of dormer; installation of replacement windows and door to rear; and formation of roof lights to front

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

See attached Appeal 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)

Appeal Statement - 125 Blenheim Place G6501A - Ex Survey Drawing G6507B - Sketch proposal drawing G6505A - Site Plans

Application Details

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

240015/DPP

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

09/01/2024

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

08/03/2024

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)

We feel a site visit is necessary for the review panel to appreciate the site context and the examples detailed within the appeal submission and their proximity to the appeal site.

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

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

Yes No

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

Yes No

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

A ORGANISED SITE VISIT TIME WOULD BE PREFERABLE AS IF ACCESS IS SOUGHT TO WITHIN THE APPLICATION SITE THAN THE REAR GATE WOULD NEED TO BE UNLOCKED.

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 Ross Clarihew

Declaration Date: 12/03/2024

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PLANNING APPEAL STATEMENT

PROPOSED SINGLE STOREY EXTENSION, FORMATION OF REAR DORMER, INSTALL OF REPLACEMENT WINDOWS/DOORS TO REAR AND INSTALL OF ROOFLIGHTS AT FRONT AT 125 BLENHEIM PLACE, ABERDEEN

INVERDEN HOUSE, QUEENS LANE NORTH, ABERDEEN, AB15 4DF

t: 01224-643 106 e: info@jvcarroll.co.uk



J V CARROLL

Chartered Architectural Technologist
Building Design Consultants

1.0 HISTORY / BACKGROUND

- 1.1 Back in May 2022 Householder Planning Permission was sought for replacing existing windows & doors to the rear elevations of the existing property, as well as new/replacement rooflights to the front roof, a new small single storey extension to the existing rear annexe and the formation of a new rear dormer.
- 1.2 Planning Permission was refused (220604/DPP) on 8th Aug. '22.
- 1.3 An appeal was made to Local Review Body and the Planning Dept. decision was upheld by a split decision. One of the Councillors on the LRB mentioning that they thought design improvements could be made to the dormer.
- 1.4 Following consultations with the applicant a revised design was proposed to remove or mitigate some of the planners concerns. As follows;
- *Replacement of rear first floor windows in UPVC removed, with traditional timber sash & case window retained.*
 - *Velux's at front were changed to portrait layout and made full conservation style veluxs to planning requirements.*
 - *Dormer design was changed to include for peaked slated roof over the two dormers themselves and the link panel was to be a mansard panel set back to soften the appearance.*
- 1.5 Chartered Building Surveyor & Heritage Consultant, Ian Mitchell Davidson was engaged to analyse the building and its history in order to ascertain the dormers age.

This was required as **PLANNING POLICY** states that "**original**" dormers cannot be replaced and we have always stated that this is not an original dormer. This was evident internally by certain details which show this as a later addition.

- 1.6 Furthermore, we visited the Aberdeen Archives to seek the original Building Warrant drawings which confirmed the dormer was not on the original plans.
- 1.7 The Conservation Statement provided by Mr Davidson confirmed this fact further and provided a view on when and why this was introduced.
- 1.8 The Conservation Statement also highlighted various design issues with the existing dormer which were not in keeping with original dormers such as this. This included the install of upvc windows and facings and also the introduction of a projecting fascia.
- 1.9 A new Planning application was submitted on 7th June 2023 (230692/DPP) with a revised proposal.
- 1.9 Nonetheless and despite the above design improvements and efforts made to demonstrate compliance with Planning Policy, the Planning Dept. have retained their position on the rear dormer and Planning was refused on 15th September 2023.
- 1.10 It is worth stating that the following aspects of the application were deemed acceptable;
- Single storey extension to the rear.
 - Velux rooflights.

The sole reason for refusal was the principle of the replacement dormer at the rear.



- 1.11 Unfortunately an appeal was not lodged within the statutory 3 month period after refusal which meant the applicant was “timed out” of making a further appeal to the LRB. Following some consideration, a third Planning application was lodged on 9th January 2024 and subsequently refused on 8th March 2024 (240015/DPP), as expected and in order to allow for this appeal to be put forward.
- 1.12 This statement will provide the basis of our fresh appeal to the Local Review Body in the hope that we have made significant improvements to the overall proposal and the design of the dormer itself, as well as demonstrating that the existing dormer is not original.

The appeal is being made as we disagree with the view of the planning authority on this proposal and would ask that further consideration to be given to the site context and a more proactive view to the proposal with a view to the applicant actively striving to;

- Sympathetically improving the appearance of the exterior building in keeping with the surrounding area;
- Enhancing the functionality of the upper levels of the building for family use;
- Significantly improving and upgrading the thermal properties of the roof area and reducing heat loss.



* Revised proposal with the peaked traditional slated roof over each dormer and a mansard link panel between the two window, which is set back to soften the appearance.

2.0 JUSTIFICATION FOR APPROVAL

2.1 Below is a brief summary of the reasons for refusal;

- Replacement of “traditional” dormer, but not an original dormer.
- Dormer is overbearing & dominates roof.

2.2 In response to the above points our justification for approval is as follows: -

- Dormer design is in line with dormer design guidelines from the Householder Development Guide and is no different to other **recently approved in the same conservation area.**
- We have demonstrated the dormer is **NOT ORIGINAL**, with Planning Policy stating only original dormers cannot be replaced.
- Design improvements have been made under this follow up application by introducing pitched roofs to the dormers with a mansard sloped panel between.
- Other items in the previous application which were causing issue for the planners have now been removed or revised to gain acceptance. This included the removal of the proposed replacement of a traditional window on the rear elevation, and the continuity of velux size on the front elevation roof.

Our 3d visual, with the adjoining properties dormer also shown, demonstrates how the two dormers correspond on the roofslope. See visual on adjacent page.



3.0 RELEVANT EXAMPLES

The below examples share very similar characteristics as the application site and are in very close proximity. Whilst we fully appreciate that every application is treated on its own merits, there are clear similarities between our proposal and the following examples highlighted and also clear contradictions being made by the planning authority, resulting in clear inconsistencies within the overall decision making process.

56 Fountainhall Road (220063/DPP) – APPROVED 28/02/22

This is for the formation of a rear dormer, very similar to that of the Appeal site. It includes a dormer with windows at each end with a slated **VERTICAL** infill panel between. Similarly, this dormer complies with the dormer design guide set out in the Householder Development Guide, as does the application before you. The only difference is the Appeal site has an existing small dormer, which we have now been able to demonstrate **IS NOT ORIGINAL**. Both sites are located in the same Conservation area, both are at the rear on “non-public” elevations. Both existing house designs are similar.

Why was a modern box dormer permitted in this instance when we were advised such a design was overbearing & dominated the roof?

Why were grey windows permitted in this instance, when we were specifically told this was not acceptable & contrary to guidance and we therefore changed to white.

The Planning report for 56 Fountainhall Road states;

“does not have an unacceptable impact on the character and amenity of the surrounding area;”

“would not be visible from the main street Fountainhall Road.

The back of the property is accessed from Desswood Place. Adjacent properties have existing box-style dormer extensions to the rear, visible from the same vantage points”.

“development is proposed to the non-public (rear elevations, the guidelines for older traditional properties may be relaxed”

“Given the proposed dormer is also situated on a non-public rear elevation, with similar box-style extensions in adjacent properties, it is not considered that the proposed dormer would harm or have any additional or significant negative impacts on the character or appearance of the conservation area”.

ALL OF THE AFOREMENTIONED ALSO APPLIES AT THE APPLICATION SITE AND WE CANNOT ACCEPT THAT THIS CAN BE STATED IN A POSITIVE LIGHT FOR ONE APPLICATION AND ANOTHER LESS THAN 100 YARDS AWAY AND ON THE SAME REAR LANE IS TREATED COMPLETELY DIFFERENTLY?

The proposal before you, is architecturally more pleasing than that at 56 Fountainhall Road, with peaked roofs to the dormers & the mansard link which help reduce the impact of the dormer on the roofslope.



59 Desswood Place (200400/DPP) – APPROVED 12/06/20

This includes a wrap around extension, new rooflights and replacement dormer windows. Whilst the extension itself is of no concern to this application, the replacement of the two small traditional dormer windows is. These have been replaced with modern box dormers which are clad all around with zinc cladding. This is in the same Conservation area as the appeal site. The rear elevation is visible from the side access lane, as well as Desswood Place itself. The dormers on the rear are no longer symmetrical on these semi-detached properties and lack uniformity.

Why was the replacement of traditional dormers allowed in this instance?

Why was a modern box dormer permitted in this instance?

The Planning report states;

“The scale and form of the proposed replacement dormers would modernize the appearance of dormer windows on the rear of the application property.....”

Given the similarities between the small traditional existing dormers, and their location on rear elevations, we felt there would be no issue with ourselves losing similar dormers on our own application. However, that has not been the case.



THIS PROPOSAL IS MORE VISIBLE FROM A PUBLIC VIEWPOINT, IS LOCATED IN THE SAME CONSERVATION AREA AND REPLACES TRADITIONAL DORMERS.

YOU CAN ACTUALLY STILL SEE ONE OF THE TRADITIONAL DORMERS ON THE SYMMETRICAL SEMI-DETACHED PROPERTY NEXT DOOR. AGAIN, THIS IS CONTRARY TO HOW OUR APPLICATION HAS BEEN TREATED.

4.0 PHOTOGRAPHIC EXAMPLES

Below are multiple examples from the immediate vicinity of Blenheim Place and Fountainhall Road, with every one of these backing on to the aforementioned rear service lane;





5.0 CONCLUSION

We feel there is suitable grounds for the approval of this appeal, in summary for the following reasons;

- Dormer being replaced is not ORIGINAL.
- Existing dormer has been significantly altered and modernised throughout its lifetime, thus questioning it's historic value as highlighted by the Heritage Consultant.
- Dormer design is much improved with slated pitched roofs and mansard link panel.
- Dormer located on rear "non-public" elevation.
- Examples at 56 Fountainhall Road & 59 Desswood Place clearly show recent examples in the vicinity which have been viewed more positively and allow grounds for an approval.
- Proposal significantly improves the thermal efficiency of the home, with high levels of insulation to be installed throughout the roof area, reducing heat loss and the reliance on heating.
- Allows these types of traditional homes to be upgraded to meet the current family's needs and allow such properties to evolve.

We hope the contents of this appeal, along with a site visit will assist the Local Review Body in reaching a more positive response to this application.

